

Attachment 1 to CB 120534: Tree Protection Requests and Additional Actions

It is the Council’s intent that the following measures be considered to support implementation of the tree protection regulations enacted in the Ordinance introduced as CB 120534 and enhance Seattle’s urban forest:

1. The Department of Construction and Inspections (SDCI) shall prepare a report 12 months after the effective date of this ordinance on the use by permit applicants of payment-in-lieu of tree replacement. This report shall include the number of permit applicants that used the payments, payment amounts, total payments collected, City costs related to tree planting and establishment, and any recommendations for changes to the payment amounts to be included in a revised Director’s Rule. Recommendations for changes to fee amounts shall include consideration of adequacy of payment amount to replace removed trees, cover City planting and establishment costs, and effects of payment amount on permit applicant decisions about usage of the payment option. The report shall be provided to the Mayor and the Chair of the City Council Land Use Committee, or successor committee.
2. The Council requests that the Seattle Department of Construction and Inspections (SDCI) identify strategies to reduce the financial burden on applicants requesting approval to remove a hazardous tree outside of development if the applicant’s annual household income is at or below 80 percent of area median income (AMI). The Council requests that SDCI consider the following strategies (1) reducing or waiving SDCI’s review fee for applicants if the applicant’s household income is at or below 80 percent of AMI; and (2) coordinating with Seattle Public Utilities to provide applicants who qualify with free replacement trees through its Trees for Neighborhoods program, if replacement trees are required.

The Council requests that SDCI report to the Chair of the Land Use Committee with practicable strategies by September 26, 2023. In addition to identifying strategies to mitigate the financial impact on income qualified applicants, the Council requests that the report include an annual estimate of the increased General Fund (GF) resources, or other City resources that could be for this purpose, that would be necessary for a reduced- or no- fee review, including the resources necessary to determine if the applicant meets the income eligibility requirements. The Council encourages SDCI to think broadly about strategies to reduce the impact on qualifying applicants and minimize the impact on the GF.

3. The Council intends to ensure that the Seattle Department of Transportation continues to administer the heritage (Tier 1) tree program and expands access for the public to submit new nominations for designation. Additionally, the Council recognizes the need to invest in programs and activities that help enhance and protect Seattle’s urban forest and thus intends to add resources during the 2024 Budget deliberations to:
 - a. Seattle Public Utilities to expand the Trees for Neighborhoods program, which provides free yard and street trees to residents; and
 - b. The Seattle Department of Construction and Inspections for additional code enforcement staff to ensure that residents, businesses, and others are complying with the provisions of Seattle Municipal Code Chapter 25.11.

4. The Council requests that the Seattle Department of Construction and Inspections, in consultation with the Office of Sustainability and Environment and Department of Neighborhoods, and other departments as needed, develop a plan to conduct culturally- and linguistically-appropriate outreach to inform residents and tree service providers about the updated tree protection regulations, particularly those related to tree removal limits outside of development, by August 31, 2023. The plan should include a proposed timeline, budget, and detailed description of the proposed outreach strategy.
5. The Council requests that the Executive consider strategies to improve oversight of trees located on private property and ensure that the City is considering impacts to Seattle’s urban forest while also balancing the need for housing production, including but not limited to: establishing an Urban Forestry Division with dedicated staff within the Seattle Department of Construction and Inspections; assigning responsibility for urban forestry oversight to the Office of Sustainability and Environment; and/or other organizational changes, as appropriate.
6. The Council requests that the City Budget Office (CBO) submit legislation with the 2024 Proposed Budget that would establish a fund to receive in-lieu fee payments from developers and private property owners in accordance with Seattle Municipal Code Section 25.11.110. In addition, any donations, grants, or other revenues the City receives to protect and grow the City’s tree canopy should be deposited into this fund. The legislation should include any spending restrictions for this fund (e.g., revenues from payments in-lieu may be used to plant new trees). If CBO determines that creating a new fund is not the best approach, the Council requests that CBO propose other strategies that would provide transparent tracking of these revenues and expenditures, such as creating a new Capital Improvement Program (CIP) project in the 2024-2029 Proposed CIP and requesting annual reporting of revenues and expenditures with the annual budget.
7. The Council requests that the Executive identify causes of tree loss on City-owned and City-managed property and propose potential improvements to the City’s maintenance activities, including via contractors and partnerships, to increase tree canopy cover on City-owned and City-managed property, enhance the health of existing trees on City-owned and City-managed property, and prevent the loss of the same. The proposed improvements should be informed by the recommendations of the City of Seattle 2021 Tree Canopy Assessment Final Report released in March 2023.
8. The Council requests that SDCI examine existing practices and make modifications to ensure that processes and requirements for the administration of Seattle Municipal Code Chapter 25.11 are clear and understandable to permit applicants and other interested parties. Modifications should include steps such as the pre-application process, updates or revisions to forms, checklists, meetings, continuous review by SDCI staff arborists from pre-application through final inspection, and informational documents such as tips and webpages. SDCI should seek to ensure that trees and tree protection areas are considered as early as possible in the permit review process.