

July 30, 2010

Urban Forestry Commission
City of Seattle
Seattle, WA



Dear Urban Forestry Commissioners:

The Maple Leaf Community Council Executive Board (MLCC-EB) is elected to represent the nearly 4,000 homes and businesses in the Maple Leaf neighborhood of north Seattle. This letter serves as the first of several comments we expect to provide during the process of remodeling Seattle's tree regulations.

For background, the MLCC-EB was instrumental in the creation of the Interim Tree Ordinance, the Council Resolution that caused tree groves to be afforded protection under DR 2008-16, and the creation of the Urban Forestry Commission itself. Through the efforts of the MLCC-EB and many others, particularly Save Our Trees Seattle & Seattle Urban Forest Stakeholders, Seattle has begun the slow process of updating its antiquated tree protection regulations.

We wish to stress in the strongest possible terms that the regulations proposed at your last meeting by the Department of Planning and Development (DPD) are *completely unacceptable*. That proposal, which removes protections for exceptional trees and tree groves, represents a backwards step. Fortunately, it is likely to be illegal under state SEPA regulations and Federal Regulations mandating protection of endangered salmon runs. To save the UFC's time and effort, we recommend you ignore the proposal and craft a new proposal yourselves.

During our successful effort to save Waldo Woods, a grove of over 80 mature Douglas firs, we learned a great deal about trees and their relationship to our physical environment. We came to understand Seattle's archaic tree regulations very well, including its strengths and weaknesses. We're happy to share these lessons with the UFC.

While we will provide more detail both at your request and in future comments to the UFC, we urge you to construct updated tree regulations using three basic areas of focus.

1. Meaningfully descriptive site plans
2. Enforcement covering both property owners and service companies
3. Predictable preservation of exceptional trees and tree groves

Briefly, we will describe each in turn. More details are available by request.

Meaningfully descriptive site plans

On most site plans provided to DPD, the only items not to scale are the trees. This distorts the relationship of trees to buildings and leads to significant miscommunication and errors. Trunks, drip lines, and heights of existing trees should be shown to scale on every provided site drawing and architectural rendering. For site plans and architectural renderings showing trees to be planted, they also should be shown both at scale as planted and at the species' likely mature trunk, drip lines, and heights. This requirement must extend to all processes associated with the land use and permitting process, particularly the Design Review and Historical Preservation processes. We note other jurisdictions in the area have this requirement.

Enforcement involving property owners and service companies

Trees have an assessable monetary value. When a tree is cut in violation of the law or damaged in a way significantly shortening its life, a monetary fine equivalent to the value of the tree should be levied against both the property owner and the service firm that removed/damaged the tree. Removal of a tree without a permit should carry a fine to both the property owner and the service firm that is a multiple of the tree value. By placing financial risk for improper activity on both property owners and service firms, a reduction in violations is likely to occur. It is also an incentive for service firms to suggest preventative maintenance services (which do not require a permit) in lieu of removal.


Predictable preservation of exceptional trees and groves

In our experience, developers have issues with existing tree rules primarily because they are unpredictable. An exceptional tree is allowed to be removed in one area and not allowed in another, depending only on the plan reviewer and/or neighbor involvement. *Unpredictability* is the key financial problem, not the existence of protective regulations. Making preservation of exceptional trees and tree groves as predictable as requirements for sewer hookups, building sidewalks, and square footage set-asides for refuse/recycling containers must be a central goal of revised tree rules. If a developer knows in advance what is going on, he/she can plan for it.

We commend the UFC for taking up this issue. It has been some two decades since Seattle meaningfully revisited our tree regulations. Those two decades have taught us much about trees, the most important of which is that they are not just pretty-pretty green things. They are as much a part of our urban infrastructure as sidewalks, streets, and sewers.

The MLCC-EB looks forward to participating in this process. Again, please feel free to use us as a resource. I can be reached at David.Miller@MapleLeafCommunity.org Please also include this letter as part of the public file for the UFC.

Sincerely,



David Miller
Maple Leaf Community Council Executive Board

cc: Council President Richard Conlin
Councilmember Sally Clark, Chair, Committee on the Built Environment
Councilmember Tim Burgess, Vice-Chair, Committee on the Built Environment
Councilmember Sally Bagshaw, Member, Committee on the Built Environment