

Why Seattle's current Tree Protection Ordinance isn't working.

Jan 2020 draft

Clearcut in Victory Heights in Seattle

How SMC 25.11 – Seattle's Tree Protection Ordinance is applied during development



Seattle Tree Protection Ordinance SMC 25.11

“SMC 25.11.030 Exemptions

The following activities are exempt from the provisions of this chapter: ...

F. Tree removal shown as part of an issued building or grading permit as provided in Sections 25.11.060, 25.11.070, and 25.11.080”

“SMC 25.11.060 Tree protection on sites undergoing development in Single-family and Residential Small Lot zones.

A. Exceptional Trees.

1. The Director may permit a tree to be removed only if:
 - a. the maximum lot coverage permitted on the site according to SMC Title 23, the Land Use Code, cannot be achieved without extending into the tree protection area or into a required front and/or rear yard to an extent greater than provided for in subsection A2 of this section;”

Comment - there is no explicit protection for non-exceptional trees during development. SMC 25.11 only addresses protection for exceptional trees. Exceptional trees are defined in detail in Director's Rule 16-2008 – Designation of exceptional trees..

“C. The development shall meet the tree requirements of Section 23.44.020”

“SMC 23.44.020 Tree requirements

A. Tree Requirements in SF 5000, SF 7200 and SF 9600

1. When a single-family dwelling unit is constructed on a lot in a SF 5000, SF 7200 or SF 9600 zone, a minimum number of caliper inches of tree must be provided on the lot as follows:
 - a. For lots over 3,000 square feet, at least 2 caliper inches of tree per 1,000 square feet of lot area
 - b. On lots that are 3,000 square feet or smaller, at least 3 caliper inches of tree.”

“The minimum number of caliper inches of tree required may be met by preserving existing trees, planting new trees, or by a combination of preservation and planting. The preservation or planting of trees in the right-of-way may be counted, provided that they are approved by the Director of Transportation.” ...

“4. Tree measurements. Trees planted to meet the requirements in this subsection 23.44.020.A. shall be at least 1.5 inches in diameter. The diameter of new trees shall be measured (in caliper inches) 6 inches above the ground. Existing trees shall be measured 4.5 feet above the ground. When an existing tree is 3 to 10 inches in diameter, each 1 inch counts as 1 inch toward meeting the tree requirements in this subsection 23.44.020.A. When an existing tree is more than 10 inches in diameter, each 1 inch of the tree that is over 10 inches shall count as 3 inches toward meeting the tree requirement.”

Comment - There is no real protection for trees that are not exceptional to be protected during development except to meet the minimal landscape planting. And as we've seen exceptional trees can be removed from building site footprint.

“SMC 25.11.090 - Tree replacement and site restoration. A. Each exceptional tree and tree over two (2) feet in diameter that is removed in association with development in all zones shall be replaced by one or more new trees, the size and species of which shall be determined by the Director; the tree replacement required shall be designed to result, upon maturity, in a canopy cover that is at least equal to the canopy cover prior to tree removal. Preference shall be given to on-site replacement. When on-site replacement cannot be achieved, or is not appropriate as determined by the Director, preference for off-site replacement shall be on public property. “

Comment - Additional
loophole for removing
exceptional trees
during development



SMC 25.11.090 – cont.

“B. No tree replacement is required if the (1) tree is hazardous, dead, diseased, injured or in a declining condition with no reasonable assurance of regaining vigor as determined by a tree care professional, or (2) the tree is proposed to be relocated to another suitable planting site as approved by the Director.”

Comment – Unfortunately since the Ordinance was passed in 2001, there is no record of exceptional trees or trees over 24” DBH being replaced on site or off site. The question to ask DCI is where are the replacement trees, what is their species and size? If the developer did not re-plant the removed trees on site, where were they planted and by who? Where is the money (fee-in-lieu) DCI would have collected to pay for the city replanting them?

What about
trees removed
on property
already
developed?



25.11.040 - Restrictions on tree removal

A. Tree removal or topping is prohibited in the following cases ...

Exceptional trees on lots in Lowrise, Midrise, commercial, and single-family zones.

Comment – Unlike many other cities, Seattle does not require permits to remove trees on already developed property. Seattle instead relies on a complaint based system. By the time you hear a chainsaw it is too late to save exceptional trees being removed.

Could Seattle have a permit system today? Yes.

SMC 25.11.100 Enforcement and penalties.

A. Authority. The Director shall have 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.

What about the number of significant, non-exceptional trees that can be removed?

“Limits on Tree Removal. In addition to the prohibitions in subsection 25.11.040.A, no more than three trees 6 inches or greater in diameter, measured 4.5 feet above the ground, may be removed in any one-year period on lots in Lowrise, Midrise, commercial, and single-family zones,…”

Comment – In many cases all the trees on a city lot can be removed in a year. Other cities have lower number and space them out over several years like 2 trees in 3 years.