



July 27, 2022

Mayor Bruce Harrell
600 4th Ave, 7th Floor
Seattle, WA 98104

Councilmember Dan Strauss
600 Fourth Avenue, 2nd Floor
Seattle, WA 98104

RE: Proposal for Bill to Support Housing and Trees

Mayor Harrell and Councilmember Strauss,

The Master Builders Association of King and Snohomish Counties (MBAKS) and its members recognize that urban trees provide ecological, economic, and social benefits for Seattle and its residents, as outlined in the Urban Forest Management Plan. We are fully supportive of the City of Seattle's goal to increase Seattle's tree canopy coverage to 30% by 2037. If we work together to create commonsense tree regulations, we can far exceed that goal and ensure that our tree canopy is increased equitably across the City.

Unfortunately, anti-development groups have successfully convinced elected officials and policymakers that they must choose between a healthy urban forest and the construction of much needed housing. This is false. We can absolutely have a healthy urban forest without any impact to housing production. The result of anti-development group lobbying was the hastily conceived Tree Protection Ordinance Update, which aimed to strengthen tree regulations without first understanding if Seattle is on track to meet its tree goals.

The City of Seattle reported that, in 2016, we had a canopy coverage of 28%. It's possible that we've already surpassed our 2037 goal of 30% canopy coverage. We understand that the Office of Sustainability and Environment has recent data to answer the question. To date, they have either chosen not to analyze the data or chosen not to share the results with the public. Regardless of the outcome, we are supportive of a modified regulatory approach that results in more trees and more housing.

The proposed Tree Protection Ordinance Update continues to make the private sector responsible for tree protection while City of Seattle agencies and large institutions get a pass. Current and proposed tree protection regulations don't apply to work performed in parks, open spaces, and public rights-of-way (e.g., streets, alleys, and sidewalks, etc.) by the Seattle Parks Department, Seattle Department of Transportation, Seattle City Light, and Seattle Public Utilities, to



name a few. Major institutions are also exempt from tree protection regulations if they have an established master plan.

Additionally, the proposed Ordinance fails to meet a key element of Council Resolution 31902, which calls for a proposal that balances tree canopy goals with the need to support future growth and density.

MBAKS is appealing SDCI's State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) because the analysis of the proposed Tree Protection Code Update and associated SDCI Director's Rules provided no meaningful assessment of the total number of lots or trees affected by the proposal. SDCI also failed to understand potential negative impacts on elements of the environment, or the proposal's lack of alignment with 2035 Comprehensive Plan policies and goals for the creation of housing.

Beyond specific deficiencies with the SEPA DNS, we have the following issues with existing and proposed City of Seattle tree protection regulations:

1. Tree Protection Rules Don't Apply to Trees in the Right of Way – City departments who conduct work in parks, public open spaces, and public rights-of-way are not subject to current or proposed tree protection regulations.
2. Tree Protection Rules Don't Apply to Major Institutions – Major Institutions, including public and private universities and large hospitals, are exempt from current and proposed tree protection regulations if they have an established master plan.
3. Proposed Fee-In-Lieu Program is Really Just a New Fee – The proposed fee-in-lieu program was supposed to allow the removal of an Exceptional Tree in exchange for an appropriate fee. Instead, the City is proposing an alternative to on-site replacement for trees that you are otherwise allowed to remove. While this might be a small benefit for a few projects, it does nothing to address the significant problem that the tree retention requirements severely impacting the ability to provide much needed housing. In fact, the proposed ordinance exacerbates this problem by lowering the size threshold for exceptional trees and by providing significantly enhanced protection to every tree over 12" diameter measured at breast height.
4. Street Trees Aren't Required in Single Family Zones – According to the Urban Forest Management Plan, single family zones make up 56% of the City's land area and public rights-of-way make up 27% of the City's land area. Why aren't street trees required when new development occurs in single family zones? This is an incredible opportunity to increase Seattle's tree canopy coverage in areas that do not interfere with construction of housing.

We would like to offer an alternative to the proposed Tree Protection Ordinance Update. We believe a new tree code with the following elements would allow ultimate flexibility for homeowners and home



builders, dramatically increase Seattle’s tree canopy over time, and fund tree planting and tree maintenance in BIPOC communities:

1. Heritage Trees – Heritage Tree would be protected as they are today. However, new heritage trees could not be designated on private property.
2. Exceptional Trees – Any exceptional tree could be removed by a property owner or home builder for any reason, provided an over-the-counter permit is issued by SDCI to remove the tree and an appropriate fee is paid into a new Citywide Tree Fund.
3. Citywide Tree Fund – Create a new tree fund that uses fees from removed exceptional trees to plant and maintain an equivalent tree (at full maturity) in an area of the City that is deficient in canopy coverage. As an example, if an exceptional conifer tree is removed in Phinney Ridge, a replacement conifer tree could be planted and maintained in Beacon Hill using the Citywide Tree Fund. Initial estimates on an appropriate fee to remove an exceptional tree is \$2000 per tree, which includes \$500 to buy a new tree, \$500 to plant the tree, and \$1000 to generally maintain trees.
4. Youth Education and Employment - Citywide Tree Funds should be awarded, where possible, to organizations that focus on BIPOC youth tree education and employing BIPOC youth to plant and maintain trees.
5. Require Street Trees for All Single-Family Development – Street trees are currently not required in single family zones. They should be required for any type of construction in single family zones, which make up a significant part of Seattle’s land area. If the planting strip in single family zones isn’t sufficient to plant trees (or there is no planting strip) the trees would be planted on private property within the required front yard, which is typically 20’ from the front lot line.
6. Pollination Pathways for Birds and Bees – SDOT should incorporate pollination pathways for birds, bees, and other insects as part of its integrated model master plan. These pathways would connect parks, greenbelts, and other open spaces through strategic tree planting that would be funded by the Citywide Tree Fund.

The elements above should be developed into draft legislation and studied by a credible third party to determine the proposals likely impacts (positive or negative) to Seattle’s tree canopy; and short, medium, and long-term impacts to the ecological function of Seattle’s urban forest. The study should also assess how many additional housing units are likely to be built because of the draft legislation.

It’s time Seattle realized it doesn’t have to choose between housing and trees. There are people and groups in our City that care deeply about trees and about the health of Seattle’s urban forest. Those are the people and groups we’d like to work with. However, the loudest voices are anti-development



groups that have weaponized tree protection to support their singular goal of stopping development in their beloved single-family neighborhoods.

MBAKs feels strongly that we can allow for robust housing development AND far exceed Seattle's goals for tree canopy coverage and ecological function of our urban forest. We look forward to working with you to see what's possible.

Sincerely,



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