

ENVIRONMENT COMMITTEE AGENDA

July 17, 2014 – City Council Chambers

21630 11th Avenue South – Des Moines 98198

6:00 – 7:00 PM

1. Approve April 17, 2014 meeting minutes

2. Discussion of Draft Tree Regulations
 - A. *Staff will provide a brief review of the previous direction provided by the Committee on February 13, 2014. See Attachment 2A.*
 - B. *Staff will provide a discussion and overview of the new draft tree regulations. For the purpose of discussion, the draft regulations are presented as they would appear in the code, rather than in legislative ordinance format. See Attachment 2B.*
 - C. *Staff will provide an overview of policy questions identified in the draft tree regulations, including questions about clearing and grading limit thresholds. See Attachment 2C.*
 - D. *Staff will also discuss a draft Public Assistance Memo (PAM) related to tree standards. See Attachment 2D.*

DRAFT MINUTES - ENVIRONMENTAL COUNCIL COMMITTEE MEETING 4.17.2014

The meeting was called to order @ 4:58 PM, Thursday, April 17, 2014, in the North Conference Room @ 21630 11th Avenue South, Des Moines with the following in attendance:

Council Members

Dave Kaplan, Chair
Melissa Musser
Vic Pennington

Guests

Austin Fisher, Parametrix
Mike Merryfield
Bud Bohrel
Don Riecks
Anne Farmer
Carol DeVries
Tim Lehnhest

City Staff

Tony Piasecki, City Manager
Dan Brewer, Planning, Building & PW Director
Pat Bosmans, City Attorney
Tim George, Asst City Attorney
Denise Lathrop, Community Dev Manager
Loren Reinhold, SWM Utility Manager
Peggy Volin, Admin Asst II

AGENDA:

1. Approve minutes of 2.13.2014 meeting
2. Stormwater Comprehensive Plan Elements
3. Tree Trimming Draft Ordinance
4. Aquatic Lease for Des Moines Creek Basin

MEETING:

1. Approve minutes of the February 13, 2014 meeting: Unanimously passed.
2. Stormwater Comprehensive Plan Elements: Loren Reinhold introduced Austin Fisher, from Parametrix, the consultants working with him on the SWM Comprehensive Plan. Austin gave a brief overview of the Plan then went on to explain the Plan Overview and Goals; Schedule; and Summary of the Workshop and Results. He then handed out a Criteria Rating sheet and asked the Committee Members to rate the group results with the criteria being a high, medium or low which would prioritize the projects listed.
3. Tree Trimming Draft Ordinance: Denise Lathrop gave a brief overview of Draft Tree Trimming Ordinance No. 14-043 then walked the Committee Members through all the proposed changes within the ordinance.

She outlined the next steps as: a public hearing at the upcoming May 22, 2014 Council meeting; updating the DMMC 18.195.130; and specific code sections that will be addressed. The final step is to prepare a Public Assistance Memo (PAM) to clarify how the City interprets the code as it relates to the removal and maintenance of trees in the City.

4. Aquatic Lease for Des Moines Creek Basin Creek Basin High-flow By-Pass: Loren/Pat explained that the existing aquatic lease for Des Moines Creek bypass pipe is due to expire in October. The bypass is the old Midway Sewer District sewer outfall that discharges into the Sound. The Department of Natural Resources has proposed a draft new lease for the pipe that includes language for requiring pollution liability insurance and general liability insurance as well as requirements for reducing discharge flows in the future. The Des Creek Basin Committee has reviewed the draft lease and will be proposing changes to the document.

Meeting Adjourned @ 6:25 pm
Submitted by: Peggy Volin, Admin Asst II

Attachment 2A

City Council Environment Committee
February 13, 2014

Continued Discussion on Tree Trimming, Topping and Removal

Direction Requested:

- 1) Confirmation with the general description of categorical sites, and the policy direction with respect to tree trimming and removal within those categories.
- 2) Direction to proceed with preparation of draft ordinances that will reflect the policy direction, address areas of ambiguity, removes areas of contradiction, and to provide greater overall clarity on how the City regulates the cutting and maintenance of trees.

Introduction:

At the November 14th Environment Committee, Administration provided an overview of how the Community Development Division interprets the Des Moines Municipal Code requirements related to requests by citizens and others to prune, top, or remove trees within the City of Des Moines. Below is a summary of the direction the Committee provided as it relates to the following categories of sites:

- Trees on private developed sites – No permit is required, provided that the tree/s are not located within a designated critical area, shoreline environment, or required landscaping area.
- Trees on private undeveloped sites – Limited to removal of dead, diseased, or hazard trees, subject to approval of a land clearing, grading, and filling permit. Limited pruning is allowed using methods approved by a Qualified Professional and/or the International Society of Arboriculture (ISA) that do not destroy the integrity of the tree. The Committee's position was that indiscriminant removal of trees would increase runoff potential and create an implied view protection.
- Trees on city-owned property – Limited to removal of dead, diseased or hazard trees, subject to approval of a land clearing, grading, and filling permit. Limited pruning is allowed using methods approved by the International Society of Arboriculture (ISA) that do not destroy the integrity of the tree.
- City Trees on city right-of-way and utility corridors - Limited to removal of dead, diseased, or hazard trees, subject to approval of a right-of-way use permit. Limited pruning is allowed using methods approved by the International Society of Arboriculture (ISA) that do not destroy the integrity of the tree.
- Private (Native) Trees on city right-of-way and utility corridors - Subject to approval of a right-of-way use permit, provided that the tree/s are not located within a designated critical area, shoreline environment, or required landscaping area .
- Trees within environmentally critical areas, shoreline environments, and required landscaping (private/public properties) – Subject to approval of a land clearing, grading, and filling permit and threshold/disturbance limits per Environmentally Critical Areas Ordinance (Chapter 16.10 DMMC, formerly 18.86), Shoreline Master Program (Chapter 16.20 DMMC, formerly 18.90), and Landscaping and Screening (Chapter 18.195 DMMC, formerly 18.41).

Next Steps:

1. Administration recommends amendments to the Code (Titles 12, 14, 16, 17, and 18 DMMC) to reflect the policy direction above, address areas of ambiguity, removes areas of contradiction, and to provide greater

overall clarity on how the City regulates the cutting and maintenance of trees in the City, including but not limited to the following:

- Add specific terms and definitions related to tree cutting and pruning, and insure that these definitions are consistent throughout the Code. For example:
 - “*Certified Arborist*” means is an individual who has achieved a level of knowledge in the art and science of tree care through experience and by passing a comprehensive examination administered by the International Society of Arboriculture.
 - “*Pruning*” means the removal of branches (or occasionally roots) from a tree or other plant using practices approved by the International Society of Arboriculture, to achieve a specified objective. Specific types of pruning may be necessary to maintain a mature tree in a healthy and safe condition.
 - “*Topping*” means the removal of large amounts of leaves and branches from a tree’s crown to reduce the tree’s size. Topping involves indiscriminate (internodal) cuts without regard to tree health or structural integrity. Other names for topping include but are not limited to “heading,” “tipping,” “hat-racking,” and “rounding over.” Topping is not an acceptable pruning practice.
 - “*Vegetation*” means the general plant life and the ground cover provided by plants, including trees.
- Further clarify when a permit is not required per DMMC 14.20.180 (formerly 14.24.170) Exemptions and define the criteria (examples provided below):
 - Normal pruning and maintenance – e.g., does not require a permit provided the pruning is limited to not more than 25% of a tree’s total leaf area and the pruning conforms to the International Society of Arboriculture standards.
 - Small Trees (e.g., six inches (6”) or less diameter measured at 4 ½ feet above the ground.)
 - Residential lots (e.g., provide criteria that would trigger a permit such as location in a critical area)
 - Emergency
- Further clarify when a permit is is required per Chapter 14.20 (formerly 14.24) DMMC and define criteria:
 - Construction work
 - Environmentally critical areas and shoreline environments
 - Commercial zone
- Establish a minor grading/tree review application and associated fee.
- Establish criteria for granting a tree permit (examples follow):
 - The tree is hazardous, diseased, or dead
 - The tree removal is to enable construction work
- Identify seasonal restrictions that may apply.
- Replacement ratios that may apply (currently defined/applicable per Title 17 Subdivision Code).
- Identify federal or state requirements that people should be aware of (i.e., Endangered Species Act, Bald Eagle Protection Act, Migratory Bird Treaty Act and DNR Forest Practices regulations) and provide links to Washington Department of Fish and Wildlife Priority Habitat and Species maps.
- Update DMMC 18.195.130 (formerly 18.41.110) relating to scenic views, which currently contradicts State Law.
- Specific Code sections to be addressed include (but may not limited) to following:
 - Various Section within Title 12 – Streets, Sidewalks, and Public Places
 - 14.20 (formerly 14.24) – Land Filling, Clearing, and Grading

- 16.10 (formerly 18.86) – Environmentally Critical Areas
 - 16.20 (formerly 18.90) – Shoreline Master Program
 - 18.195 (formerly 18.41) – Landscaping and Screening
 - Various sections within the Title 17 – Subdivision Code
2. Prepare a Public Assistance Memo (PAM) to clarify how the City interprets the code as it relates to the removal and maintenance of trees in the City.
- The PAM will clarify the intent of language in the Des Moines Municipal Code (DMMC) Titles 12, 14, 16, 17, and 18 DMMC related to the pruning or removal of trees on private developed sites, private undeveloped sites, public properties, City-owned property and right-of-way, and environmentally critical areas.
 - The PAM is intended as a user-friendly hand-out that can be obtained at the front counter or on-line to help citizens, property owners, developers and others understand what is allowed, what is exempt and what is required. Samples of memos from other cities are attached.

Draft Tree Regulations

(Proposed as new Chapter 16.25 in Title 16)

Title

This chapter shall be entitled “Trees.”

Application

This chapter shall apply to the removal, cutting, and pruning of trees within the City of Des Moines.

Purpose

These regulations are adopted to promote the public health, safety and general welfare of the citizens of Des Moines, including minimizing erosion, siltation and water pollution, surface water and ground water runoff, risks of landslides, and the need for additional storm drainage facilities; preserving trees for the reduction of noise, wind protection, slope stabilization, animal habitat, and reduction in air pollution; removing dead, diseased, or hazardous trees; implementing the city’s comprehensive plan; providing for the delivery of reliable utility service; and reasonable development of property.

Authority

This chapter is adopted pursuant to the authority set forth in chapters 36.70A, 36.70B and 36.70C RCW and other applicable laws.

Definitions (DMMC 16.01.050)

The following new and modified definitions will be added to Section 16.01.050 Definitions of the General Provisions chapter of Title 16:

“Certified arborist” means an individual who has achieved a level of knowledge in the art and science of tree care through experience and by passing a comprehensive examination administered by the International Society of Arboriculture or urban forestry program.

“Developed or partially developed lot” means a lot or parcel of land upon which a usable structure is located.

“Development activity” means any work, condition, or activity which requires a permit or approval under chapter 2.22 or Titles 11, 12, 14, 16, 17 or 18 DMMC.

“Land clearing” means the act of removing, topping or destroying trees, topsoil, or ground cover from any undeveloped or partially developed lot, environmentally critical areas, shoreline environments, public lands, or public right-of-way.

“Significant trees” means healthy evergreen trees six inches (6”) in diameter or greater as measured at fifty-four inches (54”) above the ground, and healthy deciduous trees (excluding alders, European ashes, cottonwoods and willows) eight inches (8”) in diameter or greater as measured at fifty-four inches (54”) above the ground.

“Small trees” means evergreen trees that are less than six inches (6”) in diameter as measured at fifty-four inches (54”) above the ground and deciduous trees that are less than eight inches (8”) in diameter as measured at fifty-four inches (54”) above the ground.

“Tree” means a living woody plant characterized by one main stem or trunk and many branches, and having a diameter of four inches or more measured at 24 inches above ground level.

“Tree pruning” means to cut branches from a tree using practices approved by the International Society of Arboriculture to maintain a tree in a healthy and safe condition.

“Tree topping” means the indiscriminate cutting of tree branches to stubs or lateral branches that are not large enough to assume the terminal role. Other names for topping include but are not limited to “heading,” “tipping,” “hat-racking,” and “rounding over.”

“Undeveloped lot” means a lot or parcel of land upon which no usable structure exists.

“Vegetation” means the general plant life and the groundcover provided by plants, including trees.

Permit - Requirements

- (1) No tree permit required. Except as otherwise provided in subsection 2 of this section, no tree permit is required to remove, cut, or prune trees on private developed or partially developed lots as follows:
 - (a) Trees located outside of environmentally critical areas, shoreline areas, and associated buffer areas as verified by the City or qualified professional;
 - (b) Trees that are not part of a required landscaping area;
 - (c) The total area to be cleared is less than ~~XX~~ square feet. **Policy Question 1**
- (2) Tree permit required. Except as exempted in subsection (3) of this section, a tree permit is required to remove, cut, or prune trees as follows:
 - (a) Trees located within a critical area or shoreline area, or associated buffers.
 - (b) Trees located within a required landscaping area.
 - (c) Trees located on a private developed or partially developed lot where the total area to be cleared is ~~XX~~ square feet or greater. **Policy Question 1**
 - (d) Trees located on private undeveloped lots.
 - (e) Trees located on city-owned property.
 - (f) Trees located on city right of way.
- (3) Exemptions. The following situations are exempt from obtaining a tree permit that would otherwise be required under this section:

- (a) Dead, diseased or hazard trees, as determined and/or verified by the City or as determined by a certified arborist, that are located outside of critical areas, shoreline areas and associated buffers.
 - (b) Emergency. A tree may be removed without first obtaining a tree permit in an emergency situation involving immediate danger to life or property provided the City is notified within seven days of the tree being cut, is provided such additional information as the City requests in order to verify the emergency, and an after-the-fact tree permit is obtained within twenty days following the cutting of the tree, if required.
 - (c) Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the City.
- (4) Other permits required. Other permits may be required as follows:
- (a) Removing, cutting, or pruning of trees located within environmentally critical areas or the associated buffer shall be reviewed in accordance with the environmentally critical areas regulations codified in chapter 16.10 DMMC.
 - (b) Removing, cutting, or pruning of trees located within shoreline environments or the associated buffer shall be reviewed in accordance with the shoreline master program codified in chapter 16.20 DMMC.
 - (c) Removing, cutting, or pruning of trees in a required landscaping area are subject to the Landscaping and Screening provisions codified in chapter 18.195 DMMC, and/or the requirements identified on the Final Plat.
 - (d) Removing, cutting, or pruning of trees located within the City right-of-way shall be reviewed in accordance with the Use and Maintenance of Public Rights-of-Way provisions codified in chapter 12.05 DMMC.
 - (e) Removal, cutting, or pruning of trees that results in a total area of disturbance greater than ~~XX~~ square feet shall be reviewed in accordance with the land clearing, grading, and filling provisions codified in Chapter 14.20 DMMC. **Policy Question 2**

Tree removal, cutting, and pruning limitations

In addition to the Best Pruning Practices provisions codified in Section 16.25.XXX DMMC, the following limitations shall apply to removing, cutting, and pruning of trees:

- (1) Trees on private developed or partially developed lots. No limitations other than a tree permit is required where the total area to be cleared is ~~XX~~ square feet or greater. **Policy Question 1**
- (2) Trees on private undeveloped lots.
 - (a) Removal of dead, diseased or hazard trees as determined and/or verified by the City or as determined by a certified arborist;
 - (b) Removal of small trees;
 - (a) Tree pruning that does not remove more than 25 percent of a tree's total leaf area; **Policy Question 3**
 - (b) Removal of significant trees, subject to the Tree Replacement provisions codified in Section 16.25.XXX DMMC, except that removal of significant trees shall be permitted without replacement if done so in conjunction with issuance of a Building Permit. **Policy Question 4**

- (3) Trees on City-owned property.
 - (a) Removal of dead, diseased or hazard trees as determined and/or verified by the City or as determined by a certified arborist;
 - (b) Removal of small trees;
 - (c) Tree pruning that does not remove more than 25 percent of a tree's total leaf area;
 - (d) Removal of significant trees, provided that the removal of significant trees is subject to tree replacement ratio of 3:1. **Policy Question 4**
- (4) Trees on City right-of-way.
 - (a) Tree pruning does not remove more than 25 percent of a tree's total leaf area;

Best Pruning Practices.

Tree pruning shall conform to the International Society of Arboriculture standards, to maintain a tree in a healthy and safe condition.

Tree topping shall not be permitted on private undeveloped lots, on City-owned property and right-of-way and within environmentally critical areas, shoreline areas and associated buffers.

Tree Replacement.

- (1) Replacement trees - Number. Any tree identified to be retained that is removed, destroyed or damaged shall be replaced by the applicant on the subject property at a ratio of 3:1:
 - (a) Replacement trees shall be a minimum size of eight feet in height for evergreen trees, and two inches in caliper for deciduous, and shall be approved by the Planning, Building and Public Works Department. The Planning, Building and Public Works Department may approve smaller trees if it determines they are of specimen quality.
 - (b) Trees shall be provided in addition to any street trees required under chapter 12.15 DMMC. The exact type and location of street trees shall be determined by the Planning, Building and Public Works Department.
 - (c) (2) Maintenance of Replacement Trees. The applicant shall maintain all replacement trees in a healthy condition. The applicant shall be obligated to replant any replacement tree that dies, becomes diseased. **Policy Question 4**

Tree Permit - Application.

An application for a tree permit shall be submitted on a form provided by the city and shall include the following information:

- (1) General Information.
 - (a) The applicant shall give the name, address and telephone number of the applicant and owner of the property and the street address;
 - (b) The applicant must provide information on the proposed location, species, diameter and number of trees proposed to be cut or pruned; and
 - (c) The applicant must agree to pay all costs of cutting, pruning, removing debris, cleaning, and any traffic control needed.

- (d) If the applicant is not the owner of the property, a notarized authorization by the property owner consenting to the tree cutting activity shall be provided.
- (2) Plan Sheet Specifications. All plan sheets will contain the following information:
- (a) The date, basis, and datum of the contours, which shall be referenced to the City's network of benchmarks, if applicable;
 - (b) Date, north arrow, and adequate scale (1:10, 1:20, or 1:40) on all maps and plans;
 - (c) Contours will be at two-foot contour intervals;
 - (d) Contact information for the applicant and the property owner, and legal description of the property;
- (3) Temporary Erosion and Sedimentation Control Plan.
- (a) Sequence for tree removal and other land-disturbing activities;
 - (b) Schedule for installation and removal of all temporary erosion and sediment control measures, including vegetative measures;
 - (c) An outline of the methods to be used in clearing vegetation and disposing of the cleared vegetative matter;
- (4) Other information as deemed necessary by the code official; and

Permit - Expiration - Extension.

- (1) Except when specific time limits are set by the City Manager or the City Manager's designee, any permit granted under this chapter shall expire one year from the date of issuance.
- (2) The City Manager or the City Manager's designee may set specific limits to the project commencement and/or completion for any reasonable purpose, including but not limited to environmental reasons or for coordination with other permitted site work.
- (3) Upon a showing of good cause, a permit may be extended for six months. Approved plans shall not be amended without authorization of the City Manager or the City Manager's designee.

Tree Permit notice to be posted.

No work shall commence until a permit notice has been posted on the subject site at a conspicuous location. The notice shall remain posted until the project has been completed.

Fees.

There shall be a fee assessed to compensate the City for the expense of reviewing and processing plans, conducting inspections, providing for outside consulting services, and the like. The fee shall be set by written administrative directive and shall be related to the amount of anticipated service for the particular application. Fees for permits authorized under this chapter that are reviewed after the proposed site work has started will be assessed at twice the normal rate, except for emergency exemption established in Section 16.25.XXX.

Attachment 2C

Policy Question 1:

Should a threshold for the total area to be cleared be established that indicate when a permit would be required to cut trees on private developed and partially developed lots? Should this threshold be established in such a way that it would not trigger clearing and grading permits contained in Chapter 14.20 DMMC?

Policy Question 2:

Should the clearing and grading threshold be changed? If so, does the mid-range that staff indicated in Table 2C-1 seem reasonable?

Policy Question 3:

Should a maximum percentage of canopy removal be stated? Or, cite International Society of Arboriculture "Best Pruning Practices" provisions?

Policy Question 4:

Should a tree replacement ratio be established for situations when trees designated to be retained were removed and when trees were removed without a permit? Should this also be applied to the permitted removal of significant trees on undeveloped lots?

Table 2C-1

Land Clearing, Grading and Fill Comparison	
Des Moines (current)	
Clearing	200 square feet
Grading/Filing – Non Construction	50 cubic yards
Grading/Filing - Construction	120 cubic yards
Bellingham	
Clearing	500 square feet
Grading/Filing	100 cubic yards
Bellevue	
Clearing	1,000 square feet
Grading/Filing	50 cubic yards
Kent	50 cubic yards
Renton	50 cubic yards
Redmond	
Clearing	7,000 square feet
Grading/Filing	50 cubic yards
Sammamish	50 cubic yards
Des Moines (staff proposed)	
Clearing	1,000 square feet
Grading/Filing – Non Construction	50 cubic yards
Grading/Filing - Construction	120 cubic yards
Federal Way	100 cubic yards
King County	100 cubic yards
Auburn	6,999 square feet
Sea-Tac	7,000 square feet

14.20.180 Exemptions.

Applicants must receive a written letter of exemption from the City Manager or the City Manager's designee before commencing with the exempted work. Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

(1) A grading or land clearing permit shall not be required for any of the following activities; provided, that the clearing and grading activity shall be subject to the minimum requirements specified in this chapter:

(a) The installation and maintenance of fire hydrants, water meters, and pumping stations, and street furniture by the City or its contractors;

(b) Removal of trees and ground cover in emergency situations involving immediate danger to life or property or substantial fire hazards;

(c) Removal of trees or ground cover or dumping of fill on partially developed lots for the purpose of general property and utility maintenance, landscaping, or gardening; provided, that this exemption shall not apply to land clearing, grading, or filling for the purpose of developing the property with substantial permanent improvements such as roads, driveways, utilities, or buildings;

(d) Removal of dead or diseased ground cover or trees;

(e) A grading and filling activity less than a total of 50 cubic yards which does not obstruct a drainage course;

(f) Grading and filling activity to place a building foundation approved under a City building permit and involves less than 120 cubic yards of grading and filling;

(g) Clearing less than 200 square feet;

(h) Cemetery graves;

(i) Refuse disposal sites controlled by other regulations;

(j) Exploratory excavations performed under the direction of a registered design professional. Exploratory excavation is not to begin construction of a building prior to receiving a permit (the sole purpose for preparing a soils report).

(2) Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the City.

Attachment 2D

Draft Public Assistance Memo (PAM)

Some examples from other Cities:

Shoreline

Bellevue

Mercer Island

Kent



TREE REGULATIONS

The following information is intended to inform property owners and contractors of the general requirements regarding tree removal on public and private property. Please contact Planning, Building, and Public Works (PBPW) staff at (206) 870-7576 for specific regulations or see Des Moines Municipal Code (DMMC) Chapter 16.XXX.

DO I NEED A PERMIT TO CUT A TREE ON MY PROPERTY?

TREE PERMIT NOT REQUIRED:

No tree permit is required to remove, cut, or prune trees on private developed or partially developed lots as follows:

- Located outside of environmentally critical areas, shoreline areas, and associated buffer areas as verified by the City or qualified professional.
- Not part of a required landscaping area,
- Total area to be cleared is less than X square feet.

TREE PERMIT REQUIRED:

Unless otherwise exempted, a tree permit is required to remove, cut, or prune trees as follows:

- Located within a critical area or shoreline area, or associated buffers.
- Located within a required landscaping area.
- Located on a private developed or partially developed lot where the total area to be cleared is X square feet or greater.
- Located on private undeveloped lots.
- Located on city-owned property.
- Located on city right of way.

EXEMPTIONS:

The following situations are exempt from obtaining a tree permit that would otherwise be required under this section:

- Dead, diseased or hazard trees, as determined and/or verified by the City or as determined by a certified arborist, that are located outside of critical areas, shoreline areas and associated buffers.

- Emergency. A tree may be removed without first obtaining a tree permit in an emergency situation involving immediate danger to life or property provided the City is notified within seven days of the tree being cut, is provided such additional information as the City requests in order to verify the emergency, and an after-the-fact tree permit is obtained within twenty days following the cutting of the tree, if required.
- Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the City.

OTHER PERMITS REQUIRED:

- Removing, cutting, or pruning of trees located within environmentally critical areas or the associated buffer shall be reviewed in accordance with the environmentally critical areas regulations codified in chapter 16.10 DMMC.
- Removing, cutting, or pruning of trees located within shoreline environments or the associated buffer shall be reviewed in accordance with the shoreline master program codified in chapter 16.20 DMMC.
- Removing, cutting, or pruning of trees in a required landscaping area are subject to the Landscaping and Screening provisions codified in chapter 18.195 DMMC, and/or the requirements identified on the Final Plat.
- Removing, cutting, or pruning of trees located within the City right-of-way shall be reviewed in accordance the Use and Maintenance of Public Rights-of-Way provisions codified in chapter 12.05 DMMC.
- Removal, cutting, or pruning of trees that results in a total area of disturbance greater than X square feet shall be reviewed in accordance with the land clearing, grading, and filling provisions codified in Chapter 14.20 DMMC.

CAN I TOP A TREE?

Tree topping shall not be permitted on private undeveloped lots, on City-owned property and right-of-way and within environmentally critical areas, shoreline areas and associated buffers.



Disclaimer: This PAM should not be used as a substitute for codes and regulations. The applicant is responsible for compliance with all code and rule requirements, whether or not described in this PAM. Please see the City of Des Moines Municipal Code for complete text and requirements:

www.codepublishing.com/wa/desmoines/

DRAFT

ARE THERE ANY SEASONAL RESTRICTIONS?

Tree cutting is prohibited within geologic hazard areas or protected slope areas between October 1 and April 1 unless an administrative waiver has been granted or the cutting is necessary due to an emergency situation involving immediate danger to life or property.

DO I NEED TO REPLACE THE TREES I AM CUTTING DOWN?

Policy Question

HOW MUCH CAN I REMOVE?

Policy Question

DEFINITIONS

- *“Certified arborist”* means an individual who has achieved a level of knowledge in the art and science of tree care through experience and by passing a comprehensive examination administered by the International Society of Arboriculture or urban forestry program.
- *“Developed or partially developed lot”* means a lot or parcel of land upon which a usable structure is located.
- *“Development activity”* means any work, condition, or activity which requires a permit or approval under chapter 2.22 or Titles 11, 12, 14, 16, 17 or 18 DMMC.
- *“Land clearing”* means the act of removing, topping or destroying trees, topsoil, or ground cover from any undeveloped or partially developed lot, environmentally critical areas, shoreline environments, public lands, or public right-of-way.
- *“Significant trees”* means healthy evergreen trees six inches (6”) in diameter or greater as measured at fifty-four inches (54”) above the ground, and healthy deciduous trees (excluding alders, European ashes, cottonwoods and willows) eight inches (8”) in diameter or greater as measured at fifty-four inches (54”) above the ground.
- *“Small trees”* means evergreen trees that are less than six inches (6”) in diameter as measured at fifty-four inches (54”) above the ground and deciduous trees that are less than eight inches (8”) in diameter as measured at fifty-four inches (54”) above the ground.

- *“Tree”* means a living woody plant characterized by one main stem or trunk and many branches, and having a diameter of four inches or more measured at 24 inches above ground level.
- *“Tree pruning”* means to cut branches from a tree using practices approved by the International Society of Arboriculture to maintain a tree in a healthy and safe condition.
- *“Tree topping”* means the indiscriminate cutting of tree branches to stubs or lateral branches that are not large enough to assume the terminal role. Other names for topping include but are not limited to “heading,” “tipping,” “hat-racking,” and “rounding over.”
- *“Undeveloped lot”* means a lot or parcel of land upon which no usable structure exists.
- *“Vegetation”* means the general plant life and the groundcover provided by plants, including trees.

TREE PERMIT APPLICATION

The application can be obtained online at [X](#) or by calling (206) 870-7576. Return the completed application and supporting materials with the required number of copies and the appropriate fees to the PBPW Department at 21630 11th Ave, Suite D, Des Moines, from 9 AM to 11 AM Monday through Friday or by appointment.

FEDERAL OR STATE REQUIREMENTS

Tree cutting must comply with all applicable federal and state laws, rules and regulations including the Endangered Species Act, Bald Eagle Protection Act and the Migratory Bird Treaty Act.

Tree Regulations for Private Property

The following information is intended to educate property owners and contractors of the general requirements regarding tree removal on private property. Please contact Planning & Community Development (206) 801-2500 for specific regulations or see the Development Code Section SMC 20.50.290-370 at <http://www.codepublishing.com/wa/shoreline/>.

Environmentally Critical Areas

If a tree of any size is in or near an area such as a stream, wetland, or steep slope, then the tree may be in a Critical Area or its buffer. City review is required to determine whether these trees may be removed or pruned through a Clearing and Grading Permit. To find out if your tree is in or near a Critical Area contact the City's Planning & Community Development office at (206) 801-2500. See Development Code Section 20.80 for specific regulations.

To remove hazardous trees in the Critical Areas, they must be hazardous to life or property as determined by a qualified arborist. Hazardous trees that are an *active threat* (falling or about to fall) to life or property may be removed as described under Exemptions below. Hazardous trees that are not an *active threat* may be removed after submitting a Tree Evaluation Form for approval. This form must be completed by a certified arborist. See Development Code Section SMC 20.80.030.

Significant-Sized Trees

The City's tree regulations, SMC 20.50.290-370, only apply to significant-sized trees on private property, except in critical areas. Significant-sized trees include conifer trees eight inches or more and deciduous trees 12 inches or more in diameter measured 4.5 feet from the ground, called diameter at breast height (dbh). Eight inches diameter and 12 inches diameter translates to 25 inches and 28 inches in circumference respectively.

Exempt from Permit

Non-significant Sized Trees

Trees that are smaller in diameter than significant tree size may be removed without a permit unless they are in a Critical Area and its buffer or the area cleared exceeds 1,500 square feet.

Commercial Zones

Trees removed on properties zoned Community Business, Mixed Business, Neighborhood Business, or Town Center are exempt from tree regulations, unless existing trees were included as required landscaping within the previous three years.

Business Hours: M – F 8:00 a.m. to 5 p.m. ♦ Permit Processing Hours: M – F 8 a.m. to 4:00 p.m.

Note: This handout is for informational use only and is not to be substituted for the Shoreline Development Code. 2/2014

First Three to Six Trees

Up to six significant trees may be removed during a 3-year period based on the parcel sizes below. Trees over 30 inches in diameter (94.2” in circumference) are not exempt and will need a permit to remove.

Table 20.50.310(B)(1) – Exempt Trees Table

Parcel size in square feet	Number of trees
Up to 7,200	3
7,201 to 14,400	4
14,401 to 21,780	5
21,781 and above	6

Pruning

Pruning less than 25% of the canopy, is allowed without a permit. Tree pruning does not include coppicing, topping, or damaging the health of the tree.

Hazardous Trees

A tree that is an *active threat* to life or property (falling or about to fall) is allowed to be removed immediately without permit. However, documentation of the hazardous condition prior to removal, such as photos, an arborist evaluation or similar documentation is required. After removal of the tree, submit documentation to the Planning & Community Development Department for review to determine whether a Clearing and Grading Permit and possibly replacement trees are required. See Development Code Section SMC 20.50.310(A)(1)(c).

Permit Required

A Clearing and Grading – Tree Removal Permit is required if your trees are not listed under “Exempt from Permit”. If your tree is a hazard but not active then they are regulated like a healthy tree through this permit. If the removal is a part of a larger construction or development project, then trees will be reviewed as a part of that permit. You will need to provide a site map showing the location and size of all significant trees and those proposed to be removed with replacement trees. Pick up an application and checklist from the Planning & Community Development Department permitting desk or download it from the City’s website at www.shorelinewa.gov.

Tree Retention

Tree removal requires the retention of a percentage of the total number of significant trees on a parcel under SMC 20.50.350.

Tree Replacement

Trees that are removed beyond the exempt “First Three to Six Trees” (above) will require replacement trees under SMC 20.50.360. Except for single family lots, replacement trees must have a three-year maintenance bond and agreement with the City.

Rights-of-Way

Trees located in the City rights-of-way are classified as street trees and are subject to different regulations than trees on private property. Please contact the City at (206) 801-2700 regarding tree removal in the City rights-of-way or if you are unsure whether the tree is on City or private property. A permit is required for removal of trees in the rights-of-way.

NOTE: Please contact the City at (206) 801-2500 or pcd@shorelinewa.gov prior to any tree removal or pruning activity to verify code requirements.

May I remove trees from my property?

Yes, if: (1) There are no restrictions on your property. Generally, you can remove several trees without a permit. Tree removal that results in over 1,000 square feet of disturbance of the ground requires a clearing & grading permit. (2) Your property is NOT located in an R-1 zone in the Bridle Trails Subarea. (3) You are not proposing development that adds 20% additional impervious surface on your lot. Prior to removal of any trees you should contact the Land Use desk to ensure compliance with applicable codes.

What restrictions may prevent me from removing any trees I want from my property?

Generally, a decision about tree removal is yours to make. However, there can be restrictions for designated trees to remain, regardless of the amount of disturbance of the ground. If you are considering removing trees on your property, please check the following:

Plat/PUD Restrictions: Does your subdivision or Planned Unit Development (PUD) have restrictions which prohibit tree removal? For example, does the plat or PUD document contain Native Growth Protection Areas (NGPAs), Retained Vegetation Areas (RVAs), or a Tree Retention Plan?

Critical Areas: Does your property contain a critical area (steep slope, stream corridor, wetland, etc.) or is one located adjacent to or near your property? If you are unsure, a land use planner can assist you in making this determination through the Land Use desk in Development Services.

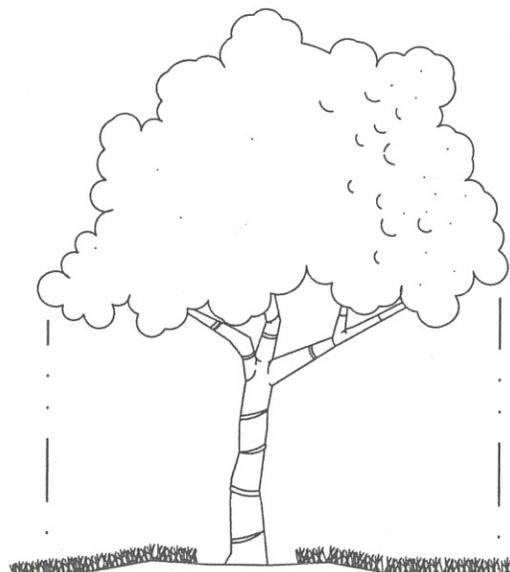
Private Agreements: Is your property subject to private contracts, covenants, or homeowner associations that might affect your ability to remove trees? Please note that the city does not enforce such private restrictions. If your property is located within a Bridle Trails R-1 zoning

district, refer to Handout 27a for tree removal restrictions.

Any vegetation removal, including trees, is prohibited within the above areas. In some cases, if trees are diseased or dying and are deemed hazardous by a certified arborist, they can be removed if a permit is obtained from the Land Use desk in Development Services. In such cases, the city will require replanting or other mitigation in place of the removed trees. Always check with a land use planner for needed permits and approvals prior to trimming, pruning, or removing trees within the areas listed above.

May I remove trees located within the city right of way?

Removal of trees within the city right of way may require a right of way use permit. Contact Transportation's Right of Way Division, 425-452-4189, for further information.



Tree Canopy Area
elevation view

Are there other tree retention requirements?

For new single-family structures or additions that result in 20% increase in impervious surface on a lot developed with a residential use, you must retain a minimum of 30 percent of the diameter inches of significant trees existing in the site area. The 30 percent retention rule is also applicable to new short plats and subdivisions.

A significant tree is any healthy tree 8" or greater in diameter, measured 4 feet above existing grade.

What is disturbance of the ground?

Disturbance of the ground results from any action that displaces or destroys vegetation, resulting in increased exposure of the underlying soils. This can include exposure of the existing ground due to removal of tree canopy where no other vegetation is growing under the tree. Disturbance can also result from the physical process of tree removal, where foot and vehicle traffic, construction of access roads, felling of trees, dragging of felled trees, and excavation of stumps disturb the ground.

How do I know if the tree I want to remove will result in disturbance of the ground of less than 1,000 square feet?

For most single-family lots with a house, tree removal is done by hand or by using a crane. In these cases, disturbance would be minimal and can be estimated at 50 square feet of disturbance for each living evergreen or deciduous tree, eight inches or greater in diameter measured four feet above existing grade.

For larger and/or less developed areas, estimates of disturbance must be made on the anticipated amount of disturbance due to equipment access, tree felling, and dragging or skidding of trees.

What if I want to remove more than one tree?

For most developed single-family lots, you would determine the number of trees to be removed and multiply by 50 square feet. If the total does not exceed 1,000 square feet, a permit is not required. For larger or less developed lots, total disturbance must be estimated based on the expected number of trees to be removed, foot and vehicle traffic, construction of access, and felling and dragging of trees.

What if the tree removal will result in more than 1,000 square feet of disturbance of the ground?

A clearing & grading permit is required. Depending on the amount of tree removal proposed, site conditions such as critical areas, and other factors, the city might impose special conditions on the permit to minimize risk of damage to your site, surrounding properties, or the environment.

Can someone help me estimate how much disturbance of the ground will result from my tree removal?

The city's clearing & grading staff can help you with these estimates and with other questions related to tree removal. They can be reached at 425-452-2019.

Where can I get more information?

- BCC 23.76, Clearing and Grading Code
- LUC 20.25H, Critical Areas Overlay District
- LUC 20.20.900, Tree Retention

This document is intended to provide guidance in applying certain Land Use Code regulations and is for informational use only. It cannot be used as a substitute for the Land Use Code or for other city codes, such as the Construction Codes. Additional information is available from Development Services at Bellevue City Hall or on the city website at www.bellevuewa.gov.

For land use regulations that may apply to your project, contact the Land Use Information Desk in Development Services. Phone: 425-452-4188. E-mail: landusereview@bellevuewa.gov. Assistance for the hearing impaired: dial 711.



CITY OF MERCER ISLAND

9611 SE 36th Street • Mercer Island, WA 98040-3732

PHONE (206) 275-7605 • FAX (206) 275-7726

www.mercergov.org

Highlights of Tree Regulations

1. Do I need a permit to cut a tree on my property?

Permit Not Required: A tree permit is not required in the following situations:

- **Normal pruning and maintenance** – does not require a permit provided the pruning is limited to not more than 25% of a tree's total leaf area and the pruning conforms to the limitations described within the Definitions section at the end of this document. Also, see the "Pruning Basics" brochure for more detailed information about pruning.
- **Small trees** – Cutting a small tree does not require a tree permit unless the tree is a designated Landmark tree or tree within a Landmark grove. A small tree is any conifer tree that is less than six feet (6') tall or any deciduous tree with a diameter of six inches (6") or less measured at a point 4-1/2 feet above the ground.
- **Residential lots** – a tree permit is not required to cut any tree on a private lot in a residential zone unless one of the following situations apply:
 - Cutting of the tree is incident to construction work
 - The tree is located in a critical area.
 - The tree is designated as a Landmark Tree or is located within a Landmark Grove.
See the "Permit Required" section of this handout for further information regarding Critical tree areas, Landmark trees, and when tree cutting is considered incident to construction work.
- **Emergency** – A tree on private property may be cut without a tree permit in an emergency situation involving immediate danger to life or property. The city arborist must be notified within seven (7) days of the tree cutting and must be provided with information that verifies the emergency condition. A tree permit must be obtained within 20 days following the cutting of the tree when it is determined that a tree permit would have been required.

Permit Required: A tree permit is required in the following situations:

- **Construction work** – A tree permit is required to cut any large tree as a result of construction work. Tree cutting is considered incident to construction work if the tree is cut within a two-year period before or after the creation of more than 500 square feet of impervious surface (structures, concrete patios, etc.). A large tree is any conifer tree that is six feet (6') tall or greater, or any deciduous tree with a diameter of more than six inches (6") measured at a point 4-1/2 feet above the ground.
- **Critical tree area** – A tree permit is required to cut any large tree located in a critical tree area. A critical tree area is any of the following areas:
 - A geologic hazard area – an area susceptible to erosion, sliding, earthquake, or other geological events based on a combination of slope, soil/geologic material, hydrology, vegetation, or alterations. See the City geologic hazard maps for known and suspected areas.
 - A protected slope area – any area within a forty foot (40') radius of the base of the subject tree if there is any point within that area that is at least twelve feet (12') higher or lower than the base of the tree.
 - A watercourse corridor. See the City watercourse maps.
 - A wetland or any area within 25 feet of the wetlands edge.
 - Any area on a recorded plat that restricts the removal of trees or vegetation (such as a native growth protective easement).

This handout is for informational purposes only and is not intended to be a substitute for the regulations contained in the Mercer Island City Code (MICC 19.10 – Trees).

- **Commercial zone** – A tree permit is required to cut any large tree located within a commercial zone. A tree permit covering regulated improvements that have previously received Design Commission approval must first be reviewed and approved by the City's Design Commission.
- **Landmark tree/grove** – A tree permit is required to cut a landmark tree or a tree located in a landmark grove, whether that tree is large or small. A landmark designation can only be affixed with approval of the property owner. The City maintains a register of landmark trees and landmark groves.

2. What are the criteria for granting a tree permit?

When a permit is required, a tree permit will be issued if one of the following criteria is satisfied:

- The tree is hazardous, diseased, or dead.
- The tree removal is to enable construction work and reasonable best efforts have been made to avoid the removal.
- The tree cutting is to satisfy a covenant recorded on or before July 31, 2001.
- It is desirable for the enhancement of ecosystem and slope stability (based upon professional reports).
- In Commercial zones, Design Commission approval is required.

3. Are there any seasonal restrictions regulating when I can cut trees?

Tree cutting is prohibited within geologic hazard areas or protected slope areas between October 1 and April 1 unless an administrative waiver has been granted or the cutting is necessary due to an emergency situation involving immediate danger to life or property. A waiver may be granted if the applicant demonstrates to the city arborist that the proposed tree cutting will not adversely impact the environmentally sensitive area. The city arborist may require geotechnical evaluation of the slope, erosion control, and restoration measures, an indemnification agreement, etc.

4. Do I need to replace the trees that I am cutting down?

Tree replacement: Any trees that are cut pursuant to a tree permit shall be replaced on the subject property as specified in this section:

- **Species** – the property owner may select the species of replacement trees (unless the city arborist determines that the species selected is unlikely to survive, represents a danger or a nuisance, would threaten overhead or underground utilities, or would fail to provide adequate protection to any critical tree area).
- **Size** – All replacement trees shall be at least six feet (6') tall (unless a smaller size tree or shrub is approved by the city arborist).
- **Number of Replacement Trees** – the city arborist may require up to 4 replacement trees for each tree cut (depending upon geologic and slope stability concerns, tree size and species, lot size and area available for planting, etc).
- **Maintenance** – the applicant must maintain replacement trees in a healthy condition for a period of two years after planting. The applicant shall be obligated to replant any replacement tree that dies, becomes diseased, or is removed during this two-year time period.

5. Are there any federal or state requirements that I should be aware of?

Bald Eagle and other federal/state requirements: Tree cutting must comply with all applicable federal and state laws, rules and regulations including the Endangered Species Act, the Bald Eagle Protection Act and the Migratory Bird Treaty Act. See the City Bald Eagle Nest location map for affected properties, and the Bald Eagle Management brochure for further information.

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6. Can a tree on public property be pruned to enhance my view?

Prune for view: Private individuals cannot cut or prune a public tree. However, a private property owner can apply for a permit to have a public tree pruned. The application must demonstrate compliance with all of the following criteria:

- The owner establishes that the tree is located on a City street (and not private property or City park);
- The owner submits a valid petition executed by at least sixty percent (60%) of the property owners located within a 300 foot radius of the subject tree in favor of the proposed pruning;
- The city arborist determines that the proposed pruning can be performed without adversely affecting any critical tree areas;
- The owner pays a fee to cover all costs associated with reviewing the pruning request; and
- The pruning is performed by the City but at the sole cost and expense of the private property owner.

7. What are the requirements for private utilities cutting or pruning trees?

A tree permit is required for a private utility company to cut any tree. A tree permit will be issued to private utility companies to cut or prune trees located on public or private property if necessary for public safety, removal of hazardous trees, removal of diseased or dead trees, as part of any private utility tree maintenance program approved by the City, or for construction work. Regardless of whether or not a permit is required, all cutting or pruning of trees by private utility companies shall be performed under the supervision of a certified arborist and at the sole cost and expense of the utility company.

If a permit is granted to a private utility company and a property owner is unwilling to allow any replacement trees on the owner's property, the private utility company shall pay to the City the amount necessary to purchase and plant replacement trees on public property necessary to mitigate the impact of the removed trees based upon arborist industry standards.

Should you have further questions or wish to obtain a tree permit, please contact the city arborist:
<http://www.mercergov.org/trees> (206) 275-7713 kathy.parker@mercergov.org

This handout is for informational purposes only and is not intended to be a substitute for the regulations contained in the Mercer Island City Code (MICC 19.10 – Trees).

Definitions

Definitions used within the tree ordinance.

Diameter – Circumference of tree divided by pi (3.14) and measured at a point 4-1/2 feet above ground.

Hazardous Tree – Any tree that receives an 11 or 12 rating under the International Society of Arboriculture rating method set forth in Hazard Tree Analysis for Urban Areas and may also mean any tree that receives a 9 or 10 rating at the discretion of the city arborist.

Large Tree – Any conifer tree that is six feet (6') tall or more or any deciduous tree with a diameter of more than six inches (6").

Protected Slope Area – Any area within a 40 foot radius of the base of the subject tree if there is any point within that area that is at least 12 feet higher or lower than the base of the tree.

Prune or Pruning – The pruning of a tree through crown thinning, crown cleaning, windowing, or crown raising but not including crown topping of trees or any other practice or act which is likely to result in the death of or significant damage to the tree. Where the listed types of pruning practices are further defined as:

- Crown cleaning – The removal of dead, dying, diseased, crowded, weakly attached, low-vigor branches, and watersprouts from a tree's crown.
- Crown topping – The removal of the upper portion of the crown of a tree by cutting back young shoots to a bud or older branches or trunk to a stub or lateral branch not sufficiently large enough to assume the terminal role.
- Crown raising – The removal of the lower branches of a tree in order to provide a height of up to 8' for pedestrian clearance, up to 14' for equestrian clearance and up to 16' for vehicular clearance or such other increased height as deemed appropriate for clearance by the city arborist.
- Crown thinning – The selective removal of braches not to exceed more than 25 percent of the leaf surface to increase light penetration and air movement, and to reduce weight.
- Windowing – The selective removal of branches not to exceed more than 25 percent of the leaf surface while retaining the symmetry and natural form of the tree in order to increase views and light penetration.

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Trees

adjacent to, or within, a wetland, creek or greenbelt cannot be cut down without City approval. Tree removal in these areas may violate environmental regulations and could result in fines.

The City of Kent offers a free service to review and inspect trees within wetlands, creeks or greenbelts on your property to ensure they are safe to cut. Please complete this form and return to:

City of Kent Development Engineering, ECD
Centennial Center, 3rd Floor
400 W. Gowe Street, Kent, WA 98032

Questions?

Call: 253.856.5490

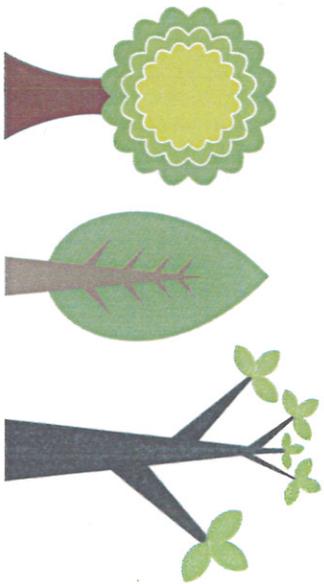
E-mail: callb4ucut@KentWA.gov



City of Kent Development Engineering, ECD
400 W. Gowe Street | Kent, WA 98032
253.856.5490 | callb4ucut@KentWA.gov
KentWA.gov



Call before
you cut those
trees!



Tree Removal/Pruning Request

Please allow a minimum of 10 working days for the City response to this request.

- A report from a certified arborist is required with this application if the tree is located in a critical area. This approval, if granted, is valid for six (6) months from the date of issuance.
- Applicant shall be required to comply with all City codes, ordinances and resolutions in effect as of the date of the issuance of this approval.

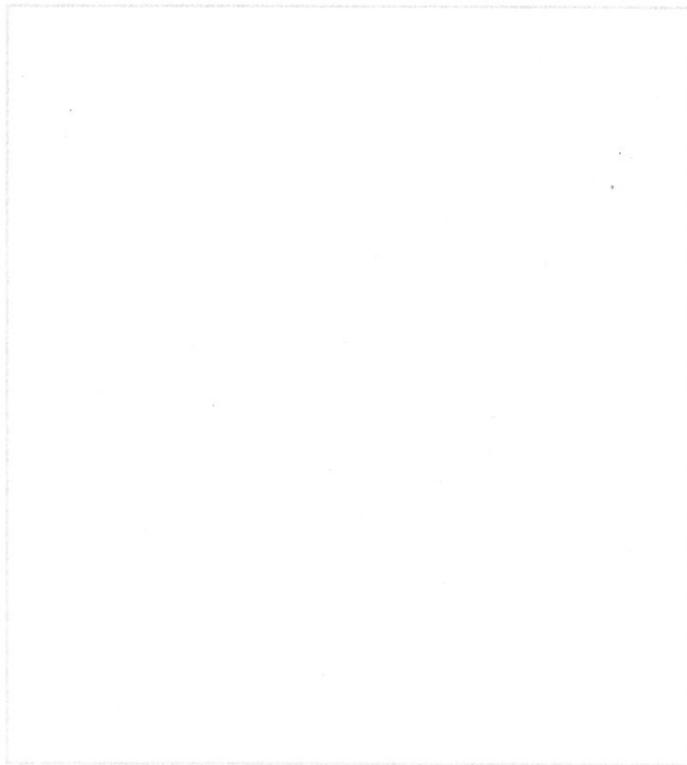
Requestor Name: _____ (please print) Phone: _____

Mailing Address: _____

E-mail: _____

I, the undersigned, grant permission for public officials and staff of the City of Kent to enter the subject property for the purpose of inspection and posting attendant to this application.

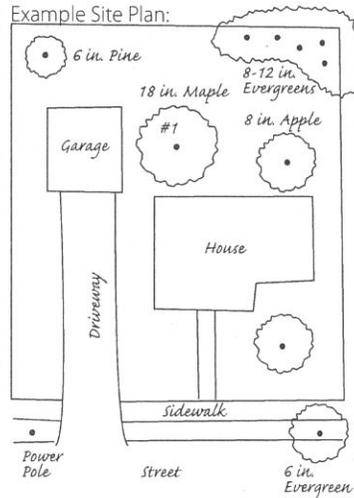
Owner Signature (acknowledging and supporting request) _____



1. Draw Site Plan Here

- Please show all trees
- Number each tree to be removed/pruned
- Show buildings, roads, property lines and known easements

Example Site Plan:



2. List the trees (private and/or public) proposed to be removed and/or pruned

For City Use

Use additional forms if requesting to remove more trees than space provides.

Tree # from site plan	Type/Species (if known)	Size (dia)*	Location	Reason for removal/pruning	Public tree?	Public Inv #
(example) #1	Big-leaf Maple	18"	East of garage behind house	Remove—rotten in the middle	no	

*Measure or estimate the diameter of the tree trunk at 4½ feet above the ground. Note if there is more than one trunk per tree.