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**SECOND SUBSTITUTE HOUSE BILL 1078**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Duerr, Doglio, Simmons, Reed, Ryu, Walen, Ramel, Macri, Reeves, and Kloba)

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. To  
11 improve the quality of tree canopy and green space in the state, the  
12 legislature previously adopted chapter 76.15 RCW to encourage  
13 planning for, planting, maintaining, and managing trees in the  
14 state's cities, counties, and tribal lands.

15 Local government policies, programs, activities, and management  
16 plans regarding urban and community forestry may, however, limit or  
17 prevent development opportunities that would provide needed  
18 additional housing. The legislature believes it is important that  
19 actions taken by local governments to promote urban and community  
20 forestry and to address the negative impacts of a reduction in tree  
21 canopy do not adversely impact the ability of local governments to

1 provide housing that is needed to accommodate projected population  
2 growth. Therefore, it is the intent of the legislature to provide  
3 guidance to local governments wishing to create tree bank programs as  
4 an additional tool for promoting urban and community forestry while  
5 also allowing for the development of needed housing. Tree banks can  
6 allow the removal of trees in one area being developed to be offset  
7 by the addition of trees to one or more areas in which the need for  
8 trees is more acute. Using tree banks can facilitate adding trees in  
9 areas that have historically suffered from environmental inequality  
10 and health disparities, areas subject to the urban heat island  
11 effect, and areas in which the trees will most benefit salmon and  
12 orca recovery efforts. It is the intent of the legislature that these  
13 programs be voluntary and that cities retain discretion in choosing  
14 whether to adopt a program.

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

17 The definitions in this section apply throughout this chapter  
18 unless the context clearly requires otherwise.

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

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

22 (3) "Highly impacted community" has the same meaning as defined  
23 in RCW 19.405.020 or an equivalent cumulative impacts analysis that  
24 identifies the environmental health conditions of communities as a  
25 factor of both environmental health hazards and vulnerable  
26 populations as defined in RCW 19.405.020.

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

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

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

36 ~~((+6))~~ (7) "Tribes" means any federally recognized Indian tribes  
37 whose traditional lands and territories include parts of the state.

38 ~~((+7))~~ (8) "Urban and community forest" or "urban forest" is  
39 that land in and around human settlements ranging from small

1 communities to metropolitan areas, occupied or potentially occupied  
2 by trees and associated vegetation. Urban and community forestland  
3 may be planted or unplanted, used or unused, and includes public and  
4 private lands, lands along transportation and utility corridors, and  
5 forested watershed lands within populated areas. Nothing in this  
6 chapter may be construed to apply to lands subject to or designated  
7 under chapter 76.09, 79.70, 79.71, 84.33, or 84.34 RCW.

8 ~~((8))~~ (9) "Urban and community forest assessment" or "urban  
9 forest assessment" means an analysis of the urban and community  
10 forest inventory to: Establish the scope and scale of forest-related  
11 benefits and services; determine the economic valuation of such  
12 benefits, highlight trends, and issues of concern; identify high  
13 priority areas to be addressed; outline strategies for addressing the  
14 critical issues and urban landscapes; and identify opportunities for  
15 retaining trees, expanding forest canopy, and planting additional  
16 trees to sustain Washington's urban and community forests.

17 ~~((9))~~ (10) "Urban and community forest inventory" or "urban  
18 forest inventory" means a management tool designed to gauge the  
19 condition, management status, health, and diversity of an urban and  
20 community forest. An inventory may evaluate individual trees or  
21 groups of trees or canopy cover within urban and community forests,  
22 and will be periodically updated by the department.

23 ~~((10))~~ (11) "Urban and community forestry" or "urban forestry"  
24 means the planning, establishment, protection, care, and management  
25 of trees and associated plants individually, in small groups, or  
26 under more naturally forested conditions within cities, counties, and  
27 tribal lands.

28 ~~((11))~~ (12) "Urban and community forestry ordinance" or "urban  
29 forestry ordinance" is an ordinance developed by a city, county, or  
30 tribe that promotes urban forestry management and care of trees.

31 ~~((12))~~ (13) "Vulnerable populations" has the same meaning as  
32 defined in RCW 19.405.020.

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

35 (1) The department must provide technical assistance and capacity  
36 building resources and opportunities to cities, counties, federally  
37 recognized tribes, and other public and private entities in the  
38 development and coordination of policies, programs, and activities  
39 for the promotion of urban and community forestry.

1 (2) The department may use existing urban and community forestry  
2 inventory tools or develop additional tools to assist cities,  
3 counties, federally recognized tribes, and other public and private  
4 entities to collect urban and community forest tree data that informs  
5 urban and community forestry management, planning, and policy  
6 development.

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

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

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

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

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

21 (d) Restoration of public forests;

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

23 (f) Maximizing vegetated stormwater management with trees and  
24 other vegetation that reduces runoff, increases soil infiltration,  
25 and reduces stormwater pollution;

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

28 (h) Vegetation management practices and programs to prevent  
29 vegetation from interfering with or damaging utilities and public  
30 facilities;

31 (i) Prioritizing planting sites;

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

33 (k) Scheduling maintenance and stewardship for new and  
34 established trees;

35 (l) Staff and volunteer training requirements emphasizing  
36 appropriate expertise and professionalism;

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

39 (n) Integrating disease and pest management;

40 (o) Wood waste utilization;

- 1 (p) Community outreach, participation, education programs, and  
2 partnerships with nongovernment organizations;
- 3 (q) Time frames for achieving plan goals, objectives, and tasks;
- 4 (r) Monitoring and measuring progress toward those benchmarks and  
5 goals;
- 6 (s) Consistency with the urban wildland interface codes developed  
7 by the state building code council;
- 8 (t) Emphasizing landscape and revegetation plans in residential  
9 and commercial development areas where tree retention objectives are  
10 challenging to achieve; and
- 11 (u) Maximizing building heating and cooling energy efficiency  
12 through appropriate siting of trees for summer shading, passive solar  
13 heating in winter, and for wind breaks.
- 14 (5) The department may use existing tools to assist communities  
15 to develop urban forestry ordinances. Ordinances may include, but not  
16 be limited to, the following elements:
- 17 (a) Tree canopy cover, density, and spacing;
- 18 (b) Tree conservation and retention;
- 19 (c) Vegetated stormwater runoff management using native trees and  
20 appropriate nonnative, nonnaturalized vegetation;
- 21 (d) Clearing, grading, protection of soils, reductions in soil  
22 compaction, and use of appropriate soils with low runoff potential  
23 and high infiltration rates;
- 24 (e) Appropriate tree siting and maintenance for vegetation  
25 management practices and programs to prevent vegetation from  
26 interfering with or damaging utilities and public facilities;
- 27 (f) Native species and nonnative, nonnaturalized species  
28 diversity selection to reduce disease and pests in urban forests;
- 29 (g) Tree maintenance;
- 30 (h) Street tree installation and maintenance;
- 31 (i) Tree and vegetation buffers for riparian areas, critical  
32 areas, transportation and utility corridors, and commercial and  
33 residential areas;
- 34 (j) Tree assessments for new construction permitting;
- 35 (k) Recommended forest conditions for different land use types;
- 36 (l) Variances for hardship and safety;
- 37 (m) Variances to avoid conflicts with renewable solar energy  
38 infrastructure, passive solar building design, and locally grown  
39 produce; and
- 40 (n) Permits and appeals.

1       (6) The department must establish optional model urban forestry  
2 ordinances and recommendations and deliver technical assistance and  
3 planning support to local jurisdictions that decide to utilize the  
4 model ordinances and recommendations. These model ordinances and  
5 recommendations must:

6       (a) Establish criteria for including tree bank programs in urban  
7 forestry ordinances;

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

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

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

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

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

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

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

24       (ii) Providing alternative methods for covering those costs,  
25 including through the imposition of an appropriate fee related to the  
26 use of the tree bank, to ensure that sufficient funds will be  
27 available to cover the costs of maintaining and nurturing the newly  
28 planted trees.

29       (7) Subject to the availability of amounts appropriated for this  
30 specific purpose, the department shall develop and administer a grant  
31 program to provide grants to cities and counties that adopt, without  
32 substantive changes, the model urban forestry ordinances produced by  
33 the department, for the purpose of implementing the requirements of  
34 the ordinances. The department may also award grants to a county or  
35 city that has adopted, prior to the effective date of this section,  
36 ordinances for urban forestry that the department determines, in its  
37 discretion, are substantially similar to the model ordinances  
38 produced by the department, for the purpose of implementing the  
39 county's or city's ordinances.

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

5        ~~((7))~~ (9) The department may use existing and develop  
6 additional innovative tools to facilitate successful implementation  
7 of urban forestry programs including, but not limited to,  
8 comprehensive tool kit packages (tree kits) that can easily be  
9 shared, locally adapted, and used by cities, counties, tribes, and  
10 community stakeholders.

11        ~~((8))~~ (10) The department must encourage communities to include  
12 participation and input by vulnerable populations through community  
13 organizations and members of the public for urban and community  
14 forestry plans in the regions where they are based.

15        ~~((9))~~ (11) Delivery of resources must be targeted based on the  
16 analysis and prioritization provided in RCW 76.15.100.

17        NEW SECTION.    **Sec. 4.**    If specific funding for the purposes of  
18 this act, referencing this act by bill or chapter number, is not  
19 provided by June 30, 2024, in the omnibus appropriations act, this  
20 act is null and void.

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