

Arborist Report

To: Offe Engineers, Constantine Builders
Site: 8817 SE 44th St, Mercer Island, 98040
Re: Tree Inventory for proposed parcel division
Date: Feb. 18, 2021
Project Arborist: Joseph Sutton-Holcomb
ISA Certified Arborist #PN- 8397A
ISA Qualified Tree Risk Assessor
Referenced Documents: "Tree Plan," "Demolition/Common Utility Plan"
Offe Engineers (dated 02.18.2021)
Attached: Table of Trees
Tree Site Map
Exception Request Letter (per MICC 19.10.060.A.3)
Tree Retention Worksheet

Summary

I inventoried and assessed 38 trees on this lot. Based on the Mercer Island City Code (MICC) large (regulated) and exceptional trees are required to be assessed for development projects. I tagged each tree with an aluminum tree tag. Tree identifier corresponds to the number on each tag.

Of the site trees assessed, nine met the exceptional tree criteria outlined in the MICC.

I found two possible Exceptional tree groves on-site. Per MICC, trees that are part of a grove shall also be considered Exceptional trees, unless they also meet the definition of a hazardous tree. The Exceptional grove status should be confirmed during the construction planning process if construction is proposed to occur in proximity to grove trees, as it will affect tree protection and permissible development impacts to trees. The attached annotated survey shows the locations of the possible groves.

There were eight adjacent trees that required documentation for this property. Trees on neighboring properties were documented if they appeared to be greater than 10-inches diameter and their driplines extended over the property line. I used an alphabetical tree identifier for trees off-site. One of the adjacent trees inventoried, tree H, is Exceptional.

The total number of trees inventoried and assessed on this parcel is 46 trees, included on-site and adjacent trees.

Assignment and Scope of Work

This report outlines the site inspection by Joseph Sutton-Holcomb and Andrea Starbird, of Tree Solutions Inc, on July 21, 2020. I was asked to visit the site and provide a report including findings and management recommendations. George Constantine, of Constantine Builders, requested these services for project planning purposes.

Attachments to this report include a Table of Trees with specific information on each tree, an Exception Request Letter providing justification for removal of all trees over 24 inches diameter per MICC 19.10.060.A.3, and a Tree Retention Worksheet. Also included is a site map showing the locations of all inventoried trees.

Observations

Site

This 19,500 square foot site is located at SE 44th St in Mercer Island. According to King County iMap, no environmentally critical areas exist on-site. The tax parcel number for the property is 759810-0191. An existing wood frame single-story house exists on-site, which is currently unoccupied.

Trees

38 trees were tagged and assessed on-site. We also assessed eight off-site trees that were directly adjacent to western edge of the parcel on the other side of the driveway for a total of 46 inventoried trees.

Nine of the 38 site trees and 1 adjacent tree are Exceptional by size according to MICC. Additionally, I have identified 2 possible exceptional groves on the site. The MICC defines a grove as a group of 8 or more trees, each exceeding 10 inches diameter at standard height (DSH). All trees in an Exceptional grove shall be considered Exceptional and protected as such per the code. It appears that one of the possible groves includes some of the adjacent site trees across the driveway. See the aerial map included in the photos section. The attached annotated survey shows the locations of the possible groves.

Proposed Plans

The most recent plans ("Tree Plan" and "Demolition/Common Utility Plan" dated 02.18.2021) propose to subdivide the property into northern and southern parcels. Twenty four (24) trees are proposed for removal to accommodate installation of utilities, access driveways, and to allow for construction of two single-family residences.

Of the 24 trees proposed for removal, twelve are between 10 and 24 inches diameter. Seven of the trees are between 24 and 36 inches diameter. Five of the trees are greater than 36 inches diameter or are Exceptional by size.

Twenty two (22) trees are proposed for retention. Of these 22 trees, eight trees (401, 402, 403, 404, 405, D, F, and H) will be impacted by construction. Three of the retained and impacted trees, 401, 405, and H, are exceptional by size.

Discussion—Construction Impacts

I have reviewed plans from Offe Engineers proposing a subdivision of the parcel. These plans show proposed building locations, driveway locations, and proposed storm, water, and sewer lines. I reviewed the impacts to trees as shown on the plans and provided feedback on which trees were feasible for retention.

All impacted trees are noted as such in the table of trees, and are given limits of disturbance. Tree protection fencing shall be placed at these limits of disturbance prior to any work occurring on the site, include demolition, and remain in place until all construction has concluded.

In cases where a tree has limits of disturbance within the dripline on a specific side of the tree, the limits of disturbance in all other sides are the dripline or greater.

If, for any reason, impacts are proposed to occur within the limits of disturbance, Tree Solutions and the City of Mercer Island shall be notified and given the opportunity to approve them, monitor the excavation, and advise on mitigation techniques. Impacts within the limits of disturbance without prior approval, monitoring and mitigation could result in tree decline or destabilization.

Impacts to exceptional adjacent tree H

The plans I reviewed propose to impact tree H with paving work and a proposed utility trench approximately 6 feet from the trunk to the north.

The plans show the paving work to be monitored by the project arborist, and require no grade cuts be made within 13 feet of the trunk, which is approximately where the existing driveway is located relative to the trunk.

Some amount of forest duff, or the “O” soil horizon, could potentially be removed to accommodate paving with minimal effects on this tree. Likewise, a 1-3 inches of existing gravel could be removed from the surface of the road to accommodate grading for the road. Any such grading work must be monitored by the project arborist, and shall not be conducted without their permission.

The plans call out the portion of the trench near the tree for pneumatic air excavation, with this air excavation work to be monitored by the project arborist. The plans also show that roots greater than 2 inches diameter shall be retained if possible.

This work has the potential to destabilize the tree if not properly executed. I recommend that all trenching within 13 feet of the trunk be air excavated. At that time, the project arborist must evaluate the impacted roots and conduct a risk assessment of the tree to determine whether it can be safely retained on the site. Permission to impact this tree would be required from the owner of the adjacent parcel on which the tree grows.

Additionally, the tree protection specifications included in Appendix F. shall be followed for all impacted and retained trees.

Impacts to other trees near driveway

Trees D and G will both be impacted by paving work. Both of these trees are relatively small and young, and have a good chance of surviving the impacts if proper tree protection is observed.

It is my understanding that substantial grade cuts will not be necessary for paving work near these trees. Paving work will consist of gravel overlay of the existing driveway, compaction, and paving. Since both trees already have a driveway near them, this is acceptable.

Tree G is called out on the plans for arborist monitoring and for no grade cuts to be made within 6 feet of the trunk.

Tree D shows tree protection fencing 5 to 6 feet from the trunk, and paving work ends to the north of the tree.

If these limits of disturbance cannot be met, or if grade cuts are required within the limits of disturbance, retention of these trees may not be feasible and must be reevaluated.

The plans show tree protection fencing at the edge of the existing driveway to the west, instead of the dripline, for trees 413, 414, 415, 416, and 418. This is acceptable, as no paving impacts are proposed for this portion of the driveway. If this area is paved, limits of disturbance and monitoring requirements must be reevaluated.

Tree protection requirements during construction

The MICC chapter 19.10.080 "Tree Protection Standards" requires that a Tree Protection Plan be created for all development projects in proximity to trees. This tree protection plan must be consistent with the ISA Best Management Practices – Managing Trees During Construction.

The Recommended Limits of Disturbance (RLOD) for the trees on this parcel shall be the dripline, as defined in the attached Table of Trees, or the defined Limits of Disturbance also provided in that table.

The MICC allows for alternative methods for tree protection. It states the following:

The city arborist may approve construction-related activity or work within the tree protection barriers if the city arborist concludes:

- 1. That such activity or work will not threaten the long-term health of the retained tree(s); and*
- 2. That such activity or work complies with the protective methods and best building practices established by the International Society of Arboriculture. (Ord. 17C-15 § 1 (Att. A)).*

When construction document drafts are available, Tree Solutions should review to determine how the building plans will impact tree health and stability. Once we identify appropriate Limits of Disturbance for impacted trees, Tree Solutions can update the arborist report to include that information, and the project team can add that information to the tree protection plan for review by the City Arborist.

Tree replacement requirements

The Tree Retention Worksheet attached to this report provides calculations for the replacement trees required if the proposed subdivision is permitted. That sheet shows the replacement tree requirement is 75 trees.

Given the densely forested nature of the property, and the footprint sizes of the two proposed buildings, it is not feasible to plant this many trees on the property, especially if they are placed at the recommended spacing to achieve mature form.

If the 75 trees are replaced off site, a fee-in-lieu of \$494.50 per tree would be paid for planting on city property. If all trees are replaced off-site, the cost of tree replacement fees to the developer would be \$37,087.50.

Recommendations

- Obtain all necessary permits and approval from the City prior to commencement of site work.
- Create site plans that include limits of disturbance and critical root zones of all retained trees on-site.
- Tree protection consisting of chain link fencing shall be installed as shown on the plans. Trees growing in a group should be protected at the edge of their shared driplines. General tree protection specifications can be found in Appendix G.
- All pruning should be conducted by an ISA certified arborist following current ANSI A300 specifications.
- All tree retention and removal regulations must be followed and are outlined in MICC Chapter 19.10 Trees.
- Ensure tree protection standards comply with MICC 19.10.080 and ISA Best Management Practices (BMP) – Managing Trees During Construction.

Respectfully submitted,

Joseph Sutton-Holcomb,
Consulting Arborist

Appendix A Photographs



Photograph 1. A view looking north at some of the trees near the driveway. The existing house and shed can also be seen.



Photograph 2. A large "L" shaped wound with associated decay and significant response growth on tree 430, an Exceptional bigleaf maple. This tree is considered in "fair" structural condition despite this defect due to the good response growth; it is a species characteristic of bigleaf maples to often survive with large wounds for long periods of time.



Photograph 3. A view looking north along the driveway at the western edge of the property. To the left, the most densely forested portion of the property, which is likely an exceptional grove. Some of the adjacent site trees assessed are visible on the left side of the driveway.



Photograph 4. An aerial view of the property from King County iMap. Contiguous tree canopy covers a large portion of the site, suggesting Exceptional Grove status for many of the trees on the property.

Appendix B Glossary

DBH or DSH: diameter at breast or standard height; the diameter of the trunk measured 54 inches (4.5 feet) above grade (Council of Tree and Landscape Appraisers 2019)

tree grove: a group of eight or more trees each 10 inches or more in diameter that form a continuous canopy. Trees that are part of a grove shall also be considered exceptional trees, unless they also meet the definition of a hazardous tree. (MICC 19.16.010)

Exceptional tree: a tree measuring 36 inches DSH or greater or with a diameter that is equal to or greater than the diameter listed in the Exceptional Tree Table (MICC 19.16.010)

ISA: International Society of Arboriculture

large tree (regulated): A tree measuring 10 inches or greater DSH (MICC 19.16.010)

MLOD (Minimum Limits of Disturbance) Minimum Limits of Disturbance: represents a distance five (5) times that of the trunk and is the minimum distance from a trunk that a structural root can be cut to maintain tree stability.

RLOD (Recommend Limits of Disturbance): As outlined in ISA Best Management Practices: Managing Trees During Construction, this is calculated as a radial distance 8 times the trunk diameter. Some cases require 12 times the trunk diameter. For the purpose of this report, this represents the critical root zone (CRZ).

Visual Tree Assessment (VTA): method of evaluating structural defects and stability in trees by noting the pattern of growth (Mattheck & Breloer 1994)

Appendix C **References**

Accredited Standards Committee A300 (ASC 300). ANSI A300 (Part 1) Tree, Shrub, and Other Woody Plant Management – Standard Practices (Pruning). Londonderry: Tree Care Industry Association, 2017.

Council of Tree and Landscape Appraisers, Guide for Plant Appraisal, 10th Edition Second Printing. Atlanta, GA: The International Society of Arboriculture (ISA), 2019.

Fite, Kelby and Dr. E. Thomas Smiley. Best Management Practices: Managing Trees During Construction, Second Edition. Champaign, IL: International Society of Arboriculture (ISA), 2016.

Mattheck, Claus and Helge Breloer, The Body Language of Trees.: A Handbook for Failure Analysis. London: HMSO, 1994.

Mercer Island Municipal Code (MICC) 19.16.010. Definitions

Mercer Island Municipal Code (MICC) 19.10. Trees

Appendix D Assumptions & Limiting Conditions

- 1 Consultant assumes that the site and its use do not violate, and is in compliance with, all applicable codes, ordinances, statutes or regulations.
- 2 The consultant may provide a report or recommendation based on published municipal regulations. The consultant assumes that the municipal regulations published on the date of the report are current municipal regulations and assumes no obligation related to unpublished city regulation information.
- 3 Any report by the consultant and any values expressed therein represent the opinion of the consultant, and the consultant's fee is in no way contingent upon the reporting of a specific value, a stipulated result, the occurrence of a subsequent event, or upon any finding to be reported.
- 4 All photographs included in this report were taken by Tree Solutions, Inc. during the documented site visit, unless otherwise noted. Sketches, drawings and photographs (included in, and attached to, this report) are intended as visual aids and are not necessarily to scale. They should not be construed as engineering drawings, architectural reports or surveys. The reproduction of any information generated by architects, engineers or other consultants and any sketches, drawings or photographs is for the express purpose of coordination and ease of reference only. Inclusion of such information on any drawings or other documents does not constitute a representation by the consultant as to the sufficiency or accuracy of the information.
- 5 Unless otherwise agreed, (1) information contained in any report by consultant covers only the items examined and reflects the condition of those items at the time of inspection; and (2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, climbing, or coring.
- 6 These findings are based on the observations and opinions of the authoring arborist, and do not provide guarantees regarding the future performance, health, vigor, structural stability or safety of the plants described and assessed.
- 7 Measurements are subject to typical margins of error, considering the oval or asymmetrical cross-section of most trunks and canopies.
- 8 Tree Solutions did not review any reports or perform any tests related to the soil located on the subject property unless outlined in the scope of services. Tree Solutions staff are not and do not claim to be soils experts. An independent inventory and evaluation of the site's soil should be obtained by a qualified professional if an additional understanding of the site's characteristics is needed to make an informed decision.
- 9 Our assessments are made in conformity with acceptable evaluation/diagnostic reporting techniques and procedures, as recommended by the International Society of Arboriculture.

Appendix E Methods

Measuring

I measured the diameter of each tree at 54 inches above grade, diameter at standard height (DSH). If a tree had multiple stems, I measured each stem individually at standard height and determined a single-stem equivalent diameter by using the method outlined in the city of Seattle Director's Rule 16-2008 or the Guide for Plant Appraisal, 10th Edition Second Printing published by the Council of Tree and Landscape Appraisers. A tree is regulated based on this single-stem equivalent diameter value. Because this value is calculated in the office following field work, some unregulated trees may be included in our data set. These trees are included in the tree table for informational purposes only and not factored into tree totals discussed in this report.

Tagging

I tagged each tree with a circular aluminum tag at eye level. I assigned each tree a numerical identifier on our map and in our tree table, corresponding to this tree tag. I used alphabetical identifiers for trees off-site.

Evaluating

I evaluated tree health and structure utilizing visual tree assessment (VTA) methods. The basis behind VTA is the identification of symptoms, which the tree produces in reaction to a weak spot or area of mechanical stress. A tree reacts to mechanical and physiological stresses by growing more vigorously to re-enforce weak areas, while depriving less stressed parts. An understanding of the uniform stress allows the arborist to make informed judgments about the condition of a tree.

Rating

When rating tree health, I took into consideration crown indicators such as foliar density, size, color, stem and shoot extensions. When rating tree structure, I evaluated the tree for form and structural defects, including past damage and decay. Tree Solutions has adapted our ratings based on the Purdue University Extension formula values for health condition (*Purdue University Extension bulletin FNR-473-W - Tree Appraisal*). These values are a general representation used to assist arborists in assigning ratings.

Excellent - Perfect specimen with excellent form and vigor, well-balanced crown. Normal to exceeding shoot length on new growth. Leaf size and color normal. Trunk is sound and solid. Root zone undisturbed. No apparent pest problems. Long safe useful life expectancy for the species.

Good - Imperfect canopy density in few parts of the tree, up to 10% of the canopy. Normal to less than ¾ typical growth rate of shoots and minor deficiency in typical leaf development. Few pest issues or damage, and if they exist they are controllable or tree is reacting appropriately. Normal branch and stem development with healthy growth. Safe useful life expectancy typical for the species.

Fair - Crown decline and dieback up to 30% of the canopy. Leaf color is somewhat chlorotic/necrotic with smaller leaves and "off" coloration. Shoot extensions indicate some stunting and stressed growing conditions. Stress cone crop clearly visible. Obvious signs of pest problems contributing to lesser condition, control might be possible. Some decay areas found in main stem and branches. Below average safe useful life expectancy

Poor - Lacking full crown, more than 50% decline and dieback, especially affecting larger branches. Stunting of shoots is obvious with little evidence of growth on smaller stems. Leaf size and color reveals overall stress in the plant. Insect or disease infestation may be severe and uncontrollable. Extensive decay or hollows in branches and trunk. Short safe useful life expectancy.

Appendix F Tree Protection Specifications

1. **Project Arborist:** The project arborists shall at minimum have an International Society of Arboriculture (ISA) Certification and ISA Tree Risk Assessment Qualification.
2. **Tree Protection Zone (TPZ):** Tree Solutions requires a tree protection zone (TPZ) be defined for each retained tree. In some cases, the TPZ may extend outside tree protection fencing. Work within the TPZ must be approved and monitored by the project arborist.
3. **Tree Protection Fencing:** Tree protection shall consist of 6-foot chain-link fencing installed at the TPZ as approved by the project arborist. Fence posts shall be anchored into the ground or bolted to existing hardscape surfaces.
 - a. Where trees are being retained as a group the fencing shall encompass the entire area including all landscape beds or lawn areas associated with the grove.
 - b. Per arborist approval, TPZ fencing may be placed at the edge of existing hardscape within the TPZ to allow for staging and traffic.
 - c. Where work is planned within the TPZ, install fencing at edge of TPZ and move to limits of disturbance at the time that the work within the TPZ is planned to occur. This ensures that work within the TPZ is completed to specification.
 - d. Where tree protection is placed at the top of a rockery, high visibility fencing shall be used.
 - e. Where trees are protected at the edge of the project boundary, construction limits fencing shall be incorporated as the boundary of tree protection fencing.
4. **Access Beyond Tree Protection Fencing:** In areas where work such as installation of utilities is required within the TPZ, a locking gate will be installed in the fencing to facilitate access. The project manager or project arborist shall be present when tree protection areas are accessed.
5. **Tree Protection Signage:** Tree protection signage shall be affixed to fencing every 20 feet. Signage shall be fluorescent, at least 2' x 2' in size, with 3" tall text. Signage will note: "Tree Protection Area – Do Not Enter: Entry into the tree protection area is prohibited unless authorized by the project manager." Signage shall include the contact information for the project manager and instructions for gaining access to the area.
6. **Filter / Silt Fencing:** Filter / silt fencing within the TPZ of retained trees shall be installed in a manner that does not sever roots. Install so that filter / silt fencing sits on the ground and is weighed in place by sandbags or gravel. Do not trench to insert filter / silt fencing into the ground.
7. **Monitoring:** The project arborist shall monitor all ground disturbance at the edge of or within the TPZ, including where the TPZ extends beyond the tree protection fencing.
8. **Soil Protection:** No parking, foot traffic, materials storage, or dumping (including excavated soils) are allowed within the TPZ. Heavy machinery shall remain outside of the TPZ. Access to the tree protection area will be granted under the supervision of the project arborist. If project arborist allows, heavy machinery can enter the area if soils are protected from the load. Acceptable methods of soil protection include applying 3/4-inch plywood over 4 to 6 inches of wood chip mulch or use of AlturnaMats® (or equivalent product approved by the project arborist). Retain existing paved surfaces within or at the edge of the TPZ for as long as possible.
9. **Soil Remediation:** Soil compacted within the TPZ of retained trees shall be remediated using pneumatic air excavation according to a specification produced by the project arborist.
10. **Canopy Protection:** Where fencing is installed at the limits of disturbance within the TPZ, canopy management (pruning or tying back) shall be conducted to ensure that vehicular traffic does not damage canopy parts. Exhaust from machinery shall be located five feet outside the dripline of retained trees. No exhaust shall come in contact with foliage for prolonged periods of time.

11. **Duff/Mulch:** Apply 6 inches of arborist wood chip mulch or hog fuel over bare soil within the TPZ to prevent compaction and evaporation. TPZ shall be free of invasive weeds to facilitate mulch application. Keep mulch 1 foot away from the base of trees and 6 inches from retained understory vegetation. Retain and protect as much of the existing duff and understory vegetation as possible.
12. **Excavation:** Excavation done at the edge of or within the TPZ shall use alternative methods such as pneumatic air excavation or hand digging. If heavy machinery is used, use flat front buckets with the project arborist spotting for roots. When roots are encountered, stop excavation and cleanly sever roots. The project arborist shall monitor all excavation done within the TPZ.
13. **Fill:** Limit fill to 1 foot of uncompacted well-draining soil, within the TPZ of retained trees. In areas where additional fill is required, consult with the project arborist. Fill must be kept at least 1 foot from the trunks of trees.
14. **Root Pruning:** Limit root pruning to the extent possible. All roots shall be pruned with a sharp saw making clean cuts. Do not fracture or break roots with excavation equipment.
15. **Root Moisture:** Root cuts and exposed roots shall be immediately covered with soil, mulch, or clear polyethylene sheeting and kept moist. Water to maintain moist condition until the area is back filled. Do not allow exposed roots to dry out before replacing permanent back fill.
16. **Hardscape Removal:** Retain hardscape surfaces for as long as practical. Remove hardscape in a manner that does not require machinery to traverse newly exposed soil within the TPZ. Where equipment must traverse the newly exposed soil, apply soil protection as described in section 8. Replace fencing at edge of TPZ if soil exposed by hardscape removal will remain for any period of time.
17. **Tree Removal:** All trees to be removed that are located within the TPZ of retained trees shall not be ripped, pulled, or pushed over. The tree should be cut to the base and the stump either left or ground out. A flat front bucket can also be used to sever roots around all sides of the stump, or the roots can be exposed using hydro or air excavation and then cut before removing the stump.
18. **Irrigation:** Retained trees with soil disturbance within the TPZ will require supplemental water from June through September. Acceptable methods of irrigation include drip, sprinkler, or watering truck. Trees shall be watered three times per month during this time.
19. **Pruning:** Pruning required for construction and safety clearance shall be done with a pruning specification provided by the project arborist in accordance with American National Standards Institute ANSI-A300 2017 Standard Practices for Pruning. Pruning shall be conducted or monitored by an arborist with an ISA Certification.
20. **Plan Updates:** All plan updates or field modification that result in impacts within the TPZ or change the retained status of trees shall be reviewed by the senior project manager and project arborist prior to conducting the work.
21. **Materials:** Contractor shall have the following materials onsite and available for use during work in the TPZ:

- Sharp and clean bypass hand pruners
- Sharp and clean bypass loppers
- Sharp hand-held root saw
- Reciprocating saw with new blades
- Shovels
- Trowels
- Clear polyethylene sheeting
- Burlap
- Water

Table of Trees
8817 SE 44th St. Mercer Island, WA

Arborist: Joseph S-H, Andrea S
Date of Inventory: July 21, 2020
Table Prepared: Oct 27, 2020

Tree ID	Scientific Name	Common Name	DSH (inches)	DSH Multistem	Health Condition	Structural Condition	N	E	S	W	Exceptional Threshold	Exceptional Grove? (Yes/No)	Exceptional	Proposed Action	Limits of Disturbance*	Notes
401	<i>Pseudotsuga menziesii</i>	Douglas-fir	37.4		Good	Good	31.1	29.6	28.1	29.6	30.0	Yes	Exceptional - Size	Impact	Tree dripline. Removal of gravel in root zone shall be monitored	Adjacent to driveway, utility box 3' from trunk, prominent surface roots, codominant at 60', one stem significantly smaller
402	<i>Thuja plicata</i>	Western Redcedar	26.0		Good	Good	14.1	14.1	14.1	14.1	30.0	Yes		Impact	Tree dripline. Removal of gravel in root zone shall be monitored	Typical drought stress canopy sparseness, ivy on stem, blackberries in dripline, brush pile in root zone
403	<i>Thuja plicata</i>	Western Redcedar	12.8		Good	Good	8.5	8.5	8.5	8.5	30.0	Yes		Impact	Tree dripline. Removal of gravel in root zone shall be monitored	Brush pile in root zone, suppressed by larger adjacent Douglas-firs
404	<i>Pseudotsuga menziesii</i>	Douglas-fir	26.5		Good	Good	19.1	19.1	19.1	19.1	30.0	Yes		Impact	Tree dripline. Removal of gravel in root zone shall be monitored	Wound 3'-6' with response, brush on north side
405	<i>Pseudotsuga menziesii</i>	Douglas-fir	52.5		Good	Good	25.2	31.2	31.2	28.2	30.0	Yes	Exceptional - Size	Impact	Tree dripline. Removal of gravel and shed in root zone shall be monitored	Concrete pad from shed is 4' from trunk, light attached to trunk at 15', cut enveloped electrical line on east side, crown raised in past, 3 reiterated scaffolds with narrow attachment angles, could prune to subordinate
406	<i>Arbutus menziesii</i>	Madrone	16.7	15.1, 7.2	Good	Good	13.2	12.7	18.7	20.7	6.0	No	Exceptional - Size	Retain	Tree dripline.	Shared tree, phototropic to southwest, bricks at base
407	<i>Castaneda dentata</i>	American chestnut	9.9		Good	Good	17.4	13.4	15.4	15.9		No		Retain	Tree dripline	Chestnut tree, not on survey, stub cuts on trunk
408	<i>Malus sp.</i>	Apple	17.0	13.3, 10.6	Good	Fair	16.7	16.7	16.7	16.7	20.0	No		Remove	N/A	3" diameter stub cuts, 7' from fence
409	<i>Pinus jeffreyi</i>	Jeffrey pine	29.7		Good	Good	18.2	21.2	25.2	16.2	-	No		Remove	N/A	Clusters of 3 needles 5-6" long, ivy on trunk, 7.5' from fence to south, needle disease causing premature wilt/drop, tree health is good overall
410	<i>Pseudotsuga menziesii</i>	Douglas-fir	15.5		Good	Fair	13.6	16.6	12.6	19.6	30.0	Yes		Retain	Tree dripline	Codominant stems at 12', one stem is smaller & subordinate, trunk is 6' from fence, brush in root zone
411	<i>Pseudotsuga menziesii</i>	Douglas-fir	34.3		Good	Good	24.4	24.4	24.4	24.4	30.0	Yes	Exceptional - Size	Retain	Tree dripline	Epicormic release on north side of trunk, unusual trunk anatomy as well
412	<i>Pseudotsuga menziesii</i>	Douglas-fir	11.8		Good	Fair	3.5	12.0	11.5	7.5	30.0	Yes		Retain	Tree dripline	Utility line in contact with stems, most of live canopy to southeast, codominant stems with narrow union, third stem was removed in past
413	<i>Pseudotsuga menziesii</i>	Douglas-fir	8.1		Good	Fair	1.3	10.3	10.3	8.8	30.0	no (under 10" diameter)		Retain	Tree dripline	Topped for wire clearance, 3 reiterated trunks, most of live canopy to southeast
414	<i>Pseudotsuga menziesii</i>	Douglas-fir	17.1		Good	Fair	10.7	15.7	22.7	12.7	30.0	Yes		Retain	Tree dripline	Broken top with reiteration at 45', ivy at base

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415	<i>Pseudotsuga menziesii</i>	Douglas-fir	24.7		Good	Good	18.0	18.0	21.0	25.0	30.0	Yes		Retain	Tree dripline	Epicormic release, growing 2' from driveway, ivy at base, lost top possibly due to storm damage
416	<i>Pseudotsuga menziesii</i>	Douglas-fir	12.7		Good	Fair	12.0	17.0	13.5	16.0	30.0	Yes		Retain	Tree dripline	Previously topped, ivy at base
417	<i>Pseudotsuga menziesii</i>	Douglas-fir	12.1		Good	Good	9.5	10.5	10.0	10.0	30.0	Yes		Retain	Tree dripline	Ivy at base, recent soil disturbance in dripline
418	<i>Pseudotsuga menziesii</i>	Douglas-fir	17.6		Good	Good	13.7	18.7	11.2	15.7	30.0	Yes		Retain	Tree dripline	Soil disturbance in root zone, driveway 7' from trunk
419	<i>Pseudotsuga menziesii</i>	Douglas-fir	35.1		Good	Good	22.0	23.0	18.0	18.0	30.0	Yes	Exceptional - Size	Remove	N/A	Existing house 16' from trunk to east, brush and soil disturbance in dripline on west side
420	<i>Pseudotsuga menziesii</i>	Douglas-fir	19.7		Good	Good	13.8	7.8	13.8	13.8	30.0	No		Remove	N/A	Dead ivy up to 65', has been severed at base but canopy is stunted from this
421	<i>Pseudotsuga menziesii</i>	Douglas-fir	31.0		Good	Good	22.8	24.3	32.3	23.3	30.0	Yes	Exceptional - Size	Remove	N/A	Dead ivy in tree, ivy at base, epicormic release on lower trunk, compaction in root zone to west
422	<i>Pseudotsuga menziesii</i>	Douglas-fir	21.6		Good	Fair	15.9	18.9	11.9	17.4	30.0	Yes		Remove	N/A	Kink in trunk at 45' previously lost top higher up on the stem
423	<i>Pseudotsuga menziesii</i>	Douglas-fir	25.1		Good	Good	20.5	12.0	17.0	21.5	30.0	Yes		Remove	N/A	Abuts driveway on west side, compaction in root zone
424	<i>Pseudotsuga menziesii</i>	Douglas-fir	20.4		Good	Fair	21.4	9.9	11.4	22.4	30.0	Yes		Remove	N/A	Lost top with multiple small reiterations, driveway 4' from base
425	<i>Pseudotsuga menziesii</i>	Douglas-fir	24.9		Good	Good	16.0	16.0	23.0	23.0	30.0	Yes		Remove	N/A	Dead ivy on trunk
426	<i>Pseudotsuga menziesii</i>	Douglas-fir	14.6		Good	Good	16.6	15.1	13.6	18.6	30.0	Yes		Remove	N/A	Kink in trunk at 25', perhaps from losing its top in the past
427	<i>Pseudotsuga menziesii</i>	Douglas-fir	21.1		Good	Good	19.9	7.9	18.9	17.4	30.0	Yes		Remove	N/A	Asymmetric canopy, driveway abuts trunk to west approx 4' from trunk
428	<i>Pseudotsuga menziesii</i>	Douglas-fir	22.5		Good	Fair	14.9	12.9	20.4	20.9	30.0	Yes		Remove	N/A	Kink in trunk at 40'
429	<i>Pseudotsuga menziesii</i>	Douglas-fir	21.7		Good	Good	15.9	12.9	14.9	11.9	30.0	Yes		Remove	N/A	Dead ivy on trunk, kink in trunk at 50'
430	<i>Acer macrophyllum</i>	Bigleaf Maple	34.7		Good	Fair	38.4	32.4	23.4	26.4	30.0	Yes	Exceptional - Size	Remove	15' from trunk to southeast only for building foundation	Cavities with decay in trunk, large cavity at base with wound up to 6', wound makes an L shape and is 3.5' x 4' on the north side, k. Deusta at base, perhaps caused by large trunk failure many years ago, tearouts in canopy, canopy color looks good, good leaf size,
431	<i>Pseudotsuga menziesii</i>	Douglas-fir	26.3		Good	Fair	23.1	14.6	1.1	16.1	30.0	Yes		Remove	N/A	Pini conks on trunk, dead branches in crown with saprophytic fungi, lost top many years ago, recommend advanced aerial assessment if tree is retained

Table of Trees
8817 SE 44th St. Mercer Island, WA

Arborist: Joseph S-H, Andrea S
Date of Inventory: July 21, 2020
Table Prepared: Oct 27, 2020

Tree ID	Scientific Name	Common Name	DSH (inches)	DSH Multistem	Health Condition	Structural Condition	N	E	S	W	Exceptional Threshold	Exceptional Grove? (Yes/No)	Exceptional	Proposed Action	Limits of Disturbance*	Notes
432	<i>Pseudotsuga menziesii</i>	Douglas-fir	12.1		Good	Fair	16.5	8.5	10.0	10.5	30.0	Yes		Remove	N/A	Large canker on stem at 45', growing 3' from old driveway, good candidate for removal
433	<i>Pseudotsuga menziesii</i>	Douglas-fir	17.5		Good	Good	15.7	8.2	8.2	8.7	30.0	Yes		Remove	N/A	Ivy on stem to 20'
434	<i>Pseudotsuga menziesii</i>	Douglas-fir	26.6		Good	Good	17.6	20.6	20.1	17.1	30.0	Yes		Remove	N/A	Ivy on stem to 15'
435	<i>Pseudotsuga menziesii</i>	Douglas-fir	39.0		Good	Good	21.1	30.1	28.6	24.1	30.0	Yes	Exceptional - Size	Remove	N/A	House foundation 10' to southeast of trunk, 6" holly tree on southeast side of trunk, crown raised, first branches at 40' above ground
436	<i>Pseudotsuga menziesii</i>	Douglas-fir	27.2		Good	Fair	23.6	23.1	27.6	21.1	30.0	Yes		Remove	N/A	Large kink in trunk at 55', likely from lost or removed top
437	<i>Arbutus menziesii</i>	Madrone	17.2		Good	Good	35.7	15.2	3.7	13.7	6.0	Yes	Exceptional - Size	Remove	N/A	Some dieback in lower stems and stems overhanging road, as is typical for madrones in urban environments, large climbing rose on trunk up to 30', phototropic to north over road, cankers on trunk
438	<i>Pseudotsuga menziesii</i>	Douglas-fir	19.3		Good	Fair	14.3	17.3	15.3	14.3	30.0	Yes		Remove	N/A	Pitch flow from trunk, previously lost top, burl on trunk at 5', pile of deadwood abuts base of tree
A	<i>Pseudotsuga menziesii</i>	Douglas-fir	23.5		Good	Good	18.0	14.5	26.0	19.0	30.0	Yes		Retain	Tree dripline	Driveway abuts base of tree
B	<i>Pseudotsuga menziesii</i>	Douglas-fir	22.2		Good	Fair	12.4	14.9	14.4	15.9	30.0	Yes		Retain	Tree dripline	Driveway abuts base of tree, twisting top possibly from past damage to stem
C	<i>Pseudotsuga menziesii</i>	Douglas-fir	28.5		Good	Good	28.7	23.7	15.2	16.2	30.0	Yes		Retain	Tree dripline	Driveway abuts base of tree, low live crown ratio, slightly sparse canopy
D	<i>Pseudotsuga menziesii</i>	Douglas-fir	18.2		Good	Good	9.8	13.8	16.8	36.8	30.0	Yes		Impact	5' radius from trunk on east and north side only, limit grade cuts within dripline	Apical stem leans strongly to west creating an unusual form, driveway abuts base of tree
E	<i>Pseudotsuga menziesii</i>	Douglas-fir	25.3		Good	Good	23.1	16.1	16.1	22.1	30.0	Yes		Remove	N/A	Driveway abuts base of tree, low live crown ratio
F	<i>Acer macrophyllum</i>	Bigleaf Maple	14.8		Good	Good	10.6	17.1	20.6	23.6	30.0	No		Impact	no grade cuts within 6' of trunk, arborist to monitor road improvement work near tree	Surface roots impacted by driveway, arborist monitoring recommended for road improvements near trunk.
G	<i>Acer macrophyllum</i>	Bigleaf Maple	11.7		Good	Good	15.5	11.5	16.0	17.5	30.0	No		Remove	N/A	base of tree directly abuts driveway to east



Table of Trees
8817 SE 44th St. Mercer Island, WA

Arborist: Joseph S-H, Andrea S
Date of Inventory: July 21, 2020
Table Prepared: Oct 27, 2020

Tree ID	Scientific Name	Common Name	DSH (inches)	DSH Multistem	Health Condition	Structural Condition	N	E	S	W	Exceptional Threshold	Exceptional Grove? (Yes/No)	Exceptional	Proposed Action	Limits of Disturbance*	Notes
H	<i>Pseudotsuga menziesii</i>	Douglas-fir	32.7		Good	Fair	31.9	28.9	19.4	19.4	30.0	No	Exceptional - Size	Impact	no grade cuts within 13' of trunk to east. Tree protection fencing at edge of proposed new road to east and edge of proposed utility trench proposed to north. Air excavation and arborist monitoring required	Gravel driveway to east, road to north, lost top at 60' with reiterations, road 13.5' from trunk. Arborist must monitor work proposed within tree dripline to document root impacts and ensure tree is safe for retention. Some compacted fill in dripline allowable for road work.

* Limits of disturbance are measured radially from the face of the trunk.

Notes

- > Tree dripline is preferred limits of disturbance for all trees
- > If limits of disturbance within the dripline are allowed on a specific side only, the limits of disturbance on all other sides is the tree dripline or greater.
- > paving within limits of disturbance may be feasible if no grade cuts are made
- > any work occurring within limits of disturbance shall be monitored by a qualified ISA Certified Arborist.
- > contact project arborist if excavation requires removal of any roots greater than 2" diameter within tree driplines

Memorandum

To: City of Mercer Island, O. George Constantine, Darrell Offe
Site: 8817 SE 44th St., Mercer Island, WA 98040
MI Project: #SUB20-004
Re: Justification for Exceptional Tree Removal per MICC 19.10.060.A.3
Date: Feb. 18, 2021
Project Arborist: Joseph Sutton-Holcomb
ISA Certified Arborist #PN-8397A
ISA Qualified Tree Risk Assessor

My Clients, O. George Constantine and Darrell Offe, have submitted an application to subdivide the lot at the address above (King County Parcel #759810-0191). To accommodate the development of two residential homes on two separate parcels, if the subdivision is approved by the city. For the purposes of this memo, Lot 1 refers to the proposed northern lot, and Lot 2 refers to the proposed southern lot.

In order to make the property developable, several trees are proposed to be removed to accommodate the new residential structures, access to said structures, and to facilitate the installation of essential utilities.

Mercer Island City Code (MICC) section 19.10.060.A.3 states the following:

Development proposals specified under subsection (A)(1) of this section shall retain exceptional trees with a diameter of 24 inches or more. Exceptional trees with a diameter of 24 inches or more that are retained shall be credited towards compliance with the retention requirements of subsection (A)(2) of this section. Removal of exceptional trees with a diameter of 24 inches or more, shall be limited to the following circumstances:

- a. Retention of an exceptional tree(s) with a diameter of 24 inches or more will result in an unavoidable hazardous situation; or*
- b. Retention of an exceptional tree(s) with a diameter of 24 inches or more will limit the constructable gross floor area to less than 85 percent of the maximum gross floor area allowed under Chapter 19.02 MICC; or,*
- c. Retention of an exceptional tree(s) with a diameter of 24 inches or more will prevent creation of a residential lot through a subdivision or short subdivision that is otherwise allowed by this title.*

As the code notes above, trees with a diameter of 24 inches or more shall be retained unless their removal is justified based on the conditions noted in subsections a, b, and c.

In order to subdivide and develop the site, my clients propose to remove 9 trees over 24 inches diameter. Each tree proposed for removal is listed below, along with justification in accordance with one of the three allowable reasons per the code.

Additionally, in accordance with MICC 19.10.060.A.2.a. at least 30% of all regulated trees need to be retained on this single lot. A tree inventory worksheet has been completed to demonstrate that this project will satisfy that requirement. This inventory worksheet also has details regarding the size of trees proposed for removal and replacement tree calculations.

Tree proposed for removal: 409

Tree Description: 29.7" DSH *Pinus Jeffreyi* in good health and structural condition

Justification (per MICC 19.10.060.A.3): Subsection b. This tree is located within the proposed footprint of the home on lot 2. Retention of this tree would not be possible without limiting the constructable gross floor area to less than 85 percent of the maximum gross floor area allowed.

Tree proposed for removal: 419

Tree Description: 35.1" DSH *Pseudotsuga menziesii* in good health and structural condition

Justification (per MICC 19.10.060.A.3): Subsection b. This tree needs to be removed to provide access to buildable area on the proposed Lot 2. Retention of this tree would make it impossible to create driveway access and would be seriously impacted by excavation necessary to build a residential home on the site.

Tree proposed for removal: 421

Tree Description: 31" DSH *Pseudotsuga menziesii* in good health and structural condition

Justification (per MICC 19.10.060.A.3): Subsection b. Required excavation for the proposed home and lot one, and disturbance for driveway access on lot 2 would impact this tree to the point where stability would be of concern.

Tree proposed for removal: 423

Tree Description: 25.1" DSH *Pseudotsuga menziesii* in good health and structural condition

Justification (per MICC 19.10.060.A.3): Subsection C and B. This tree would be impacted by the construction of the proposed home on lot 2, and by a required stormwater detention pipe placed to the west of the house. The combination of impacts could affect tree stability if the tree was retained.

Tree proposed for removal: 425

Tree Description: 24.9" DSH *Pseudotsuga menziesii* in good health and structural condition

Justification (per MICC 19.10.060.A.3): Subsection B. This tree is located within the proposed footprint of the home on lot 2. Retention of this tree would not be possible without limiting the constructable gross floor area to less than 85 percent of the maximum gross floor area allowed

Tree proposed for removal: 430

Tree Description: 34.7" DSH *Acer macrophyllum* in good health and fair structural condition

Justification (per MICC 19.10.060.A.3): Subsection B. & C. Removal of this tree, which has structural defects and fungal pathogens, allows the creation of an access road that is compliant with Mercer Island code requirements. The removal of this tree also allows the builder to shift the buildable area to the west, which protects healthier evergreen conifers growing in the eastern portion of the lot.

Tree proposed for removal: 431

Tree Description: 26.3" DSH *Pseudotsuga menziesii* in good health and fair structural condition

Justification (per MICC 19.10.060.A.3): Subsection A. This tree is not directly adjacent to any proposed buildings or access roads, but will be within striking distance of the proposed new building on Lot 1. This tree was rated as in "fair" structural condition due to the presence of *Porodaedalea pini* conks on the trunk, a definite sign of internal decay. The tree also has dead branches in the crown and has previously lost its top, which is an additional structural defect. Given these defects, this tree is not an ideal candidate for retention during development and removal is requested to mitigate potential risks to the building proposed to be constructed on lot 1.

Tree proposed for removal: 434

Tree Description: 26.6" DSH *Pseudotsuga menziesii* in good health and structural condition

Justification (per MICC 19.10.060.A.3): Subsection B. This tree is located within the proposed footprint of the home on lot 2. Retention of this tree would not be possible without limiting the constructable gross floor area to less than 85 percent of the maximum gross floor area allowed

Tree proposed for removal: 435

Tree Description: 39" DSH *Pseudotsuga menziesii* in good health and structural condition

Justification (per MICC 19.10.060.A.3): Subsection B. This tree is located within the proposed footprint of the home on lot 2. Retention of this tree would not be possible without limiting the constructable gross floor area to less than 85 percent of the maximum gross floor area allowed

Tree proposed for removal: 436

Tree Description: 27.2" DSH Pseudotsuga menziesii in good health and fair structural condition

Justification (per MICC 19.10.060.A.3): Subsection B. This tree is located within the proposed footprint of the home on lot 1. Retention of this tree would not be possible without limiting the constructable gross floor area to less than 85 percent of the maximum gross floor area allowed.

Tree proposed for removal: 437

Tree Description: 17.2" DSH Arbutus menziesii in good health and structural condition

Justification (per MICC 19.10.060.A.3): Subsection B. This tree is located near the proposed footprint of the home on lot 1. Retention of this tree would not be possible without limiting the constructable gross floor area to less than 85 percent of the maximum gross floor area allowed.

Tree proposed for removal: E

Tree Description: 25.3" DSH Pseudotsuga menziesii in good health and structural condition

Justification (per MICC 19.10.060.A.3): Subsection C. This tree is directly adjacent to the existing gravel driveway that will provide access to the parcels. Improvements are proposed to this road, including paving and widening. These improvements would impact very close to the trunk of the tree, to the point where structural roots would likely need to be severed and tree stability would be in question.

Respectfully submitted,

Joseph Sutton-Holcomb,
Consulting Arborist

Appendix A Assumptions & Limiting Conditions

- 1 Consultant assumes that the site and its use do not violate, and is in compliance with, all applicable codes, ordinances, statutes or regulations.
- 2 The consultant may provide a report or recommendation based on published municipal regulations. The consultant assumes that the municipal regulations published on the date of the report are current municipal regulations and assumes no obligation related to unpublished city regulation information.
- 3 Any report by the consultant and any values expressed therein represent the opinion of the consultant, and the consultant's fee is in no way contingent upon the reporting of a specific value, a stipulated result, the occurrence of a subsequent event, or upon any finding to be reported.
- 4 All photographs included in this report were taken by Tree Solutions, Inc. during the documented site visit, unless otherwise noted. Sketches, drawings and photographs (included in, and attached to, this report) are intended as visual aids and are not necessarily to scale. They should not be construed as engineering drawings, architectural reports or surveys. The reproduction of any information generated by architects, engineers or other consultants and any sketches, drawings or photographs is for the express purpose of coordination and ease of reference only. Inclusion of such information on any drawings or other documents does not constitute a representation by the consultant as to the sufficiency or accuracy of the information.
- 5 Unless otherwise agreed, (1) information contained in any report by consultant covers only the items examined and reflects the condition of those items at the time of inspection; and (2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, climbing, or coring.
- 6 These findings are based on the observations and opinions of the authoring arborist, and do not provide guarantees regarding the future performance, health, vigor, structural stability or safety of the plants described and assessed.
- 7 Measurements are subject to typical margins of error, considering the oval or asymmetrical cross-section of most trunks and canopies.
- 8 Tree Solutions did not review any reports or perform any tests related to the soil located on the subject property unless outlined in the scope of services. Tree Solutions staff are not and do not claim to be soils experts. An independent inventory and evaluation of the site's soil should be obtained by a qualified professional if an additional understanding of the site's characteristics is needed to make an informed decision.
- 9 Our assessments are made in conformity with acceptable evaluation/diagnostic reporting techniques and procedures, as recommended by the International Society of Arboriculture.

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercergov.org



MERCER ISLAND TREE INVENTORY & REPLACEMENT SUBMITTAL INFORMATION

EXCEPTIONAL TREES

Exceptional Trees- means a tree or group of trees that because of its unique historical, ecological or aesthetic value constitutes an important community resource. A tree that is rare or exceptional by virtue of its size, species, condition, cultural/historical importance, age, and/or contribution as part of a tree grove. Trees with a diameter of more than 36 inches, or with a diameter that is equal to or greater than the diameter listed in the Exceptional Tree Table shown in MICC 19.16 under Tree, Exceptional.

List the total number of trees for each category and the tree identification numbers from the arborist report.

Number of trees 36" or greater 3

List tree numbers: 401, 405, 435

Number of trees 24" or greater (including 36" or greater) 19

List tree numbers: 401, 402, 404, 405, 409, 411, 415, 419, 421, 423, 425, 430, 431, 434, 435, 436, C, E, H

Number of trees from Exceptional Tree Table (MICC 19.16) 10

List tree numbers: 401, 405, 406, 411, 419, 421, 430, 435, 437, H

LARGE REGULATED TREES

Large Regulated Trees- means any tree with a diameter of 10 inches or more, and any tree that meets the definition of an Exceptional Tree.

Number of Large Regulated Trees on site 44 (A)

List tree numbers: 401, 402, 403, 404, 405, 406, 408, 409, 410, 411, 412, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, A, B, C, D, E, F, G, H

Number of Large Regulated Trees on site proposed for removal 24 (B)

List tree numbers: 408, 409, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, E, G

Percentage of trees to be retained ((A-B)/Ax100) note: must be at least 30% 45.5 %

RIGHT OF WAY TREES

Right of Way Trees- means a tree that is located in the street right of way adjacent to the project property.

Number of Large Regulated Trees in right of way 0

List tree numbers: _____

Number of Large Regulated Trees in right of way proposed for removal 0

List tree numbers: N/A

Reason for removal: N/A

TREE REPLACEMENT

Tree replacement- removed trees must be replaced based on the ratio in the table below. Replacement trees shall be conifers at least six feet tall and or deciduous at least one and one-half inches in diameter at base.

Diameter of Removed Tree (measured 4.5' above ground)	Tree replacement Ratio	Number of Trees Proposed for Removal	Number of Tree Required for Replacement Based on Size/Type
Less than 10"*	1	0	0
10" up to 24"	2	12	24
Greater than 24" up to 36"	3	7	21
Greater than 36" and any Exceptional Tree	6	5	30
TOTAL TREE REPLACEMENTS			75

**no replacement tree is needed if the tree fits all of the following;*

*Less than 10 inches in diameter, not an exceptional tree, and not a replacement tree from another tree permit. **