



Director's Rule 6-2001

Applicant: City of Seattle Department of Design, Construction and Land Use	Page 1 of 5	Supersedes: NA
	Publication: 7/5/01	Effective: 8/13/01
Subject: Clarification of State Environmental Policy Act (SEPA) Plants and Animals Policy Concerning Outstanding Trees, and Designation of Exceptional Trees under the Tree Protection Chapter (25.11) of the Seattle Municipal Code	Code and Section Reference: SMC 25.05.675N SMC 25.11	
	Type of Rule: Code Interpretation	
	Ordinance Authority: SMC 3.06.040	
Index: SEPA Sec 25.05.675; SMC 25.11	Approved (signature on file) Diane M. Sugimura	Date 8/8/01

PURPOSE

The purpose of this rule is to clarify the SEPA Plants and Animals Policy (Seattle Municipal Code Section 25.05.675 N 2c.) for the purpose of determining the value of outstanding trees on sites undergoing environmental review, in order to establish appropriate tree protection mitigating measures. This rule also establishes a procedure for identifying Exceptional Trees pursuant to SMC Chapter 25.11.

BACKGROUND

The Seattle Ordinance that implements the State Environmental Policy Act (SEPA), Chapter 25.05, Seattle Municipal Code (SMC), authorizes the Department of Design, Construction and Land Use (DCLU) to grant, condition or deny construction and use permit applications for public or private proposals that are subject to environmental review. This authority must be exercised based on adopted City policies, plans, rules or regulations set forth in Chapter 25.05, SMC.

The SEPA language addressing vegetation and tree protection under Plants and Animals reads:

SMC 25.05.675 N.2a.

“It is the City’s policy to minimize or prevent the loss of wildlife habitat and other vegetation which have substantial aesthetic, educational, ecological, and/or economic value.”

SMC 25.05.675 N.2c.

“When the decisionmaker finds that a proposed project would reduce or damage rare, uncommon, unique or exceptional plant or wildlife habitat, wildlife travelways, or habitat diversity for species (plants or animals) of substantial aesthetic, educational, ecological or economic value, the decision maker may condition or deny the project to mitigate its adverse impacts. Such conditioning or denial is permitted whether or not the project meets the criteria of the Overview Policy set forth in SMC Section 25.05.665; provided, that for any project subject to the City’s Shoreline Master Program, the Overview Policy set forth in SMC Section 25.05.665 shall apply.”

SMC 25.05.675 N.2d.

“Mitigating measures may include but are not limited to:

- i. Relocation of the project on the site;
- ii. Reducing the size or scale of the project;
- iii. Preservation of specific on-site habitats, such as trees or vegetated areas;
- iv. Limitations on the uses allowed on the site;
- v. Limitations on times of operation during periods significant to the affected species (i.e., spawning season, mating season, etc.); and
- vi. Landscaping and/or retention of existing vegetation.”

Chapter 25.11 provides means for protecting outstanding trees in Seattle, especially on sites undergoing development. These trees are designated as Exceptional Trees and this rule defines these trees and provides standards and procedures for their determination.

RULE

The policy articulated in SMC 25.05.675 N.2c. calls for protecting three categories of trees and/or vegetation where development would reduce or damage:

1. Rare, uncommon, unique or exceptional plant or wildlife habitat; or
2. Wildlife travelways; or

3. Habitat diversity for species (plants or animals) of substantial aesthetic, educational, ecological or economic value.

This rule identifies trees that should be considered under the first and third categories listed above, during environmental assessment of development applications. All trees that qualify as an Exceptional Tree, as described below, should be considered. Other trees that have special wildlife habitat importance, such as those containing a bald eagle's nest or communal roost, also should be considered.

The following criteria shall be used to establish the importance of individual trees in the urban environment:

- Tree condition and/or location is not injurious to the public health, safety and welfare; and
- Tree can be expected to remain alive and healthy for a minimum of 20 additional years.

Exceptional Tree Designation:

An Exceptional Tree is a tree that:

1. Is designated by PlantAmnesty in partnership with the City of Seattle as a Class AAA-1 Heritage Tree; or
2. Is rare or exceptional by virtue of its size, species, condition, cultural/historic importance, and/or age as determined by one of the following two methods depending upon whether it is a non-native or native tree.

Non-native Trees

Non-native trees shall be considered "exceptional" if they reach a 75% rating under the American Forestry Association (AFA) rating system for the largest trees of each species in the state, as noted in Champion Trees of Washington, by Robert Van Pelt. AFA ratings are based on a tree's circumference (or diameter), height, and crown spread.

Native Trees

Native species are grouped in three categories: 1) trees that never should be designated as exceptional, 2) trees that always should be designated as exceptional, and 3) trees that should be designated as exceptional depending on several factors discussed below.¹

¹ The three categories are based on the following factors: relative and actual abundance; habitat, usual and exceptional; lifespan (especially if notably short or long); reproductive rate (especially if extraordinarily low); exceptional trunk sizes and heights; prevalent judgment as to ornamental value; and post-construction lifespan and safety near buildings and people.

Common, short-lived “weedy” species trees that **never should be designated** as exceptional (4):

Red ALDER – *Alnus rubra*
 Bitter CHERRY – *Prunus emarginata* var. *mollis*
 Black COTTONWOOD – *Populus balsamifera* ssp. *trichocarpa* (*P. trichocarpa*)
 Pacific Black WILLOW – *Salix lucida* ssp. *lasiandra* (*S. lasiandra*)

Rare species that **should be designated** as exceptional in all cases (12):

Sitka ALDER – *Alnus sinuata*
 Quaking ASPEN – *Populus tremuloides*
 Paper BIRCH – *Betula papyrifera* var. *commutata*
 Black HAWTHORN – *Cratoegus Douglasii*
 Dwarf or Rocky Mountain MAPLE – *Acer glabrum* var. *Douglasii*
 Oregon White or Garry OAK – *Quercus Garryana*
 Lodgepole / Shore PINE – *Pinus contorta*
 Sitka SPRUCE – *Picea sitchensis*
 Geyer WILLOW – *Salix Geyeriana* var. *meleina*
 Mackenzie WILLOW – *Salix eriocephala* ssp. *mackenzieana* (*S. rigida* ssp. *macrogemma*)
 Hooker Pussy-WILLOW – *Salix Hookeriana*
 Pacific YEW – *Taxus brevifolia*

Species that **should sometimes be designated** as exceptional (16):

Species	Threshold Diameter
Pacific Crab-APPLE – <i>Malus fusca</i>	1’0”
Oregon ASH – <i>Fraxinus latifolia</i>	3’0”
CASCARA – <i>Rhamnus Purshiana</i>	10”
Western Red CEDAR – <i>Thuja plicata</i>	4’0”
Pacific DOGWOOD – <i>Cornus Nuttallii</i>	6”
Douglas FIR – <i>Pseudotsuga Menziesii</i>	3’0”
Grand FIR – <i>Abies grandis</i>	2’0”
Western HEMLOCK – <i>Tsuga heterophylla</i>	2’0”
MADRONA ² – <i>Arbutus Menziesii</i>	[see footnote]
Bigleaf MAPLE – <i>Acer macrophyllum</i>	4’6”
Vine MAPLE – <i>Acer circinatum</i>	6”
Western White PINE – <i>Pinus monticola</i>	2’0”
Western SERVICEBERRY – <i>Amelanchier alnifolia</i>	6”
Piper Pussy-WILLOW – <i>Salix Piperi</i>	8”
Scouler Pussy-WILLOW – <i>Salix Scouleriana</i>	1’8”
Sitka Pussy-WILLOW – <i>Salix sitchensis</i>	6”

² Healthy young specimens of Madronas on construction sites are more worth saving than old, large ones. As many specimens as possible in very good condition—regardless of size—should be preserved on construction sites, but they should not be watered or they will be more likely to decline and die. Large specimens of average or poor health may have a short lifespan because of damage during construction and as a result of post-construction practices such as irrigation—harmful to this species.

Procedure For Determination Of "Exceptional Tree"

Non-native Trees

For new construction projects in Residential Small Lot, Single Family, Lowrise, Midrise, and Commercial zones, and all other projects subject to SEPA review in all zones, applicants are required to indicate on site plans the location and diameter (measured four and one-half (4½) feet above the ground) of all non-native trees on the site six inches or greater in diameter. Individual trees located in areas that the applicant agrees will not be disturbed during construction need not be indicated on site plans; however, the not-to-be-disturbed areas must be indicated on site plans. DCLU staff will then determine those trees that have a diameter of 75% of the diameter of the Champion Tree of Washington for that species. Once these trees have been identified, a report by a tree professional³ will be required to determine each tree's height and crown spread to see if it meets the overall requirement of 75% of the Champion Trees AFA points. If it does, it would be considered "Exceptional." The tree professional would also need to determine whether or not the tree presents a hazard and whether or not it would be able to survive after construction occurs.

Native Trees

For new construction projects in Residential Small Lot, Single Family, Lowrise, Midrise, and Commercial zones, and all other projects subject to SEPA review in all zones, applicants are required to indicate on site plans those trees six inches or greater in diameter (measured four and one-half (4½) feet above the ground) that are in the "Always to be designated exceptional" or "Sometimes to be designated" categories. Individual trees located in areas that the applicant agrees will not be disturbed during construction need not be indicated on site plans; however, the not-to-be-disturbed areas must be indicated on site plans. DCLU staff will identify those trees that have a diameter equal to or greater than the "Threshold Diameter" noted above for the "Sometimes to be designated" category. Once these trees have been identified, whether a tree is "Exceptional" will be determined by a tree professional³ based on the following factors: the tree's height and crown spread, tree condition, precise location, and likelihood of surviving construction damage and remaining a safe healthy specimen for many years.

SOURCES

Native Seattle Trees and their Status, January 2001, by Arthur Lee Jacobson.
Champion Trees of Washington, 1996, by Robert Van Pelt.

³ A professional with a minimum of 2 years experience in tree evaluation and work directly involving the protection of trees during construction along with one of the following qualifiers:

- Society of American Foresters (SAF) Certified Forester; or
- Registered American Society of Consulting Arborists (ASCA) Consulting Arborist; or
- ASCA Consulting Arborist; or
- Washington State Licensed Landscape Architect; or
- An International Society of Arborists (ISA) Certified Arborist with an Associate Degree and/or a minimum of 2 years of college-level credit and/or 120 Continuing Education Units.