

Seattle Permits

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



Tree Protection Regulations in Seattle

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Trees are valued in Seattle and legally protected in a variety of ways. Tree protection regulations are contained in the Tree Protection Ordinance, Seattle Municipal Code (SMC) 25.11, as well as the Environmentally Critical Area Code, SMC 25.09, which provides specific requirements for environmentally critical areas (ECAs) including property adjacent to steep slopes, wetlands, streams, and shorelines.

If you are considering cutting or removing trees on your property, please read this Tip. You may need to get approval (a permit) to remove a tree. This Tip summarizes the regulations enforced by the Seattle Department of Construction and Inspections (SDCI) and references a number of documents you may find useful.

DETERMINING WHICH REGULATIONS APPLY TO YOU

Tree protection regulations vary by a number of factors. To find which regulations apply to your circumstances, you will need to have answers to the following questions:

- What is the zoning of your property?
- Is your property in an environmentally critical area (ECA)? If so, what category of ECA (wetland, steep slope, etc.)?
- Is your property undeveloped? Are you planning new development?
- Does your property contain trees over six inches in diameter?

You can find answers to zoning and ECA questions on our website, www.seattle.gov/sdci, or at the Public Resource Center (PRC), located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave., (206) 684-8467.

CATEGORIES OF TREES AFFECTED

The main categories of trees on which these regulations focus are:

- **Trees over six inches in diameter**, measured four and one-half feet above the ground known as Diameter at Breast Height (DBH) or Diameter at Standard Height (DSH).
- **Exceptional trees** — trees that have significant value due to their size and species as defined in Director's Rule (DR) 16-2008 which have unique historical, ecological or aesthetic value.
- **Hazardous trees** — trees that pose a high risk of damage to persons or property

IDENTIFYING TREE TYPES ON YOUR PROPERTY

Our tree protection regulations require you to have certain information about existing trees on your property, including the tree's species, or common name, diameter size, and their general health. Director's Rule 16-2008 and the "Common Seattle Trees" brochure will be helpful, though you may still find it necessary, in some circumstances, to hire a certified or registered consulting arborist with experience in tree identification and health assessment. Many helpful resources, including DR 16-2008 and the "Common Seattle Trees" brochure, are available in the PRC or online on our Tree Protection Code webpage located at: [www.seattle.gov/sdci/codes/codes-we-enforce-\(a-z\)/tree-protection-code](http://www.seattle.gov/sdci/codes/codes-we-enforce-(a-z)/tree-protection-code).

DR 16-2008 defines exceptional trees and provides standards and procedures for their classification. All trees over a diameter threshold for that species are considered exceptional unless they are found to constitute a high-risk hazard as determined through a risk assessment undertaken by a qualified arborist.



SUMMARY OF TREE PROTECTION CODE REQUIREMENTS

Tree protection regulations vary based on location and are summarized below in three categories (undeveloped land, developed land and environmentally critical areas). We may require an application for approval to remove a tree.

Undeveloped Land

You may not remove trees six inches in diameter or greater on undeveloped lots unless they are found to be hazardous (see Hazardous Tree section of this Tip) or unless you propose to remove a tree as part of a development (see Tree Protections During Development section of this Tip).

Developed Land

Tree removal on developed land is limited in all single-family, lowrise, midrise, and commercial zones. The following applies, unless trees are found to be hazardous (see Hazardous Tree section), or where tree removal is proposed as part of a development (see Tree Protections During Development section).

- No exceptional trees may be removed.
- No more than three non-exceptional trees six inches in diameter or greater may be removed on a lot in any one-year period.

SDCI approval (a permit) is required to remove an exceptional tree, tree(s) in environmentally critical areas (ECA), or more than three trees six-inches or greater as noted above. Otherwise, you do not need approval to remove a tree. Removal of hazard trees or tree removal as part of a development may require you to submit documentation as discussed in those sections.

Tree Replacement

In all zones, each exceptional tree, and tree greater than 24" DBH/DSH, removed in association with development must be replaced with a tree that will provide the same canopy coverage at maturity unless it qualifies as a hazardous tree (see Hazard Tree section).

Environmentally Critical Areas (ECAs)

Tree removal in certain ECAs, such as steep slopes, riparian areas (shorelines of streams and rivers), wetlands, wetland buffers, and shorelines is regulated differently. This is because trees play a critical role in preventing erosion, protecting water quality, and provid-

ing habitat. In general, removing trees and vegetation in an ECA is only allowed in limited circumstances such as:

- Normal and routine maintenance
- When done as part of an issued building or grading permit
- For certain ECA restorations
- For mitigating removal of a hazard tree

Regulations for trees and vegetation management in ECAs are contained in SMC 25.09.070 and are summarized in Tip 331, *ECA: Tree and Vegetation Overview*, Tip 331A, *ECA: Vegetation Restoration*, and Tip 331B, *Hazard Trees*.

HAZARD TREES

Hazard trees are trees that have structural defects and/or disease and that are located near potential targets, which in combination makes them a high risk. The high risk determination must be made by an arborist qualified in tree risk assessment according to the standards of the International Society of Arboriculture. Steps for tree assessment and application instructions are contained in Tip 331B, *Hazard Trees*. Removal of a hazard tree requires submitting an application and receiving approval by SDCI prior to removal.

Emergency Tree Removals

You may remove a hazard tree that poses an immediate danger to life or property before your receive approval from SDCI. However, you must then immediately submit an application with documentation and photos clearly demonstrating the defects and emergency conditions.

PROTECTION OF TREES AND EXCEPTIONAL TREES DURING DEVELOPMENT

Tree protection during development is required in single-family, lowrise, midrise, and commercial zones as per SMC 25.11, *Tree Protection*. It is also required in any zone when trees are being retained, and the project is receiving development credit for retention, are foreseeably within the area of construction and could be damaged by construction activity. Development applications must identify all existing trees with a diameter of over six inches on the site plan (including location, size, and species or common name), including any off-site trees with canopy and roots extending onto the project site. In general, development disturbance of the tree protection area is limited and exceptional trees must be retained. An exception is if doing so would prevent a project from meeting the development potential of the

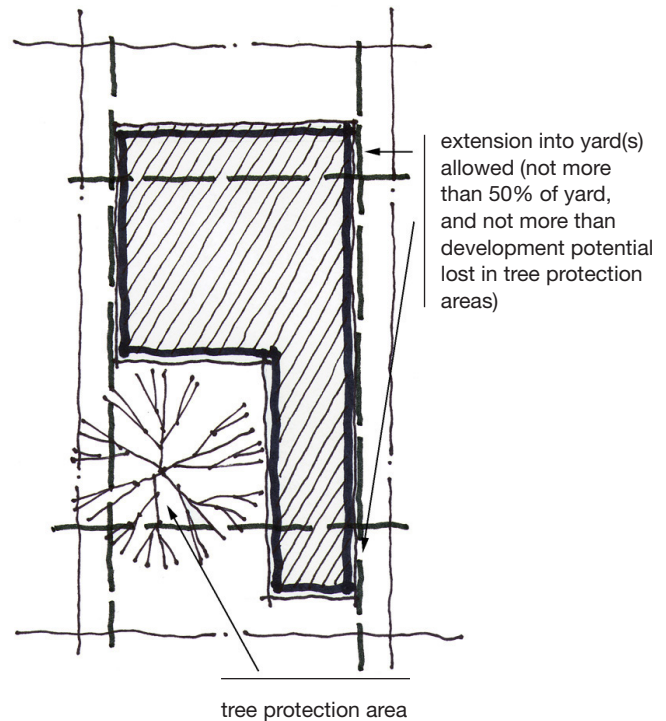
zone even after considering available development standard adjustments, departures, and code modifications. Specific standards are described by zone below. Most zones also have landscaping requirements that require minimum levels of trees and vegetation which may be met through new and/or retained trees and vegetation. Landscaping requirements are found in each zone's Land Use Code chapter and are summarized at [www.seattle.gov/sdci/codes/codes-we-enforce-\(a-z\)/tree-protection-code](http://www.seattle.gov/sdci/codes/codes-we-enforce-(a-z)/tree-protection-code).

SINGLE FAMILY ZONES

Disturbance of the tree protection area during development must be limited. Exceptional trees must be retained unless doing so would prevent the development from achieving the maximum allowed lot coverage. Maximum allowed lot coverage in SF 5000, 7200, and 9600 zones is 35 percent of the lot area. For lots less than 5,000 square feet, the maximum allowed lot coverage is 1,000 square feet plus 15 percent of the lot area. Maximum allowed lot coverage in Residential Small Lot zones is 50 percent of the lot area.

Applicants must take advantage of allowed front and/or rear yard departures if this would allow preservation of the tree (see Figure 1). To protect the tree, homes and other structures (up to their "development potential") must be designed to avoid the tree's protection area. The tree protection area may be determined by an arborist based on the condition and location of the tree; however, it is generally considered to be the dripline (an horizontal area equal to the maximum extent of all branches and leaves) minus any allowed encroachment. If the development potential cannot be achieved in this manner, or if avoiding development in the tree protection area would result in a portion of the house being less than 15 feet in width, then more extensive encroachment into the tree protection area may be allowed or the tree may be removed. Protection of non-exceptional trees over two feet in diameter is optional, but encouraged and eligible for the code modifications applicable to exceptional trees. Existing front and/or rear yard departures may be utilized to retain these trees. This information can be found in each zone's Land Use Code chapter and are summarized at: [www.seattle.gov/sdci/codes/codes-we-enforce-\(a-z\)/tree-protection-code](http://www.seattle.gov/sdci/codes/codes-we-enforce-(a-z)/tree-protection-code).

Figure 1. Example of tree protection in single-family zones



Lowrise 1, Lowrise 2 and Lowrise 3 Zones

If there is an exceptional tree on the site and excessive encroachment into the tree protection area is proposed or the tree is not proposed for retention, the project must go through Streamlined Design Review (23.41.018) to explore allowed code adjustments to retain and protect the tree. This is required even if the project is below the design review thresholds. Exceptional tree removal is permitted only in limited circumstances where protecting the tree during construction would prevent the maximum allowed floor area from being achieved. A site's allowed floor area in these zones is regulated by floor area ratio limits. The project (up to its "development potential") must use one or both of the following options if it would allow retention and protection of the tree:

- Development standard adjustments as permitted in Streamlined Design Review pursuant to 23.41.018.
- Increase in permitted height as permitted in 25.11.070.A.3a of up to 50 feet to the top of a pitched roof with a minimum slope of 6:12 for a principal structure with a base height limit of 40 feet that is subject to the pitched roof provisions of 23.45.514.D. This additional height must be needed to accommodate additional development on an additional floor. The amount of the additional floor area is limited to the amount of

floor area lost by avoiding development within the tree protection area.

There are also possible development standard departures and parking reductions:

- Development standard departures, including increased FAR and structure height, pursuant to 23.41.012.
- Reduction in number and standards of required parking spaces as permitted in 25.11.070.A.3.b.

Figure 2. Recovery of development potential by encroachment into front and/or rear setbacks in lowrise zones

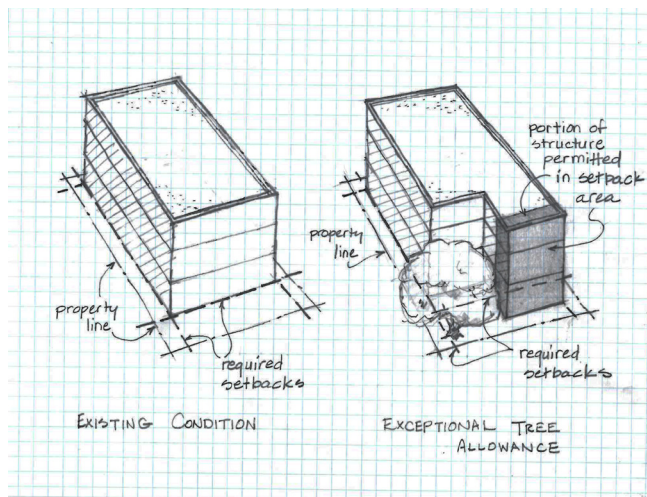
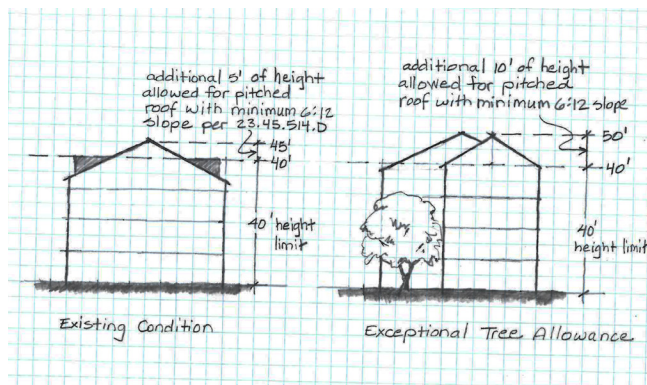


Figure 3. Recovery of development potential through an increase in height to allow a fourth floor in lowrise 2 and 3 zones for select housing types in Urban Centers, Urban Villages, and Station Overlay Districts (25.11.070.A.3). A development standard departure for a height increase is also allowed in all lowrise, midrise and commercial zones pursuant to 23.41.012, Design Review.



Midrise and All Commercial Zones

If there is an exceptional tree on site and the project is below the threshold for full design review the project must go through SDR (Code) to explore allowed code adjustments to retain and protect the tree if either:

- Excessive encroachment into the tree protection area is proposed or
- The tree is not proposed for retention

An exceptional tree may be removed if avoiding excessive development in the tree protection area could not be achieved by:

- Development standard adjustments
- Departures through Design Review
- Reducing the number of required parking spaces (23.54.015)
- Modifying standards for required parking spaces (23.54.030)

Protection of other non-exceptional trees over two feet in diameter is optional, but encouraged. Applicants may utilize design review or parking space reductions to retain these trees.

Other Zones

Tree protection may be required as part of Design Review and/or SEPA review.

REGULATORY FRAMEWORK

The Seattle Municipal Code (SMC) and SDCI Director's Rules contain tree regulations in a number of sections. The most important regulations and processes are found in these documents:

Seattle Municipal Code

- Chapter 25.11 — Tree Protection
- Section 25.09.070 — Environmentally Critical Areas Trees and Vegetation
- Section 25.05.675.N — State Environmental Policy Act (SEPA)
- Chapter 23.41 — Design Review
- Section 23.22.020 and 23.22.054 — Subdivisions
- Section 23.24.020 and 23.24.040 — Short plats

SDCI Director's Rules

- Director's Rule 30-2015 — *Standards for Landscaping, including Green Factor*
- Director's Rule 16-2008 — *Designation of Exceptional Trees*

SDCI Tips

- Tip 331, *ECA: Tree and Vegetation Overview*
- Tip 331A, *ECA: Vegetation Restoration*
- Tip 331B, *Hazard Trees*

Design Review-Related Documents

- Tip 238, *Design Review: General Information, Application Instructions, and Submittal Requirements*
- Tip 238B, *Streamlined Design Review: General Information, Application Instructions, and Submittal Requirements*
- Seattle Design Guidelines

Access to Information

Links to electronic versions of SDCI **Tips**, **Director's Rules**, and the **Seattle Municipal Code** are available on the "Tools & Resources" page of our website at www.seattle.gov/sdci. Paper copies of these documents, as well as additional regulations mentioned in this Tip, 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.

Tree Regulations For Non-ECA Sites Where New Construction Is Proposed

Zones	Landscaping/Tree Planting Regulations	Tree Protection Regulations (SMC, Ch. 25.11)
Single-Family	SMC 23.44.020	Ch. 25.11, specifically 25.11.060 and 25.11.090 for replacement
Lowrise 1, Lowrise 2, Lowrise 3 and Midrise	SMC 23.45.015	Ch. 25.11, specifically 25.11.070 and 25.11.090 for replacement
Commercial	Commercial: 23.47A.016	Ch. 25.11, specifically 25.11.080 and 25.11.090 for replacement
All Other Zones	See Relevant Chapter for Each Zone	Not Applicable except 25.11.090 for replacement

Design Review

If a project is under the Design Review threshold (see Tip 238, *Design Review*) in lowrise, midrise, or commercial zones, the project may still have to go through Streamlined Design Review if there are exceptional trees on the site or encroaching substantially onto the site (see Tip 238B, *Streamlined Design Review*). Design Review is optional if the site contains a non-exceptional tree over two feet in diameter.

STATE ENVIRONMENTAL POLICY ACT (SEPA)

If over SEPA thresholds (see DR 7-2018, *Exemptions from State Environmental Policy Act (SEPA)*) and not covered by Chapter 25.11, the project will still be reviewed for "exceptional" tree protection under SEPA policy 25.09.675.N and DR 16-2008, *Designation of Exceptional Trees*.