



Highlights of Mercer Island's Tree Regulations:

1. Do I need a permit to cut a tree on my property?

Permits not required: A tree permit is not required in the following situations:

- Normal pruning and maintenance - does not require a permit provided the pruning is limited to not more than 25% of a tree's total leaf area and the pruning conforms to the limitations described within the "Definitions Section" at the end of this document. Also, see the "Pruning Basics" brochure for more detailed information about pruning.
- Small trees - Cutting a small tree does not require a tree permit unless the tree is a designated Landmark tree or tree within a Landmark grove. A small tree is any conifer tree that is less than six feet (6') tall or any deciduous tree with a diameter of six inches (6") or less measured at a point 4-1/2 feet above the ground.
- Residential lots - a tree permit is not required to cut any tree on a private lot in a residential zone unless one of the following situations apply:
 - Cutting of the tree is incident to construction work.
 - The tree is located in a critical tree area.
 - The tree is designated as a Landmark Tree or is located within a Landmark Grove.

See the "Permit Required" section of this handout for further information regarding Critical tree areas, Landmark trees, and when tree cutting is considered incident to construction work.

- Emergency - A tree on private property may be cut without a tree permit in an emergency situation involving immediate danger to life or property. The city arborist must be notified within 7 days of the tree cutting and must be provided with information that verifies the emergency condition. A tree permit must be obtained within 20 days following the cutting of the tree when it is determined that a tree permit would have been required.

Permit required: A tree permit is required in the following situations:

- Construction work - A tree permit is required to cut any large tree as a result of construction work. Tree cutting is considered incident to construction work if the tree is cut within a two-year period, before or after the creation of more than 500 square feet of impervious surface (structures, concrete patios, etc.). A large tree is any conifer tree that is six feet (6') tall or greater, or any deciduous tree with a diameter of more than six inches (6") measured at a point 4-1/2 feet above the ground.





MICC 19.10 Trees
Effective
March 15, 2002

- Critical tree area - A tree permit is required to cut any large tree located in a critical tree area. A critical tree area is any of the following areas:
 - A geologic hazard area - an area susceptible to erosion, sliding, earthquake, or other geological events based on a combination of slope, soil/geologic material, hydrology, vegetation, or alterations. See the City geologic hazard maps for known and suspect areas.
 - A protected slope area - any area within a forty foot (40') radius of the base of the subject tree if there is any point within that area that is at least twelve feet (12') higher or lower than the base of the tree.
 - A watercourse corridor. See the City water course maps.
 - A wetland or any area within 25 feet of the wetlands edge.
 - Any area on a recorded plat that restricts the removal of trees or vegetation (such as a native growth protective easement).
- Commercial zone - A tree permit is required to cut any large tree located within a commercial zone. A tree permit covering regulated improvements that have previously received Design Commission approval must first be reviewed and approved by the City's Design Commission.
- Landmark tree/grove - A tree permit is required to cut a landmark tree or a tree located in a landmark grove, whether that tree is large or small. A landmark designation can only be affixed with approval by the property owner. The City maintains a register of landmark trees and landmark groves.

2. What are the criteria for granting a tree permit?

When a permit is required, a tree permit will be issued if one of the following criteria is satisfied:

- The tree is hazardous, diseased, or dead.
- The tree removal is to enable construction work and reasonable best efforts have been made to avoid the removal.
- The tree cutting is to satisfy a covenant recorded on or before July 31, 2001.
- It is desirable for the enhancement of ecosystem or slope stability (based upon professional reports).
- In Commercial zones, Design Commission approval is required.

3. Are there any seasonal restrictions regulating when I can cut trees?

Tree cutting is prohibited within geologic hazard areas or protected slope areas between October 1 and April 1 unless an administrative waiver has been granted or the cutting is necessary due to an emergency situation involving immediate danger to life or property.

A waiver may be granted if the applicant demonstrates to the City Arborist that the proposed tree cutting will not adversely impact the environmentally sensitive area. The City Arborist may require geotechnical evaluation of the slope, erosion control and restoration measures, an indemnification agreement, etc.





MICC 19.10 Trees
Effective
March 15, 2002

4. Do I need to replace the trees that I am cutting down?

Tree replacement: Any trees that are cut pursuant to a tree permit shall be replaced on the subject property as specified in this section:

- **Species** - the property owner may select the species of replacement trees (unless the City Arborist determines that the species selected is unlikely to survive, represents a danger or nuisance, would threaten overhead or underground utilities, or would fail to provide adequate protection to any critical tree area).
- **Size** - All replacement trees shall be at least six feet (6') tall (unless a smaller size tree or shrub is approved by the city arborist).
- **Number of Replacement Trees** - the City Arborist may require up to 4 replacement trees for each tree cut (depending upon geologic and slope stability concerns, tree size and species, lot size and area available for planting, etc.).
- **Maintenance** - The applicant must maintain replacement trees in a healthy condition for a period of two-years after planting. The applicant shall be obligated to replant any replacement tree that dies, becomes diseased, or is removed during this two-year time period.

5. Are there any federal or state requirements that I should be aware of ?

Bald Eagle and other 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. See the City Bald Eagle Nest location map for affected properties, and the Bald Eagle Management Brochure for further information.

6. Can a tree on public property be pruned to enhance my view?

Prune for view: Private individuals cannot cut or prune a public tree, however, a private property owner can apply for a permit to have a public tree pruned.

The application must demonstrate compliance with all of the following criteria:

- the owner establishes that the tree is located on a city street (and not private property or City park);
- the owner submits a valid petition executed by at least sixty percent (60%) of the property owners located within a three hundred foot (300') radius of the subject tree in favor of the proposed pruning;
- the city arborist determines that the proposed pruning can be performed without adversely affecting any critical tree areas;
- the owner pays a fee to cover all costs associated with reviewing the pruning request; and
- the pruning is performed by the city but at the sole cost and expense of the private property owner.





MICC 19.10 Trees
Effective
March 15, 2002

7. What are the requirements for private utilities cutting or pruning trees?

A tree permit is required for a private utility company to cut any tree. A tree permit will be issued to private utility companies to cut or prune trees located on public or private property if necessary for public safety, removal of hazardous trees, removal of diseased or dead trees, as part of any private utility tree maintenance program approved by the city, or for construction work. Regardless of whether or not a permit is required, all cutting or pruning of trees by private utility companies shall be performed under the supervision of a certified arborist and at the sole cost and expense of the utility company.

If a permit is granted to a private utility company and a property owner is unwilling to allow any replacement trees on the owner's property, the private utility company shall pay to the city the amount necessary to purchase and plant replacement trees on public property necessary to mitigate the impact of the removed trees based upon arborist industry standards.

Should you have further questions or wish to obtain a permit, please contact the City Arborist at 236-5300.

Definitions: Definitions used within the tree ordinance:

“Diameter” Circumference of tree divided by pi (3.14) and measured at a point 4-1/2 feet above ground.

“Hazardous Tree” Any tree that receives an 11 or 12 rating under the International Society of Arboricultural rating method set forth in Hazard Tree Analysis for Urban Areas (copies of this manual are available from the city arborist) and may also mean any tree that receives a 9 or 10 rating, at the discretion of the city arborist.

“Large Tree” Any conifer tree that is six feet (6') tall or more or any deciduous tree with a diameter of more than six inches (6").

“Protected slope area” Any area within a forty foot (40') radius of the base of the subject tree if there is any point within that area that is at least twelve feet (12') higher or lower than the base of the tree.

“Prune or 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. Where the listed types of pruning practices are further defined as:

- “*Crown cleaning*” The removal of dead, dying, diseased, crowded, weakly attached, low-vigor branches, and watersprouts from a tree's crown.
- “*Crown topping*” The removal of the upper portion of the crown of a tree by cutting back young shoots to a bud or older branches or trunk to a stub or lateral branch not sufficiently large enough to assume the terminal role.
- “*Crown raising*” The removal of the lower branches of a tree in order to provide a height of up to 8' for pedestrian clearance, up to 14' for equestrian clearance and up to 16' for vehicular clearance or such other increased height as deemed appropriate for clearance by the city arborist.
- “*Crown thinning*” The selective removal of branches not to exceed more than twenty-five percent (25%) of the leaf surface to increase light penetration and air movement, and to reduce weight.
- “*Windowing*” The selective removal of branches not to exceed more than twenty-five percent (25%) of the leaf surface while retaining the symmetry and natural form of the tree in order to increase views and light penetration.

