

PER CITY COUNCIL REQUEST, THE URBAN FORESTRY COMMISSION (UFC) PROVIDED LINE-ITEM INPUT TO THE VERSION D7 OF THE DRAFT LEG TREE REGULATION UPDATES ORDINANCE.

This document is a deliberative draft used by the UFC to guide the June 14, 2019 conversation with City Council and Council Central Staff.

Outline of Revisions to SMC 25.11 – Tree Protection Ordinance by Seattle Urban Forestry Commission 6/14/2019 draft

- a. Council draft D7 is renamed to cover Tree and Urban Forest Protection and Land Use Regulations
- b. Any tree 6 inches DSH or larger is defined as a significant tree and is covered by this ordinance
- c. A Tree Removal and Replacement Permit is required to remove and replace any significant tree
- d. Trees removed must be replaced on site or a fee in lieu paid into a Tree Replacement and Preservation Fund
- e. Fee in-lieu is based on size of tree removed and 5 year establishment period
- f. Criteria are developed for non-development related and development related permits.
- g. Reduced the upper threshold for exceptional trees from 30" DSH to 24" DSH.
- h. Reduced the number of significant non-Exceptional trees that can be removed to 2 in 36 months
- i. Tree Care Professionals must be registered with SDCI

UFC recommends a low permit fee (such as \$75) for non-development related tree removal and a higher based fee plus hourly for development-related permits that will require arborist review and other review.

UFC recommends in-lieu fee for replacement tree planting increase with the size of the tree removed

25.11.010 Purpose and Intent

Separated purpose and intent sections

Added additional purpose statements to justify why the ordinance is changing and why these changes are necessary.

- Establish measures for tree protection and replacement
- Help implement Urban Forestry Management Plan
- Improve long-term tree health
- Encourage tree retention

25.11.015 Definitions.

- Added definitions for canopy volume, Exceptional tree, groves, Heritage tree, ISA, OSE, Pruning major, Qualified Arborist, TRAQ, Tree Replacement and Preservation Fund, Tree Service Provider.

25.11.020 Exemptions

- Added requirement that significant tree removals and replacements for all exempt public agencies must be reported quarterly to OSE
- Removed exemption for emergency actions because it contradicted the emergency removal section
- Exempts Parks, Critical Areas Revegetation Plans, Street Trees, Seattle City Light, routine pruning

25.11.030 Tree Removal and Replacement Permit Required

- Tree Removal and Replacement Permits required for all Significant trees removed unless exempted in SMC 25.11.020
- Covers all property in city in all zones

25.11.040 Restrictions on Tree Removal

- Added requirement that Exceptional and Heritage trees outside development may not be removed unless hazardous per ISA risk assessment as described in applicable section
- Added requirement that no Significant trees may be removed on undeveloped lots not undergoing development and without approved land use or construction permit
- Added requirement that trees planted as replacement for previous removals may not be removed unless imminently hazardous
- Added requirement that no more than two trees per 36-month period may be removed from property not undergoing development unless trees are hazardous per Section 25.11.050

25.11.050 Hazard Tree Risk Assessment

- Section needs review and updating ISA TRAQ criteria has just been updated. For example, extreme risk potential is now called “imminent failure potential”
- Director **may** issue Tree Removal and replacement permit, giving SDCI final authority over whether tree needs to be removed or not

25.11.060 Emergency actions

- Also needs review based on ISA TRAQ criteria being updated
- Can be taken if extreme risk without getting arborist approval first but must notify SDCI immediately online and must take photos and apply for tree removal and replacement permit within 1 week.
- Permit free if property or other serious damage

SMC 25.11.070 Requirements for persons engaged in tree removal and replacement, tree pruning or land clearing impacting trees and the urban forest are to be registered by SDCI as Tree Service Providers

- Patterned after SDOT requirements

SMC 25.11.080 Significant Tree Removal and Replacement for sites not associated with development

- Permit required to remove 2 Significant healthy non-exceptional trees per 36-month period
- Hazard trees exempt from 2 tree limit
- SDCI through permit approval has review and final say on removing hazard trees

SMC 25.11.090 Significant Tree Removal and Replacement associated with development

- Site map
- Tree Inventory and assessment report – SDCI shall have authority to do own review
- Development report evaluating options to maximize preserving significant trees

- Landscape plan
- Tree replacement designed to result in 25 years in canopy volume equal to that removed.
- Fee in-lieu required if trees cannot be replaced on site. To cover cost of tree replacing tree removed and 5 years establishment care
- SDCI makes final determination on trees removed, can independently check arborist's conclusions
- SDCI may consider approving alternative construction techniques in root zone to save Exceptional trees
- Tree replacement may also be required for trees removed 1 year before property sale and building permit applied for

25.11.095 Tree Removal and Replacement Permit application posting requirements

- Patterned after SDOT to avoid conflicting requirements between departments
- All Significant Tree Removal and Replacement Permit applications must be posted for 2 weeks on property site and on SDCI website and for 1 week after tree is removed

25.11.100 Tree species requirements

- Trees replanted must be on list of "City of Seattle List of Suitable Tree Species"
- Trees on King County Noxious Weeds of Concern are prohibited from being planted

25.11.110 Tree, vegetation and soil protection during development

- Guidelines for placing materials near trees, Protective Tree Barriers, Grading and Trenching
- Invasive plant species shall be identified and removed as part of site landscape plan

25.11.120 Tree replacement and performance standards

- Replacement tree requirements are based on the tree species, current size of tree to be removed, size of replacement tree at maturity and available planting space on site. The diameter (DSH) of the removed tree will determine the number of tree units needed to replace a tree. When a tree is removed it must be replaced with an equivalent number of tree units. Replacement trees will be valued at different numbers of tree units based on their future size at maturity
- Value of Tree Replacement Units for replacement trees:
 - Small tree = 1 tree unit
 - Small medium tree = 2 tree units
 - Medium large tree = 3 tree units
 - Large tree = 4 tree units
- Tree units can be added up and combinations of replacement trees planted as long as the sum of tree units for the tree replacements total or exceed the needed number of tree units required for the trees removed

- **Table A. Required Replacement Ratios and Fees for Removed Trees**

| DSH (Diameter at 4.5 feet) of Significant Tree being removed | Number of Trees units needed for replacement | Fee in-lieu of Replacement based on size of tree removed. |
|--------------------------------------------------------------|----------------------------------------------|-----------------------------------------------------------|
| 6 -11.99 inches | 2 tree units | 2X |
| 12 - 17.99 inches | 3 tree units | 3X |
| 18 - 23.99 inches | 4 tree units | 4X |
| For every 6 inches DSH over 24” add | 2 tree units | 2X |

25.11.130 Development standard departures for tree preservation

- SDCI could allow increase in height of building or reduced parking requirement to save trees

25.11.140 Major institutions

- New plans adopted by major institutions would have to comply with ordinance

25.11.150 Tree Replacement and Preservation Fund

- Sets up Tree Replacement and Preservation Fund like Portland Oregon has
- Depository for In-lieu fees and restoration fees for enforcement action
- Can accept public donations for tree planting and preservation
- Can purchase conservation easements

25.11.155 In-lieu Fees to be placed in a Tree Replacement and Preservation Fund

- In-lieu fees may be made if required tree replacement cannot occur on lot where tree was removed
- In-lieu fees will be assessed based on rate of dollars per DSH of tree removed

25.11.160 Tracking Tree Loss and Replacement

- All tree removals and replacements shall be tracked and reported quarterly by city agencies
- Quarterly reports will be made to OSE which will post on their website

25.11.170 Tree Maintenance

- Replaced trees shall be maintained for life of project
- Pruning done by ANSI standards
- Replaced trees watered May – Sept for 5 years

25.11.180 Measurements and rounding

- Round up measurement above .5 inch to next inch

25.11.190 Enforcement and penalties

- Outlines authority of SDCI to regulate and enforce provisions of SMC 25.11
- Violations of tree ordinance include actions that will result in tree loss or death
- Director can revoke license of Tree Care Provider for failure to comply with SMC 25.11
- Aggrieved person can appeal decision of Director
- Director can issue notices of violation
- Director can issue stop work orders
- Procedures are outlined for review by Director and Judicial review
- Civil penalties can be imposed for violations eg \$1500/inch
- Restoration of damaged areas
- Criminal penalties maximum \$1000/day

1 **CITY OF SEATTLE**

2 **ORDINANCE _____**

3 **COUNCIL BILL _____**

4 **..title**

5 **AN ORDINANCE** relating to tree and urban forest protection and land use regulations;
6 amending Sections, 22.900C.010 and repealing and replacing Chapter 25.11.

7 **..body**

8 **WHEREAS**, a healthy urban forest growing on public and private land promotes a clean,
9 healthy, resilient, and safe environment in the places where people live, learn, work, and
10 play, and reinforces Seattle’s identity and legacy as a forested, livable city; and

11 **WHEREAS**, the City values the important services the urban forest provides to all in Seattle
12 including but not limited to increasing resiliency to and mitigating the impacts of climate
13 change, managing stormwater runoff and erosion, protecting and enhancing public health,
14 cooling riparian corridors, protecting and improving our shoreline, providing essential
15 wildlife habitat, enhancing beauty and culture; and

16 **WHEREAS**, the City seeks to balance their stated goals of protecting, maintaining and
17 enhancing the urban forest as stated in the 2013 Seattle Urban Forest Stewardship Plan
18 while supporting future growth and density as provided in the City’s Comprehensive Plan
19 and by other City actions taken in support of the Growth Management Act; and

20 **WHEREAS**, the City’s Equity and Environment Initiative is a call to action for the City to
21 develop more inclusive environmental programs, including place-based and culturally
22 based strategies, to not only retain existing trees and increase tree canopy cover but also
23 to more equitably distribute the benefits that trees bring; **NOW, THEREFORE,**

24 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

25 Section 1. Section 22.900C.010 of the Seattle Municipal Code, which section was last
26 amended by Ordinance 125451, is amended as follows:

27 **22.900C.010 Land use fees [omitted here for brevity]**

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Section 2. Chapter 25.11 of the Seattle Municipal Code, last amended by Ordinance 125603, is repealed as shown in Exhibit A.

Section 3. A new Chapter 25.11, Tree and Urban Forest Protection and Land Use Regulations, is added to Title 25 of the Seattle Municipal Code, as follows:

25.11.010 Purpose and intent.

A. It is the purpose of this chapter to protect and enhance the public health, safety, environment and general welfare of the people of the city of Seattle by maintaining and increasing protections for Seattle’s trees and urban forest located on both public and private land because they provide necessary and substantial economic, social, health and environmental benefits needed for a thriving, livable and resilient city. These green infrastructure benefits include mental and physical public health, stormwater retention, wildlife habitat preservation for birds and other species, pollution reduction, climate change mitigation, erosion control, shading, wind protection, and aesthetic beauty.

B. It is the intent of this chapter to:

1. Preserve and enhance the city's environmental, physical and aesthetic character by preventing untimely, unnecessary or indiscriminate removal or destruction of trees and our urban forest on undeveloped land, developed land and land undergoing development;

- 1 2. Establish the existence of Significant Trees as Protected Trees meeting a
2 threshold of needed management due to their value to the public and the
3 city;
- 4 3. Encourage protecting and maintaining a healthy urban forest with a
5 diversity of trees and plants that are a mix of species and ages to the
6 greatest extent possible;
- 7 4. Implement the goals and policies of Seattle's Comprehensive Plan
8 especially those in the Environment Element dealing with protection of
9 trees and the urban forest;
- 10 5. Protect trees on undeveloped or vacant sites that are not undergoing
11 development and prevent unnecessary or premature loss of trees so their
12 retention may be prioritized and encouraged during the development
13 review and approval process;
- 14 6. Establish a process requiring permitting for tree removal and replacement
15 to maximize tree retention:
- 16 7. Require replacement of trees removed to compensate for their loss;
- 17 8. Track the gain and loss of trees over time by establishing improved data
18 collection and accountability by all city departments in all city zones;
- 19 9. Reward tree protection efforts by granting flexibility for certain
20 development standards and innovative construction practices and promote site
21 planning and horticultural practices that are consistent with the reasonable use
22 of property;

1 10. Protect Exceptional Trees and Tree Groves because their unique historical,
2 ecological, social equity/justice, cultural, habitat, environmental services or
3 aesthetic value constitute an important community resource;

4 11. Require flexibility in design and site planning to protect Exceptional Trees
5 and Significant Trees that over time could become exceptional;

6 12. Encourage and increase retention of trees through the design review and
7 other processes for projects, through education concerning the value of retaining
8 trees, and by regulating and limiting their removal;

9 13. Require that replacement of a tree over time replace lost canopy volume
10 within 25 years after a tree is removed and that if a tree cannot be replaced on
11 site, that an in-lieu fee is paid to replace and establish a new tree or trees for
12 those removed.

13 14. Emphasize protection and planting of native trees and vegetation; species
14 and age diversity, planting appropriate trees and plants for climate impacts,
15 wildlife habitat and wildlife corridors to maximize the resiliency and benefits
16 of nature within our urban environment by protecting and enhancing our green
17 infrastructure.

18 15. To meet the tree canopy goals of the most recent Urban Forestry
19 Management Plan by adopting a long-term goal of increasing both tree canopy
20 cover and canopy volume, including tree canopy replacement for trees
21 removed being based on estimated equivalent canopy volume in 25 years.

22 16. To incorporate a healthy urban forest and trees as part of the city's
23 mitigation response to the climate crisis

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25.11.015 Definitions.

“Caliper” means the measurement of trunk size of woody nursery stock, such as trees. Caliper of the trunk shall be measured at six inches above the ground surface for trees up to and including four inches caliper and at 12 inches above the ground surface for larger sizes.

“Canopy cover” means the surface area under the drip line of a tree.

“Canopy volume” refers to the estimated foliage volume of a tree’s foliage, calculated as described in a Director’s Rule to be developed and adopted by SDCI.

“Critical root zone” (CRZ) means the area on the ground surrounding a tree that is one and one-half times the maximum diameter of the tree's canopy or 20 times the DSH, whichever is greater.

"Director" means the Director of the Seattle Department of Construction and Inspections (SDCI).

"Drip line" means an area encircling the base of a tree, the minimum extent of which is delineated by a vertical line extending from the outer limit of a tree's branch tips down to the ground.

“DSH” means Diameter of a tree at the Standard Height of 54 inches above ground. On uneven surfaces the DSH is measured from the high side of the level of the ground. DBH refers to the Diameter at Breast Height and is the same measurement.

“Emergency action” means any action taken to a significant tree(s) that has an Imminent failure Potential risk rating using the ISA TRAQ method, including but not limited to such actions as limbing or removal that is necessary to remedy an immediate threat to people, structures, or health and safety.

“Exceptional Tree” is a tree or group of trees that because of their unique historical, ecological, cultural, habitat, ecosystem services or aesthetic value constitutes an important community resource and is deemed as such by the Director according to standards promulgated

1 by the Seattle Department of Construction and Inspections. All trees with a DSH of 24 inches or
2 greater shall be considered Exceptional, as well as all Heritage Trees, Tree Groves and all trees
3 meeting thresholds identified in DPD Director’s Rule 16-2008 and as subsequently revised and
4 adopted.

5 “Fee-in-lieu” means a fee paid into the Tree Replacement and Preservation Fund to
6 replace and establish trees and tree canopy volume removed on site that was not replaced on
7 site.

8 "Feeder root zone" means an area encircling the base of a tree equal to twice the diameter
9 of the drip line.

10 “Groves” are a group of 8 or more trees 12 inches in diameter or greater that form a
11 continuous canopy.

12 "Hazardous tree" means any tree or tree part that poses a High or Imminent Failure
13 Potential risk of damage to persons or property, and that is designated as such by the Director
14 according to the tree hazard evaluation standards established by the ISA on file and available
15 from SDCI.

16 "Healthy tree" means a tree that is not a High or Extreme Risk according to ISA tree
17 hazard evaluation standards as determined by a qualified arborist.

18 “Heritage Tree” is a specially designated tree that meets criteria as a healthy tree in
19 addition to being qualified according to one of the following categories:

20 A. Specimen: A tree of exceptional size, form, ecological significance or rarity.

21 B. Historic: A tree recognized by virtue of its age, its association with or
22 contribution to a historic structure or district, or its association with a noted person, cultural,
23 ethnic or historic event.

24 C. Landmark: Trees that are landmarks of a community.

25 D. Collection: Trees in a notable grove, avenue, or other planting.

1 and has been given that designation by the Heritage Tree Program, co-sponsored by Plant
2 Amnesty and the City of Seattle

3 "Invasive tree" means any tree species that appears on the King County Noxious Weed
4 Board's Class A, Class B, and Class C Noxious Weed lists.

5 "ISA" means the International Society of Arboriculture,

6 "OSE" means the Seattle Office of Sustainability and Environment.

7 "Person" means any individual, partnership, corporation, association, or public or private
8 organization of any character.

9 "Protected Tree" means both a tree that is planted to satisfy the tree performance and
10 planting requirements of this Chapter 25.11 and considered a significant tree for the life of the
11 project, trees that are preserved to meet the tree performance requirements of this Chapter 25.11.,
12 and any tree given status as Significant, Exceptional, Heritage, or as a contributing tree to a Grove.

13 "Pruning, major" means removal of branches 2 inches in diameter or greater; removal of
14 roots 2 inches in diameter or greater; or removal of branches constituting more than 15 percent of
15 a tree's foliage-bearing area.

16 "Qualified Arborist" means an ISA certified arborist with a current license to operate in
17 Washington State and who has registered with the City of Seattle to conduct professional tree work
18 as outlined in SMC 25.11.070. Qualified Arborist status also is dependent on the work being
19 conducted and requires applicable certifications such as TRAQ for risk assessment.

20 "SDCI" means the Seattle Department of Construction and Inspections.

21 "Severe crown reduction" means the reduction of the overall size of the tree by altering the
22 tree's natural structure by cutting back to lateral limbs less than 1/3 of the diameter of the limb that
23 is cut.

24 "Significant tree" means any tree six (6) inches or greater in diameter at standard height
25 (DSH)

26 "Topping" means the cutting back of limbs to stubs within the tree's crown, to such a
27 degree as to remove the normal canopy and disfigure the tree; or the cutting back of limbs or

1 branches to lateral branches that are less than one-half (1/2) of the diameter of the limb or branch
2 that is cut.

3 “TRAQ means the International Society of Arboriculture Tree Risk Assessment Qualification
4 method, as described in “Qualitative Tree Risk Assessment” by E. Thomas Smiley, Nelda
5 Matheny, and Sharon Lilly on file and available from SDCI.

6
7 “Tree” means a plant having a permanent woody stem or trunk, ordinarily growing to a
8 considerable height, and usually developing branches at some distance from the ground. Some
9 trees develop more than one stem or trunk. Trees do not include any species which appear on the
10 King County Noxious Weeds or Weeds of Concern list.

11 “Tree protection area” means the area identified on a site plan to protect significant
12 trees during development

13 "Tree removal" means removal of a tree(s) or vegetation, through either direct or indirect
14 actions including, but not limited to, clearing, topping or cutting, causing irreversible damage to
15 roots or trunks; poisoning; destroying the structural integrity; and/or any filling, excavation,
16 grading, or trenching in the dripline area of a tree which has the potential to cause irreversible
17 damage to the tree, or relocation of an existing tree to a new planting location.

18 “Tree Replacement and Preservation Fund” Account set up to receive fee-in-lieu funds
19 collected when trees can’t be replaced on site and used to plant and establish replacement trees.

20 “Tree Removal and Replacement Permit” means either a major significant tree removal
21 permit or a minor significant tree removal permit as described in this chapter.

22 “Tree Service Provider” means a Person engaged in tree evaluation, tree removal and
23 replacement, tree pruning and land clearing operations in the city of Seattle who is registered
24 with SDCI as required under SMC 25.11.070.

1 **25.11.020 Exemptions.**

2 Unless stated otherwise here, approval for tree removal and replacement must be granted
3 prior to removal of a Significant tree or trees regardless of ownership, property land use, or zones
4 as provided in SMC 25.11.080 and 25.11.090. The following actions are exempt from obtaining
5 approval as required in this chapter; providing all Significant tree removals and replacements are
6 tracked and reported by the responsible public agencies listed below on a quarterly basis to the
7 OSE per SMC 25.11.060.

8 A. Removal and replacement of Significant trees undertaken as part of adopted plans for
9 tree and vegetation management and revegetation of public parks and open spaces by
10 the responsible public agencies or departments.

11 B. Removal and replacement of Significant trees approved as part of an
12 Environmentally Critical Area revegetation plan as provided in SMC 25.09.030;

13 C. Removal and replacement of Street trees as regulated by SMC 15.43;

14 D. Removal and replacement of Significant trees as part of tree maintenance and
15 removal conducted by Seattle City Light to maintain power lines; and

16 E. Normal and routine pruning operations and maintenance using the ANSI A300
17 (2017) standards and ISA best management practices for proper pruning, both on file
18 and available from SDCI, if registered with SDCI as a Tree Care Provider under SMC
19 25.11.070.

20 **25.11.030 Tree Removal and Replacement Permit Required.**

21 Except as provided in SMC 25.11.020, it shall be unlawful for any person to cut down,
22 significantly damage, kill or remove any Significant tree without first obtaining approval as
23 required in this chapter. Approval shall take the form of a Tree Removal and Replacement
24 Permit, provided for in SMC 25.11.080, and 25.11.090. Exceptional trees may not be removed

1 on developed property unless they are hazardous. Permits are required for removal of hazardous
2 trees pursuant to SMC 25.11.050 and 25.11.060.

3 **25.11.040 Restrictions on tree removal.**

4 A. Significant tree removal is prohibited in the following cases, except as provided in SMC
5 25.11.020, or where tree removal and replacement is approved via a completed
6 Significant Tree Removal and Replacement Permit determined to be required for the
7 construction of a new structure or other similar improvement issued as part of an issued
8 building or grading permit as provided in SMC 25.11.090:

- 9 1. All Significant trees on undeveloped lots not undergoing development or without
10 a required land use or construction permit;
- 11 2. All Exceptional or Heritage trees, and trees in Groves as defined in DPD
12 Director’s Rules 16-2008 and as subsequently revised and adopted.
- 13 3. Trees planted as replacement for previous tree removals, which are to remain for
14 the life of the project.
- 15 4. By topping, severe crown reduction, major pruning, damaging critical root zone
16 area or any other action which results in a tree becoming a Hazard tree or dying.
17 All tree work shall be performed in accordance with ANSI A300 (2017) Pruning
18 Standards and ANSI Z133.3 (2017) Safety Standards, both on file and available
19 from SDCI,.

20 B. In addition to the prohibitions in SMC 25.11.040.A, no more than two healthy
21 Significant non-Exceptional trees may be removed in a 36-month period on any lot,
22 except when the tree removal and replacement is approved for the construction of a new

1 structure, or other similar improvement that is approved as part of an issued building or
2 grading permit as provided in SMC 25.11.090.

3 C. Tree removal in Environmentally Critical Areas shall comply with the provisions of
4 Section 25.09.320.

5 **25.11.050 Hazard tree risk assessment.**

6 A. Hazard trees are trees assessed by a qualified arborist as having an Extreme or High-Risk
7 rating using the ISA TRAQ method in its most current form.

8 B. The Categories of Risk are:

- 9 1. Extreme Risk. This category applies to trees in which failure is “imminent” and
10 there is a high likelihood of impacting a target, and the consequences of the
11 failure are “severe.”
- 12 2. High Risk. This category applies to situations in which consequences are
13 significant and likelihood is “very likely” or “likely,” or when consequences are
14 “severe” and likelihood is “likely.”
- 15 3. Moderate Risk. This category applies to tree in which consequences are “minor”
16 and likelihood is “very likely” or “likely” or when likelihood is “somewhat
17 likely” and the consequences are “significant” or “severe.”
- 18 4. Low Risk. This category applies to tree in which consequences are “negligible”
19 and likelihood is “unlikely”; or when consequences are “minor” and likelihood is
20 “somewhat likely.”

21 C. The Director may issue a permit for removal and replacement of a tree determined to be
22 High Risk only if there are potential targets: permanent structures or an area of moderate
23 to high use. Where a target does not exist, applicants should consider routine pruning and
24 maintenance to mitigate hazards.

25 D. Where a tree is found to have a High Risk, the Director may authorize hazard pruning to
26 mitigate the risk rather than removing the entire tree.

1 E. If the Director assesses a tree to have a High Risk and mitigation of the risk through
2 pruning or moving of potential targets is not feasible, the Director may designate the tree
3 a Hazard tree and allow its snagging or complete removal regardless of the tree’s
4 classification. This removal shall be permitted using provisions of SMC 25.11.080 and
5 25.11.090.

6 **25.11.060 Emergency actions.**

7 Emergency tree removal and replacement may be undertaken without prior approval if a
8 tree has been extremely damaged and is in immediate danger of failing or has failed and would
9 be rated as “extreme risk” The condition of the tree must be documented prior to removal by
10 photographs, showing the damage, or serious risk and the potential targets and is assumed to
11 have an Extreme risk rating using the ISA TRAQ method in its most current form. Any person
12 undertaking an emergency action shall:

- 13 A. Notify the Director via e-mail or through SDCI’s website prior to commencement of the
14 emergency action;
- 15 B. Complete the applicable Significant Tree Removal and Replacement application under
16 SMC 25.11.080 or 25.11.090 within one week of the emergency action and post the
17 application in accord with SMC 25.11.095 and
- 18 C. Include documentation of tree status, including photographs as part of this retroactive
19 permit submission.
- 20 D. Permits for removal of trees causing property or other serious damage shall be free.

21 **25.11.070 Requirements for persons engaged in tree removal and replacement, tree**
22 **pruning or land clearing impacting trees and the urban forest are to be registered by SDCI**
23 **as Tree Service Providers.**

- 1 A. To assure compliance with the standards and requirements of this chapter, any Person
2 involved in tree removal and replacement, tree pruning, or land clearing operations in
3 the city of Seattle shall be required to sign and submit to SDCI on a form approved by
4 SDCI, a statement affirming that the Person and all individuals involved in the activities
5 has reviewed the City’s tree regulations and the permitting requirements for tree removal
6 and replacement and other SDCI Director’s Rules and auxiliary criteria and directives
7 described in this chapter 25.11, including acknowledging that such Person has obtained
8 any and all training and licenses necessary to professionally execute their activities under
9 this chapter 25.11 and to lawfully engage in the activities within the city of Seattle;
- 10 B. Any Person involved in tree removal and replacement, tree pruning or land clearing
11 operations who does not provide the information requested in SMC 25.11.070A to SDCI
12 shall be prohibited from performing tree removal and replacement, tree pruning or land
13 clearing services in the city of Seattle, and shall be in violation of this chapter 25.11 if
14 such services are performed by such person and may be prosecuted under SMC
15 25.11.180, or as otherwise provided by law.
- 16 C. Tree Service Providers shall have their current Tree Service Provider registration card
17 and any applicable permits at the work site whenever pruning, removing, or treating any
18 Significant tree and shall provide those documents to City representatives or the public
19 when requested. A stop work order may be issued and penalties shall be assessed against
20 any Tree Service Provider performing tree work without a current Tree Service Provider
21 registration card or applicable permits.
- 22 D. SDCI will post a list of Tree Service Providers who have met their qualifications under
23 this chapter 25.11.

1 **25.11.080 Significant Tree Removal and Replacement for sites not associated with**
2 **Development.**

3 A. A healthy Significant non-Exceptional tree on sites in all zones in Seattle, not associated
4 with development and not prohibited for removal under SMC 25.11.040, may be
5 removed if given approval in the form of a Tree Removal and Replacement Permit
6 obtained from SDCI. No more than 2 Significant non-Exceptional trees may be removed
7 from a site within 36 months.

8 B. Required information-necessary for approval of any Significant non-Exceptional Tree
9 Removal and Replacement shall include:

- 10 1. A listing of each Significant non-Exceptional tree or trees proposed to be
11 removed identified by species and DSH.
- 12 2. A listing of all other Significant trees on the site that are not being removed
13 identified by species and DSH. If the trees are Exceptional or Heritage trees,
14 they shall be identified as such in the listing.
- 15 3. A general site map that shows the location of all buildings, utilities and streets
16 for the site with the Significant trees on the site, noting the location, species
17 and size of the tree or trees proposed to be removed as well as the location,
18 species and size of the other significant trees on the site that are to be
19 preserved and their drip lines.
- 20 4. Reason the tree or trees are to be removed.
- 21 5. Photo of each tree to be removed, taken from a distance to show the entire
22 tree and a close-up photo of the tree's leaves or needles for identification
- 23 6. Photo of measurement of trunk diameter of each tree to be removed 4.5 feet
24 above the ground.
- 25 7. Species of replacement tree or trees and location where they will be planted
26 on site or fee-in lieu payment approved prior to removal of tree or trees.

- 1 8. Verification by SDCI that trees on site do not fall below minimum number of
2 trees required for the lot by SDCI and that replacement trees on site or fee-in-
3 lieu replacement trees will reach equivalent canopy volume in 25 years.
- 4 9. Permission of property owner for SDCI representative to inspect tree or trees
5 prior to approval of Tree Removal and Replacement Permit.
- 6 10. Posting of Tree Removal and Replacement Permit Application onsite visible
7 from nearest street for 2 weeks prior to removal and 1 week after removal.
8 Application shall also be posted on tree and a yellow ribbon placed around
9 trunk of tree to be removed as explained in SMC 25.11.095.
- 10 11. Any tree that is determined to be a hazard tree by a certified arborist and
11 approved by SDCI or that is classified as a nuisance tree by King County is
12 exempt from this limit but shall be replaced by a tree or trees as described in
13 SMC 25.11.120. SDCI shall have the authority to do its own arborist
14 evaluation of a proposed hazard tree and will make the final determination
15 regarding removal or other remedial action on a tree.
- 16 12. Tree Removal and Replacement Permits not associated with development
17 expire six months (180 days) after the permit issue date, or as specified in the
18 tree replacement plan approved by SDCI's arborist. SDCI's arborist can grant
19 one extension of up to six months when the applicant provides a written
20 request prior to expiration that includes a reasonable justification for the
21 extension, such as a financial hardship, hardship in obtaining replacement
22 trees, weather-related factors that prevent the applicant from completing the
23 requirements of the permit or the plan is to plant the tree or trees from Sept to
24 April when they have a better chance of surviving.
- 25 13. All replacement trees shall be maintained by the property owner for 5 years to
26 ensure they are established. This includes supplemental watering, weeding
27 and other appropriate care. Any replacement tree that dies within 5 years of

1 planting, shall be replaced by the property owner with an equivalent tree and
2 maintained for 5 years.

3 14. SDCI shall have the authority to consider a reduction, delay or cancellation
4 of payment regarding possible in-lieu-fees, dependent on a property owner's
5 financial circumstances if the property is not undergoing development.

6 15. SDCI may ask for additional information if it is necessary for their evaluation.

7 16. SDCI shall enter all information regarding Significant Tree Removal and
8 Replacement in its database and file quarterly reports with OSE under SMC
9 25.11.160.

10 **SMC 25.11.090 Significant Tree Removal and Replacement associated with Development**

11 A. Each Significant tree that is removed in association with development in all zones shall be
12 replaced by one or more new trees, the size and species of which shall be determined by
13 the Director as provided in SMC 25.11.120; the tree replacement required shall be
14 designed to result in 25 years in a canopy cover volume that approximates both the
15 canopy cover and volume prior to tree removal.

16 B. Preference shall be given to on-site replacement. When on-site replacement cannot be
17 achieved, or is not appropriate as determined by the Director, a fee-in-lieu shall be paid to
18 the City to replace and establish over 5 years the tree or trees in the neighborhood or
19 watershed where they were removed or elsewhere as needed in the city to meet equity,
20 environmental or other relevant priorities and goals.

21 C. Tree Removal and Replacement Permits for sites undergoing development shall include
22 the following:

- 23 1. **A site map** (to scale) with a north arrow depicting accurate location of
24 existing and proposed development including buildings, utilities, decks,
25 driveways, and detached structures and adjacent structures and streets; and
26 2. **A tree inventory and assessment report** prepared by a Qualified Arborist
27 that includes:

- 1 a. Location and photos of all Significant trees on site and general
2 condition and layout of site. Exceptional and Heritage trees shall be
3 so identified.
- 4 b. Location, species, size, DSH, canopy spread and drip line, tree
5 height, and condition of Significant tree(s) to be removed;
- 6 c. Location, species, size, DSH, canopy spread (drip line), tree height
7 of Significant tree(s) to be protected;
- 8 d. Location, species, size, DSH, Canopy spread (drip line), and
9 condition of other Significant trees adjacent to the proposed
10 construction, both on and off site that could be impacted by the
11 proposed development activity including by tree removal,
12 excavation, grading, or paving;
- 13 e. Locations and type of environmental critical areas or buffers on site
14 and on adjacent sites within ¼ mile;
- 15 f. Tree protection plans, including TESC {Temporary sediment and
16 erosion plans) for trees to be preserved;
- 17 g. Timeline for Significant tree protection activities and list of
18 protection measures and conditions to be taken during all
19 development activities to ensure code compliance during
20 development activities
- 21 h. SDCI shall have the authority to do its own evaluation of trees on
22 a proposed development site to ensure the accuracy of the submitted
23 arborist’s report and may propose ways to maximize retention of
24 existing Significant trees on site, particularly Exceptional Trees and
25 Heritage trees. SDCI shall have the authority to make a final
26 determination on any issues in question such as the DSH of a tree or

1 the condition of a tree or other issues affecting the potential removal
2 of a tree on the site based on the arborist’s report.

3 **3. A development report evaluating options to maximize preserving**
4 **significant trees.** All proposed tree removals and replacement associated
5 with development allowed under SMC 25.11.40 must demonstrate why
6 Significant, healthy trees cannot be preserved and shall provide a
7 development report that:

8 a. Designs and locates the building footprints and proposed
9 development footprint, site access, parking areas, roadways,
10 utility corridors and other development to the greatest extent
11 practicable to retain existing trees.

12 b. Demonstrates that the proposal retains to the greatest extent
13 practicable:

- 14 i. Existing Exceptional and Heritage trees;
15 ii. Existing healthy Significant trees in groups of
16 two or more trees that form a continuous
17 canopy;
18 iii. Existing healthy Significant native evergreen
19 trees;
20 iv. Existing healthy Significant native deciduous
21 trees;
22 v. Significant trees that are adjacent to
23 environmentally critical areas (ECA) or ECA
24 buffers;
25 vi. Significant trees within required yards or
26 setbacks;

1 on the developer of a property to ensure replacement trees are adequately cared for and
2 survive.

3 G. All proposed tree removals and replacement associated with development allowed under
4 SMC 25.11.40 shall provide:

5 1. Grading or utility plans that accommodate existing Significant trees and
6 avoid alteration to grades around existing Significant trees.

7 2. Development proposals shall be conditioned as necessary to safeguard trees
8 identified for retention. Such conditions shall include, but are not be limited
9 to, the following

10 a. Development application approvals may be conditioned to require
11 that a notice on title, in the form required by the Director, shall be
12 recorded by the applicant disclosing the permit and associated tree
13 retention conditions as required by this chapter 25.11.

14 b. Conditions required by SDCI’s arborist to safeguard trees
15 identified to be retained throughout the development process.

16 c. Conditions consistent with Chapter 15.43 that require sidewalks,
17 structures, utilities, and roadways to be set back at least five feet
18 from the drip line, except where such structure is cantilevered or
19 otherwise raised above the ground’s surface so as not to disrupt the
20 tree’s roots, and the proposed construction is not likely to result in
21 conflicts between the tree and the sidewalk, driveway, structure, or
22 utility that would necessitate the tree’s removal during its normal
23 lifespan.

24 d. Conditions to allow trenching, construction, or an alteration of
25 grades between the five-foot setback from the drip line and the CRZ
26 of a protected tree; provided, that the tree protection plan approved

1 by the SDCI’s arborist demonstrates that the proposed activity will
2 not adversely affect the long-term viability of the tree.

3 H. Exceptional Trees. The Director may only permit an Exceptional tree to be removed due
4 to the development of the site if:

- 5 1. The maximum lot coverage permitted on the site according to SMC Title 23
6 the Land Use Code, cannot be achieved without extending into the tree
7 protection area or into a required front and/or rear yard to an extent greater
8 than provided for in this section; or
- 9 2. Avoiding development in the tree protection area would result in a portion of
10 the house being less than fifteen (15) feet in width.
- 11 3. Permitted extension into front or rear yards shall be limited to an area equal to
12 the amount of the tree protection area not located within required yards. The
13 maximum projection into the required front or rear yard shall be fifty (50)
14 percent of the yard requirement. If the maximum lot coverage permitted on
15 the site can be achieved without extending into either the tree protection area
16 or required front and/or rear yards, then no such extension into required yards
17 shall be permitted.
- 18 4. As a last resort, the Director may consider approving alternative construction
19 techniques that would encroach into the root zone to save an Exceptional Tree
20 or Heritage tree. These methods could include using cantilevers, bridging over
21 roots, drilled piers, grade beams, pier footings, geogrid systems or similar
22 procedures.

- 1 I. Notice of Application. The removal of a Significant tree or trees may only commence
2 following a two-week period beginning with posting of the application for a Tree Removal
3 and Replacement Permit on the subject site meeting the requirements in SMC 25.11.095.
- 4 J. Timing for completion of tree replacement plan. The completion of the replacement tree
5 planting or payment in-lieu of tree planting included in a tree replacement plan may be
6 accomplished in one or more phases if specified in the tree replacement plan approved by
7 SDCI’s arborist prior to any trees being removed.
- 8 K. Replacement of trees or fee-in lieu payments may also be required for Significant trees
9 removed at the time of a property sale prior to a building permit being applied for if the
10 trees existed one year prior to the purchase of the property and were removed before the
11 property sale on which the development is occurring was completed. Google street views,
12 Google maps, Lidar studies, photographs and such may be used to document the presence
13 of the removed trees.
- 14 L. Amendments to approved Tree Removal and Replacement Permits.
- 15 1. A minor amendment to an approved Significant Tree Removal and
16 Replacement Permit that does not increase the number of trees to be removed
17 or increase impacts on trees to be retained may be made with written
18 approval of SDCI’s arborist without noticing the approval of the minor
19 amendment to the Tree Removal and Replacement Permit if the amended
20 proposal meets the requirements of this chapter 25.11.
- 21 2. A major amendment to an approved Tree Removal and Replacement Permit
22 that amends the number of trees to be removed or increases impacts on trees
23 to be protected may be made with written approval of SDCI’s arborist if the
24 amended proposal meets the requirements of this chapter 25.11 and must be
25 posted on line, and on site pursuant to section 25.11.095 prior to written
26 approval of the major amendment by SDCI's arborist.

1 **SMC 25.11.095. Tree Removal and Replacement Permit Application Posting Requirements**

2 Notice of application for all Tree Removal and Replacement Permits under SMC 25.11.080 and
3 25.11.090 shall be posted on site, in a place where it can be read from the nearest public street. If
4 the property is located on a private street, notices shall be posted on site, in a place where it can
5 be read from the private street, as well as in a place where it can be read from the nearest public
6 street. Additionally, notice must be posted on the tree(s) targeted for removal. Each tree or trees
7 proposed to be removed must also be encircled with a yellow ribbon.

- 8 1. For Significant Tree Removal and Replacement permits, the notice of application
9 shall be posted for a minimum of 14 calendar days before tree removal and shall
10 remain posted for 7 days after tree removal has been completed.
- 11 2. Upon application for a Significant Tree Removal and Replacement Permit, a
12 digital record of the full permit and subsequent approval or denial shall be made
13 publicly accessible by SDCI on its website.
- 14 3. If the number of Significant trees proposed for removal increases after the
15 approval has been posted or the permit has been approved, all tree removal
16 activity must stop, and the applicable notice of approval procedure shall be
17 repeated in full for the revised application.

18 **25.11.100 Tree species requirements**

- 19 A. A list of tree species consisting of coniferous and deciduous trees is set forth in the
20 document entitled “City of Seattle List of Suitable Tree Species,” available from SDCI,
21 that are eligible to be planted as replacement trees satisfying the requirements of this
22 Chapter 25.11. The list shall also identify specific trees on the King County Noxious
23 Weeds or Weeds of Concern that are identified as invasive trees that are prohibited to be
24 planted
- 25 B. The Director, with the assistance and approval of OSE₂, shall establish and may modify
26 the list taking into account climate (USDA Zones 7, 8 and 9), recommended tree species
27 and sizes for different sized planting areas, distance of buildings from planting areas,

1 clearance for overhead and underground utilities, benefits for stormwater management,
2 habitat and ecological connectivity contributions, climate resilience, drought tolerance,
3 and other criteria consistent with the concept of “right plant, right place”. The Director
4 and OSE may modify the list as appropriate new tree varieties become available in the
5 nursery trade.

6 C. Applicants may plant trees not on the list with the approval of the Director..

7 **25.11.110 Tree, vegetation, and soil protection during development**

8 Prior to initiating tree removal on the site, soils, vegetated areas, and individual trees to be
9 preserved shall be protected from potentially damaging activities during construction pursuant to
10 the following standards:

11 A. Placing Materials Near Trees. No person shall conduct any activity within the identified
12 tree protection area, including, but not limited to, parking equipment, placing of solvents,
13 storing building material and soil deposits, dumping concrete washout and locating burn
14 holes.

15 1. During construction, no person shall attach any object to any tree designated for
16 protection.

17 B. Protective Barrier. Before development, land clearing, filling or any land alteration for
18 which a Significant Tree Removal and Replacement permit is required, the applicant:

19 1. Shall erect and maintain readily visible protective tree fencing along the outer
20 edge that completely surrounds the protected area of all protected trees or groups
21 of trees that are to remain undisturbed. Fences shall be constructed of chain link
22 and at least four feet high, unless other type of fencing is authorized by SDCI’s
23 arborist.

24 2. Shall prohibit excavation or compaction of earth or other potentially damaging
25 activities within the barriers.

26 3. Shall maintain the protective barriers in place until SDCI’s arborist authorizes
27 their removal or a final certificate of occupancy is issued, whichever occurs first

1 4. Shall ensure that any landscaping done in the protected zone subsequent to the
2 removal of the barriers shall be accomplished with hand labor. No turf or lawn
3 areas are to be installed within protected area.

4 5. In addition to the above, the Director may require the following:

5 a. Cover with mulch to a depth of at least six (6) inches or with plywood or
6 similar material the areas within the drip line of a tree in order to protect
7 roots from damage caused by heavy equipment.

8 b. Minimize root damage by excavating a two (2) foot deep trench, at edge of
9 drip line, to cleanly sever the roots of trees to be retained.

10 c. Have corrective pruning performed on protected trees in order to avoid
11 damage from machinery or building activity.

12 d. Maintain trees throughout construction period by watering and fertilizing.

13 C. Grading and Trenching.

14 1. The grade shall not be elevated or reduced within the drip line of trees to be
15 preserved without SDCI's arborist authorization. The Director may allow
16 coverage of up to one half of the area of the tree's drip line with light soils (no
17 clay) to the minimum depth necessary to carry out grading or landscaping plans, if
18 it will not imperil the survival of the tree. Aeration devices may be required to
19 ensure the tree's survival.

20 2. If the grade adjacent to a protected tree is raised such that it could slough or erode
21 into the tree's drip line, it shall be permanently stabilized to prevent suffocation of
22 the roots.

23 3. The applicant shall not install an impervious surface within the drip line of any
24 tree to be retained without the authorization of SDCI's arborist. SDCI's arborist
25 may require specific construction methods and/or use of aeration devices to
26 ensure the tree's survival and to minimize the potential for root induced damage to
27 the impervious surface.

1 4. To the greatest extent practical, utility trenches shall be located outside of the drip
2 line of trees to be retained. If not possible, then best management practices shall
3 be followed to protect tree roots such as clean cuts, keeping cut roots moist until
4 backfilling and other practices. SDCI’s arborist may require that utilities be
5 tunneled under the roots of trees to be retained if SDCI’s arborist determines that
6 trenching would significantly reduce the chances of the tree's survival.

7 5. Trees and other vegetation to be retained shall be protected from erosion and
8 sedimentation. Clearing operations shall be conducted to expose the smallest
9 practical area of soil to erosion for the least possible time. To control erosion,
10 shrubs, ground cover and stumps shall be maintained on the individual lots, where
11 feasible. Where not feasible, appropriate erosion control practices shall be
12 implemented pursuant to SMC Title 22, Subtitle VIII, Stormwater Code.

13 D. Directional felling of trees shall be used to avoid damage to trees designated for retention
14 and shall be conducted to expose the smallest practical area of soil to erosion for the least
15 possible time.

16 E. Invasive plant species like English ivy and holly trees, which are causing significant
17 maintenance problems and expense in restoring Seattle’s parks and other areas shall be
18 identified and removed from sites undergoing development as part of landscape plans.

19 F. Additional requirements. The Director may require additional tree protection measures
20 which are consistent with accepted best management practices.

21 **25.11.120 Tree replacement and performance standards**

22 A. The requirements and procedures set forth in this section shall apply for any tree removal.
23 Trees removed, including Hazardous trees, must be replaced on site when possible.

24 B. Required on-site tree replacement planting shall be in accordance with the following:

25 1. The quantity of trees to be planted is determined by the size, species and
26 number of trees removed as shown in Table A:

27 2. Minimum development standards applicable to all required trees planted:

- 1 a. Required tree planting shall include only trees selected from the
- 2 “City of Seattle List of Suitable Tree Species” established in SMC
- 3 25.11.100;
- 4 b. Priority shall be given to native trees, evergreen trees, and trees
- 5 with the largest possible canopy volume at maturity, subject to site
- 6 constraints, Healthy trees available as a rescue from development
- 7 activities shall be given a priority;
- 8 c. Trees shall be planted on the subject lot, or in an approved planting
- 9 location within the right of way that fronts the subject provided
- 10 that the planting of the tree complies with the street tree
- 11 requirements of SMC 15.43;
- 12 d. Each tree shall have a minimum caliper of 1.5 inches or, if the tree
- 13 is coniferous, it shall have a minimum height of five feet at the
- 14 time of final inspection by the City and shall meet minimum
- 15 American Standard for Nursery Stock ANSI Z60.1-2014, on file
- 16 and available from SDCI;
- 17 e. Trees shall be planted in a manner of proper location and spacing
- 18 that provides the area and light needed to allow the trees to grow to
- 19 maturity;
- 20 f. Preferred planting time is fall and early winter to help with tree
- 21 survival. Exceptions to this timing must be approved by the
- 22 Director;

23

24 C. All replacement planted trees used to satisfy the tree performance and planting

25 requirements of this chapter 25.11 shall be considered a Significant tree for the life of the

26 tree. If replacement trees do not remain healthy and are removed, they are to be replaced

27 with equivalent trees.

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25.11.130 Development standard departures for tree preservation

A. If the Director determines that a Significant tree, including Exceptional tree, is located on the lot of a proposed development, the Director may allow departures from development standards for the development to preserve existing Significant tree(s) as follows:

1. Permitted height. For a principal structure with a base height limit of 40 feet that is subject to the pitched roof provisions of SMC 23.45.514.D, the Director may permit the ridge of a pitched roof with a minimum slope of 6:12 to extend up to a height of 50 feet if the increase is needed to accommodate, on an additional story, the amount of floor area lost by avoiding development within the tree protection area and the amount of floor area on the additional story is limited to the amount of floor area lost by avoiding development within the tree protection area.
2. Parking reduction. A reduction in the parking quantity required by SMC 23.54.015 and the standards of SMC 23.54.030 may be permitted in order to protect a Significant or Exceptional tree if the reduction would result in a project that would avoid the tree protection area.
3. Front, rear, and side setbacks may be reduced to the minimum necessary to protect a Significant tree and by no more than 95% for front setbacks, 75% for rear setbacks, and 50% for side setbacks

25.11.140 Major institutions.

If the Director determines that a Significant tree is located within a Major Institution Overlay District, and the tree is not proposed to be retained, the Director may allow removal of Significant trees if:

- A. The proposed development is for a major institution use identified in an adopted Major Institution Master Plan, which has identified Significant trees on-site; and

1 B. The location of a Significant tree(s) is such that planned future physical development
2 identified in an adopted Major Institution Master Plan cannot be sited while avoiding the
3 tree protection area; and

4 C. The institutions following an Major Institution Master Plan adopted prior to or that have
5 filed a notice of intent to prepare a master plan and submit it after the effective date of
6 this ordinance, remain subject to the tree, vegetation, and soil protection during
7 development and tree replacement and performance requirements or in-lieu payments to
8 the SDCI Tree Replacement and Preservation Fund as provided in this chapter 25.11.

9 **25.11.150 Tree Replacement and Preservation Fund**

10 A. The purpose of the Tree Replacement and Preservation Fund is to facilitate tree planting,
11 to ensure mitigation or tree replacement when Significant trees are removed from a site by a
12 property owner or during development, to sustain the city’s urban forest goals, including
13 equitable distribution of tree benefits across the city.

14 B. The Tree Replacement and Preservation Fund shall be a dedicated separate fund
15 independent of the general fund. Any balance in the fund shall be carried forward to future
16 years.

17 C. Payment of restoration fees for enforcement actions shall also be deposited in this fund.

18 D. Public donations by citizens, businesses, and other sources for tree planting and
19 preservation may be accepted by this fund.

20 E. Conservation easements may be purchased by these funds to preserve trees.

21 F. SDCI shall cooperate with other city departments in locating sites to plant trees, include
22 right of ways and park sites undergoing restoration.

23 G. Approved use of in lieu fees include purchasing trees, locating and preparing planting
24 sites, planting trees, watering trees, weeding trees, mulching, purchasing water bags ,labor
25 and other activities associated with replacing and establishing removed trees.
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25.11.155 In-Lieu Fees to be placed in a Tree Replacement and Preservation Fund.

- A. SDCI shall establish a Tree Replacement and Preservation Fund for receipt of in-lieu payments and will establish in-lieu fees through a Director’s Rule that will be updated as needed to reflect changing costs, inflation and tree valuations.
- B. In lieu of required tree planting, an owner of a lot or developer of a lot where a Significant tree(s) removal and replacement was approved may make an in-lieu payment to the SDCI Tree Replacement and Preservation Fund. This fee-in lieu of replacement planting on the site where a tree was removed may only be made with the approval of the Director in instances where preservation of trees through methods outlined in SMC 25.11.080, 25.11.090 and 25.11.130 cannot be met, and where necessary replacement trees cannot be planted on site.
- C. In-lieu fee shall be assessed according to a rate of dollars to DSH for each removed tree and satisfying the requirements of SMC 25.11.120 for tree replacement as established by Director’s Rule
- D. The Director may establish additional administrative rules as necessary relating to the care and maintenance of off-site trees and trees paid for with money from the SDCI Tree Removal and Preservation Fund.

25.11.160. Tracking Tree Loss and Replacement

- A. All Significant Tree Removals and Replacements must be tracked and reported by the responsible city agencies in the city dealing with tree removal and replacement on a quarterly basis to the OSE.
- B. SDCI and OSE shall work together with other city agencies to agree on relevant data to be collected and reported, including at a minimum, number of Significant and Exceptional trees removed, DSH, tree species, and property address; number of Significant and Exceptional trees, DSH, tree species not removed at same property

1 address; number of replanted trees onsite and offsite by address, species and size; so
2 that data analysis can be done by neighborhood and by city zone as to tree loss,
3 preservation and gain. Geographic coordinates shall be included when available.

4 C. SDCI shall transmit tree data collected via issuing Tree Removal and Replacement
5 Permits under SMC 25.11.080 and 25.11.090 to OSE on a quarterly basis. Reported data
6 shall be available on OSE’s website.

7 **25.11.170 Tree maintenance.**

8 A. All Protected trees, so designated on an approved permit and replanting plan, shall be
9 maintained in healthy condition by the property owner in perpetuity or for the life of the
10 project if associated with development.

11 B. Pruning.

- 12 1. Significant and other trees defined in this chapter shall not be topped.
- 13 2. Pruning and maintenance of protected trees shall be consistent with the
14 ANSI A300 (2017) standards and ISA best management practices for
15 proper pruning, both on file and available from SDCI.

16 C. Watering.

- 17 1. Newly planted trees must be watered from May through September for a
18 minimum of 5 years to allow them to succeed and be healthy
- 19 2. Permanent or long-term watering may be necessary for some tree species
20 and trees planted in stressful locations in order to maintain tree health.

21
22 **25.11.180 Measurements and rounding**

23 A. For all calculations, the applicant shall be responsible for supplying drawings illustrating
24 the measurements. These drawings shall be drawn to scale and shall be of enough detail
25 to allow verification upon inspection or examination by the Director.

26 B. Fractions. When any measurement technique results in fractional requirements, the
27 dimension shall be measured to the nearest inch. Any fraction up to and including 0.5 of

1 an inch shall be disregarded and fractions over 0.5 of an inch shall be rounded up the next
2 higher unit.

3 **25.11.190 Enforcement and penalties**
4

5 A. Authority. The Director of the Department of Construction and Inspections is authorized
6 to regulate and to enforce the regulations provided for in this chapter and to promulgate
7 rules, regulations, policies, and standards to govern the planting, pruning, maintenance,
8 removal, protection, fertilization, cabling, and bracing of Significant trees. The Director
9 shall consult with and cooperate with other agencies of the City of Seattle having
10 responsibilities to regulate trees and vegetation located on City property or public places
11 under the jurisdiction of the Seattle Department of Transportation, Seattle Parks and
12 Recreation Department, Seattle Public Utilities and the Department of Finance and
13 Administrative Services. These departments shall establish a coordinating committee to
14 discuss common issues with respect to the trees of Seattle.

15 B. The Director shall have authority to enforce the provisions of this chapter 25.11, to issue
16 permits, impose conditions, and establish administrative procedures and guidelines,
17 conduct inspections, and prepare the forms necessary to carry out the purposes of this
18 chapter.

19 C. It shall be a violation of this chapter 25.11 for any person to remove, clear, or take any
20 action detrimental to Significant trees or protected trees contrary to or in violation of any
21 provision of this chapter. It shall be a violation of this chapter for any person to
22 knowingly aid and abet, counsel, encourage, hire, commend, induce or otherwise procure
23 another to violate or fail to comply with this chapter 25.11. Specifically, no person shall
24 kill, injure, mutilate or deface a significant tree by any means, including but not limited to
25 the following:

- 26 1. Causing or encouraging setting fire underneath, or within 5 feet of the dripline of a
27 Significant Tree;
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29 2. Applying any toxic chemicals to a Significant Tree or to the ground within the dripline
30 of a Significant Tree;

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- 3 3. Attaching any rope, wire, nails, advertisements, posters, or other objects to any
- 4 Significant Tree, except for:
- 5 a. Supports for young or broken trees;
- 6 b. Decorative or seasonal lighting attached in a manner that does not permanently
- 7 damage the tree;
- 8 c. Children’s swings when attached to a branch capable of carrying up to 100 pounds
- 9 of load.
- 10 d. Installing a platform or tree house following standards provided for in a Director’s
- 11 Rule.
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- 13 4. Using climbing spurs on a Significant tree unless it is being removed;
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- 16 5. Causing the topping or severe crown reduction of a Significant tree, except in the
- 17 course of tree removal pursuant to a permit issued under this chapter 25.11; and
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- 20 6. Placing, or storing materials, including but not limited to, stones, bricks, concrete,
- 21 asphalt, fill soil, plastic sheeting, or construction materials, within the dripline of a
- 22 Significant tree.
- 23
- 24 7. That the person is acting under the instruction of an employer or a client shall not be a
- 25 defense.

26 D. The Director may revoke a Tree Service Provider registration under this chapter 25.11
27 for failure to comply with any of the provisions of this chapter 25.11. Written notification
28 of the revocation shall be sent by first-class mail to the registrant.

29 E. A Person aggrieved by the approval, denial, or conditions imposed on a Tree Removal
30 and Replacement Permit, the amount of an in-lieu fee, the denial of a Tree Service
31 Provider registration, or the revocation of a Tree Service Provider registration may
32 request the Director review the decision by filing a written request for review within ten
33 calendar days of the date of the decision. The procedures for an appeal are provided in
34 SMC 25.11.190 H and I.

F. Notice of Violation.

1. Issuance. The Director is authorized to issue a Notice of Violation to a responsible party whenever the Director determines that a violation of this chapter 25.11 has

1 occurred or is occurring. The Notice of Violation shall be considered an order of
2 the Director.

3 2. Contents.

4 a. The Notice of Violation shall include the following information:

- 5 i. A description of the violation and action necessary to correct it;
6 ii. The date of the notice; and
7 iii. A deadline by which the action necessary to correct the violation
8 must be completed.

9 b. A Notice of Violation may be amended at any time to correct clerical
10 errors, add citations of authority, or modify required corrective action.

11 3. Service. The Director shall serve the notice upon a responsible party either by
12 personal service or by first class mail to the party's last known address. If the
13 address of the responsible party is unknown and cannot be found after a
14 reasonable search, the notice may be served by posting a copy of the notice at a
15 conspicuous place on the property. Alternatively, if the whereabouts of the
16 responsible party is unknown and cannot be ascertained in the exercise of
17 reasonable diligence, and the Director makes an affidavit to that effect, then
18 service may be accomplished by publishing the notice once each week for two
19 consecutive weeks in the City official newspaper.

20 4. Nothing in this chapter 25.11 shall be deemed to obligate or require the Director
21 to issue a Notice of Violation or order prior to the initiation of enforcement action
22 by the City Attorney's Office.

23 G. Stop-work Order. Whenever a continuing violation of this chapter 25.11 will materially
24 impair the Director's ability to secure compliance with this chapter 25.11, when the
25 continuing violation threatens the health or safety of the public, or when the continuing
26 violation threatens to or harms the environment, the Director may issue a stop-work order
27 specifying the violation and prohibiting any work or other activity at the site. The posting

1 of the stop-work order on the site shall be deemed adequate notice of the stop-work order.
2 A failure to comply with a stop-work order shall constitute a violation of this chapter
3 25.11.

4 H. Review by Director and Judicial Appeal.

- 5 1. A Notice of Violation, Director's order, or invoice issued pursuant to this
6 enforcement and penalties subsection shall be final and not subject to further
7 appeal unless an aggrieved party requests in writing a review by the Director
8 within ten calendar days after issuance of the Notice of Violation, order or
9 invoice. When the last day of the period is a Saturday, Sunday or federal or City
10 holiday, the period shall run until 5:00 p.m. on the next business day.
- 11 2. Following receipt of a request for review, the Director shall notify the requesting
12 party, any persons served the Notice of Violation, order or invoice, and any
13 person who has requested notice of the review, that the request for review has
14 been received by the Director. Additional information for consideration as part of
15 the review shall be submitted to the Director no later than 15 days after the
16 written request for a review is mailed.
- 17 3. The Director will review the basis for issuance of the Notice of Violation, order,
18 or invoice and all information received by the deadline for submission of
19 additional information for consideration as part of the review. The Director may
20 request clarification of information received and a site visit. After the review is
21 completed, the Director may:
- 22 a. Sustain the Notice of Violation, order or invoice; or
 - 23 b. Withdraw the Notice of Violation, order or invoice; or
 - 24 c. Continue the review to a date certain for receipt of additional information;
 - 25 or
 - 26 d. Modify or amend the Notice of Violation, order, or invoice.

1 I. Order of the Director. The Director’s decision shall become final and not subject to
2 further appeal unless an aggrieved party appeals the decision to Seattle Municipal Court
3 within ten (10) days after the Director Issues the decision. Appeal hearings in Municipal
4 Court shall be de novo. Because civil actions to enforce Chapter 25.11 are brought in
5 Seattle Municipal Court pursuant to Section 25.11.170.J, orders of the Director issued
6 under this chapter are not be subject to judicial review pursuant to Chapter 36.70C RCW.

7 J. Referral to City Attorney for Enforcement. If a responsible party fails to correct a
8 violation or pay a penalty as required by a Notice of Violation, or fails to comply with a
9 Director's order, the Director may refer the matter to the City Attorney's Office for civil
10 or criminal enforcement action. Judicial enforcement of a violation of this subtitle shall
11 be by de novo review in Municipal Court.

12 K. Filing Notice or Order. A Notice of Violation, voluntary compliance agreement or an
13 order issued by the Director or court, may be filed with the King County Department of
14 Records and Elections.

15 L. Change of Ownership. When a Notice of Violation, voluntary compliance agreement or
16 an order issued by the Director or court has been filed with the King County Department
17 of Records and Elections, a Notice of Violation or an order regarding the same violations
18 need not be served upon a new owner of the property where the violation occurred. If no
19 Notice of Violation or order is served upon the new owner, the Director may grant the
20 new owner the same number of days to comply as was given the previous owner. The
21 compliance period for the new owner shall begin on the date that the conveyance of title
22 to the new owner is completed.

23 M. Civil Penalties.

- 24 1. Any person who is responsible for the removal, topping, or other action
25 detrimental to a Significant tree or Protected tree in violation of this chapter or
26 any notice, decision or order issued by the Director pursuant to this chapter shall
27 be subject to a civil penalty in the amount of \$1,500 per inch of diameter at

1 standard height of tree removed, topped or other action detrimental to a tree. If
2 the tree has been removed and is no longer on the property, such as by tree stump
3 grinding, then there is a rebuttable presumption that the tree removed was thirty
4 inches at DSH and the person who is responsible for the tree removal shall be
5 subject to a civil penalty in the amount of \$45,000 per tree unless the violator can
6 prove otherwise. If the violation is found to have been willful or malicious, the
7 amount of the penalty may be trebled as punitive damages.

8 2. Any person who fails to comply with Section 25.11.190G shall be subject to a
9 civil penalty in an amount not to exceed \$500 a day.

10 3. The Director shall notify the City Attorney in writing of the name of any person
11 subject to the penalty and shall assist the City Attorney in collecting the penalty.

12 N. Restoration. In addition to any other remedies available, violators of this chapter shall be
13 responsible for restoring unlawfully damaged areas in conformance with a plan, approved
14 by the Director, which provides for:

- 15 1. Repair of any environmental and property damage, and restoration of the site;
16 2. Restored site condition that, to the greatest extent practicable, equals the site
17 condition that would have existed in the absence of the violation(s); and
18 3. Replacement of removed or damaged Significant or Protected trees in compliance
19 with the tree replacement or payment in lieu standards specified in Sections
20 25.11.120 and 25.11.150, except that the number of replacement trees and
21 corresponding payment in lieu for significant trees removed or damaged shall be
22 trebled.

23 O. Criminal Penalty.

- 24 1. Anyone violating or failing to comply with any order issued by the Director
25 pursuant to this chapter shall, upon conviction thereof, be punished by a fine of
26 not more than \$1,000 and by imprisonment for not more than 90 days. Each day's
27 violation or failure to comply shall constitute a separate offense.

