



# Memo

**Date:** August 9, 2024

**To:** Councilmember Tammy Morales, Land Use Committee Chair  
Councilmember Dan Strauss  
Councilmember Maritza Rivera  
Councilmember Cathy Moore  
Councilmember Tanya Woo

**From:** Nathan Torgelson, Director

**Subject:** Tree Protection Ordinance Update – Performance Reporting

---

This memo is part of an ongoing response from the Seattle Department of Construction and Inspections (SDCI) to meet the reporting requirements for the new tree ordinance.

On July 30, 2023, the City Council passed [Ordinance 126821](#), which included Attachment 1 – Tree Protection Requests and Additional Actions. [Attachment 1](#) of [Ordinance 126821](#) directs SDCI to complete several tasks with various due dates. SDCI transmitted the [first reporting memo](#) to the Chair of the Land Use Committee on September 29, 2023.

This memo responds to Council’s Statement of Legislative Intent (SLI) OPCD-002S-A and the outstanding item from Attachment 1 of Ordinance 126821 related to payment in lieu provisions. Separate memos have been transmitted to Council from the Office of Planning and Community Development in fulfillment of their responsibilities from SLI OPCD-002S-A, and from SDCI in fulfillment of responsibilities from SLI SDCI-802S-A related to options for improving complaint response times.

## **Tree Regulation Performance – trees on private property**

SDCI created and maintains a permit tree tracking database that is available to the public at this link: [Private Property \(SDCI\) Tree Public Notices & Permit Tree Tracking Database \(arcgis.com\)](#). This interactive map displays tree information from SDCI permit records that include SDCI staff approval of tree removal, tree protection, or tree planting to comply with the Land Use Code (SMC Title 23) and the Tree Code (Chapter 25.11). The time period covered is from July 30, 2023 to approximately mid-April 2024. Trees may be planted to comply with replacement requirements of removed trees or as part of the development standards of the zone in which the property is located.

The tree tracking database includes information for 1602 trees. Data on the map includes the following tree information:

**Protected Trees:** Trees that are required to have a designated tree protection area installed during construction or were not authorized for removal as part of the application. Tree protection areas typically are chain-link fence around the dripline of a tree as approved by SDCI tree reviewers. *These trees are designated to be protected during construction; however, they may not be required to be protected by the tree protection code or other development standards.*

**Removed Trees:** Trees that are allowed to be removed as part of an SDCI approved plan. Tree removal is authorized when protection of the tree limits development capacity on a site. Most tree removals require replacement or a payment in lieu of planting.

**Planted Trees:** Trees that are planted as part of a development proposal to meet landscaping requirements or as a replacement of a tree authorized for removal. Planted trees associated with a construction project are inspected prior to final inspection.

**Relocated Trees:** Trees that are removed from an existing location and replanted in another location either on the site or on another property.

A summary of the mapped tree data is provided below:

Tree activity <sup>1</sup>	Total	Tier 1	Tier 2	Tier 3	Tier 4	Other <sup>2</sup>
Protected Tree	957	0	241	246	318	152
Planted Tree	354	n/a	n/a	n/a	n/a	n/a
Removed Tree	290	0	30	101	138	21
Relocated Tree	1	0	1	0	0	0

1. *The numbers provided above reflect tree information in the tree tracking database as of June 18, 2024. The numbers provided on the online map will change as staff completes updates to the database.*
2. *The "Other Tree" Category includes:*
  - a. *Trees under 6 inches in DSH,*
  - b. *Protected trees or removed trees without size and/or species information, and*
  - c. *Trees that are on the King County Noxious weed list and are 24 inches or more in DSH.*

The large majority of tree activity has occurred within Neighborhood Residential (NR) zones. Of the 1602 tree records, 91 percent were in NR zones. This is not unexpected, since NR makes up 39 percent of the city’s land. With roughly one third of that land area covered by canopy, it contributes nearly half of all the city’s canopy.

The permit tree tracking data tells us that more trees are being protected and planted than are being removed. Even if “protected trees” are not required to be protected by code, they are being retained as part of development activity and continuing to contribute to our urban canopy. Given that the tree regulations strive to balance the protection of the urban forest with other citywide priorities such as housing production, any evaluation of the regulations would require defined metrics and specific evaluation criteria. Pending such policy discussion and/or direction, the following items warrant consideration:

- Review use of code flexibility and incentives
- Resources for creating outreach materials to developers and the public that illustrate how different types of projects on various zones could be adapted to preserve trees on site.
- Continue technology improvements to collect useful detail on tree activity to measure success
- Address needs for post-project monitoring

SDCI Tree Complaints and Response Times (total complaints, not limited to property undergoing development) is provided below:

<b>Complaints</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Through June 24, 2024</b>
Trees	310	316	386	424	496	171
Average days to first inspection	17.8	37.7	77.2	62.9	42.3	35.9

SDCI’s practice is to investigate active tree cutting on the day of the complaint or within one working day. Many tree complaints are not active cutting and are a lower priority for inspection. Of the eleven “priority one” active cutting complaints SDCI has received so far in 2024, five received a same- or one-day response. The average response time in 2024 for all active cutting complaints was 6.9 days. Response to complaints is slowed by several factors, including weekends and holidays or receipt of a complaint near the end of a workday when inspectors are returning to the office.

**Payment in Lieu (PIL) Performance**

Ordinance 126821 introduced a voluntary payment-in-lieu option to meet tree replacement requirements. The One Seattle Tree Fund was established to collect fee-in-lieu payments from developers and private property owners in accordance with Seattle’s Tree Protection Code, SMC 25.11.

City Council requested information on the following:

- Number of permit applicants that used the PIL option;
- Payment amounts;
- Total payments collected; and
- City costs related to tree planting and establishment.

City Council also requested SDCI report on any recommended changes to fee amounts, including consideration of adequacy of payment amount to replace removed trees and cover City planting and establishment costs, and effects of payment amount on permit applicant decisions about usage of the payment option.

The following reporting results are available for the time period between July 30, 2023 – June 15, 2024:

- Number of permit applicants that used the payment in lieu option: 1 (development site located in Lowrise zone)
- Payment amounts: \$17,065.98 (for one Tier 2 tree; 2 Tier 3 trees)
- Total payments collected: \$17,065.98
- City costs related to tree planting and establishment: No trees have been planted using payment in lieu funds. The current payments were based on estimates from SDOT and Parks urban forestry staff and were set to cover their anticipated costs for planting and establishment.

A second permit applicant has indicated their intent to use the payment in lieu option; however, the permit is still under review. The payment amount would be \$11,332.00.

Given that just one permit applicant has used the payment in lieu option, and no planting by City departments has taken place, there is not sufficient data to support strong recommendations to fee amounts at this time. However, the City's tree inventory, allowances for tree removal, tree activity to date, and input from Seattle Parks & Recreation (SPR) and the Seattle Department of Transportation (SDOT) staff through Urban Forestry Core Team meetings suggest the following items warrant consideration.

- SDCI estimated the revenue generated by the payment in lieu option to be approximately \$191,000 in 2024 based on the anticipated number and type of trees removed annually as well as research from other jurisdictions of comparable size and density to Seattle. Since the reporting period is half of 2024, estimated revenue would be \$95,500. The total payments collected to date (\$17,065.98) are less than 20 percent of the estimate.
- Thirty-five percent (101) of the trees removed during the reporting period were Tier 3 trees, compared to just 30 Tier 2 trees. This wide difference is expected to continue given that Tier 3 trees may be removed at the applicant's option with no analysis required to approve removal. The payment amount for a Tier 3 tree is \$2833. The payment amount for a 24-inch Tier 2 tree is \$8080.
- SDCI could develop a voluntary applicant survey to better understand the effects of the payment amounts on permit applicant decisions about usage of the payment option.

### **Overall Conclusions**

Given that this report is the first look at the performance of the new tree code, SDCI considers the data collected to be best used as a baseline for comparison to future reports. No changes to regulations, implementation, or enforcement are proposed at this time. SDCI recommends that the tree tracking efforts continue and the question of any changes to tree policies and programs be considered next year.

I hope this memo is responsive to the City Council's requests. I am available to answer any questions you may have.

Copy: Asha Venkataraman, City Council Central Staff; Rico Quirindongo, OPCD Director; Jessyn Farrell, OSE Director; Green New Deal Committee; Urban Forestry Commission