



Becca Neumann (Position #4 – Hydrologist), Co-chair

Joshua Morris (Position #7 – NGO), Co-Chair

Laura Keil (Position #10 – Get Engaged), Co-Chair

Alicia Kellogg (Position #2 – Urban Ecologist) • **Falisha Kurji** (Position #3 – Natural Resource Agency)

Stuart Niven (Position #5 – Arborist – ISA) • **Hao Liang** (Position #6 – Landscape Architect – ISA)

David Baker (Position # 8 – Development) • **Jessica Hernandez** (Position #11 – Environmental Justice)

Jessica Jones (Position # 12 – Public Health) • **Lia Hall** (Position #13 – Community/Neighborhood)

July 19, 2023

Nathan Torgelson, Director
Seattle Department of Construction and Inspections
700 5th Avenue, Suite 2000
Seattle, WA 98104

RE: UFC Feedback on Director’s Rules 7-2023 and 8-2023

Dear Nathan,

Duwamish Lands (Seattle, WA) – The Urban Forestry Commission (UFC) — which exists (ordinance 123052) to advise the Mayor and City Council on policy and regulations governing the protection, management, and conservation of trees and vegetation in the City of Seattle — discussed the SDCI Director’s Rule 7-2023 and SDCI Director’s Rule 8-2023 during its July 12 and 19 public meetings and has the following comments and recommendations.

General feedback

In both Director’s Rules, tree categories are referred to only with Tier numbers (e.g., Tier 1 trees). The use of Tier numbers is new and does not allow for alignment with previous code. The commission has recommended in the past, and continues to recommend, the simultaneous use of both the new Tier number designation and the previous named designation (e.g., Tier 1 – Heritage Trees). This practice will reduce confusion and enable people comfortable with either system to understand the rule.

The approaches set forth in both Director’s Rules for defining Tier 2 – Exceptional Trees and setting in lieu fees for replacing trees do not account for the context of the tree — its health, location, surroundings, etc. For example, a healthy tree in an area with low canopy cover is highly valuable, regardless of its size. Such highly valuable trees should be considered Tier 2 – Exceptional Trees and should require greater in lieu replacement costs. The International Society of Arboriculture has a Guide for Plant Appraisal¹ that takes context into consideration for evaluating the value of trees. **The UFC recommends following these guidelines (or at least using them as a framework) for defining Tier 2 – Exceptional Trees and for setting in lieu fees.**

¹ Council of Tree & Landscape Appraisers (CTLA). 2019. Guide for Plant Appraisal, 10th Edition. International Society of Arboriculture, Atlanta, GA.

Director's Rule 7-2023 – Tier 2 Trees

In line with the general feedback above, the UFC recommends amending the subject section to read “Designation of Tier 2 – Exceptional Trees”.

The UFC did not understand the reasons behind the two sets of exceptions outlined in the rule. Specifically, why are red alder (*Alnus rubra*), black cottonwood (*Populus trichocarpa*), Lombardy poplar (*Populus nigra 'Italica'*), and bitter cherry (*Prunus emarginata*) never considered Tier 2 – Exceptional Trees, regardless the size measured at DSH? Commissioners and public attendees at the July 12 meeting had multiple examples of these tree species serving important roles within the city. This situation points to the need to fully consider the context of the tree (as discussed above) rather than just its size.

There seems to be a disconnect in the perceived value of tree species between the Noxious Weed Board and the City of Seattle. The species Black locust – (*Robinia pseudoacacia*), Harlequin (prev. Norway) maple – (*Acer platanoides*), and Horse chestnut – (*Aesculus hippocastanum*), are listed on the King County Noxious Weed List, but not considered an invasive tree or nuisance tree in this Director's Rule.

There are multiple benefits to these species and the context of trees need to be considered, as well as the value they provide as habitat for birds, insects and other wildlife. **The UFC believes that all of these seven species should be considered Exceptional under certain threshold sizes and contexts, and should not be broadly excepted.** These native species thrive in our environment and serve to buffer the impacts of climate change and to public health.

The UFC notes that trees in tree groves are Tier 2 – Exceptional Trees in the ordinance, but are not listed in this Director's Rule. **The UFC recommends these trees be listed in the Rule as Exceptional trees.** The Rule should note that removal of one tree in a grove still results in a tree grove remaining Tier 2 – Exceptional. Removal of any tree in a tree grove incurs the in-lieu fee of a Tier 2 – Exceptional Tree.

Director's Rule 8-2023 – Payment in Lieu

The UFC recommends setting in lieu fees using the “Functional Replacement Method Trunk Formula Technique” devised by International Society of Arboriculture and available as a worksheet² in the Guide for Plant Appraisal. The worksheet is appended to this letter. It takes into account the size of the trees as well as its species, health, and other contextual aspects. It considers the nursery cost of buying a similar tree species at the nursery, and the clean-up, planting, and aftercare costs. This approach would follow best practices set forward by the arboriculture community and more accurately reflect the value of each tree.

In general, the UFC feels that the in-lieu fees are not large enough to incentivize retention of existing trees, which is the most effective way to grow canopy cover and reach the canopy cover goal of 30% set forward by the city. Further, the fees are not large enough to actually cover costs the city will take on for planting and caring for replacement trees. Seattle Parks and Recreation estimates the cost is close to \$4,000 to plant and establish a single tree. The current fee set for Tier 3 – Significant Trees is well below \$4,000, which means that public money will be spent on replacing these trees cut down during private development. Finally, when the city cuts down a tree on public land, it is required to replace it with three additional trees. The UFC believes that private development should

² https://www.isa-arbor.com/store/productfiles/GuideforPlantAppraisal10thEditionRevised-2181-03_GPA.pdf

be held to the same standard as the city. Thus, in lieu fees should be set to enable a 3 to 1 replacement.

The UFC found this rule poorly communicated and recommends altering the language to make it clearer. Specifically, the use of “cost per square inch of trunk for each tree removed” is confusing. The phrasing suggests surface area of the tree, which would involve tree height. It is only after digging deeper into the rule and studying the footnote does it become clear that what is actually meant is cross-sectional area of the trunk, presumably at breast height. **A possible rephrasing is “cost per square inch of trunk cross-section area measured at breast height for each tree removed.”**

The UFC recommends providing an exemption or waiver for in lieu fees to affordable housing and community development projects using public funds. In this context, paying the in-lieu fee would simply shift public money allocated to development — which is already limited — toward planting trees. However, the UFC strongly supports maintaining and growing tree canopy in all neighborhoods, but especially in low-income neighborhoods, and believes that these communities deserve a robust tree canopy. **Therefore, we suggest incentivizing tree retention in publicly funded development projects by means other than in lieu fees.**

Thank you for your serious consideration of these recommendations. The UFC is open to addressing any questions or concerns that arise from these comments.

Sincerely,



Josh Morris, Co-Chair



Becca Neumann, Co-Chair



Laura Keil, Co-Chair

CC: Mike Podowski, Chanda Emery, Jessyn Farrell, Sharon Lerman

Patti Bakker, Urban Forestry Commission Coordinator
City of Seattle, Office of Sustainability & Environment
PO Box 94729 Seattle, WA 98124-4729 Tel: 206-684-3194
www.seattle.gov/UrbanForestryCommission

Appendix A – Functional Replacement Method Truck Formula Technique Worksheet

**Functional Replacement Method
Trunk Formula Technique**

Client name _____ Date _____ Case # _____
 Phone _____ E-mail _____
 Address _____

Subject tree

Species _____

1. Trunk diameter* (D) _____ in. @ _____
2. Condition rating _____ %
 Health _____
 Structure _____
 Form _____
3. Functional limitations _____ %
4. External limitations _____ %

Functional replacement tree

Utility or benefit to be replaced _____

Replacement plan _____

5. Trunk diameter* (D) _____ in. @ _____
6. Cross-sectional area (line 5)² × 0.7854 = _____ in²

Replacement nursery tree

7. Trunk diameter* (D) _____ in. @ _____
8. Cross-sectional area (line 7)² × 0.7854 = _____ in²
9. Nursery tree cost Source: _____ \$ _____

Calculations

10. Unit nursery tree cost (line 9 ÷ line 8 or from RPAC) \$ _____ /in²
11. Basic functional replacement cost (line 6 × line 10) \$ _____
12. Depreciated basic cost[^] (line 11 × line 2 × line 3 × line 4) \$ _____

Additional costs

Cleanup _____ \$ _____
 Nursery tree installation _____ \$ _____
 Aftercare _____ \$ _____
 Hardscape _____ \$ _____
 Other _____ \$ _____

13. Total additional costs[^] (sum additional costs) \$ _____

Total functional replacement cost (line 11 or 12 + line 13) \$ _____

Rounded \$ _____

* Diameter and cross-sectional area may be replaced with plant area, volume, or height as appropriate.

[^] Apply depreciation and add additional costs if appropriate for the assignment.