

Seattle Permits

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

Environmentally Critical Areas: Tree & Vegetation Overview

Updated June 30, 2014

Trees and other vegetation in environmentally critical areas (ECAs) are essential for maintenance of a naturally functioning condition that maintains slope stability and prevents erosion, protects water quality, and provides diverse wildlife habitat. Consequently, the City of Seattle protects 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 areas, the ECA code only allows removal, clearing, or other actions that may harm trees and vegetation in limited situations. Before you begin any of these activities, you need to determine if prior approval from the Seattle Department of Construction and Inspections (Seattle DCI) is necessary. This Tip outlines when activities that may impact trees and vegetation are allowed and how to obtain the appropriate approvals from Seattle DCI.

Seattle DCI maintains maps of ECAs that you can find on our website (www.seattle.gov/dpd/toolsresources/). Our maps are advisory and are intended to help you identify critical areas. The maps do not delineate the exact boundaries of ECAs. Environmentally Critical Areas that are not identified on the maps are still subject to ECA regulations. If you are planning development or other regulated activities in or near an ECA, you should contact us early in your planning process to determine the extent and impact they may have on your proposal.

You can find standards for the protection and management of trees and vegetation in landslide-prone critical areas (including steep slopes), steep slope buffers, riparian corridors, shoreline habitat, shoreline habitat buffers, wetlands and wetland buffers in section

25.09.320 of the Environmentally Critical Areas Ordinance in the Seattle Municipal Code (SMC).

Tree and Vegetation Standards

The City of Seattle's ECA code allows four types of tree and vegetation work in vegetation in landslide-prone critical areas (including steep slopes), steep slope buffers, riparian corridors, shoreline habitat, shoreline habitat buffers, wetlands and wetland buffers:

- Normal and routine maintenance
- Tree and vegetation removal as part of an issued building or grading permit
- Tree and vegetation restoration
- Removal or other mitigation of a hazard tree

We provide specific standards for each type of tree and vegetation work later in this Tip. We have summarized the submittal requirements for the documentation you must provide to Seattle DCI in Table 1 on page 2.

Normal and Routine Maintenance

Normal and routine maintenance of trees and vegetation includes work that is necessary to maintain existing pathways and landscaping or to ensure the health of existing vegetation. Maintenance also includes limited tree and shrub pruning. The removal of trees and non-invasive vegetation is not considered normal and routine maintenance.

When you prune trees, you 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 you contract with a company to prune your trees, we recommend obtaining written confirmation that pruning will be in accordance with these standards. A basic tree pruning guide outlining appropriate pruning measures is available from the Seattle Department of Transportation's website (www.seattle.gov/transportation/pruningguides.htm).



Table 1. Summary of Thresholds and Standards of the SMC 25.09.320

Applies to landslide-prone critical areas (including steep slopes), steep slope buffers, riparian corridors, shoreline habitat, shoreline habitat buffers, wetlands and wetland buffers.

| Area of work | Plan FILED with SDCI | Plan REVIEWED by SDCI | SEPA Review Required | Plan Type |
|--|----------------------|-----------------------|----------------------|---|
| Normal and Routine Maintenance | | | | |
| Less than 750 sq. ft. | | | | None required |
| 750 sq. ft. or greater | yes ¹ | | | Maintenance plan |
| Approved as Part of an Issued Building or Grading Permit | | | | |
| Less than 1,500 sq. ft. | | yes ² | no ³ | Restoration plan as part of your plan set |
| 1,500 sq. ft. or greater, but less than 9,000 sq. ft. | | yes ⁴ | no ³ | Restoration plan as part of your plan set |
| 9,000 sq. ft. or greater for single family residential development | | yes ⁵ | yes | Restoration plan and SEPA checklist as part of your plan set |
| Vegetation Restoration Project | | | | |
| Less than 1,500 sq. ft. 25.09.320A3c(2)(a) | yes ⁶ | | | Restoration plan, ECA Restoration Plan Application |
| 1,500 sq. ft. or greater | | yes ⁴ | yes | Restoration plan, SEPA checklist, ECA Restoration Plan Application |
| Hazard Trees | | | | |
| All | | yes | | Hazard Tree Application from Tip 331B, tree risk assessment, photos, restoration plan |
| <p>¹ SMC 25.09.320 B2 & 3</p> <p>² SMC 25.09.320 B1 & 2</p> <p>³ We will not require SEPA review due to the tree and vegetation disturbance; however, we may require SEPA review based on other factors. See Tip 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, your vegetation restoration plan for areas between 750 and 1,500 square feet must also be approved by a licensed geotechnical engineer or geologist as per SMC 25.09.320.</p> | | | | |

You do not need a permit from Seattle DCI for conducting normal and routine maintenance of trees and vegetation when the area of work is less than 750 square feet. However, if you are conducting normal and routine maintenance of an area greater than 750 square feet, we require a maintenance plan prepared by a qualified professional. Certain areas maintained prior to the 2006 ECA Ordinance update may be exempt from this submittal requirement. See SMC 25.09.320.A.3.a for details about this exemption.

Your maintenance plan must provide a basic site plan showing where the work will be conducted, and include a statement that tree pruning will comply with ANSI A300 pruning standards. If you are conducting maintenance in an area larger than 750 square feet within a landslide-prone area, your maintenance plan must be approved by a geotechnical engineer or geologist licensed in the state of Washington. This approval must accompany your maintenance plan.

You need to submit your maintenance plan and application to the Public Resource Center (PRC). You can submit it in person without an appointment on the 20th floor of the Seattle Municipal Tower, 700 Fifth Ave (Call (206) 684-8467 for our hours of operation) or you may submit your application and plan by email or mail:

PRC@seattle.gov

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

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

You are allowed to remove trees and vegetation and conduct revegetation activities when it is part of an issued building or grading permit. During our review of your proposal we will determine if tree and vegetation removal is necessary for your building or grading project. To simplify your preparation of a revegetation plan, we have produced a Standard Mitigation Plan for your use (see link below). We recommend you use this form to submit your revegetation plan. We will accept an alternative format prepared and signed by a qualified professional (see Clarification of Terms below) as long as it meets the guidelines of this Tip and the submittal requirements outlined below.

Alternative formats for submitted restoration plans must contain a 11" x 17" site plan with the following information:

- Site address
- Site tax parcel number
- Site configuration
- Area of ECA or ECA buffer delineated
- Location of existing and proposed structures
- Vegetation to be removed due to anticipated ground disturbance from the proposed construction or grading activity
- Calculations demonstrating the minimum number of plants/trees to be replanted
- Specifications for the plant size, species and spacing of plants to be installed

We may ask for more information during our review.

You can get our Standard Mitigation Plan form on our website (www.seattle.gov/dpd/toolsresources/) or in person at the PRC, (206) 684-8467.

Tip 331A, *Environmentally Critical Areas: Vegetation Restoration*, provides helpful resources and guidelines for vegetation restoration.

Tree and Vegetation Restoration Without a Building Permit

The ECA code allows disturbance of trees and vegetation in ECAs when the purpose is to restore or improve native vegetation and trees to promote a naturally function condition that prevents erosion, protects water quality, or provides diverse habitat.

Examples of allowed disturbances include:

- Re-establishing 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, such as big leaf maples and red alder, with native conifers

If your restoration is voluntary and not associated with a building or grading permit or violation, the following rules apply:

- If the restoration area that is within an ECA or a surrounding regulated buffer area is less than 1,500 square feet and you are not using chemical or mechanical removal techniques, you must file a vegetation restoration plan with Seattle DCI at the PRC counter, along with an ECA Restoration Plan Application. Applications may also be submitted by mail or email to the addresses provided above. Tip 331A, *Environmentally Critical Areas: Vegetation Restoration*, provides helpful resources and guidelines for vegetation restoration.
- If you are planning to work on a steep slope or associated buffers in an area between 750 and 1,500 square feet, your vegetation restoration plan must also be approved by a geotechnical engineer or geologist licensed in the state of Washington. This is to ensure that your restoration does not impact slope stability or cause other adverse impacts.
- If the restoration area that is within an ECA or a surrounding regulated buffer area is greater than 1,500 square feet, or if you plan to use chemical or mechanical removal techniques, you must submit your restoration plan and ECA Restoration Plan Application at a scheduled intake appointment. We will require a State Environmental Policy Act (SEPA) review. You must complete a SEPA checklist and provide pertinent supporting documentation (site plan, soils report, replanting restoration plan, etc.). We will then conduct the SEPA review and issue a threshold determination. Our review usually takes a minimum of six weeks to complete. The PRC can provide general information on SEPA submittal requirements. You can schedule an intake appointment by calling the Applicant Service Center (ASC) at (206) 684-8850.

We recommend using our Standard Mitigation Plan form to create your restoration plan. We will accept alternative formats with an equivalent or greater level of detail. Plans in alternative formats must be prepared and by a qualified professional, (see Clarification of Terms, below), contain a 11" x 17" site plan, and show the following:

- Site address
- Site tax parcel number
- Site configuration
- Area of ECA or ECA buffer delineated

- Location of existing and proposed structures
- Vegetation to be removed due to anticipated ground disturbance from the proposed construction or grading activity
- Calculations demonstrating the minimum number of plants/trees to be replanted
- Specifications for the plant size, species and spacing of plants to be installed

We may request additional information during our review. Tip 331A, *Environmentally Critical Areas: Vegetation Restoration*, provides helpful resources and guidelines for vegetation restoration.

You can get Standard Mitigation Plan forms from our website (www.seattle.gov/dpd/toolsresources/) or in person at the PRC, (206) 684-8467. We will charge a submittal fee as detailed in the Seattle DCI Fee Subtitle SMC 22.900.

Tip 331A, *Environmentally Critical Areas: Vegetation Restoration*, provides helpful resources and guidelines for vegetation restoration.

Hazard Trees

You must submit a hazard tree removal application and other supporting materials listed in Tip 331B, *Hazard Trees*, to request approval to remove a hazardous tree within landslide-prone critical areas (including steep slopes), steep slope buffers, riparian corridors, shoreline habitat, shoreline habitat buffers, wetlands and wetland buffers. Tip 331B, *Hazard Trees*, outlines the process for obtaining approval to remove hazardous trees protected by the City's ECA or Tree Protection codes. We allow the removal of a hazardous tree in these ECAs when you demonstrate there is a significant risk to property or safety. Specifically, a hazard tree must meet all of these criteria:

- The tree has structural defects and/or other conditions that make it likely to fall or break,
- There is a permanent structure or an area of moderate-to-high use by people, such as sidewalks or public trails that would be impacted if the tree failed
- The danger cannot be mitigated by pruning the tree or moving the structure or activity.

In emergency situations, you may remove a tree without our approval to the minimum extent necessary to eliminate the hazard. However, you are still required to submit documentation of the hazard tree and the emergency situation once the situation has been mitigated.

Trees and Vegetation in the Right-of-Way

You must get approval from the Seattle Department of Transportation (SDOT) before pruning, altering, or removing a tree or vegetation within the public street right-of-way. This includes open and unopened street and alley rights-of-way. The SDOT Urban Forestry Arborist Office issues these permits. For further information call (206) 684-TREE (8733) and see www.seattle.gov/transportation/forestry.htm.

Priority Habitat & Species Areas

You must comply with all applicable species habitat management plans when you cut a tree. For information on Bald Eagles and Great Blue Heron habitat, you should consult with ASC staff.

Federal/State Requirements

Your 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, <http://wdfw.wa.gov/>.

Clarification of Terms

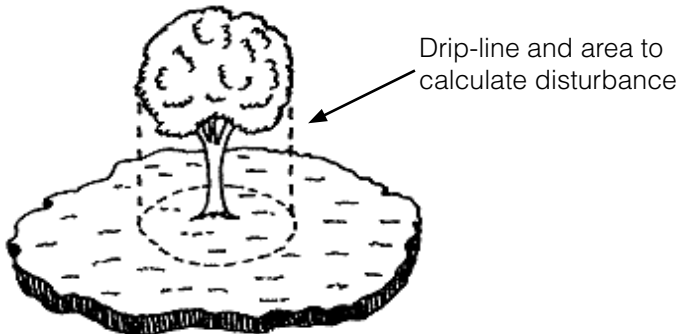
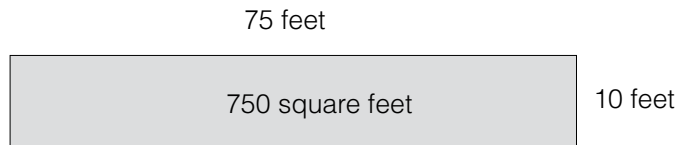
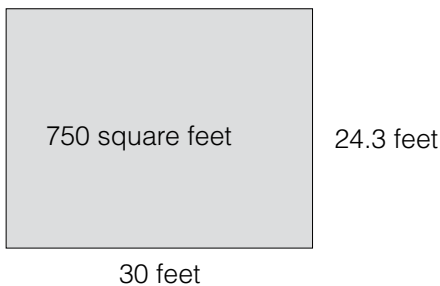
Emergency—A situation, as defined in SMC 25.09.045E, in which there is an immediate danger to life and property that requires preventive action in a timeframe too short for you to comply with permit requirements.

Pruning—The pruning of a tree through crown thinning, crown cleaning, windowing, or crown raising, but not including topping of trees or any other trimming which is likely to kill or significantly damage the tree.

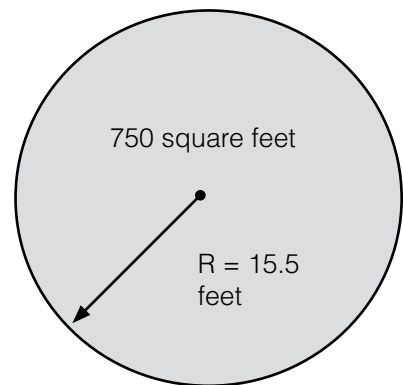
Qualified professional—An expert that has an appropriate combination of professional certifications, education and training, and experience to plan, implement, and oversee tree and vegetation maintenance and restoration in ECAs. To undertake tree risk assess-

How to Measure the Area of Work

Area of Work: Your area of work consists of the area impacted by your tree and vegetation removal and/or restoration activities. For trees, the area shall be calculated by measuring around the drip line of the tree.



Area = πR^2
 $\pi = 3.14$
 R = Radius



R = 15.5 feet for 750 square foot area

ments, a qualified professional shall hold a current Tree Risk Assessment Qualification (TRAQ), as established by the International Society of Arboriculture (ISA).

Topping—The cutting back of limbs to stubs within the tree's crown, to such a degree as to remove the normal canopy and disfigure the tree; or the cutting back of limbs or branches to lateral branches that are less than one-half (1/2) of the diameter of the limb or branch that is cut.

ECA Regulations Related Documents

- Tip 103B, *Environmentally Critical Area Site Plan Requirements*
www.seattle.gov/DPD/Publications/CAM/cam103B.pdf
- Tip 242, *Tree Protection Regulations in Seattle*
www.seattle.gov/DPD/Publications/CAM/cam242.pdf
- Tip 326, *Environmentally Critical Areas: Wetlands and Fish & Wildlife Habitat Conservation Areas*
www.seattle.gov/DPD/Publications/CAM/cam326.pdf
- Tip 331A, *Environmentally Critical Areas: Vegetation Restoration*
www.seattle.gov/DPD/Publications/CAM/cam331a.pdf

Helpful Resources

- King County Native Plan Guide
<https://green.kingcounty.gov/GoNative/Index.aspx>
- Slope Stabilization and Erosion Control (Washington Department of Ecology)
<http://www.ecy.wa.gov/programs/sea/pubs/93-30/index.html>
- Releaf
www.seattle.gov/tree
- Pacific Northwest Chapter of the International Society of Arboriculture
<http://pnwisa.org/>
- Washington Urban Forestry Program
www.dnr.wa.gov/urbanforestry
- 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 Seattle DCI **Tips**, **Director's Rules**, and **Forms** are available on the "Tools & Resources" page of our website at www.seattle.gov/sdci. 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 Construction and Inspections
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: _____

Email: _____

Contact Name: _____

Address: _____

Phone: _____

Email: _____

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 S E A T T L E D C I 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