



**San Juan County
Community Development & Planning**

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POLICIES / PROCEDURES / INTERPRETATIONS

TREE REMOVAL WITHIN THE SHORELINE JURISDICTION

PP-2014-02 Tree Removal

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(Supersedes Number: PP-2011-002)

PURPOSE OF REVISION: Both critical area and shoreline regulations pertain to tree removal in the shoreline jurisdiction. This policy has been updated to provide additional critical area information.

POLICY: This policy shall apply to tree removal and vegetation management in the shoreline areas. Critical area restrictions must also be considered.

- A. **Removal of trees on undeveloped parcels** is not permitted for trees larger than 3 inches in diameter as measured 4 feet above grade.
- B. **Tree removal as a component of new residential development** may be permitted pursuant to Section SJCC 18.50.330.B and shall be reviewed and approved or denied in conjunction with the review of the application for the new residential development and subject to the **Submittal Documents and Review Criteria**, outlined below.
- C. **Tree removal on developed parcels** may be permitted pursuant to Section SJCC 18.50.550.B and shall be reviewed, and approved or denied, subsequent to the submittal of a Shoreline Tree Removal Application and subject to the **Submittal Documents and Review Criteria** outlined in this policy.

ISSUE: Pursuant to San Juan County Code (SJCC) 18.50.330.B.8, requests are frequently made for approval to remove trees within the shoreline jurisdiction. Additionally, CD&P's fee schedule includes a permit fee for the review of these requests. These policies and procedures are written to clarify how, and under what criteria, these requests are to be reviewed and either approved or denied.

ANALYSIS: A land use or development proposed to be located entirely or partly within 200 feet of the ordinary high water mark (OHWM) of a regulated shoreline is within the Shoreline Master Program (SMP) jurisdiction. It is subject to the applicable provisions of Section 3 of the Comprehensive Plan and of SJCC Chapter 18.50. Several provisions of the SMP regulate tree removal, vegetation management and clearing and grading of land within 200 feet of OHWM. Tree and vegetation removal must also comply with the County's critical area regulations. The following are the relevant and applicable SJCC Provisions:

- SJCC 18.50.060 Clearing and grading
- SJCC 18.50.130 Vegetation management
- SJCC 18.50.140 View protection
- SJCC 18.50.240 Forest management
- SJCC 18.50.330.B(3) Mobile home courts and parks
- SJCC 18.50.330.B(8) Residential development (Tree Removal Plan)
- SJCC 18.50.330.D(2) Residential development (Shoreline Setbacks and Screening)
- SJCC 18.50.330.D(3) Waterfront subdivisions
- SJCC 18.30.110 Critical areas
- SJCC 18.30.120 Geologically Hazardous Areas
- SJCC 18.30.150 Wetlands
- SJCC 18.30.160 Fish and Wildlife Habitat Conservation Areas

Additional state and/or federal regulations or restrictions may apply with respect to tree removal or vegetation management in the shoreline. This policy only addresses applicable regulations of the SJCC. It does not relieve a property owner or other interested party from complying with such federal and/or state regulations that may be applicable to the proposed development.

Tree Removal Plan Review: There are generally three different conditions under which requests for tree removal in the Shoreline are submitted. These are:

- A. On undeveloped parcels,
- B. As a component of new residential development, and
- C. On developed parcels.

A. **Tree removal on undeveloped parcels.** The SMP strictly prohibits the removal of trees when not associated with an “approved shoreline development.” In other words, removal of trees larger than 3 inches in diameter, as measured 4 feet above grade is not allowed within the shoreline area unless such removal activity is part of an approved shoreline development. This includes any activity that requires a Shoreline Exemption. The SJCC does not, however, restrict or prohibit “normal nondestructive pruning and trimming of vegetation for maintenance purposes” (SJCC 18.50.060.B).

B. **Tree removal as a component of new residential development.** Subject to prior review and approval, the SJCC shoreline regulations authorizes the removal of trees within the shoreline to construct a single-family residence. If removal of additional trees other than what is needed for the house footprint and associated development, a tree removal plan is required prior to cutting down trees larger than 3 inches in diameter as measured 4 feet above grade within the shoreline. SJCC 18.50.330.B.8 sets forth the applicable regulations and tree removal plan requirements as follows:

“Land clearing, grading, filling, or alteration of wetlands, natural drainage, and topography for residential construction shall be limited to the area necessary for driveways, buildings, and view and solar access corridors. Cleared surfaces not to be covered with gravel or impervious surfaces shall be replanted promptly with native or compatible plants (i.e., groundcovers or other plant materials adapted to site conditions which will protect against soil erosion). This applies to individual construction and shoreline subdivisions.

Existing vegetation shall be used to visually buffer structures as viewed from the shoreline, public roads, and adjoining properties. All applications for new construction and subdivisions shall indicate any trees to be removed. If trees are to be removed beyond those required to construct a single-family residence, then a tree removal plan shall also be submitted. The plan shall:

- a. *Identify the proposed building areas and driveways and view and solar access corridors; and*
- b. *Demonstrate how existing natural screening will be retained while providing for construction, views, and sunlight.*

Removal of trees smaller than three inches in diameter, as measured four feet above grade, shall not be restricted unless there is evidence that the shoreline is unstable. The removal of smaller trees, brush, and groundcover may be restricted in unstable shorelines."

- C. **Tree removal on developed parcels.** Subject to prior review and approval, the SJCC allows for the removal of trees within the shoreline following the completion of an approved development. In that the removal of danger/hazard trees is allowed during the construction of an approved development, this allowance may be extended to the removal of trees that present a clear danger to existing approved development. If an owner wishes to remove trees within the shoreline area, the owner will be required to submit a tree removal plan that contains the required information specified below.

COMPLIANCE WITH CRITICAL AREA REGULATIONS: Tree removal plans applications for work within the shoreline jurisdiction shall also demonstrate compliance with the vegetation and tree removal requirements of the critical area regulations. Tree removal site plans shall show applicable critical area buffers and Tree Protection Zones and any vegetation or trees to be removed within them. The attached handout provides an overview of critical area and shoreline vegetation and tree removal restrictions.

SUBMITTAL DOCUMENTS AND REVIEW CRITERIA: An applicant will be required to submit a site plan and narrative that identifies and describes the location, size and species of trees and vegetation to be removed as well as the location of any existing or proposed structures and driveway on the parcel and view and solar access corridors if proposed. Shoreline setbacks shall be shown. Tree removal site plans shall also show any applicable critical area buffers and Tree Protection Zones and demonstrate compliance with applicable critical area restrictions for tree and vegetation removal. If an applicant seeks to remove trees beyond those needed for driveways, buildings, view and solar access, the applicant must identify any improvements or landscaping to be located in the area after the trees are removed. If hazard trees are proposed to be removed, a hazard tree worksheet completed and signed by an arborist certified by the ISA (International Society of Arboriculture) shall be submitted with the application.

Tree removal plans will be reviewed by the Community Development & Planning Department for compliance with the requirements of the provisions of the SJCC, set forth above, for approval or denial. In preparing tree removal plans, applicants should be mindful that trees may not be "excessively removed" (SJCC 18.50.140.C), that the shoreline shall be "protected from degradation" (SJCC 18.50.130.A), and that "existing vegetation shall be used to visually buffer structures" (SJCC 18.50.330.B(8)).

Unless necessary for an authorized purpose, applications to remove trees seaward of the required building setback will be approved only in limited circumstances such as when a certified arborist verifies that a tree is a danger to an approved development and needs to be completely removed to eliminate such danger. Additionally, removal of trees that were previously considered as providing "screening" (SJCC 18.50.330.D.2) may result in a reevaluation of a previously established shoreline setback and may result in a larger setback.

Vegetation Protection and Tree Removal Requirements for Buffers and Tree Protection Zones Adjacent to Lakes, Naturally Occurring Ponds, and Marine Shorelines

Critical Area (CA) Requirements	SMP Requirements
<p>Tree Protection Zone 1 [For areas with trees, first 35 ft. landward from ordinary high water mark (OHWM) of pond, lake or marine shoreline]. Hazard trees meeting the definition in SJCC 18.20.080 may be removed. For buildings existing on March 31, 2014, 30 feet of vegetation around the building can be removed to provide defensible space¹. Other trees must be retained and trees cannot be topped. Minor pruning of trees is allowed except for branches and foliage over the water (max. 20% per year and health of trees must be maintained).</p>	<p>For lakes ≥ 20 acres and marine shorelines, adequate trees and vegetation must be retained to visually buffer structures as viewed from the shoreline, public roads, and adjoining properties. Residential structures must be set back 50 ft. from the top of bank for sites that have screening vegetation, or 100 ft. if there is no screening vegetation. While the SMP allows unrestricted removal of trees and shrubs less than 3" in diameter, the removal of shrubs and trees of all sizes is limited by the critical area regulations.</p>
<p>Tree Protection Zone 2 [For areas with trees, 35 to 110 ft. from the OHWM]. Hazard trees meeting the definition in SJCC 18.20.080 may be removed. For buildings existing on March 31, 2014, 30 feet of vegetation around the building can be removed to provide defensible space¹. If minimum stocking and other requirements are met tree removal is allowed in some cases (in conjunction with construction of one primary structure and/or to allow for a filtered view from the primary structure). The primary structure must be landward of the water quality buffer and, per SMP requirements, more than 50 ft. from the top of the bank. The remaining forest in the tree protection zone, after trees are removed, must contain trees of all ages (including small ones) that are well distributed across the Tree Protection Zone. Trees cannot be topped.</p>	
<p>Water Quality Buffer. This area starts at OHWM and for residential development extends landward from 75-150 ft. depending on number of units per acre and slope. Sites with ≤ 1 unit per acre have a 75 ft. buffer if the slope is 0-30% and 112.5 ft. if the slope exceeds 30%. Lots with > 1 unit per acre have a 100 ft. buffer if the slope is 0-30% and 150 ft. if the slope exceeds 30%.</p> <p>Hazard trees meeting the definition in SJCC 18.20.080 may be removed. For buildings existing on March 31, 2014, 30 ft. of vegetation around the building can be removed to provide defensible space¹. Minor pruning of trees and shrubs is allowed except for branches and foliage over the water (max. 20% per year and health of trees and shrubs must be maintained). Some trees in Tree Protection Zone 2 may be removed if associated requirements are met. Shrubs cannot be removed except in conjunction with an allowed activity listed in SJCC Chapter 18.30, Table 3.8. Allowed activities include removing invasive plants; implementing habitat management plans approved by a State or Federal agency; agricultural activities (except construction of structures); and establishment of orchards, gardens, trails, stairs, walkways, fences, wells, septic systems, stormwater systems, roads and trails if they meet associated requirements.</p>	

¹ Though the critical area regulations include an exemption allowing removal of 30 ft. of vegetation around structures existing on March 31, 2014, sites located within shoreline jurisdiction must still retain adequate vegetation to provide screening of structures. Within shoreline jurisdiction proposed tree removal must either be shown on construction plans, or a separate plan must be submitted for approval.