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# CITY OF MERCER ISLAND

## COMMUNITY PLANNING & DEVELOPMENT

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## TREES and CONSTRUCTION

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### PURPOSE OF TREE REGULATIONS (MICC 19.10.005)

Protecting, enhancing, and maintaining trees are key community values expressed in the Mercer Island Comprehensive Plan. The purpose of the tree regulations is to encourage building and site design, to minimize tree removal, and to establish standards and procedures that will result in the retention of trees on Mercer Island. The City recognizes that trees:

- A. Contribute to the residential character on Mercer Island;
- B. Provide a public health benefit;
- C. Provide wind protection, ecological benefits to wetlands and watercourses, and aid in the stabilization of geologically hazardous areas;
- D. Improve surface water quality and control, and benefit Lake Washington; and
- E. Reduce noise and air pollution.

The City further acknowledges that the value of protecting, enhancing, and maintaining trees should be balanced with other community goals of reasonable enjoyment and use of private property by the property owner; and providing delivery of reliable utility service.

Therefore, we recommend that before designing or adding on to your home, you assess and locate the trees with a diameter of more than 10 inches, and in particular "Exceptional Trees" on your property and in the street right-of-way next to your property. We recommend that you confer with a qualified arborist when making this assessment.

### TREE REMOVAL ASSOCIATED WITH CONSTRUCTION (MICC 19.10.060(A))

Tree retention is required for the following development proposals:

- A. An addition or remodel to an existing single-family dwelling that will result in the addition of more than 500 square feet of gross floor area on a lot with a net lot area of 6,000 square feet or more.
- B. A new single-family dwelling on a lot with a net lot area of 6,000 square feet or more.
- C. A subdivision or short subdivision.

The tree regulations allow removal of trees associated with property development when done in a way that minimizes tree removal and retains at least 30% of the regulated trees on site. Large and Exceptional Trees are prioritized for retention. Development proposals must retain trees as follows:

- A. A minimum of 30% of large trees must be retained over a rolling 5-year period. Refer to MICC 19.10.050(A)4 & 5 for more information about the calculation and application of the rolling 5-year period.
- B. The project design must minimize the removal of Large trees and maximize onsite tree retention as follows:
  - 1. Building pads shall be located to minimize or prevent impacts to regulated trees (MICC 19.09.090A(1)a).

2. Site improvements, (house, additions, appurtenances, accessory structures, utilities, and driveways) shall be designed and located to minimize tree removal during and following construction.
  3. The following trees shall be prioritized for retention:
    - a. Exceptional trees.
    - b. Trees with a diameter of 24 inches or more.
    - c. Trees that have a greater likelihood of longevity.
    - d. Trees that are part of a healthy grove. A grove means a group of eight 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.
  4. Trees shall not be removed outside the area of land disturbance except where necessary to install site improvements (e.g. driveways, utilities, etc.).
  5. Tree removal for the purpose of site landscaping should be limited to those trees that will pose a future safety hazard to existing or proposed site improvements as documented in the arborist's report.
- C. Provide tree replacements at ratios between 2:1 and 6:1 according to MICC 19.10.070. Replacement trees shall primarily be native to the Pacific Northwest. Conifers shall be at least 6 feet tall and deciduous shall be at least 1.5 inches in diameter/caliper.

**Large (Regulated) Trees** are any tree with a diameter of 10 inches or more, and any tree that meets the definition of an Exceptional Tree.

**Exceptional Trees** are a tree or group of trees that because of 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/historical 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 Table (see MICC 19.16.010) are considered exceptional trees.

When making the effort to preserve a tree, you will be required to temporarily fence the tree at the dripline, defined by the outermost leaves on a tree. The area within the dripline contains the most critical roots and should not be disturbed. Remember, the bigger the tree, the further out the dripline and roots extend.

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**RETENTION/REMOVAL OF EXCEPTIONAL TREES (MICC 19.10.060(A)(3))**

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Removal of exceptional trees with a diameter of 24 inches or more, shall be limited to the following circumstances:

- A. Retention will result in an unavoidable hazardous situation.
- B. Retention will limit the constructible gross floor area to less than 85% of the maximum gross floor area allowed under MICC 19.02.
- C. Retention will prevent creation of a residential lot through a subdivision or short subdivision that is otherwise allowed by MICC 19.10

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**RIGHT-OF-WAY TREES (MICC 19.10.100)**

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Private property owners may apply for a tree permit to cut or prune a public tree located in the right-of-way if the owner demonstrates in the following order that all of the criteria are satisfied:

- A. The owner establishes that the tree is located on a City street/right-of-way
- B. The owner shows and City Arborist confirms that the proposed pruning or cutting can be performed without adversely affecting any critical tree areas (geologic hazards, steep slopes, watercourse buffers, wetland buffers).

- C. Tree cutting. The City Arborist determines that proposed tree removal is:
  - 1. Necessary for access to private property, if access is not already available.
  - 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.
  - 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.
  - 3. Required to avoid damage from construction vehicles. An approved plan by a Qualified Arborist and pruning by a Certified Arborist.
- E. The City Arborist may require additional information prepared by a qualified arborist 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 pruning or cutting is performed at the sole cost and expense of the private property owner.
- H. Tree topping is prohibited.

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**SITE/TREE RETENTION PLAN AND ARBORIST REPORT (MICC 19.10.090(C)(1) & (2))**

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**Site/Tree Retention Plan**

You must provide a plan as part of your building permit application package if you are proposing the removal of any trees. The plan elements shall be shown on the site/civil/utility plan and shall include the following at a minimum:

- A. Location of all proposed improvements (building footprint, access, utilities, buffers, required landscape areas).
- B. Surveyed location of all large trees and Exceptional trees on the property and the trunk location and the critical root zone of Large trees that are on adjacent property with driplines extending over the subject property line.
- C. Trees labeled corresponding to the tree inventory numbering system along with diameter and species.
- D. Identify Exceptional trees using different symbols for trees less than 24 inches and trees greater than or equal to 24 inches.
- E. Location of tree protection measures.
- F. Limits of excavation near potential saved trees (e.g. excavation limits for building foundation).
- G. Indicate limits of disturbance (LOD) drawn to scale around all trees potentially impacted by site disturbances resulting from grading, demolition, or construction activities (including approximate LOD of off-site trees with overhanging driplines).
- H. Proposed tree status (trees to be removed or retained) noted by an 'X' for removal.
  - I. Landscape plan showing proposed locations of any required replacement trees.
  - J. Proposed building pad location

**Tree Inventory and Arborist Report**

- A. An arborist report is required when a regulated tree is proposed for removal or will potentially be removed directly or indirectly through site grading of any tree, or destruction of roots that will result in a tree ultimately becoming a hazardous tree. Root destruction can occur when construction activities (e.g. grading, excavation, underground utilities, building foundations, driveways, construction staging/storage/parking) occur within tree driplines. This includes impacts to trees on adjacent properties.
- B. A Qualified Arborist shall prepare the tree inventory and arborist report. A Qualified Arborist is an individual with relevant education and training in arboriculture or urban forestry, having the International Society of Arboriculture (ISA) Tree Risk Assessment Qualification, a minimum of three 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 be able to prescribe appropriate measures for the preservation of trees during land development and have one of the following credentials:

1. ISA Certified Arborist.
  2. ISA Certified Arborist Municipal Specialist.
  3. ISA Board Certified Master Arborist.
  4. American Society of Consulting Arborists (ASCA) registered Consulting Arborist.
  5. Society of American Foresters (SAF) Certified Forester for Forest Management Plans.
- C. Tree Inventory containing the following:
1. A numbering system of all existing large trees on the property (with corresponding tags on trees); the inventory shall also include large trees on adjacent property with driplines or critical root zones extending into the property.
  2. Size (diameter).
  3. Proposed tree status (retained or proposed for removal).
  4. Tree type or species.
  5. Identify all Exceptional trees and differentiate between those less than 24 inches and those greater than or equal to 24 inches in diameter.
  6. Brief general health or condition rating of each tree (i.e. poor, fair, good, etc.).
- D. An Arborist report shall be prepared for the project by a qualified arborist, containing the following:
1. Description of how the arborist meets the threshold requirements for Qualified Arborist.
  2. A complete description of each tree's diameter, species, critical root zone, limits of allowable disturbance, health, condition, and viability.
  3. A description of the method(s) used to determine the limits of allowable disturbance (i.e., critical root zone, root plate diameter, or a case-by-case basis description for individual trees).
  4. Any special instructions specifically outlining any work proposed within the limits of disturbance protection areas (i.e. hand-digging, air space, tunneling, root pruning, any grade changes, clearing, monitoring, and aftercare).
  5. For trees not viable for retention, a description of the reason(s) for removal based on poor health, high risk of failure due to structure, defects, unavoidable isolation (windfirmness), or unsuitability or species, etc., and for which no reasonable alternative action is possible must be given (pruning, cabling, etc.).
  6. Describe the impact of necessary tree removal to the remaining trees, including those in a grove or on adjacent properties.
  7. Describe timing and installation of tree protection measures. Such measures must include fencing and be in accordance with the tree protection standards as outlined in MICC 19.10
  8. The suggested location and species of supplemental trees to be used when required. The report shall include planting and maintenance specifications to ensure long term survival.
- E. Additional Information. The City Arborist or Code Official may require additional documentation, plans, or information as needed to ensure compliance with applicable City regulations.
- F. A peer review of the tree permit application by a qualified arborist may be required to verify the adequacy of the information and analysis the applicant. The applicant shall bear the cost of the peer review.
- G. The Code Official may require the applicant retain a replacement qualified arborist or may require a peer review where the Code Official believes a conflict of interest exists. For example, if an otherwise qualified arborist is employed by a tree removal company and prepares the arborist report for a development proposal, a replacement qualified arborist or peer review may be required.

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**For more information, visit [www.mercergov.org/trees](http://www.mercergov.org/trees) or call the City Arborist at 206-275-7713**

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