

Key provisions that need to be revised or added to the [draft tree protection ordinance](#):

1. Require 20% lot allowance for “tree preservation and tree planting areas” in multifamily areas and 40% lot allowance for 1-4 units in the neighborhood residential zone as Portland Oregon does in their family residential zone. Portland passed legislation in 2020 to allow up to 4 plexes in their neighborhoods after the state mandated zoning updates. Portland responded in Nov 2022 to update their tree protection legislation. **Note - Make changes in 25.11.070 to create “tree retention and tree planting areas”**
<https://www.portland.gov/code/11/50/050>

2. Remove the guaranteed “85% lot development area” provision. If the current middle housing legislation passes in Olympia, almost all of Seattle would be affected by this change, with a significant loss of tree canopy city wide. The city needs flexibility to evaluate development and protecting trees lot by lot, not one size fits all circumstances. **Note - Remove 85% lot guarantee in Section 25.11.070**

3. Require a Tree Inventory of all trees 6” DSH and larger and a Tree Landscaping Plan be submitted by developers, [as Portland Oregon does](#), prior to any building permits being approved. This information fits with collecting in lieu fees prior to issuing building permits and facilitates reporting and tracking of tree loss and replacement, rather than city workers having to pull this information from site plans. Mayor Harrell's Executive Order asked for data on trees removed and replaced. Getting this information up front from developers is the best way to do this. **Note – see [Portland Tree Inventory and Tree Plan](#)**

4. Require developers throughout the total development process to maximize the retention of existing trees 6” DSH and larger with adequate space for trees to grow and survive. The current draft removes consideration of protecting 6”-12” DSH trees and removes them from site plans. Keep them on the site plans and protect them during development. Trees 6” DSH and larger represent 45% of trees in the NR zone according to [Seattle’s Ecosystem Values Report](#). Most of these trees are established potential replacement trees for existing large trees

that die. Trees 12" DSH and larger only represent 18% of the trees in the NR zone. A diversity of ages and species for trees is essential for a healthy urban forest.

Note – "Continue through the entire development process the goal of maximizing the retention of existing trees" that was introduced during platting and short platting in SMC23.22.054A and 23.24.040.A.7

5. Retain **definitions and use of exceptional and significant trees**. Remove the confusing and biased proposed new classification of trees as Tier 1, Tier 2, Tier 3, and Tier 4. The use and understanding of trees as exceptional has been in the Tree Protection Ordinance since 2001 and described in more detail in the [2008 Director's Rule. 16-2008](#). Significant trees are understood to be those 6" DSH and larger that are not exceptional. Many other cities, including in this region, use these definitions. Note - retain the existing definition of "exceptional tree" in SMC.25.11 and significant tree as proposed in the 2022 draft Tree Protection Ordinance Remove the tier designation and classify trees as Heritage, Exceptional, Large Significant Trees (12" DSH to less than 24" DSH) and Small Significant Trees (6" DSH to less than 12" DSH)

6. **Require for replacement 2 trees for 12-24" DSH trees removed, 3 trees for 24 – 36" DSH and 4 trees for above 36" DSH** for more equivalency of the increasing value of services trees provide as they increase in size. One for one replacement is no equivalency for what is lost as trees increase in size. **Require that tree replacement numbers increase with the size and canopy volume of the removed tree.** such that in 25 years or less they will reach equivalent canopy volume lost. Waiting 80 years to replace an 80-year-old tree is too long. Note - Insert replacement requirements into first sentence of 25.11.090 A.

7. **Increase in lieu fee schedule to require the \$17.87/square inch of trunk in-lieu fees to start with 12" DSH trees rather than 24" DSH trees.** In-Lieu fees need to adequately cover the city's additional cost of planting and maintaining the trees for 5 years. Note - Insert language into Section 25.11.110 "The Director shall establish a voluntary in lieu fee if tree replacement cannot take place on site, that starts at 12" DSH of trunk and increases each inch at \$18.87 per square inch

of trunk and is adjusted annually by the Director.

8. All replacement in lieu fees and fines should go into a One Seattle Tree Fund as stated in Mayor Harrell's 's Executive Order. It should be a dedicated Tree Planting and Preservation Fund like Portland, Oregon has (not into SDCI's budget). The Fund should be added to this draft. The Fund should report yearly on its budget to the City Council and Mayor. The One Seattle Tree Fund should be overseen by the City Urban Forester located in OSE because the distribution of funds would be interdepartmental. Allow the One Seattle Tree Fund (Tree Planting and Preservation Fund) to also accept fines, donations, grants, purchase land, set up covenants and for educational purposes as Portland, Oregon does. **Note - Establish a new section for One Seattle Tree Fund and pattern it after Portland' Oregon's Tree Planting and Preservation Fund**

9. The role of the new City Forester position created by the Seattle City Council in OSE should be defined in this ordinance. **Note - add to Definitions and state that City Urban Forester shall oversee the One Seattle Tree Fund**

10. Create an Urban Forestry Division within SDCI with additional staff as recommended in a separate budget provision or expand the Urban Forestry staff and responsibility in the Office of Sustainability and Environment for independent oversight of trees. **Note - Add a separate provision – SDCI Urban Forestry Division**

11. Expand the existing Seattle Department of Transportation (SDOT) Tree Removal and Replacement Permit Program using the Accela database system to include SDCI to cover all significant trees 6" DSH and larger, and all exceptional trees, on private property in all land use zones, removed both during development and outside development. The proposed ordinance remains a complaint-based system relying on citizens which has been proven to not be effective in code compliance. SDCI only has 2 arborists who are mostly deskbound to check site plans and in the field. **Note - Add a separate section setting up a**

Tree Removal and Replacement Permit System for monitoring and tracking both removal of trees during development and outsidedevelopment by Nov. 2023.

12. **Require SDCI to submit quarterly reports to the Office of Sustainability and Environment on tree removal and replacement** as currently required by other City Departments and yearly as required by Mayor Harrell's Executive Order 2003-03

13. **Extend ordinance to cover all land use zones**, including Highrise, Industrial, Downtown and Institutions

14. **Allow city certified inspectors to enter property if necessary to ascertain any illegal tree activity.** New provision – Tree Code Enforcement Officers shall have the authority to pursue violations of this ordinance as allowed by law.

15. **Expand the required tree protection covenant to include a replacement requirement for a tree that dies.** Make it a permanent “protected tree planting site” for the life of the building.

Amend in SMC 25.11.060 -D3. Require covenants shall run with the land and shall be recorded in the king County' Recorder's Office for the remainder of the life of the building, << or the remainder of the life of the tree>>. Add Tree protection covenants are “protected tree retention and tree planting areas”. If a tree dies or is removed from a “protected tree retention or tree planting area it shall be replaced with an equivalently sized tree or trees.

16. **Remove or clarify language of tree drip line “may be irregular in shape to reflect variation in branch outer limits”** Dripline is used to determine tree protection area and branches shortened in some areas may not reflect root structure or may have been removed in certain areas if tree has been limbed up.
Note - Change in definitions

17. **Require that maintenance of relocated and replacement trees include “watering as needed”** Note -Add to 25.11.090.B.1 in first sentence after maintenance, add Including watering as needed

18. **Require Street trees be planted if ADU’s are added to a lot.** ADU’s reduce space for trees on site and increase tree removal. They are currently exempt from original lot coverage limits in the NR zone. Add in Sections 1,2 and 3 of current ordinance draft.

18. **Remove the 1000 square feet addition to an existing structure exemption requiring planting street trees.** Additions increasing the building footprint are removing existing or potential tree planting and preservation space. Delete in Sections 1,2 and 3 of current ordinance draft e.g .23.47A.016.B.2.b and 23.48.055 D.2.3.b.3. Not sure where this is in NR1, NR2, and NR3 zoning code. Maybe its an add street trees required for an addition.

19. **Give the SDCI Director the authority to reduce or waive any fees assessed by this ordinance, taking into account a homeowner's financial circumstances or ability to pay.** Note - Add as sentence to SMC 25.11.090 see Portland Financial Assistance for Tree Permit Application Fees

20. **Split the purpose and intent section. Add to intent “address climate resiliency and reduce heat island impacts across the city”**

21. **Require removal of invasive plants, like ivy, scotch broom, and holly from development sites to help stop the spread of invasive species in our city that add to maintenance costs and replacement of dying trees.** Note - Add to 25.11.090

22. Add to Section 1. Section 23.44.020,

C.1.a. Improve public health and safety
C.1.g. Increase climate resiliency
C.1.h. reduce urban heat island impacts
C.1.i. increase environmental equity

23. Add to section 2. Section 23.47A.016

B.1.a. Improve public health and safety
B.1.g. Increase climate resiliency
B.1.h. reduce urban heat island impacts
B.1.i. increase environmental equity

24. Add to Section 3. Section 23.48,055

D.1.a. Improve public health and safety
D.1.g. Increase climate resiliency
D.1.h. reduce urban heat island impacts
D.1.i. increase environmental equity

Add back definition of excessive pruning – “Excessive Pruning” means removing one-fourth (25-percent) or more of the functioning leaf, stem, or root area of a tree in a single growing season. Exceptions are when clearance from overhead utilities or public improvements is required to abate a hazardous condition or other public nuisance. Excessive pruning does not include normal pruning that follows National Standards Institute (ANSI) “A-300 Pruning Standards” and companion “Best Management Practices for Tree Pruning” published by the International Society of Arboriculture.

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