
HOUSE BILL 1078

State of Washington

68th Legislature

2023 Regular Session

By Representatives Duerr and Doglio

Prefiled 12/23/22.

1 AN ACT Relating to urban forest management ordinances; amending
2 RCW 76.15.110; adding a new section to chapter 35.21 RCW; adding a
3 new section to chapter 35A.21 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that there is
6 currently a shortage of housing, particularly affordable housing,
7 within the state. The legislature finds one of the most efficient and
8 sustainable ways to address this shortage is through the development
9 of housing options within existing urban growth areas. The
10 legislature also finds that tree canopy and green space are necessary
11 for the health and wellness of urban growth area residents.

12 In regulating the removal of trees during development, however,
13 cities sometimes impose regulations that limit or prevent development
14 opportunities that would provide needed additional housing, even if
15 the removal of trees in those circumstances would not impair the
16 health of the community. At the same time, the critical need for
17 additional trees in other areas of the city may go unaddressed.
18 Therefore, is the intent of the legislature to assist in balancing
19 these needs by providing that, when cities do regulate the removal of
20 trees, they allow developers who are removing trees in a noncritical
21 area to add trees to areas in which the need for trees is most acute,

1 such as areas that have historically suffered from environmental
2 inequality and health disparities, areas subject to the urban heat
3 island effect, and areas in which the trees will most benefit salmon
4 and orca recovery efforts.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.21
6 RCW to read as follows:

7 Any city or town that has or that enacts an ordinance promoting
8 or regulating urban forestry management or the care of trees must
9 amend or include within its ordinance an option that allows
10 obligations for the protection and management of trees imposed by the
11 ordinance to be satisfied through the use of a tree bank in
12 compliance with the guidelines established by the department of
13 natural resources in RCW 76.15.110(6). For the purposes of this
14 section, "urban forestry" has the meaning provided in RCW 76.15.010.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 35A.21
16 RCW to read as follows:

17 Any code city that has or that enacts an ordinance promoting or
18 regulating urban forestry management or the care of trees must amend
19 or include within its ordinance an option that allows obligations for
20 the protection and management of trees imposed by the ordinance to be
21 satisfied through the use of a tree bank in compliance with the
22 guidelines established by the department of natural resources in RCW
23 76.15.110(6). For the purposes of this section, "urban forestry" has
24 the meaning provided in RCW 76.15.010.

25 **Sec. 4.** RCW 76.15.110 and 2021 c 209 s 10 are each amended to
26 read as follows:

27 (1) The department must provide technical assistance and capacity
28 building resources and opportunities to cities, counties, federally
29 recognized tribes, and other public and private entities in the
30 development and coordination of policies, programs, and activities
31 for the promotion of urban and community forestry.

32 (2) The department may use existing urban and community forestry
33 inventory tools or develop additional tools to assist cities,
34 counties, federally recognized tribes, and other public and private
35 entities to collect urban and community forest tree data that informs
36 urban and community forestry management, planning, and policy
37 development.

1 (3) The department shall strive to enable Washington cities'
2 urban forest managers to access carbon markets by working to ensure
3 tools developed under this section are compatible with existing and
4 developing urban forest carbon market reporting protocols.

5 (4) The department may use existing tools to assist communities
6 to develop urban forestry management plans. Management plans may
7 include, but not be limited to, the following elements:

8 (a) Inventory and assessment of the jurisdiction's urban and
9 community forests utilized as a dynamic management tool to set goals,
10 implement programs, and monitor outcomes that may be adjusted over
11 time;

12 (b) Canopy cover goals;

13 (c) Reforestation and tree canopy expansion goals within the
14 city's, town's, and county's boundaries;

15 (d) Restoration of public forests;

16 (e) Achieving forest stand and diversity goals;

17 (f) Maximizing vegetated stormwater management with trees and
18 other vegetation that reduces runoff, increases soil infiltration,
19 and reduces stormwater pollution;

20 (g) Environmental health goals specific to air quality, habitat
21 for wildlife, and energy conservation;

22 (h) Vegetation management practices and programs to prevent
23 vegetation from interfering with or damaging utilities and public
24 facilities;

25 (i) Prioritizing planting sites;

26 (j) Standards for tree selection, siting, planting, and pruning;

27 (k) Scheduling maintenance and stewardship for new and
28 established trees;

29 (l) Staff and volunteer training requirements emphasizing
30 appropriate expertise and professionalism;

31 (m) Guidelines for protecting existing trees from construction-
32 related damage and damage related to preserving territorial views;

33 (n) Integrating disease and pest management;

34 (o) Wood waste utilization;

35 (p) Community outreach, participation, education programs, and
36 partnerships with nongovernment organizations;

37 (q) Time frames for achieving plan goals, objectives, and tasks;

38 (r) Monitoring and measuring progress toward those benchmarks and
39 goals;

1 (s) Consistency with the urban wildland interface codes developed
2 by the state building code council;

3 (t) Emphasizing landscape and revegetation plans in residential
4 and commercial development areas where tree retention objectives are
5 challenging to achieve; and

6 (u) Maximizing building heating and cooling energy efficiency
7 through appropriate siting of trees for summer shading, passive solar
8 heating in winter, and for wind breaks.

9 (5) The department may use existing tools to assist communities
10 to develop urban forestry ordinances. Ordinances may include, but not
11 be limited to, the following elements:

12 (a) Tree canopy cover, density, and spacing;

13 (b) Tree conservation and retention;

14 (c) Vegetated stormwater runoff management using native trees and
15 appropriate nonnative, nonnaturalized vegetation;

16 (d) Clearing, grading, protection of soils, reductions in soil
17 compaction, and use of appropriate soils with low runoff potential
18 and high infiltration rates;

19 (e) Appropriate tree siting and maintenance for vegetation
20 management practices and programs to prevent vegetation from
21 interfering with or damaging utilities and public facilities;

22 (f) Native species and nonnative, nonnaturalized species
23 diversity selection to reduce disease and pests in urban forests;

24 (g) Tree maintenance;

25 (h) Street tree installation and maintenance;

26 (i) Tree and vegetation buffers for riparian areas, critical
27 areas, transportation and utility corridors, and commercial and
28 residential areas;

29 (j) Tree assessments for new construction permitting;

30 (k) Recommended forest conditions for different land use types;

31 (l) Variances for hardship and safety;

32 (m) Variances to avoid conflicts with renewable solar energy
33 infrastructure, passive solar building design, and locally grown
34 produce; and

35 (n) Permits and appeals.

36 (6) (a) The department must establish guidelines for the
37 incorporation and use of tree banks within communities' urban
38 forestry ordinances. These guidelines must:

39 (i) Establish criteria for designating areas to be used as tree
40 banks, including that tree banks must be located within areas

1 identified as priority regions under RCW 76.15.100 and areas
2 suffering from the urban heat island effect; and

3 (ii) Using the best available science, determine, at a minimum:

4 (A) The appropriate ratios of trees planted within the tree bank
5 to trees removed elsewhere within the community;

6 (B) The appropriate species of trees to be used within the tree
7 bank; and

8 (C) How to effectively support management plan elements under
9 subsection (4) of this section through the use of a tree bank.

10 (b) For the purposes of this subsection, "tree bank" means an
11 area or areas designated by a community wherein trees can be planted
12 to compensate for the removal of trees elsewhere in order to enable
13 development.

14 (7) The department may consult with the department of commerce in
15 the process of providing technical assistance, on issues including,
16 but not limited to, intersections between urban forestry programs and
17 growth management act planning.

18 ~~((7))~~ (8) The department may use existing and develop
19 additional innovative tools to facilitate successful implementation
20 of urban forestry programs including, but not limited to,
21 comprehensive tool kit packages (tree kits) that can easily be
22 shared, locally adapted, and used by cities, counties, tribes, and
23 community stakeholders.

24 ~~((8))~~ (9) The department must encourage communities to include
25 participation and input by vulnerable populations through community
26 organizations and members of the public for urban and community
27 forestry plans in the regions where they are based.

28 ~~((9))~~ (10) Delivery of resources must be targeted based on the
29 analysis and prioritization provided in RCW 76.15.100.

--- END ---