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**HOUSE BILL 1153**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Representatives Duerr, Ramel, and Parshley

Prefiled 01/03/25.

1 AN ACT Relating to urban forest management ordinances; amending  
2 RCW 76.15.010 and 76.15.110; and creating new sections.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that there is  
5 currently a shortage of housing, particularly affordable housing,  
6 within the state. The legislature finds one of the most efficient and  
7 sustainable ways to address this shortage is through the development  
8 of housing options within existing urban growth areas. The  
9 legislature also finds that tree canopy and green space are necessary  
10 for the health and wellness of urban growth area residents, and that  
11 the retention of the most significant and vital trees in a community  
12 is a valuable goal. To improve the quality of tree canopy and green  
13 space in the state, the legislature previously adopted chapter 76.15  
14 RCW to encourage planning for, planting, maintaining, and managing  
15 trees in the state's cities, counties, and tribal lands.

16 Local government policies, programs, activities, and management  
17 plans regarding urban and community forestry may, however, limit or  
18 prevent development opportunities that would provide needed  
19 additional housing. The legislature believes it is important that  
20 actions taken by local governments to promote urban and community  
21 forestry and to address the negative impacts of a reduction in tree

1 canopy do not adversely impact the ability of local governments to  
2 provide housing that is needed to accommodate projected population  
3 growth. Therefore, it is the intent of the legislature to provide  
4 guidance to local governments wishing to create tree bank programs as  
5 an additional tool for promoting urban and community forestry while  
6 also allowing for the development of needed housing. Tree banks can  
7 allow the removal of trees in one area being developed to be offset  
8 by the addition of trees to one or more areas in which the need for  
9 trees is more acute. Using tree banks can facilitate adding trees in  
10 areas that have historically suffered from environmental inequality  
11 and health disparities, areas subject to the urban heat island  
12 effect, and areas in which the trees will most benefit salmon and  
13 orca recovery efforts.

14 At the same time, the legislature recognizes that the retention  
15 of critical trees is of even more benefit than is the use of tree  
16 banks. The legislature believes that local regulations can ensure  
17 that the most vital trees within a community are protected, even  
18 while providing developers with the ability to produce needed housing  
19 options. Through the use of incentives for preserving the trees that  
20 are most critical to maintaining a healthy urban tree canopy, local  
21 governments can encourage developers to maintain trees without  
22 disincentivizing or preventing the construction of housing. The  
23 legislature intends to encourage and assist local governments in the  
24 use of such regulations.

25 It is the intent of the legislature that the department of  
26 natural resources produce model regulations incorporating tree banks  
27 and development incentives for the protection of vital trees for use  
28 by local governments. It is also the intent of the legislature that  
29 these model regulations be voluntary and that local governments  
30 retain discretion in choosing whether to adopt the regulations.

31 **Sec. 2.** RCW 76.15.010 and 2021 c 209 s 4 are each amended to  
32 read as follows:

33 The definitions in this section apply throughout this chapter  
34 unless the context clearly requires otherwise.

35 (1) "Department" means the department of natural resources.

36 (2) "Evergreen community" means a city, town, or county  
37 designated as such under RCW 76.15.090.

38 (3) "Highly impacted community" has the same meaning as defined  
39 in RCW 19.405.020 or an equivalent cumulative impacts analysis that

1 identifies the environmental health conditions of communities as a  
2 factor of both environmental health hazards and vulnerable  
3 populations as defined in RCW 19.405.020.

4 (4) "Management plan" means an urban forest management plan  
5 developed pursuant to this chapter.

6 (5) "Tree bank" means an area or areas designated by a community  
7 wherein trees can be planted to compensate for the removal of trees  
8 elsewhere, and includes programs providing for the payment of a fee  
9 in lieu of physically planting the trees.

10 (6) "Tree canopy" means the layer of leaves, branches, and stems  
11 of trees that cover the ground when viewed from above and that can be  
12 measured as a percentage of a land area shaded by trees.

13 (~~(6)~~) (7) "Tribes" means any federally recognized Indian tribes  
14 whose traditional lands and territories include parts of the state.

15 (~~(7)~~) (8) "Urban and community forest" or "urban forest" is  
16 that land in and around human settlements ranging from small  
17 communities to metropolitan areas, occupied or potentially occupied  
18 by trees and associated vegetation. Urban and community forestland  
19 may be planted or unplanted, used or unused, and includes public and  
20 private lands, lands along transportation and utility corridors, and  
21 forested watershed lands within populated areas. Nothing in this  
22 chapter may be construed to apply to lands subject to or designated  
23 under chapter 76.09, 79.70, 79.71, 84.33, or 84.34 RCW.

24 (~~(8)~~) (9) "Urban and community forest assessment" or "urban  
25 forest assessment" means an analysis of the urban and community  
26 forest inventory to: Establish the scope and scale of forest-related  
27 benefits and services; determine the economic valuation of such  
28 benefits, highlight trends, and issues of concern; identify high  
29 priority areas to be addressed; outline strategies for addressing the  
30 critical issues and urban landscapes; and identify opportunities for  
31 retaining trees, expanding forest canopy, and planting additional  
32 trees to sustain Washington's urban and community forests.

33 (~~(9)~~) (10) "Urban and community forest inventory" or "urban  
34 forest inventory" means a management tool designed to gauge the  
35 condition, management status, health, and diversity of an urban and  
36 community forest. An inventory may evaluate individual trees or  
37 groups of trees or canopy cover within urban and community forests,  
38 and will be periodically updated by the department.

39 (~~(10)~~) (11) "Urban and community forestry" or "urban forestry"  
40 means the planning, establishment, protection, care, and management

1 of trees and associated plants individually, in small groups, or  
2 under more naturally forested conditions within cities, counties, and  
3 tribal lands.

4 ~~((11))~~ (12) "Urban and community forestry ordinance" or "urban  
5 forestry ordinance" is an ordinance developed by a city, county, or  
6 tribe that promotes urban forestry management and care of trees.

7 ~~((12))~~ (13) "Vulnerable populations" has the same meaning as  
8 defined in RCW 19.405.020.

9 **Sec. 3.** RCW 76.15.110 and 2021 c 209 s 10 are each amended to  
10 read as follows:

11 (1) The department must provide technical assistance and capacity  
12 building resources and opportunities to cities, counties, federally  
13 recognized tribes, and other public and private entities in the  
14 development and coordination of policies, programs, and activities  
15 for the promotion of urban and community forestry.

16 (2) The department may use existing urban and community forestry  
17 inventory tools or develop additional tools to assist cities,  
18 counties, federally recognized tribes, and other public and private  
19 entities to collect urban and community forest tree data that informs  
20 urban and community forestry management, planning, and policy  
21 development.

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

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

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

33 (b) ~~((Canopy))~~ Tree canopy cover goals;

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

36 (d) Restoration of public forests;

37 (e) Achieving forest stand and tree diversity goals;

- 1 (f) Maximizing vegetated stormwater management with trees and  
2 other vegetation that reduces runoff, increases soil infiltration,  
3 and reduces stormwater pollution;
- 4 (g) Environmental health goals specific to air quality, habitat  
5 for wildlife, and energy conservation;
- 6 (h) Vegetation management practices and programs to prevent  
7 vegetation from interfering with or damaging utilities and public  
8 facilities;
- 9 (i) Prioritizing planting sites;
- 10 (j) Standards for tree selection, siting, planting, and pruning;
- 11 (k) Scheduling maintenance and stewardship for new and  
12 established trees;
- 13 (l) Staff and volunteer training requirements emphasizing  
14 appropriate expertise and professionalism;
- 15 (m) Guidelines for protecting existing trees from construction-  
16 related damage and damage related to preserving territorial views;
- 17 (n) Integrating disease and pest management;
- 18 (o) Wood waste utilization;
- 19 (p) Community outreach, participation, education programs, and  
20 partnerships with nongovernment organizations;
- 21 (q) Time frames for achieving plan goals, objectives, and tasks;
- 22 (r) Monitoring and measuring progress toward those benchmarks and  
23 goals;
- 24 (s) Consistency with the urban wildland interface codes developed  
25 by the state building code council;
- 26 (t) Emphasizing landscape and revegetation plans in residential  
27 and commercial development areas where tree retention objectives are  
28 challenging to achieve; and
- 29 (u) Maximizing building heating and cooling energy efficiency  
30 through appropriate siting of trees for summer shading, passive solar  
31 heating in winter, and for wind breaks.
- 32 (5) The department may use existing tools to assist communities  
33 to develop urban forestry ordinances. Ordinances may include, but not  
34 be limited to, the following elements:
- 35 (a) Tree canopy cover, density, and spacing;
- 36 (b) Tree conservation and retention;
- 37 (c) Vegetated stormwater runoff management using native trees and  
38 appropriate nonnative, nonnaturalized vegetation;

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

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

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

9 (g) Tree maintenance;

10 (h) Street tree installation and maintenance;

11 (i) Tree and vegetation buffers for riparian areas, critical  
12 areas, transportation and utility corridors, and commercial and  
13 residential areas;

14 (j) Tree assessments for new construction permitting;

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

16 (l) Variances for hardship and safety;

17 (m) Variances to avoid conflicts with renewable solar energy  
18 infrastructure, passive solar building design, and locally grown  
19 produce; and

20 (n) Permits and appeals.

21 (6) The department must establish optional model urban forestry  
22 ordinances and recommendations and deliver technical assistance and  
23 planning support to local jurisdictions that decide to utilize the  
24 model ordinances and recommendations. These model ordinances and  
25 recommendations must:

26 (a) Establish criteria for including tree bank programs in urban  
27 forestry ordinances;

28 (b) Establish criteria for designating areas for tree banks,  
29 including that tree banks must be located within areas identified as  
30 priority regions under RCW 76.15.100 and areas suffering from adverse  
31 environmental factors including, but not limited to, erosion,  
32 flooding, air or water pollution, and the urban heat island effect;

33 (c) Using the best available science, determine, at a minimum:

34 (i) The appropriate ratios of trees planted within the tree bank  
35 to trees removed elsewhere within the community; and

36 (ii) The appropriate species of trees to be used within the tree  
37 bank;

38 (d) Provide a tree selection and siting tool for use by local  
39 jurisdictions;

1 (e) Provide best practices for maintaining and growing newly  
2 planted trees within a tree bank, including by:

3 (i) Providing estimates of the cost to maintain and nurture newly  
4 planted trees to ensure their survival; and

5 (ii) Providing alternative methods for covering those costs,  
6 including through the imposition of an appropriate fee related to the  
7 use of the tree bank, to ensure that sufficient funds will be  
8 available to cover the costs of maintaining and nurturing the newly  
9 planted trees;

10 (f) Use the best available science to establish criteria for  
11 determining trees that, due to their size, environmental impact, or  
12 other significance are critical to retain during development;

13 (g) Prohibit a jurisdiction from requiring the retention outside  
14 of a critical area of any tree deemed by the jurisdiction to be  
15 significant, landmark, or otherwise of special import if such  
16 retention would affect a proposed development by:

17 (i) Reducing the maximum allowed density, number of allowed lots,  
18 or maximum allowed floor area ratio;

19 (ii) Precluding the construction of middle housing as defined in  
20 RCW 36.70A.030 or accessory dwelling units as defined in RCW  
21 36.70A.696; or

22 (iii) Precluding the ability to establish any required access or  
23 utility connections to a lot; and

24 (h) Provide options for incentivizing developers to retain trees  
25 deemed by a jurisdiction to be significant, landmark, or otherwise of  
26 special import including, but not limited to, incentives related to:

27 (i) Increasing the allowed building density or height;

28 (ii) Reducing minimum required lot sizes;

29 (iii) Reducing or eliminating landscaping requirements; and

30 (iv) Reducing open space or setback requirements.

31 (7)(a) Subject to the availability of amounts appropriated for  
32 this specific purpose, the department shall develop and administer a  
33 grant program to provide grants to cities and counties that adopt the  
34 model urban forestry ordinances produced by the department, for the  
35 purpose of implementing the requirements of the ordinances.

36 (b) In order to qualify for a grant, a county or city must have  
37 substantially adopted the model urban forestry ordinance as related  
38 to the use of tree banks within the county or city, and must allow  
39 for the option to utilize a tree bank in the majority of the  
40 jurisdiction. Additionally, in order for a city or county with a

1 population of more than 75,000 to qualify for a grant, the city or  
2 county must adopt at least one of the model incentives for the  
3 retention of trees deemed by a jurisdiction to be significant,  
4 landmark, or otherwise of special import as provided for in the model  
5 ordinances. The department may also award grants to a county or city  
6 that has adopted, prior to the effective date of this section,  
7 ordinances for urban forestry that the department determines, in its  
8 discretion, are substantially similar to the model ordinances  
9 produced by the department, for the purpose of implementing the  
10 county's or city's ordinances.

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

15 ~~((7))~~ (9) The department may use existing and develop  
16 additional innovative tools to facilitate successful implementation  
17 of urban forestry programs including, but not limited to,  
18 comprehensive tool kit packages (tree kits) that can easily be  
19 shared, locally adapted, and used by cities, counties, tribes, and  
20 community stakeholders.

21 ~~((8))~~ (10) The department must encourage communities to include  
22 participation and input by vulnerable populations through community  
23 organizations and members of the public for urban and community  
24 forestry plans in the regions where they are based.

25 ~~((9))~~ (11) Delivery of resources must be targeted based on the  
26 analysis and prioritization provided in RCW 76.15.100.

27 NEW SECTION. Sec. 4. If specific funding for the purposes of  
28 this act, referencing this act by bill or chapter number, is not  
29 provided by June 30, 2025, in the omnibus appropriations act, this  
30 act is null and void.

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