



**Department of Community and Economic Development  
Planning Division**

**ADMINISTRATIVE POLICY/CODE INTERPRETATION**

**MUNICIPAL**

**CODE SECTION:** RMC 4-4-130, Tree Retention and Land Clearing Regulations and RMC 4-9-250, Routine Vegetation Management Permits

**SUBJECT:** Clarification of permit requirements for Tree Removal Activities

**REFERENCE:** N/A

**BACKGROUND:** An inquiry regarding the permissibility of cutting trees in excess of the maximum number permitted by RMC 4-4-130C identified the need for clarification of the code regarding whether such removal was permissible and, if so, by what means.

RMC 4-4-130C.9 stipulates allowed minor tree removal activities. For properties not subject to critical areas rules, there is an annual limit on the number of healthy trees that may be removed without a permit. Properties less than 35,000 square feet in size may remove up to three trees, and properties greater in size may remove up to six trees. In such case that a property owner wishes to cut more than the allowed number, RMC 4-4-140F stipulates that a permit is required if removal is associated with: routine work on undeveloped property, when mechanical equipment is used, or for timber stand maintenance (only applicable to properties six acres and larger). The code does not specifically address the issue of a developed property that wishes to perform routine vegetation management and clear more than the allowed number of trees under RMC 4-4-130C.9. Neither is the code clear or consistent on the tree replacement ratios required of non-exempt tree removal that is not associated with a land development permit.

**JUSTIFICATION:** The intent of the Tree Retention and Land Clearing regulations is to preserve tree canopy cover for the environmental, economic, social, and aesthetic benefits that it offers. Tree removal activities are thus limited on already developed lots and regulated by permit on undeveloped lots.

However, there may be situations in which developed lots must remove more trees than the limitation in RMC 4-4-130C.9 would allow. This is especially true of larger lots. There should be a permit process in place for reviewing such requests and a Routine Vegetation Management Permit provides all the necessary requirements for such review. Additionally, the same replacement ratios required of a land development applicant may not be appropriate for the removal of trees from a developed site. The Administrator needs more flexibility in replacement ratios for smaller tree cutting proposals that are not associated with a land development permit.

**DECISION:** Properties that wish to remove more than the maximum number of trees allowed under 4-4-130C.9, Allowed Minor Tree Removal Activities, for any reason not included under RMC 4-4-140F, Permits Required, may apply for a Routine Vegetation Management Permit, using the process established in RMC 4-9-195. Pursuant to RMC Code Section 4-9-195 D4 (as amended by this interpretation), the Administrator may approve, deny or condition the permit. A requirement for tree replacement may be added as a condition of permit approval.

**PLANNING DIRECTOR**

**APPROVAL:**

\_\_\_\_\_  
C. E. "Chip" Vincent

**DATE:** February 17, 2011

**APPEAL**

**PROCESS:** To appeal this determination, a written appeal--accompanied by the required filing fee--must be filed with the City's Hearing Examiner (1055 South Grady Way, Renton, WA 98057, 425-430-6515) no more than 14 days from the date of this decision. Your submittal should explain the basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

**CODE  
AMENDMENT  
NEEDED TO  
IMPLEMENT**

**DETERMINATION:** Amend Code to read as shown on the attached "Attachment A".

## Attachment A

### **RMC 4-4-130C. ALLOWED TREE REMOVAL ACTIVITIES:**

Tree removal and associated use of mechanical equipment is permitted as follows, except as provided in subsection D2 of this Section, Restrictions for Critical Areas – General, and in RMC [4-3-110E5b](#), Urban Separator Overlay Regulations. Except as stated in Subsection 9c, no Routine Vegetation Management Permit is required for the following activities/work:

**1. Emergency Situations:** Removal of trees and/or ground cover by the City and/or public or private utility in emergency situations involving immediate danger to life or property, substantial fire hazards, or interruption of services provided by a utility.

**2. Dead, Dangerous, or Diseased Trees:** Removal of dead, terminally diseased, damaged, or dangerous ground cover or trees which have been certified as such by a forester, registered landscape architect, or certified arborist, selection of whom to be approved by the City based on the type of information required, or the removal of which is approved by the City.

**3. Maintenance Activities/Essential Tree Removal – Public or Private Utilities, Roads and Public Parks:** Maintenance activities including routine vegetation management and essential tree removal for public and private utilities, road rights-of-way and easements, and public parks.

**4. Installation of SEPA Exempt Public or Private Utilities:** Installation of distribution lines by public and private utilities; provided, that such activities are categorically exempt from the provisions of the State Environmental Policy Act and RMC [4-9-070](#), Environmental Review Procedures.

**5. Existing and Ongoing Agricultural Activities:** Clearing associated with existing and ongoing agricultural activities as defined in chapter [4-11](#) RMC, Definitions.

**6. Commercial Nurseries or Tree Farms:** Removal of only those trees which are planted and growing on the premises of a licensed retailer or wholesaler.

**7. Public Road Expansion:** Expansion of public roads, unless critical areas would be affected, in which case see subsections C12 and C13 of this Section.

**8. Site Investigative Work:** Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests, and other related activities including the use of mechanical equipment to perform site investigative work provided the work is conducted in accordance with the following requirements:

a. Investigative work should not disturb any more than five percent (5%) of any protected sensitive area described in subsection D2 of this Section, Restrictions for Critical Areas – General, on the subject property. In every case, impacts shall be minimized and disturbed areas restored.

b. In every location where site investigative work is conducted, disturbed areas shall be minimized, and immediately restored.

c. A notice shall be posted on the site by the property owner or owner's agent indicating that site investigative work is being conducted, and that the work must minimize disturbance to the critical areas identified in subsection D2 of this Section, Restrictions for Critical Areas – General.

d. No site investigative work shall commence without first notifying the Director or his or her designee in advance.

**9. Allowable Minor Tree Removal Activities:** Except as provided in subsection D2 of this Section, Restrictions for Critical Areas – General, tree removal and associated use of mechanical equipment is permitted as follows:

a. No more than three (3) trees are removed in any twelve (12) month period from a property under thirty five thousand (35,000) square feet in size; and

b. No more than six (6) trees are removed in any twelve (12) month period from a property thirty five thousand (35,000) square feet and greater in size.

**c. Permit Required to Remove Trees in Excess of the Numbers Above:** A Routine Vegetation Management Permit is required for removal of trees in excess of the amounts listed above. See RMC Section 4-9-195, Routine Vegetation Management Permits.

**d.** Rights-of-Way Unobstructed: In conducting minor tree removal activities, rights-of-way shall not be obstructed unless a right-of-way use permit is obtained.

**10. Landscaping or Gardening Permitted:** Land clearing in conformance with the provisions of subsection C9 of this Section, Allowable Minor Tree Removal Activities, and subsection D2 of this Section, Restrictions for Critical Areas – General, is permitted for purposes of landscaping or gardening; provided, that no mechanical equipment is used.

**11. Operational Mining/Quarrying:** Land clearing and tree removal associated with previously approved operational mining and quarrying activities.

**12. Existing Streets and Utilities:** Modification of existing utilities and streets by ten percent (10%) or less.

**13. Utilities, Traffic Control, Walkways, Bikeways Within Existing, Improved Right-of-Way or Easements:** Within existing improved public road rights-of-way or easements, installation, construction, replacement, operation, overbuilding, or alteration of all natural gas, cable, communication, telephone and electric facilities, lines, pipes, mains, equipment or appurtenances, traffic control devices, illumination, walkways and bikeways. If activities exceed the existing improved area or the public right-of-way, this exemption does not apply. Restoration of disturbed areas shall be completed.

**14. Tree Removal Authorized by a Land Development Permit.**

**D. PROHIBITED ACTIVITIES:**

**1. Tree Cutting in Advance of Issuance of Land Development Permit:**~~Prohibited Activities:~~ There shall be no tree removal or land clearing on any site for the sake of preparing that site for future development unless a land development permit, as defined in RMC [4-11-120](#), for the site has been approved by the City. (Ord. 5450, 3-2-2009)

**2. Tree Cutting or Vegetation Management Without Required Routine Vegetation Management Permit:**

**a. Tree Cutting in Excess of the Limits Established in Section 4-3-130C9, unless a Routine Vegetation Management Permit has been granted.**

**b. Routine Vegetation Management on an undeveloped property without a Routine Vegetation Management Permit and use of non-exempt Mechanical Equipment without a Routine Vegetation Management Permit.**

**32. Restrictions for Critical Areas – General:** Unless exempted by critical areas, RMC [4-3-050C5](#) or Shoreline Master Program Regulations, RMC [4-3-090](#), no tree removal, or land clearing, or ground cover management is permitted:

a. On portions of property with protected critical habitats, per RMC [4-3-050K](#); streams and lakes, per RMC [4-3-050L](#); Shorelines of the State, per RMC [4-3-090](#), Renton Shoreline Master Program Regulations; and wetlands, per RMC [4-3-050M](#); and their associated buffers;

b. On protected slopes except as allowed in this Section or in the Critical Areas Regulations, RMC [4-3-050](#); or

c. Areas classified as very high landslide hazards, except as allowed in this Section or in the Critical Areas Regulations, RMC [4-3-050](#).

**43. Restrictions for Native Growth Protection Areas:** Tree removal or land clearing shall not be permitted within a native growth protection easement except as provided in the established native growth protection area requirements of RMC [4-3-050E4](#).

#### **E. REVIEW AUTHORITY:**

**1. Authority and Interpretation:** The Reviewing Official is hereby authorized and directed to interpret and enforce all the provisions of this Section. He or she is authorized to require retention above the minimum standards, to require phasing of tree retention plans, or to require any other measures to meet the purpose of this Section.

**2. Independent Secondary Review:** The Reviewing Official may require independent review of any land use application that involves tree removal and land clearing at the City's discretion. An evaluation by an independent qualified professional regarding the applicant's analysis on the effectiveness of any proposed removal, retention, or replacement measures, to include recommendations as appropriate. This review shall be paid for by the applicant and the City shall select the third party review professional.

#### **F. PERMITS REQUIRED:**

**1. Land Development Permit Required for Site Preparation:** An approved land development permit, as defined in RMC [4-8-120D12](#), is required in order to conduct tree removal or land clearing on any site for the sake of preparing that site for future development.

**2. Routine Vegetation Management Permit Required in the Following Cases:**

**a) ~~Required for~~ Routine Vegetation Management on Undeveloped Properties:** Any person who performs routine vegetation management, as defined in RMC [4-11-180](#), on undeveloped property in the City must obtain a routine vegetation management permit prior to performing such work.

**b) ~~3. Permit Required to Use of~~ Mechanical Equipment:** Except where mechanical equipment is 27 horsepower or less, ~~use of mechanical equipment is specifically listed as exempt~~, any person who uses mechanical equipment for routine vegetation management, land clearing, tree removal, landscaping, or gardening ~~on developed, partially developed or undeveloped property~~ must obtain a routine vegetation management permit prior to performing such work.

**c) Tree Removal In Excess of Maximum Allowance: A Routine Vegetation Management Permit shall be required for tree cutting in greater amounts than specified under subsection C9 of this**

Section, Allowed Minor Tree Removal Activities, where tree cutting is proposed without an associated Land Development Permit. Any tree cutting activities shall be the minimum necessary to accomplish the intended purpose, and shall be consistent with subsection D2 of this Section, Restrictions for Critical Areas. Trees removed in excess of the maximum amount allowed under subsection C9 shall be subject to RMC 4-4-130H.1.e, Replacement Requirements, unless determined by the Administrator to be unfeasible in the specific case.

**~~3.4. Conditional Use Permit Required for Timber Stand Maintenance — Conditional Use Permit Required:~~**

While timber harvesting shall not be permitted until such time as a valid land development is approved, a request may be made for maintenance and thinning of existing timber stands to promote the overall health and growth of the stand. Permits allowing maintenance and thinning beyond the limits allowed in subsection C9 a or C9b of this Section, Allowable Minor Tree Removal Activities, shall be considered as a conditional use permit by the Hearing Examiner according to the following criteria in lieu of standard conditional use permit criteria:

- a. Appropriate approvals have been sought and obtained with the State Department of Natural Resources; and
- b. The activity shall improve the health and growth of the stand and maintain long-term alternatives for preservation of trees; and
- c. The activity shall meet the provisions of subsections H3, Applicability, Performance Standards and Alternates, and H4, General Review Criteria, of this Section; and
- d. Thinning activities shall be limited to less than forty percent (40%) of the volume and trees.

~~**5. Tree Cutting — Solar Access or Pasture Land:** A routine vegetation management permit is required for tree cutting in greater amounts than specified under partially exempt actions in subsection C9 of this Section, Allowable Minor Tree Removal Activities, for any property where tree cutting is proposed without an associated land development permit. A routine vegetation management permit may be issued allowing tree cutting only in the following cases:~~

- ~~a. For purposes of allowing solar access to existing structures; or~~
- ~~b. To create pasture land where agricultural activities are permitted uses in the zone.~~

~~Any tree cutting activities shall be the minimum necessary to accomplish the purpose, and shall be consistent with subsection D2 of this Section, Restrictions for Critical Areas — General.~~

## **RMC 4-9-195 ROUTINE VEGETATION MANAGEMENT PERMITS:**

### **A. PURPOSE:**

This Section provides a permit process for routine vegetation management implementing the tree retention and land clearing regulations in RMC [4-4-130](#).

### **B. AUTHORITY:**

The City's Development Services Division Director, or his duly authorized representative, is hereby authorized and directed to interpret and enforce all the provisions of this Section.

### **C. APPLICABILITY; EXEMPTIONS, AND PROHIBITED ACTIVITIES:**

~~1. General Applicability:~~ Unless exempted by RMC Section 4-4-130C, Allowed Tree Removal Activities, a Routine Vegetation Management Permit is required for any property where routine vegetation management activities are undertaken. The regulations of this Section apply to any developed, partially developed or undeveloped property where routine vegetation management activities are undertaken.

#### ~~a. Permit Required for Routine Vegetation Management on Undeveloped Properties:~~

~~Any person who performs routine vegetation management on undeveloped property in the City must obtain a routine vegetation management permit prior to performing such work.~~

~~b. Permit Required to Use Mechanical Equipment:~~ Except where use of mechanical equipment is specifically listed as exempt, any person who uses mechanical equipment for routine vegetation management, land clearing, tree removal, landscaping, or gardening on developed, partially developed or undeveloped property must obtain a routine vegetation management permit prior to performing such work.

~~c. Tree Removal – Solar Access or Pasture Land:~~ A routine vegetation management permit is required for tree removal in greater amounts than specified under partially exempt actions in RMC [4-4-130C](#), Allowed Tree Removal Activities, for any property where tree removal is proposed without an associated land development permit. A routine vegetation management permit may be issued allowing tree removal only in the following cases:

- i. For purposes of allowing solar access to existing structures; or
- ii. To create pasture land where agricultural activities are permitted uses in the

~~zone.~~

~~Any tree removal activities shall be the minimum necessary to accomplish the purpose, and shall be consistent with RMC [4-4-130D2](#), Restrictions for Critical Areas – General.~~

~~2. Exemptions:~~ Refer to RMC [4-4-130C](#).

~~3. Prohibited Activities:~~ Refer to RMC [4-4-130D](#).

### **D. PROCEDURES AND REVIEW CRITERIA:**

Permits for routine vegetation management shall be processed as follows:

**1. Submittal:** An application for a routine vegetation management permit shall be submitted to the Development Services Division together with any necessary fees as required in chapter [4-1](#) RMC.

**2. Information Required:** A routine vegetation management permit application shall contain the information requested in RMC [4-8-120](#), Submittal Requirements – Specific to Application Type.

**3. Time:** The permit shall be reviewed administratively within a reasonable period of time.

**4. Routine Vegetation Management Permit Conditions:** The routine vegetation management permit may be denied or conditioned by the City to restrict the timing and extent

of activities or to require tree replacement in order to further the intent of this Section including:

- a. Preserve and enhance the City's aesthetic character and maintain visual screening and buffering.
- b. Preserve habitat to the greatest extent feasible.
- c. Prevent landslides, accelerated soil creep, settlement and subsidence hazards.
- d. Minimize the potential for flooding, erosion, or increased turbidity, siltation or other form of pollution in a watercourse.
- e. Ensure that the proposal will be consistent with RMC [4-4-130D2](#), Restrictions for Critical Areas – General, and [4-4-130D3](#), Restrictions for Native Growth Protection Areas.

~~f. Ensure that protected trees are retained, consistent with RMC [4-4-130H](#).~~

**5. Time Limits for Routine Vegetation Management Permits:** Any permit for routine vegetation management shall be valid for one year from the date of issuance. An extension may be granted by the Development Services Division for a period of one year upon application by the property owner or manager. Application for such an extension must be made at least thirty (30) days in advance of the expiration of the original permit and shall include a statement of justification for the extension.

**E. APPEALS:**

Appeal of the decision to grant, grant with conditions, or deny a routine vegetation management permit shall be made consistent with RMC [4-8-110](#), Appeals.

**F. VIOLATIONS AND PENALTIES:**

Unless otherwise specified, violations of this Section are misdemeanors subject to RMC 1-3-1. (Ord. 4963, 5-13-2002; Ord. 5159, 10-17-2005; Ord. 5304, 9-17-2007)