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DRAFT

Draft response for consideration by Seattle Urban Forestry Commission 1/3/2018

Regarding Draft Director's Rule 2017-21

To be successful we believe that SDCI needs to implement a permit based system for tree removal.

The current prohibition in SMC 25.11 from cutting down exceptional trees and removing more than 3 trees per year and other limits to tree removal are mainly based on a complaint system. While having the ability to impose fines for violations that are reported, most violations have and will go unreported, which does not help to deter trees being removed illegally.

The recent Tree Regulations Report by OSE and SDCI confirms that serious problems with compliance are a result of the current complaint based system. One ominous trend is reports we are getting of realtors/developers requiring property owners to remove trees prior to a sale being completed on properties that are going to be developed. The proposed six month prohibition on tree removal prior to development is still a complaint based system that will be difficult to monitor without a permit system.

A better system to protect trees than under the existing ordinance and regulations is to require the use of a permit system for all trees over 6 inches in diameter. This provides a check on the possible removal of more than 3 significant trees a year and provides confirmation as to whether a tree is exceptional or not, reducing the loss of exceptional trees which are protected under SMC 25.11.

Likewise a comprehensive permit system would allow more careful and timely consideration of exceptional trees removed as hazard trees rather than trying to determine this after the fact. While a permit for a hazard tree exists, not having a permit requirement for all trees allows exceptional trees to be removed without verification before they are cut.

SDOT currently has in place a permit system and posting requirement that is working and protecting against illegal tree cutting in the right of way. Other cities have also implemented successful permit systems, like Lake Forest Park, Portland Oregon, Atlanta Georgia, and Vancouver WA,

SMC 25.11.100 already gives SDCI the authority it needs to issue permits and other conditions to replace the current mainly complaint based system with a permit system.

"SMC 25.11.100 Enforcement and penalties

A. Authority The Director shall have the authority to enforce the provisions of this chapter, to issue permits, impose conditions, and establish administrative procedures and guidelines, conduct inspections, and prepare the forms necessary to carry out the purposes of this chapter."

Also we recommend requiring arborists and other tree care people to register with the city as SDOT currently does. This allows them to be informed of current tree laws and ordinances and sign an affidavit that they have received this information and its requirements. This puts the main responsibility on compliance with Seattle's tree ordinance on tree care professionals rather than individual property owners.