



ADMINISTRATIVE ORDER #000026-052201

CODE INTERPRETATION

CODE SECTION: 20.80.030(K)

ISSUE: Under SMC 20.80.030(K), “Normal and routine maintenance and operation of existing landscaping and gardens provided they comply with all other regulations in this section” is exempt from the provisions of the Critical Areas Overlay District standards.

What sort of activities would comply with this exemption? Is pruning regulated under the Critical Areas Ordinance? Does it require a permit?

DECISION:

The specifics of the site and or the proposal would need to be considered in determining whether an activity would be considered “normal and routine maintenance and operation of existing landscaping and gardens”. Specific cases could be handled through the City’s existing process for Interpretation of Development Code (please see Table 20.30.040 in the Shoreline Development Code for additional information). In determining whether a specific activity would be exempt from critical area standards and clearing permit requirements under this specific provision, the Director would review the stated purpose of the Critical Area Overlay District Standards SMC 20.80.010 and the stated purpose of the Tree Conservation, Land Clearing and Site Grading Standards (SMC 20.50.290).

Discussion:

Cutting or otherwise removing trees, unless done under the hazard tree provisions of SMC 20.50.310(A)1 and 20.80.030(A), would generally **not** be considered routine maintenance and would generally not be exempt from the critical area regulations. Removal of any tree in a critical area may require a clearing permit. Outside of critical areas (including buffers), the removal of more than 6 significant trees requires a permit.

Typically, all minor pruning of vegetation in critical areas would be allowed without a permit, assuming it meets all other critical area standards. Minor pruning is defined as:

- Removal of less than 25 percent of the foliage, or if foliage has not developed, less 10 percent of the foliage buds, including branches up to 1 ½ inches in diameter; **and**
- Removal that does not adversely impact the central leader or does not significantly alter the natural form of the tree being pruned.

Minor pruning that is consistent with the Critical Area Overlay District standards is generally allowed in all critical areas without a permit to provide for the maintenance of planted species and other activities necessary to ensure the health of these areas.

In addition, on fully developed lots or the regularly maintained portion of partially developed lots, all pruning would typically be considered routine maintenance (and thus permit exempt) as **long as the pruning does not jeopardize the long-term health and stability of the trees in question**. Excessive pruning, by definition, jeopardizes the long-term health and stability of trees. Excessive Pruning is hereby defined as:

- Removal of more than 25% of the original crown, unless necessary to restore the vigor of the tree or to protect life and property, or
- Removal that adversely impacts the central leader, unless necessary to restore the vigor of the tree or to protect life and property

Excessive pruning is generally not allowed on developed or regularly maintained lots within **critical areas** unless a clearing permit is obtained and the applicant meets all the critical area standards.

Please note: consistent with the language of the exemption (ie. *normal and routine maintenance and operation of existing landscaping and gardens*), pruning on developed lots within critical areas would typically not be regulated as strictly as pruning on undeveloped lots. The intent is to conserve critical area values and functions while allowing some flexibility for ongoing activities necessary to maintain existing non-conforming developed landscapes. Again, these examples are provided only as guidance. Exemptions under SMC 20.80.030(K) would be determined on a case by case basis.

Director Approval Date: May 22, 2001 by Tim Stewart (*updated 11/08/06*)