



Seattle neighborhoods brace for tree removal to make room for 75 foot tall towers

Towers that could be full of toxic waste and covered in pornography. That's the logical extension of the reasoning behind the Department of Planning and Development's proposed update of private property tree regulations in Seattle. Why the "We couldn't possibly tell property owners what they can and cannot do" and prioritizing "anything that is built over anything that grows" attitude is so ridiculous from City officials who "love" to tell people what to do in this allegedly Emerald City.



Dense canopy cover provides important stormwater, habitat, air quality, and aesthetic benefits. - Seattle DPD

In section after section, the current [proposal](#) clearly articulates the importance of trees for the health and prosperity of the the city and it's residents. In the document's Background section it notes:

"Trees are viewed as a critical infrastructure element within the City of Seattle due to their role in promoting social, economic, and environmental health. In particular, trees manage stormwater by capturing and slowing rain; filter air pollution; provide food and habitat; and contribute to the character and aesthetic beauty of our neighborhoods and business districts. Recognizing the value of the urban forest, policies and regulations addressing trees have been developed in order to protect and enhance Seattle's trees." Despite having an excellent grasp on what the goals of a proud city's tree regulation policy should be, the revisions being proposed, despite having some innovative improvements, open the door to widespread removal and another unfortunate tragedy of the commons.

The updated regulations, which would move the Tree Protection Code from [SMC 25.11](#) into the overall Land Use Code in [SMC Title 23](#) are based on two key premises. Number one is based on a study claiming that total tree canopy in Seattle has risen from 18% in 1987 to almost 23% in 2009 (the goal is 30% by 2037). Serious questions have been raised however as to whether or not this is truly an apples to apples comparison. Given the changes in technology and measurement protocols, this alleged 5% increase deserves further investigation before basing a major regulatory revision on the data.



Recent street tree plantings.

Anecdotally this rise seems suspicious given the amount of development that has occurred over the last several years, and I don't recall any old buildings being knocked down and replaced with forest. The City does acknowledge that coverage on private property has indeed declined dramatically on redeveloped parcels (down from 30% to under 18% between 2003 and 2007 in single-family zones and just under 18% to just over 5% in multi-family areas). Additionally, the vast majority of new tree growth is on right-of-way land (medians, sidewalk planting strips, etc). As most of the trees planted by the City in these areas are deciduous and lose their leaves in the winter, many of the benefits of native evergreens lost on private land are unmitigated. Neighborhood residents at the bottom of hills suddenly find themselves bailing out flooded basements after winter storms, vaguely remembering the grove of trees that was removed to make room for townhouses that cover the lot line in concrete at the top of the road that used to slow down and absorb much of the falling rain. The City is using this magical 5% increase, however, to make the claim that stronger tree protection is not necessary. If further analysis of the comparison methodology reveals either no increase or the net loss that seems to be intuitively more likely, the new regulations would be ill-advised at best and possibly quite calamitous.

Another key premise is that tree regulation on private property is "too difficult" to enforce and therefore should be largely abandoned instead of strengthened. The proposal does briefly flirt with boldness when it calls out that on private land, *"Measures evaluated to regulate trees on properties not subject to development included a tree removal permit. Without such a permit to monitor and enforce regulations, any longterm non-development tree regulations would likely be ineffective and inequitable due to the limited ability to verify whether tree removal was legal."* A very well thought out list of pros and cons was put together, and in most cities in the Puget Sound region (if not the country) the decision has gone in favor of the positives.

Pros	Cons
<ul style="list-style-type: none"> ▪ Allows greater control of tree removal ▪ Opportunity for education about benefits of trees, alternatives to removal, or replanting ▪ Opportunity to slow tree removal through removal restrictions ▪ Opportunity to require new planting ▪ Opportunity to track tree removal ▪ Impediment may force some applicants to "think twice" about tree removal ▪ Would support implementation of existing Environmentally Critical Area regulations 	<ul style="list-style-type: none"> ▪ Limits property owner ability to manage property and flexibility to consider solar access, solar energy, gardens, aesthetics, accessory structures, views, access, maintenance, root damage, risk, etc. ▪ Disincentive to new planting ▪ Difficult to communicate regulations to everybody ▪ Difficult to enforce ▪ Cost of permits (permit plus time) ▪ Cost of enforcement (enforcement staff plus arborist plus court cases) ▪ Cost of penalties for failure to get permit ▪ Equity issue - difficulty for immigrants or poor to understand regulations and pay fines

Yet somehow in Seattle, our government officials apparently have reserved their balls for continuing to make claims of being the Emerald City. Even the Mayor and fellow former Sierra Club leader and current Councilperson Mike O'Brien have voiced nothing more than lip service to preserving a natural balance within city limits. The report goes on to state:

"Enforcement of tree removal limits outside of the development process presents challenges due to the difficulty of reconstructing the scene after tree removal and regulating living plant life generally. Tree removal violations are fundamentally different from other violations enforced by DPD because they can occur quickly, leave little evidence, involve risk assessment, and cause irreplaceable loss."

Imagine if the Seattle Police Department began advocating for striking the laws preventing the stealing of cars or child abductions because those crimes were often "difficult to reconstruct the scene, occurred quickly, and left little evidence."

The City of Redmond, for example, states an almost [identical position](#) regarding trees as does the current Seattle tree proposal, stating "*Trees are important to the community both for their aesthetic value and for their ecological benefits, which become increasingly important in a city experiencing rapid urban growth. Trees provide rich habitats for wildlife, stabilize and enrich the soil, slow stormwater runoff reducing soil erosion, improve air and water quality, and moderate the effect of winds and temperatures. More mature trees will be saved during new development and trees that are removed will be replaced, helping to maintain a desirable balance between trees and growth.*" In accordance with this common view, they (and many others) have implemented straightforward permitting [processes](#) which allow for their civic goals to be met and their character maintained. In contrast to the embarrassing "we can't make a rule because immigrants might not understand it" approach of Seattle officials when faced with enforcement challenges, they simply moved to hold the tree removal companies legally liable if they perform work without receiving an approved permit from the landowner. Could somebody just go out and cut down their own tree and get away with it? Absolutely. But since when has that "ever" been used by the City as a justification for not passing restrictions on certain behavior?



What the citizens of Seattle can and cannot do on their private property is already heavily regulated. From minimum lot size to the U-trap under your sink and the distance between electrical outlets on your walls, the City makes rules to ensure the health and safety of Seattle residents and maintain a certain character and quality of life for the region. You can't burn your garbage. You can't blast music at 4am. You can't raise cattle in your backyard. And you can't dump sewage into an open pit in your frontyard. These rules are (generally) accepted restrictions on private behavior because not restricting them would impact the surrounding neighbors. Could some tree protection rules occasionally impact the value of a particular plot of land? Possibly. Does the keeping of individual trees on several plots of land "increase" the value of the neighborhood overall - Definitely. This is not a case for restricting development, it is a call for regulations consistent with the conclusions already made by the City regarding the value of "things that grow" which should be treated on the same footing with "things that are built." Similar to why we currently cannot build 75 foot tall towers in residential neighborhoods (though it might make a mint for the particular property owner through toxic waste storage) there are simply other key factors that must be taken into account, and maintaining a healthy urban ecosystem demands real regulations for tree protection as much as current height and other common sense building restrictions in Seattle.