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# CITY OF MERCER ISLAND

## DEVELOPMENT SERVICES GROUP

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | [www.mercergov.org](http://www.mercergov.org)

Inspection Requests: Online: [www.MyBuildingPermits.com](http://www.MyBuildingPermits.com) VM: 206.275.7730

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## RIGHT OF WAY TREE PRUNING/CUTTING APPLICATION

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A tree permit is required when requesting to prune or cut (remove) a tree located on public property (City street/right of way). The City's ROW Arborist determines when a tree may be pruned or cut. The decision is made based on criteria contained in the Mercer Island City Code section 19.10.100(B). Trees and shrubs located in the ROW are regulated by the City. When a resident wishes to trim or remove a tree in the City's ROW, they should first (before submitting an application) contact the City's ROW Arborist to discuss the situation and learn about the process and costs involved. Contact Hannah Van Pelt, City ROW Arborist at (206) 275-7819 or [Hannah.VanPelt@mercergov.org](mailto:Hannah.VanPelt@mercergov.org). Be prepared with the following information:

1. Property address and where the tree is located (e.g. NW corner of property, adjacent to mailbox, etc.)
2. Type of tree (evergreen vs. deciduous) and species if known
3. Approximate tree height and/or trunk diameter (at chest height)
4. Reason for request to prune/remove the tree(s)

If the Arborist determines that pruning/removal may be allowed, the resident will need to submit ROW Tree Pruning/Cutting permit and ROW Use permit applications to the ROW Arborist. Click [here](#) for more information about ROW tree pruning/cutting and permit applications.

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### PRUNING

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The ROW Arborist must determine based on the information submitted, that the requested pruning is either:

- A. Required to resolve a possible hazard to public or private health or safety; or
- B. Requested by a valid petition executed by at least 60 percent of the property owners located within a 300' radius of the subject tree in favor of the proposed pruning of the tree. The ROW Arborist can assist with identifying properties within the 300' radius.

Note: Tree topping is prohibited.

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### CUTTING (REMOVAL)

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The ROW Arborist must determine based on the information submitted, that the proposed tree removal is necessary for:

- A. Access to private property associated with a new home showing that there is no other option such as re-using the previous driveway location;
- B. Installation of public improvements in the right of way (sidewalks, streets, public utilities); or
- C. Public safety- the tree is hazardous, diseased, or dying/dead as documented by a certified arborist.

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### TREE REPLACEMENT

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When trees are cut, replacement trees will need to be planted. Replacements are determined by the diameter of the trees that are removed.

Tree Replacement Ratios	
Diameter of Removed Tree	Number of Replacement Trees Required
Less than 10 inches	1
10 inches up to 24 inches	2
24 inches up to 36 inches	3
More than 36 inches and any exceptional tree(s)	6

To ensure optimal planting conditions for tree survival, replacement trees should be planted in the wet season, October 1 – April 1.

Replacement trees shall meet these size requirements:

- A. Coniferous trees should be at least 6 feet tall
- B. Deciduous trees should be at least 1.5 inches in diameter at the base

If smaller trees are demonstrably more suited to the species, on site conditions, or neighborhood character the ROW Arborist may authorize the planting of smaller sized replacement trees. The ROW Arborist may offer payment of a fee-in-lieu of replanting when there is insufficient area to replant in the right of way.

Planting of shrubs or bushes do not qualify as replacement of trees.

**FEES & OTHER COSTS**

The applicant is responsible for all costs including permits, arborist assessment and documentation, and pruning/removal/cleanup costs.

**CONTRACTOR QUALIFICATIONS**

The contractor must be licensed, bonded, and insured to perform the work and be a certified arborist. For more information or questions, contact Hannah Van Pelt, City ROW Arborist at (206) 275-7819 or [Hannah.VanPelt@mercergov.org](mailto:Hannah.VanPelt@mercergov.org) or see [www.mercergov.org/trees](http://www.mercergov.org/trees).

**APPLICATION MATERIALS**

A complete application shall contain all information required by the applicable regulations including the following information:

- A. Complete application form.
- B. For pruning requests not related to resolving a possible hazard to public/private health or safety, complete petition showing that at least 60 percent of the property owners located within 300 feet of the proposed tree are in favor of the trimming. The petition must describe the location of the tree and the nature/extent of the proposed trimming.
- C. When the request is associated with a hazardous, diseased, or dying/dead tree an arborist’s memo may be required by the ROW Arborist.
- D. Site Plan if cutting is required to provide driveway to new home.
- E. Utility/Road/Sidewalk Plan if cutting is required for construction of public improvements in the right of way.

**MERCER ISLAND CITY CODE, SECTION 19.10.100- TREES ON PUBLIC PROPERTY**

An application for a tree permit to cut a tree on public property or a request to have the city prune a public tree located on a city street shall be reviewed by the city arborist based upon the following conditions and criteria:

- A. By the City. An annual tree permit will be issued to the city to cut any public trees necessary for public safety, removal of hazardous trees, removal of diseased or dead trees, as part of the city's forest management program or regular tree maintenance program or for construction work on public property.
- B. By Private Property Owners in City Street. A private property owner may apply for a tree permit to cut or prune a public tree located on any city street if the owner demonstrates in the following order that all of the criteria are satisfied:
  - 1. The owner establishes that the tree is located on a city street;
  - 2. The city arborist determines that the proposed pruning or cutting can be performed without adversely affecting any critical tree areas;
  - 3. Tree Cutting. The city arborist determines that proposed removal is:
    - a. Necessary for access to private property;
    - b. Necessary for installation of required public improvements (e.g., sidewalk, public utilities, etc.);
  - 4. Tree Pruning. The city arborist determines that proposed tree pruning is:
    - a. Required to resolve a possible hazard to public or private health or safety; or
    - b. Requested by a valid petition executed by at least 60 percent of the property owners located within a 300-foot radius of the subject tree in favor of the proposed pruning of the tree; and
  - 5. Additional information prepared by a qualified arborist, if required by the city arborist, is provided to ensure the long-term health and viability of trees that will remain following pruning or removal;
  - 6. In the case of tree cutting, the private property owner provides tree replacement consistent with MICC 19.10.070;
  - 7. The owner pays a fee to cover all costs associated with review the pruning or cutting request;
  - 8. The pruning or cutting is performed at the sole cost and expense of the private property owner; and
  - 9. Tree topping is prohibited.
- C. Pruning or cutting of trees within a public park by a private property owner is prohibited. (Ord 17C-15 § 1(Att.A))

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CITY USE ONLY		
PERMIT #	RECEIPT #	FEE
DATE RECEIVED:		

**Right of Way Tree Pruning/Cutting Application** Received By: \_\_\_\_\_

**SITE ADDRESS:**

Property Owner <i>(required)</i> :	Phone:
Property Owner Address:	
Tree Contractor:	Phone:
Address:	
Email:	
MI Bus. License #	Exp.:
Applicant Name:	Phone:

This application is for: (Please check all boxes that apply)

- A.  Right of way tree pruning
- B.  Right of way tree cutting due to:
  - 1.  Access to private property associated with home construction.
  - 2.  Installation of public improvements (sidewalks, streets, public utilities).
  - 3.  Hazardous, diseased, or dying/dead trees as documented by arborist.

Describe the necessity to cut or prune the City’s right of way tree(s). If pruning is unrelated to a hazard, provide a petition in favor of the proposed pruning executed by at least 60 percent of the property owners located within a 300’ radius of the subject tree. Describe the specific scope of work proposed (e.g. cut to ground, snag at x height, type of pruning). Indicate the number of trees proposed to be cut/pruned including diameter, species, and their locations relative to the City’s right of way. Attach documentation to support the need for removal (e.g. arborist’s report, site plan, utility plan, etc.)

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**SPECIAL CONDITIONS**

- A. All work is to be done at the applicant’s expense, including clean up and removal of all debris.
- B. A licensed, bonded, and insured professional arborist must perform the tree pruning/cutting.
- C. Traffic control is the responsibility of the applicant. It is the applicant’s responsibility to ensure the contractor is informed of this. If vehicles or equipment must be placed in the public right of way, a Right-of-Way use permit may be required.

**NOTICE TO APPLICANT**

In accepting this permit, the permittee, his successors, heirs and assigns agree to protect and hold harmless the City of Mercer Island from all claims, action or damages of every kind and description which may accrue to or suffered by any persons, corporations or property by reason of the performance of the above described work, cost of materials and labor, character of materials used or manner of installation, maintenance and operation, and in case any such suit or action is brought against said City of Mercer

Island or damage arising out of or by reason of any of the above causes, the grantee, his successors, heirs or assigns will upon notice to him or them of commencement of such action, defend the same at his or their own sole expense and will fully satisfy any judgement after the said suit or action shall have finally been determined if adversely to the City of Mercer Island.

The city arborist may revoke, annul or terminate this permit if grantee fails to comply with any or all of its provisions, requirement or regulations as herein set forth or through willful or unreasonable neglect, fails to heed or comply with notices given him.

I hereby certify that I am the owner of the subject property or I have been authorized by the owner(s) of the subject property to represent this application and that I have read and examined the application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be met whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction of the performance of construction.

Signature of Owner/Authorized Agent	
Date	
Approved: <input type="checkbox"/>	Staff Name & Title: <input type="text"/>
Signature	
Date	