

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, you'll want to read this Tip, which summarizes the regulations enforced by the Department of Planning and Development (DPD) 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?

Answers to zoning and ECA questions can be found at the DPD 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
- **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

The tree protection regulations require you to have certain information about existing trees on your property, including what species you have and whether they are healthy. Director's Rule 16-2008 and the "Common Seattle Trees" brochure will be helpful, though you may still find it necessary in some circumstances (e.g., a large development) to hire a professional. DR 16-2008 is available at the PRC or online at www.seattle.gov/dpd/codesrules/codes/. Please visit DPD's Tree Protection Code website at www.seattle.gov/dpd/codesrules/codes/treeprotection/ for the "Common Seattle Trees" brochure, plus many other helpful resources.

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 hazard as determined through a risk assessment undertaken by an arborist.

"Common Seattle Trees" describes species of trees commonly occurring in Seattle. For each species, drawings of leaf shape and overall form of the tree are shown, in addition to comments on the fruit, flower, bark, cones (when applicable), and tree tip.

www.seattle.gov/dpd



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).

Undeveloped Land

No trees six inches in diameter or greater may be removed on undeveloped lots unless they are found to be hazardous (see Hazardous Tree section of this Tip) or where tree removal is proposed 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 lowrise, midrise, and commercial zones and on single-family lots 5,000 square feet in area or larger as follows unless they 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.

No permits are required for removal of trees within these limits; however, removal of hazard trees or tree removal as part of a development may require submission of documentation as discussed in those sections.

On single family lots less than 5,000 square feet, tree removal is allowed where no development is proposed, but may be limited according to this Tip's Tree Protections During Development section when development is proposed.

Environmentally Critical Areas (ECAs)

Tree removal in ECAs including steep slopes, creeks, wetlands and shorelines is regulated differently because trees play a critical role in preventing erosion, protecting water quality, and providing habitat. In general, removal of trees and vegetation is only allowed in limited circumstances for normal and routine maintenance, removal when part of an issued building or grading permit, restoration, or mitigation of a hazard tree. Regulations for ECAs are contained in SMC 25.09.320 and are summarized in Tip 331, *ECA: Tree and Vegetation Overview*, and Tip 331A, *ECA: Vegetation Restoration*, and 331B, *Hazard Trees*.

HAZARD TREES

Hazard trees are trees designated by a qualified professional that have a combination of structural defects and/or disease which makes it subject to a high probability of failure and are located near potential targets. Steps for tree assessment and application instructions are contained in Tip 331B: *Hazard Trees*. Removal of a hazard tree will require approval by DPD prior to removal except in emergency situations where a tree may be removed prior to approval provided that documentation is submitted afterward. If a hazard tree is located in an environmentally critical area, replanting will also be required for removal of a hazard tree.

TREE PROTECTION DURING DEVELOPMENT

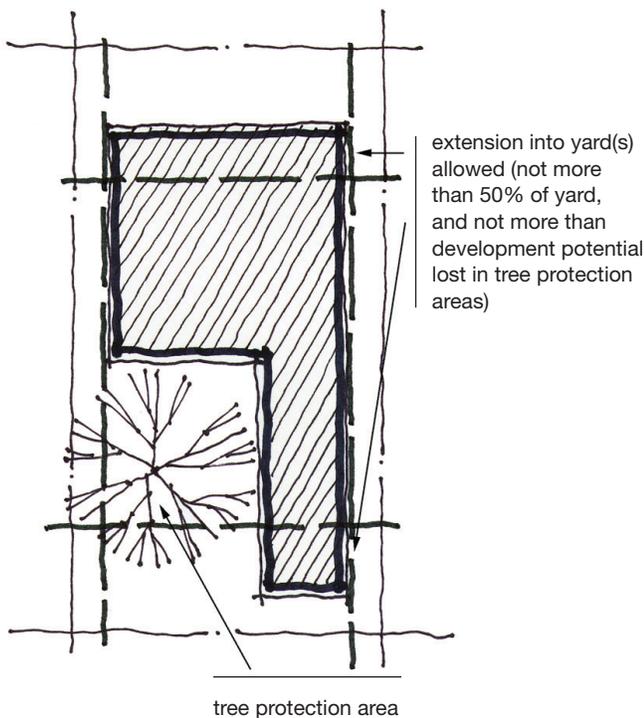
Tree protection requirements during development exist in single-family, lowrise, midrise, and commercial zones as per SMC 25.11, Tree Protection. Development applications must identify all existing trees with a diameter of over six inches on the site plan (including location, size and species/common name). In general, exceptional trees must be retained unless doing so would prevent a project from meeting the development potential of the zone even after available departures from development standards are considered. 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: <http://www.seattle.gov/dpd/codesrules/codes/treeprotection/>.

SINGLE FAMILY AND RESIDENTIAL SMALL LOT ZONES

Exceptional trees may be removed only if protecting the tree during construction would prevent the maximum allowed lot coverage from being achieved. A single family lot's allowed lot coverage is defined as 35 percent of the lot area or for lots less than 5,000 square feet, 1,000 square feet plus 15 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). 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 the tree may be removed. Protection of other non-exceptional trees over two feet in diameter is optional, but encouraged. 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: <http://www.seattle.gov/dpd/codesrules/codes/treeprotection/>.

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, the project must go through streamlined design review (pursuant to 23.41.018), even if the project is below the design review threshold for number of units, unless the applicant proposes to preserve the tree without departures. 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 more of the following options if it would allow preservation of the tree:

- Development standard adjustments as permitted in streamlined design review pursuant to 23.41.018,
- Development standard departures, including extensions into required setbacks pursuant to 23.41.012.
- Increase in permitted height as permitted in 25.11.070.A.3 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.
- Reduction in number of required parking spaces as permitted in 25.11.070.A.3.c.

Applicants may use any of the above departures to retain these trees.

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

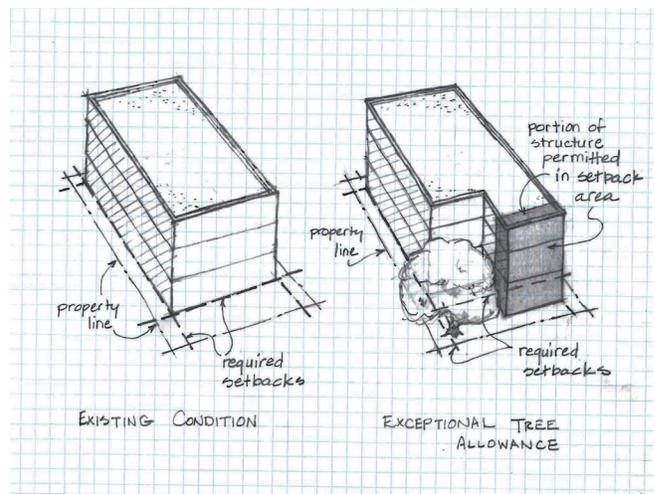
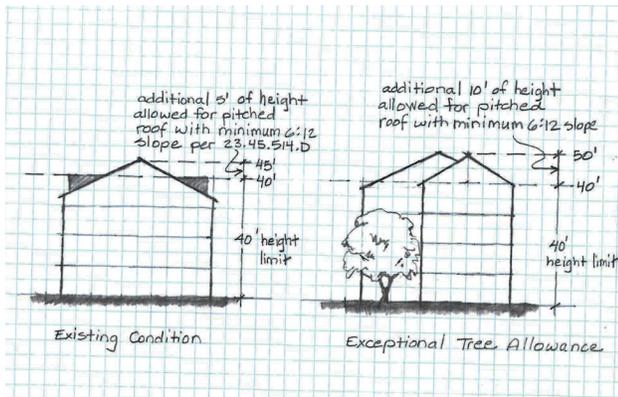


Figure 3. Recovery of development potential through increase in height to allow fourth floor in lowrise zones



Midrise and All Commercial Zones

If there is an exceptional tree on the site, the project must go through streamlined design review (pursuant to 23.41.018) if the project is below the design review threshold for number of units or square footage, unless the applicant proposes to preserve the tree without departures. An exceptional tree may be removed only if avoiding development in the tree protection area could not be achieved by development adjustments or departures through design review and/or a reduction in required parking spaces. 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 evaluation.

REGULATORY FRAMEWORK

The Seattle Municipal Code (SMC) and DPD Director's Rules contains regulations concerning trees in a number of sections. The most important regulations and processes are found in the following documents:

Seattle Municipal Code

- Chapter 25.11 — Tree Protection
- Section 25.09.320 — Environmentally Critical Areas Trees and Vegetation
- Section 25.05.675N — State Environmental Policy Act (SEPA)

- Chapter 23.41 — Design Review (administrative design review process, waiver of development standards, and plan submittal requirements)
- Section 23.22.020 and 23.22.040 — Subdivisions
- Section 23.24.020 and 23.24.040 — Short plats

DPD Director's Rules

- Director's Rule 10-2011 — *Landscape Standards*
- Director's Rule 16-2008 — *Designation of Exceptional Trees*

DPD 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*
- *Design Review Guidelines for Multifamily and Commercial Buildings*

Access to Information

Links to electronic versions of DPD **Tips**, **Director's Rules**, and the **Seattle Municipal Code** are available on the "Tools & Resources" page of our website at www.seattle.gov/dpd. 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 23.44.008	Ch. 25.11, especially 25.11.060
Lowrise 1, Lowrise 2, Lowrise 3 and Midrise	SMC 23.45.015	Ch. 25.11, especially 25.11.070
Commercial	Commercial: 23.47A.016	Ch. 25.11, especially 25.11.080
All Other Zones	See Relevant Chapter for Each Zone	Not Applicable

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 or administrative design Review **IF** there are exceptional trees on the site. Design Review is optional if the site contains a non-exceptional tree over two feet in diameter. If the project is over the Design Review threshold, general design guidelines will apply for consideration of whether or not trees will be recommended for retention, and whether the tree is "exceptional" or not.

STATE ENVIRONMENTAL POLICY ACT (SEPA)

If over SEPA thresholds (see DR 17-2008, *SEPA Exemptions from Environmental Review Requirements When Establishing, Changing or Expanding a Use*) and not covered by Chapter 25.11, the project will still be reviewed for "exceptional" tree protection under SEPA policy 25.09.675N and DR 6-2001.