



# 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 Title 16.

## 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, partially developed, or undeveloped lots as follows:

- Trees located outside of environmentally critical areas, shoreline areas, and associated buffer areas as verified by the City or qualified professional;
- Trees that are not part of a required landscaping area;
- The total area to be cleared is less than 2,000 sq ft;
- An exemption from a tree permit does not exempt a property owner from complying with policies, criteria and standards contained in Title 16 or other applicable local, state or federal regulations or permit requirements.

### TREE PERMIT REQUIRED:

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

- Trees located within a critical area or shoreline area, or associated buffers;
- Trees located within a required landscaping area;
- Trees located on a private developed, partially developed, or undeveloped lot where the total area to be cleared is 2,000 sq ft or greater;
- Trees located on City-owned property;
- Trees 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 (7) 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 (20) following the cutting of the tree, if required.

- Exemption from the permit requirements of Title 16 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 with 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 2,000 square feet shall be reviewed in accordance with the land clearing, grading, and filling provisions codified in chapter 14.20 DMMC.

## REMOVAL, CUTTING, AND PRUNING LIMITATIONS

1. Trees on private developed, partially developed, or undeveloped lots. No limitations other than a tree permit is required where the total area to be cleared is 2,000 square feet or greater.
2. Trees on City-owned property:
  - Removal of dead, diseased or hazard trees as determined and/or verified by the City or as determined by a certified arborist;
  - Removal of small trees;
  - Tree pruning that does not remove more than 25 percent of a tree's total leaf area;



**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/](http://www.codepublishing.com/wa/desmoines/)

- Removal of significant trees, provided that the removal of significant trees is subject to tree replacement ratio of 3:1.
3. Trees on City right-of-way. Tree pruning does not remove more than 25 percent of a tree's total leaf area. 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.

### HOW MUCH CAN I REMOVE?

Tree pruning shall conform to the International Society of Arboriculture standards, or other standards approved by the Department of Natural Resources (DNR) and/or the Department of Ecology (Ecology), to maintain trees within environmentally critical areas and shoreline areas in a healthy and safe condition.

### 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.
- *"Critical areas"* includes the following areas and ecosystems: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company. RCW 36.70A.030(5).
- *"Developed or partially developed lot"* means a lot or parcel of land upon which a usable structure is located.
- *"Development"* means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, clearing, grading, paving, excavation, drilling operations or storage of equipment or materials located within the area of special flood hazard.
- *"Development activity"* means any work, condition, or activity which requires a permit or approval under Titles 11, 12, 14, 16, 17 or 18 DMMC.
- *"Environmentally critical areas"*. See "Critical areas."

- *"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 (4") or more measured at twenty four inches (24") 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.

### ARE THERE ANY SEASONAL RESTRICTIONS?

Tree cutting is prohibited within geologically hazardous 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.

### 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.