

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

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TREE FREQUENTLY ASKED QUESTIONS (Mercer Island City Code 19.10)

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

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

- A. **Normal pruning and maintenance** – does not require a permit provided the pruning is limited to not more than 25% of the 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.
- B. **Small trees** – Cutting Small Trees do not require a tree permit unless it meets the definition of Exceptional Tree or is within a Critical Area on your property. Click [here](#) to view the Critical Areas map. Insert your address to find your property. Cutting small trees in the shaded areas of the map requires a permit. A small tree is any tree that is less than 10” in diameter measured at a point 4-1/2 feet above the ground and is not an Exceptional Tree as described in the Definitions section at the end of this document.
- C. **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 should be informed of the impending removal and a permit must be applied for within 14 days of the removal. The application shall include documentation of the imminent threat to life or property, ideally in the form of a report by a qualified arborist, but at least in the form of photographs that clearly depict the threat.

A tree permit is required in the following situations:

- A. **Construction work (MICC 19.10.060)** – A tree permit with full application is required to cut any Large Tree, Exceptional Tree, or tree in a Critical Area as a result of construction work. A Large Tree is any tree that is 10” in diameter or greater measured at a point 4-1/2 feet above the ground.
- B. **Non-Construction work (MICC 19.10.060)** – A tree permit with a simple application is required to cut:
 - 1. Trees 10” in diameter or more, measured at 4-1/2 feet above the ground.
 - 2. Exceptional Trees (refer to definitions section at the end of this document).
 - 3. Trees located in a Critical Area (refer to definitions section at the end of this document).
- C. **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.

What are the criteria for granting a tree permit? (MICC 19.10.060)

A tree permit will be issued if the following criteria are satisfied:

- A. For tree permits that are not associated with the development (construction) of your property please refer to the [Non-Development Tree Permit Application](#) packet for more information.
- B. The proposed building pad has been located to minimize or prevent impacts to trees (MICC 19.09.090(A)(1)). The development proposal (house, accessory structures, utilities, driveways, and appurtenances) minimizes removal of Large Trees, maximizes tree retention, and retains a minimum of 30% of the Large Trees on site (and retained over a rolling five-year period).

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- C. Retain and protect all Exceptional Trees that are 24" and greater. Refer to MICC 19.10.060 3a through 3c for exceptions.
- D. The tree is hazardous, diseased, or dead.
- E. In Commercial zones, Design Commission approval is required.

Are there any seasonal restrictions for when I can cut trees? (MICC 19.10.110)

Tree cutting is prohibited within geologic hazard areas or protected slope areas between October 1 and April 1 unless:

- A. A tree permit with explicit authorization for removal between October 1 and April 1 has been granted; or
- B. Removal is necessary due to an emergency situation involving immediate danger to life or property. The City Arborist may authorize tree removal in that timeframe if it is determined that such environmentally critical areas will not be adversely impacted by the proposed cutting and the applicant demonstrates compelling justifications based on a geotechnical evaluation of the site. The City Arborist may require hydrology, soils and storm water studies, erosion control measures, restoration plans, and/or an indemnification/release agreement (MICC 19.10.110). Refer to the Seasonal Development Limitations Waiver Checklist for more information.

Do I need to replace the trees that I am cutting down? (MICC 19.10.070)

Any trees that are cut pursuant to a tree permit shall be replaced on the subject property as specified below:

- A. Location – Replacement trees shall be located in the following order of priority from most important to least important:
 - 1. On-site replacement adjacent to or within critical areas;
 - 2. On-site replacement outside of critical areas adjacent to other retained trees making up a grove or stand of trees;
 - 3. On-site replacement outside of critical areas; and,
 - 4. Off-site in adjacent public right-of-way where explicitly authorized by the City.
- B. Species – Replacement trees shall primarily be species native to the Pacific Northwest.
- C. Size – All replacement trees shall be at least 6' tall for conifers and at least 1.5" diameter at the base for deciduous trees. Shrubs and bushes are not an acceptable replacement for trees. Smaller replacement trees are allowed if the applicant can demonstrate that smaller trees are more suited to the species, site conditions, neighborhood character, and the purposes of MICC 19.10 and that such replacement trees will be planted in sufficient quantities to meet the intent of MICC 19.10.
- D. Number of Replacement Trees – Removed trees shall have the following base replacement ratio:

Tree Replacement Ratios	
Diameter of Removed Tree (measured 4.5' above ground)	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

- E. Maintenance – the applicant must maintain replacement trees in a healthy condition for a period of five years after planting. The applicant shall be obligated to replant any replacement tree that dies, becomes diseased, or is removed during this five-year time period.

Payment of a fee-in-lieu of replanting is only allowed if the City Arborist determines:

- A. There is insufficient area on the lot or adjacent right-of-way for proposed on-site tree replacement; or
- B. Tree replacement or management provided within public right-of-way or a city park in the vicinity will be of greater benefit to the community.
- C. Fees provided in lieu of on-site tree replacement shall be determined by the City Arborist based upon:

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1. The expected tree replacement cost including labor, materials, and maintenance for each replacement tree; and,
 2. The most current Council of Tree and Landscaper Appraisers Guide for Plant Appraisal.
- D. Any fee in lieu is also optional for the applicant and requires a written agreement.

Are there any federal or state requirements that I should be aware of? (MICC 19.10.130)

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. For other related information, please click [here](#).

Can I cut or prune a public tree located on any City street? (MICC 19.10.100)

Yes, with a permit if you demonstrate in the following order that all of the criteria are satisfied:

- A. You establish that the tree is located on a City street;
- B. The City Arborist determines that the proposed pruning or cutting can be performed without adversely affecting any Critical Tree Areas;
- C. Tree cutting. The City Arborist determines that proposed tree removal is:
 1. Necessary for access to private property;
 2. Necessary for installation of required public improvements (e.g. sidewalk, public utilities, etc.).
- D. Tree pruning. The City Arborist determines that proposed tree pruning is:
 1. Required to resolve a possible hazard to public or private health or safety; or,
 2. 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
- E. 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;
- F. In the case of tree cutting, the private property owner provides tree replacement consistent with MICC 19.10.070;
- G. The owner pays a fee to cover all costs associated with reviewing the pruning or cutting request;
- H. The pruning or cutting is performed at the sole cost and expense of the private property owner, and,
- I. Tree topping is prohibited.
- J. Pruning or cutting of trees within a public park by a private property owner is prohibited.

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.

How do I choose an arborist?

Hiring an arborist is a decision that should not be taken lightly. Current membership in professional organizations such as the International Society of Arboriculture (ISA) demonstrates a commitment to quality. ISA certification indicates the individual has passed ISA's extensive examination on all aspects of tree care and maintenance. Hiring a qualified arborist is an investment in your property. Refer to the [ISA website](#) for more information. Qualified arborists as defined by MICC 19.16 have relevant education and training in arboriculture or urban forestry, having the International Society of Arboriculture (ISA) Tree Risk Assessment Qualification and at least one (1) of the following credentials:

- A. ISA Certified Arborist;

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- B.** ISA Certified Arborist Municipal Specialist;
- C.** ISA Board Certified Master Arborist;
- D.** American Society of Consulting Arborists (ASCA) registered Consulting Arborist;
- E.** Society of American Foresters (SAF) Certified Forester for Forest Management Plans;

For tree retention reviews associated with a development proposal, a qualified arborist must have, in addition to the above credentials, a minimum of three (3) years experience working directly with the protection of trees during construction and have experience with the likelihood of tree survival after construction. A qualified arborist must also be able to prescribe appropriate measures for the preservation of trees during land development.

Should you have any further questions or wish to obtain a tree permit, please contact the City Arborist:

<http://www.mercergov.org/trees>

206.275.7713

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Definitions

Definitions used within the tree ordinance

Critical Area

A Critical Area is any of the following areas. Click [here](#) to refer to the MI Critical Areas Map.

- A. 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.
- B. A watercourse or its buffer.
- C. A wetland or its buffer.
- D. Any area on a recorded plat that restricts the removal of trees or vegetation (such as a native growth protective easement).

Diameter

Circumference of tree divided by pi (3.14) and measured at a point 4 ½ feet above ground.

Exceptional Tree

A tree or group of trees that because of its unique historical, ecological, or aesthetic value constitutes an important community resource. An exceptional tree is a tree that is rare or exceptional by virtue of its size, species, condition, cultural/historic importance, age, and/or contribution as part of a tree grove. Trees with a diameter of more than 36 inches, or with a diameter that is equal to or greater than the diameter listed in the Exceptional Tree list shown below are considered exceptional trees.

EXCEPTIONAL TREE LIST

Species	Diameter
Native Species	
Oregon Ash	24 inches
Quaking Aspen	12 inches
Paper Birch	20 inches
Cascara	8 inches
Western Red Cedar	30 inches
Pacific Crabapple	12 inches
Pacific Dogwood	6 inches
Douglas Fir	30 inches
Grand Fir	24 inches
Black Hawthorn	6 inches
Western Hemlock	24 inches
Madrona	6 inches
Big Leaf Maple	30 inches
Dwarf or Rocky Mountain Maple	6 inches
Vine Maple	8 inches
Oregon White or Garry Oak	6 inches
Lodgepole Pine	6 inches
Shore Pine	12 inches
Western White Pine	24 inches
Western Serviceberry	6 inches
Sitka Spruce	6 inches
Willow (all native species)	8 inches
Pacific Yew	6 inches
Non-Native Species	

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Orchard (Common) Apple	20 inches
European Ash	22 inches
Green Ash	30 inches
Raywood Ash	24 inches
European Beech	30 inches
European White Birch	24 inches
Atlas Cedar	30 inches
Deodor Cedar	30 inches
Incense Cedar	30 inches
Flowering Cherry	23 inches
Lawson Cypress	30 inches
Kousa Dogwood	12 inches
Eastern Dogwood	12 inches
American Elm	30 inches
English Elm	30 inches
Gingko	24 inches
Common Hawthorn	16 inches
Washington Hawthorn	9 inches
European Hornbeam	16 inches
Katsura	30 inches
Littleleaf Linden	30 inches
Honey Locust	20 inches
Southern Magnolia	16 inches
Paperbark Maple	12 inches
Japanese Maple	12 inches
Red Maple	25 inches
Sugar Maple	30 inches
Sycamore Maple	24 inches
Monkey Puzzle Tree	22 inches
Mountain-Ash	29 inches
Pin Oak	30 inches
Red Oak	30 inches
Callery Pear	13 inches
Austrian Black Pine	24 inches
Ponderosa Pine	30 inches
Scot's Pine	24 inches
London Plane	30 inches
Flowering Plum	21 inches
Costal Redwood	30 inches
Giant Sequoia	30 inches
Japanese Snowbell	12 inches
American Sweetgum	27 inches
Tulip Tree	30 inches
Willow (All non-native species)	24 inches

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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 and may also mean any tree that receives a 9 or 10 rating, at the discretion of the city arborist.

Large (Regulated) Tree

Any tree with a diameter of 10 inches or more, and any tree that meets the definition of an exceptional 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:

- A. Crown Cleaning The removal of dead, dying, diseased, crowded, weakly attached, low-vigor branches, and watersprouts from a tree's crown.
- B. 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.
- C. Crown Thinning The selective removal of braches not to exceed more than 25 percent of the leaf surface to increase light penetration and air movement, and to reduce weight.
- D. 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.
- E. Windowing The selective removal of branches not to exceed more than 25 percent of the leaf surface while retaining the symmetry and natural form of the tree in order to increase views and light penetration.

Rolling Five Year Period

Starts five years prior to the date of application for a development approval that is subject to a tree permit or tree retention.

Small Tree

Any tree with a diameter of less than 10 inches, not including any tree that meets the definition of an exceptional tree.

Tree Grove

A group of 8 or more trees each 10 inches or more in diameter that form a continuous canopy. Trees that are part of a grove shall also be considered exceptional trees, unless they also meet the definition of a hazardous tree.