

Seattle Permits

— part of a multi-departmental City of Seattle series on getting a permit

Environmentally Critical Areas: Tree & Vegetation Overview

Updated March 29, 2007

Trees and vegetation in environmentally critical areas (ECAs) are an essential aspect of functioning habitat and provide substantial benefits for citizens in the form of slope stabilization and protection of water quality. Consequently, the City of Seattle provides protections for trees and vegetation within landslide-prone critical areas (including steep slopes), steep slope buffers, riparian corridors, shoreline habitat, shoreline habitat buffers, wetlands and wetland buffers.

Within these ECAs, removal, clearing or any action detrimental to trees and vegetation is only allowed under specific circumstances and conditions. These actions may require prior approval from DPD as well as mitigation for any negative impacts. This CAM provides guidance on when actions impacting trees and vegetation will be allowed as well as specific standards and permit requirements that may apply.

DPD maintains maps of ECAs that are available to the public through the DPD website (www.seattle.gov/dpd/research). These maps are advisory and are intended to aid in the identification of critical areas rather than delineate their exact boundaries. Unidentified wetlands and streams are also still subject to regulations. Citizens undertaking development or other regulated activities should contact DPD early in their planning process to determine the extent and impact of any ECAs that may exist on or near their property.

Specified ECAs and applicable restrictions are detailed in SMC 25.09.320 of the the Environmentally Critical Areas Ordinance (SMC 25.09), which is administered by DPD.

Tree and Vegetation Standards

There are only four types of tree and vegetation work allowed in ECAs as defined in SMC 25.09 and detailed in this CAM:

- normal and routine maintenance
- tree and vegetation removal when part of an issued building or grading permit
- tree and vegetation restoration
- removal or other mitigation of a hazard tree

Specific standards for each type of action are detailed later in this CAM. Submittal requirements for documentation that must be given to DPD are summarized in Table 1 on page 2.

Normal and Routine Maintenance

Normal and routine maintenance includes practices that are necessary to maintain existing pathways and landscaping, ensure the health of existing vegetation, or achieve limited pruning to allow windowing, reduce tree mass or redirect tree growth. Removal of trees and non-invasive vegetation is never considered normal and routine maintenance.

Pruning actions must conform to the ANSI A300 standards outlined in The American National Standard for Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance - Standard Practices. When contracting with a company to prune trees, individuals should ensure good tree care practices by obtaining written confirmation that "All pruning shall be in accordance with ANSI A300 standards."

Pruning of trees growing on private property within an ECA must meet the following standards:

1. Large trees shall be pruned by I.S.A. certified arborists only.
2. No topping, tipping or reduction of tree crown height is allowed.
3. No more than 25 percent of foliage shall be removed in any five-year period.



Table 1. Summary of Thresholds and Standards of the SMC 25.09.320					
Area of work	Plan FILED with DPD	Plan REVIEWED by DPD	SEPA Review Required	Plan Type	DPD Action
Normal and Routine Maintenance					
Less than 750 sq. ft. 25.09.320A3a(5)				None-exempt	
750 sq. ft. or greater 25.09.320A3a(5)	yes ¹			Maintenance Plan	File in Microfilm/EDMS; No Hansen A/P
Approved as Part of an Issued Building or Grading Permit					
Less than 1,500 sq. ft. 25.09.320A3b(1)		yes ²	no ³	Restoration plan as part of plan set	Construction A/P
1,500 sq. ft. or greater, but less than 9,000 sq. ft. 25.09.320A3b(2)		yes ⁴	no ³	Restoration plan as part of plan set	Construction A/P
9,000 sq. ft. or greater for single family residential development 25.05.908C1a		yes ⁵	yes	Restoration plan and SEPA checklist as part of plan set	Construction A/P; Land Use A/P for SEPA; File in Microfilm/EDMS; No Hansen A/P
Vegetation Restoration Project					
Less than 1,500 sq.ft. 25.09.320A3c(2)(a)	yes ⁶			Restoration plan, ECA Restoration Plan Application	File in Microfilm/EDMS: No Hansen A/P
1,500 sq. ft. or greater 25.09.320A3c(2)(b)		yes ⁴	yes	Restoration plan, SEPA checklist, ECA Restoration Plan Application	Site Work A/P (for monitoring); Land Use A/P for SEPA
Hazard Trees					
All		yes		Hazard Tree Application, Tree Evaluation form, Professional report, photos, restoration plan	File in Microfilm/EDMS: No Hansen A/P
<p>¹ SMC 25.09.320 B2 & 3</p> <p>² SMC 25.09.320 B1 & 2</p> <p>³ SEPA review will not be required due to tree and vegetation disturbance; however, SEPA review may be required based on other factors. See CAM 208, <i>When Environmental Review is Required in Seattle</i>, for more details about when SEPA review is required.</p> <p>⁴ SMC 25.09.320 A3c(2)(b)</p> <p>⁵ SMC 25.05.908 B</p> <p>⁶ In landslide-prone and steep slope areas, vegetation restoration plan between 750 and 1,500 square feet in area must also be approved by a licensed geotechnical engineer or geologist as per 25.09.320.</p>					

4. All finish cuts shall be made properly in relation to the branch collar and branch bark ridge.

Proper pruning can benefit a tree by removing potential hazards, increasing interior light and air circulation, improving form and correcting weaknesses, controlling decay, and promoting longevity of a tree. However, most trees seldom, if ever, require pruning other than removal of dead or damaged branches.

Normal and routine maintenance does not require a permit from DPD. However, for normal and routine maintenance of an area greater than 750 square feet, a maintenance plan prepared by a qualified professional must be submitted to DPD. Certain areas maintained prior to the 2006 ECA Ordinance update may be exempted from this submittal requirement as per SMC 25.09.320A3a.

The maintenance plan must identify the subject property and include a statement that maintenance complies with ANSI A300 pruning standards. Additionally, for normal and routine maintenance of an area greater than 750 square feet located within a landslide prone area (as defined in SMC 25.09.020A3), the maintenance plan must be approved by a geotechnical engineer or geologist licensed in the state of Washington. This approval must accompany the maintenance plan.

The maintenance plan must be submitted to the DPD Public Resource Center (PRC) on the 20th floor of the Seattle Municipal Tower, 700 Fifth Ave. Call (206) 684-8467 for hours. No appointment is necessary for this type of submittal. You may also mail in your report to:

DPD Public Resource Center
700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

For pruning information, see www.treesaregood.com or www.seattle.gov/transportation/docs/TreePruningGuide2005web12_05.pdf.

Tree and Vegetation Removal When Part of an Issued Building or Grading Permit

Tree and vegetation removal is allowed when removal is part of an issued building or grading permit. DPD will conduct review and analysis of proposed tree removal necessary for building or grading as part of project review.

Additional tree protections exist for parcels undergoing development, as detailed in CAM 242, *Tree Protection Regulations in Seattle*. Tree and vegetation disturbance when part of an issued building or

grading permit in an ECA may trigger SEPA review as outlined in Table 1 and will require mitigation in the form of tree and vegetation restoration. Applicants will also be required to submit a restoration planting plan documenting their planned mitigation, along with the ECA Restoration Plan Application.

In order to assist citizens in restoration efforts, DPD has produced a Standard Mitigation Plan form for creating restoration planting plans. Applicants should use this form to submit their planting plan; however, an alternative format prepared and signed by a qualified professional (see Clarification of Terms) will be accepted as long as the guidelines of this CAM and the submittal requirements outlined below are met.

Plans submitted in an alternative format must contain a site plan, measuring 11" x 17" and showing the following:

- site address
- site tax parcel number
- site configuration
- area of ECA or ECA buffer delineated
- location of existing and proposed structures
- specific vegetation removed due to anticipated ground disturbance from the proposed construction or grading activity, indicating plant size, species and spacing
- calculations demonstrating the minimum number of plants/trees to be replanted
- specific vegetation proposed to be planted as part of the restoration, noting plant size, species and spacing

Additional information may be requested of the applicant during the review process.

Standard Mitigation Plan forms can be obtained online at DPD's Forms website (www.seattle.gov/dpd/Publications/Forms) or in person at the PRC, (206) 684-8467. A submittal fee may be charged as detailed in DPD's Fee Subtitle, SMC 22.900.

CAM 331A, *ECAs: Vegetation Restoration*, provides helpful resources and guidelines for vegetation restoration.

Tree and Vegetation Restoration

Trees and vegetation are allowed to be disturbed when the applicant proposes to restore or improve vegetation and trees to promote maintenance or creation of a naturally functioning condition that prevents erosion, protects water quality, or provides diverse habitat.

Examples of allowed disturbances include:

- re-establishment of a native ecosystem in human impacted areas such as paved surfaces, lawns or landscaped areas
- replacing non-native, noxious and/or invasive species such as English ivy, Himalayan blackberry, or reed canary grass, with native plantings
- replacing previously topped trees with healthy native trees
- replacing monocultural stands of deciduous trees like big leaf maples and red alder with native conifers

For voluntary restoration activities not associated with a building or grading permit or violation, the following rules apply:

- ***If the restoration area within ECAs and the regulated buffer areas surrounding them is less than 1,500 square feet and no chemical or mechanical removal techniques will be used***, a planting plan must be filed with DPD at the PRC counter, along with the ECA Restoration Plan Application.

In steep slope ECAs and associated buffers, vegetation restoration plans between 750 and 1,500 square feet in area must also be approved by a geotechnical engineer or geologist licensed in the state of Washington to ensure that they do not impact slope stability and will not cause significant erosion. Plans that require this approval should be submitted to the DPD Applicant Service Center (ASC), 20th floor of Seattle Municipal Tower, (206) 684-8850. An appointment is not necessary.

- ***Otherwise***, the planting plan and ECA Restoration Plan Application must be submitted at a scheduled intake appointment along with an ECA Restoration Plan Application and State Environmental Policy Act (SEPA) review will be required. For SEPA review, the applicant must complete a SEPA checklist and provide any supporting documentation (site plan, soils report, replanting restoration plan, etc.). SEPA review is then conducted and a decision written. This usually takes a minimum of six weeks to complete. For general information on SEPA submittal requirements, visit the PRC. Intake appointments can be scheduled by calling the ASC at (206) 684-8850.

In order to assist citizens in restoration efforts, DPD has produced a Standard Mitigation Plan form for creating planting plans. Applicants should use this form to submit their planting plan; however, an alternative format will be accepted. For projects that must be filed with the ASC as stated above, plans in an alternative format

must be prepared and signed by a qualified professional (see Clarification of Terms) and contain a site plan, measuring 11" x 17" and showing the following:

- site address
- site tax parcel number
- site configuration
- area of ECA or ECA buffer delineated
- location of existing and proposed structures
- specific vegetation removed due to anticipated ground disturbance from the proposed construction or grading activity, indicating plant size, species, spacing and location
- calculations demonstrating the minimum number of plants/trees to be replanted
- specific vegetation proposed to be planted as part of the restoration, noting plant size, species and spacing

Additional information may be requested of the applicant during the review process.

Standard Mitigation Plan forms can be obtained online at DPD's Forms website (www.seattle.gov/dpd/Publications/Forms) or in person at the PRC, (206) 684-8467. A submittal fee may be charged as detailed in DPD's applicable fee subtitle SMC 22.900.

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Hazard Trees

Removal of a hazard tree is allowed in ECAs when an applicant demonstrates a significant risk exists. Specifically, a hazard tree must meet the following criteria:

- the tree has a combination of structural defects and/or disease which makes it subject to a high probability of failure;
- there is a potential target such as a permanent structure or an area of moderate to high use such as sidewalks or public trails within a tree length and a half of the tree; AND
- the danger can not be mitigated through pruning or moving of potential targets.

Designation of a hazard tree must be done by a qualified professional and will require approval by DPD prior to removal except in emergency situations (see Clarification of Terms). In emergency situations, work without a permit will be allowed to the minimum extent necessary to eliminate the hazard. Individuals that remove a

hazard tree in an emergency situation are still required to submit documentation of the hazard tree and the emergency situation after the situation has been mitigated.

Removal of a hazard tree will require replanting at a ratio of two new native trees for every tree removed unless the hazard is mitigated and the tree is retained as a wildlife snag.

CAM 331B, *ECAs: Hazard Trees*, outlines the process for assessing tree health to determine when a hazard tree exists as well as the process for receiving approval for the removal of hazard trees.

Trees and Vegetation in the Right-of-Way

Property owners have the responsibility to contact the Seattle Department of Transportation (SDOT) before pruning, altering or removing a tree within the right-of-way. Seattle City Ordinance #90047 requires that all persons who prune and/or remove privately maintained trees within the public right-of-way area obtain a street use permit. This includes open and unopened rights-of-way. The City Arborist office issues the permit. For further information call (206) 684-TREE (8733).

Seasonal Restrictions

Tree cutting is prohibited within geologic hazard areas as defined in SMC 25.09.020.A (except liquefaction-prone areas), between Oct. 31 and April 1, unless the cutting is approved by the Director or is necessary due to an emergency situation involving immediate danger to life or property.

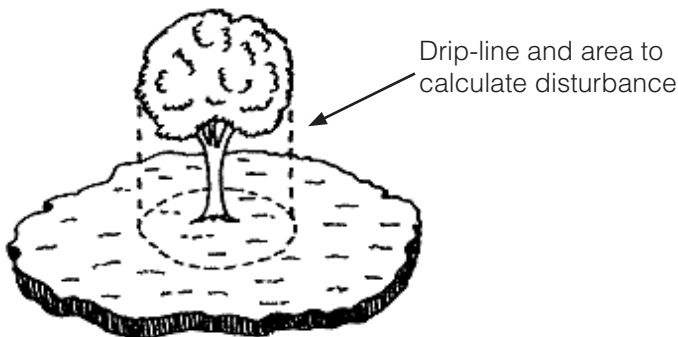
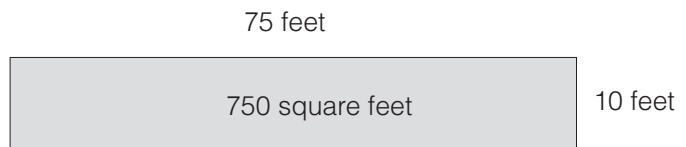
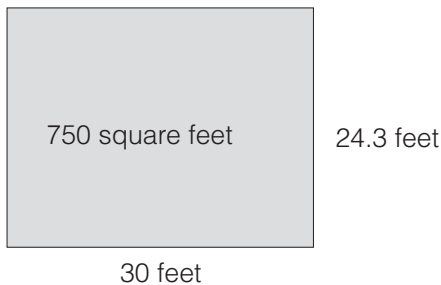
Approval to cut during this season may be granted if the applicant demonstrates to the Director that the proposed tree cutting will not adversely impact the ECA. The Director may require, at a minimum, a geotechnical evaluation of the slope, erosion control, restoration measures, and an indemnification agreement.

Priority Habitat & Species Areas

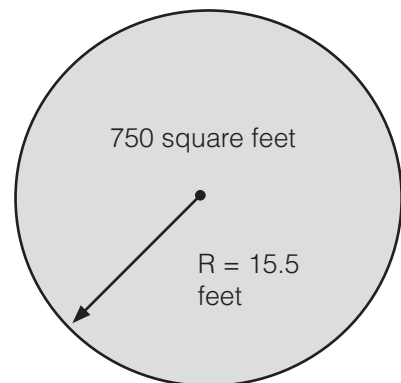
Tree cutting must comply with applicable species habitat management plans. For information on Bald Eagles and Great Blue Heron habitat, consult with DPD ASC staff.

How to Measure the Area of Work

Area of Work: Any combination of trees and other vegetation covering an area of 750 square feet or more. For trees, the area shall be calculated by measuring around the drip line of the tree.



Area = π R²
 π = 3.14
 R = Radius



R = 15.5 feet for 750 square foot area

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. For further information, contact the Washington State Department of Fish and Wildlife, Mill Creek Office, (425) 775-1311.

Clarification of Terms

Emergency - A situation defined in SMC 25.09.045E in which there is an immediate danger to life and property that requires preventive action in a timeframe too short to allow compliance with permit requirements.

Privately maintained tree - Any tree found growing within the public right-of-way area that has not been planted, nor is being maintained, by the City of Seattle.

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.

Qualified professional - must be qualified by professional certification, education, training and a minimum of three years experience in the area of maintenance, restoration and/or tree risk assessment as appropriate to ensure expertise in the work undertaken. To undertake tree risk assessment, a qualified professional must have Tree Risk Assessor certification as established by the Pacific Northwest Chapter of the International Society of Arboriculture (ISA) or equivalent qualifications.

Hazard tree evaluations and reforestation plans must be submitted with documentation as to professional qualifications as a component of the application or submittal for exemption.

Topping - The reduction of a tree's size using heading cuts that shorten limbs or branches back to a predetermined crown limit. Topping is not an acceptable pruning practice.

Windowing - The selective removal of branches not to exceed more than 30 percent in any three-year period of the leaf surface while retaining the symmetry and natural form of the tree in order to allow a view of an object from a predetermined point.

ECA Regulations Related Documents

- DPD Director's Rule 3-94, *Requirements for Permitting Development in Environmentally Critical Areas*
- CAM103B, *ECA Site Plan Requirements*

- CAM 242, *Tree Protection Regulations in Seattle*
- CAM 327, *ECA Exemptions and Modifications to Submittal Requirements*
- CAM 328, *ECA Exceptions*
- CAM 329, *Administrative Conditional Use Permit—Application Instructions and Submittal Requirements*
- CAM 330, *ECA Yard & Setback, Steep Slope and Wetland Buffer Variances*
- CAM 331A, *ECAs: Vegetation Restoration*
- CAM 331B, *ECAs: Hazard Trees*

Helpful Resources

- American Forests
www.americanforests.org
- The Forest Where We Live
www.lpb.org/programs/forest/national.html
- International Society of Arboriculture
www.champaign.isa-arbor.com
- Washington Urban Forestry Program
www.wa.gov/dnr/base/assistance.html
- National Arbor Day Foundation
www.arborday.org
- Seattle Transportation - Tree Steward Program
www.seattle.gov/transportation/arborist.html
- Pacific Northwest Chapter of the International Society of Arboriculture
www.pnwisa.org/index.html
- Plant Amnesty
www.plantamnesty.org

Questions?

If you have questions about tree and vegetation removal permits, visit the ASC on the 20th floor of Seattle Municipal Tower, 700 Fifth Ave., (206) 684-8850.

Access to Information

Links to electronic versions of DPD **Client Assistance Memos (CAMs), Director's Rules, and Forms** are available on the "Publications" and "Codes" pages of our website at www.seattle.gov/dpd. Paper copies of these documents are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle, (206) 684-8467.



City of Seattle
Department of Planning and Development
700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98104-4019

ECA RESTORATION PLAN APPLICATION

T O B E C O M P L E T E D B Y A P P L I C A N T

Date: _____

AP Number: _____

Owner's Name: _____

Address: _____

Phone: _____

Contact Name: _____

Address: _____

Phone: _____

Site Address: _____

Legal Description: _____

Tax Parcel Number: _____

Environmentally Critical Area(s) on/near site:

Geological Hazard

Abandoned Landfill

Flood-prone

Other _____

Wetlands

Fish & Wildlife Habitat Conservation Area (Creeks, Shorelines, etc.)

Riparian

T O B E C O M P L E T E D B Y A P P L I C A N T

Is the project associated with any other construction permit?

Yes

No

If yes, provide permit number and description:

Permit Number: _____

Description of associated construction or other permit:

This project is:

Voluntary Restoration

Required Mitigation as part of an enforcement action

Other _____

Note: An ECA Restoration Plan Application form does not need to be included with landscape or restoration plans submitted as part of a plan set or a Hazard Tree Removal Application.

Square Footage of Job Site Area = _____ square feet

Less than 750 square foot

Between 750 and 1,500 square foot

Between 1,500 and 9,000 square foot

Greater than 9,000 square foot

Are any of the trees proposed for removal designated as heritage trees or protected under past land use actions? No Yes

Description of work to occur (describe scope of work and objectives; attach any plans)

T O B E C O M P L E T E D B Y A P P L I C A N T

Is this action the result of a violation?

___ Yes

___ No

If yes, provide case number and description:

Case Number: _____

Provide documentation and description of the prior or existing conditions of the site that will be restored or replanted (attach any additional information).

T O B E C O M P L E T E D B Y D P D S T A F F

Application Number: _____ Receipt #: _____

Intake Staff: _____ Fee: _____

Analyst: _____

Approved: _____ Denied: _____ Date: _____

Note: if your project is a wetland mitigation/restoration project you must follow the procedures outlined in Wetland Mitigation in Washington State Part 2: Developing Mitigation Plans, Version 1, March 2006, Ecology Publication #06-06-011b