

White Salmon Tree Board Meeting

A G E N D A

September 14, 2020 – 5:30 PM

Via Zoom Teleconference

Meeting ID: 885 9103 4917 Passcode: 639625



Call in Numbers:

669-900-6833

929-205-6099

301-715-8592

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We ask that the audience call in instead of videoing in or turn off your camera, so video does not show during the meeting to prevent disruption.

Thank you.

Call to Order

Discussion Items

- [1.](#) WSMC 18.35 City Tree Ordinance
- [2.](#) WSMC 18.10.317 Special Provisions - Heritage Trees

Adjournment

File Attachments for Item:

WSMC 18.35 City Tree Ordinance



AGENDA MEMO – TREE BOARD

Meeting Date: September 14, 2020
Agenda Item: WSMC 18.35 City Tree Ordinance
Presented By: Jan Brending, Clerk Treasurer

Action Required

Finalize recommended amendments to WSMC 18.35.

Explanation of Issue

The Tree Board has been working on amendments to WSMC 18.35 City Tree Ordinance. Identified amendments and areas that still remain to be addressed are included in the attached draft amendments.

Chapter 18.35 - CITY TREE ORDINANCE^[2]

Sections:

Footnotes:

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Editor's note— Ord. No. 2017-09-1013, §§ 1, 2, adopted September 20, 2017, repealed the former Ch. 18.35, §§ 18.35.010—18.35.150, and enacted a new Ch. 18.35 as set out herein. The former Ch. 18.35 pertained to similar subject matter. See Code Comparative Table and Disposition List for complete derivation.

18.35.010 - Definitions.

- (a) **Street Trees:** "Street Trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the city.
- (b) **Park Trees:** "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

(Ord. No. 2017-09-1013, § 2, 9-20-2017)

18.35.020 - Creation and Establishment of a City Tree Board.

There is hereby created and established a City Tree Board for the City of White Salmon, Washington which shall consist of five members, two of which shall be city council members and three shall be citizens and residents at large of this city, who shall be appointed by the mayor with the approval of the council.

(Ord. No. 2017-09-1013, § 2, 9-20-2017)

18.35.030 - Term of Office.

The term of the five persons to be appointed by the mayor shall be three years ~~except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years.~~ In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

(Ord. No. 2017-09-1013, § 2, 9-20-2017)

18.35.040 - Compensation.

Members of the board shall serve without compensation.

(Ord. No. 2017-09-1013, § 2, 9-20-2017)

18.35.050. - Duties and Responsibilities.

It shall be the responsibility of the board to study, investigate, ~~council and~~ develop ~~and/or update annually~~, and administer a written plan for the care, preservation, pruning, planting, replanting, removal

or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan **shall be reviewed and/or updated biannually, or as needed. All revisions shall will** be presented **annually** to the city council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of White Salmon, Washington.

The board, when requested by the city council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.

(Ord. No. 2017-09-1013, § 2, 9-20-2017)

18.35.060 - Operation.

The board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. The city tree board shall be considered a public agency and shall observe the laws relating thereto, primarily those set forth in the Washington Public Meetings Act, RCW Ch. 42.30 and the Washington Public Records Act, RCW Ch. 42.56.

(Ord. No. 2017-09-1013, § 2, 9-20-2017)

18.35.070 - ~~Street~~ City Tree Species to be Planted.

Following recommendation by the city tree board, the city council shall adopt a list of acceptable and/or prohibited city street trees by a separate resolution referring to this section. The city ~~street~~ tree list may be amended by city council as necessary following recommendation of the city ~~street~~ tree board. No species other than those included in the current city ~~street~~ tree resolution, or (as amended) may be planted as city street trees without written permission of the city tree board.

(Ord. No. 2017-09-1013, § 2, 9-20-2017)

18.35.080. - Spacing.

The spacing of ~~street city~~ trees will be in accordance with resolution of acceptable city trees. the three species size classes listed in the city street tree resolution, and, unless allowed in advance by the city tree board, no trees may be planted closer together than the following: Small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by a landscape architect.

(Ord. No. 2017-09-1013, § 2, 9-20-2017)

18.35.090 - Distance from Curb and Sidewalk.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the city street tree resolution, or unless allowed in advance by the city tree board and no trees may be planted closer to any curb or sidewalk than the following: Small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet.

(Ord. No. 2017-09-1013, § 2, 9-20-2017)

18.35.100 - Distance from Street Corners and Fire Hydrants.

No street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than 10 feet of a fire hydrant.

(Ord. No. 2017-09-1013, § 2, 9-20-2017)

18.35.110 - Utilities.

No street trees other than those species listed as small trees in Section 18.35.070 may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(Ord. No. 2017-09-1013, § 2, 9-20-2017)

18.35.120 - Public Tree Care.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary ~~to insure for public safety. The tree board shall be notified and consulted in a timely manner of any proposals for new plantings or removal of existing trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds. or to preserve or enhance the symmetry and beauty of such public grounds and preserve view corridors to the Columbia River and Mount Hood where, in the discretion of the city tree board, such tree(s) unreasonably interfere with public views. The city tree board may consider private view sheds, but the purpose of this ordinance is to protect public and not private view sheds to tree interference.~~

The city tree board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest.

This Section 18.35.120 does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 18.35.070 through 18.35.110 of this ordinance. Planting of street trees within the city rights-of-way by adjacent property owners requires a right-of-way permit pursuant to WSMC 12.02.

(Ord. No. 2017-09-1013, § 2, 9-20-2017)

18.35.130 - Tree Topping.

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the city tree board.

(Ord. No. 2017-09-1013, § 2, 9-20-2017)

18.35.140 - Pruning, Corner Clearance.

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the

street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with sight distance to oncoming traffic or the visibility of any traffic control device or sign or within the clear space of eight feet above the surface of the street or sidewalk.

(Ord. No. 2017-09-1013, § 2, 9-20-2017)

18.35.150 - Dead or Diseased Tree Removal on Private Property.

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The city ~~tree board~~ will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owners' property tax notice.

(Ord. No. 2017-09-1013, § 2, 9-20-2017)

18.35.160 - Removal of Stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. Gaddis Park shall be exempt from this requirement.

(Ord. No. 2017-09-1013, § 2, 9-20-2017)

18.35.170 - Interference with City Tree Board.

It shall be unlawful for any person to prevent, delay or interfere with the city tree board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this ordinance.

(Ord. No. 2017-09-1013, § 2, 9-20-2017)

~~18.35.180 - Arborists License and Bond.~~

~~It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the city without first applying for and procuring a license. The license fee shall be twenty-five dollars annually in advance; provided, however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of three hundred thousand dollars for bodily injury and one hundred thousand dollars property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described. The city may in addition require good and sufficient performance and/or maintenance bonds relating to the work to be performed and for maintenance of the trees for a reasonable time.~~

~~(Ord. No. 2017-09-1013, § 2, 9-20-2017)~~

18.35.190 - Review by City Council.

The city council shall have the right to review the conduct, acts and decisions of the city tree board. Any person may appeal from any ruling or order of the city tree board to the city council who may hear the matter and make final decision.

(Ord. No. 2017-09-1013, § 2, 9-20-2017)

18.35.200. - Penalty.

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed two hundred fifty dollars, plus the city's cost to restore the tree(s) to a pre-violation condition.

(Ord. No. 2017-09-1013, § 2, 9-20-2017)

File Attachments for Item:

2. WSMC 18.10.317 Special Provisions - Heritage Trees



AGENDA MEMO – TREE BOARD

Meeting Date: September 14, 2020
Agenda Item: WSMC 18.10.17 Special Provisions – Heritage Trees
Presented By: Jan Brending, Clerk Treasurer

Explanation of Issue

Staff and the Tree Board have discussed removing this section from the Critical Areas code but keeping requirements for protecting heritage trees in a different location. The Tree Board needs to discuss how that would look, how any review process would work, etc.

18.10.317 - Special provisions—Heritage trees.

- A. The requirements provided in this section supplement those identified in Section 18.10.200 General Provisions. All heritage trees qualifying for protection provide valuable local habitat and shall be protected as critical areas. The tree protection area shall be equal to ten times the trunk diameter of the tree or the average diameter of the area enclosed within the outer edge of the drip line of the canopy, whichever is greater.
- B. Heritage trees include:
 - 1. Oregon White Oaks with a trunk diameter larger than fourteen inches,
 - 2. All other tree species with a trunk diameter greater than eighteen inches, or
 - 3. Any tree designated as a heritage tree by the city council in accordance with the nomination process detailed below.

To be considered a heritage tree the tree must be nominated by the landowner of the ground sustaining the tree and be accepted by the city onto the inventory list of heritage trees compiled and maintained by the city.

- C. Heritage trees may be designated in accordance with the following nomination and designation process:
 - 1. Trees with smaller trunk diameters may also be nominated for heritage status by the property owner, by submitting a map, a photograph, and a narrative description including the location, species, approximate age, and the specific characteristics and reasoning on which the nomination is based. To receive such a designation, a tree must be an outstanding specimen, especially old or large, or of distinctive form, location, or of ecological, cultural or historical significance.
 - 2. The city shall inspect the tree, consider public comments, consult with a certified arborist if relevant, and decide whether or not the tree is to be designated a heritage tree. Notice of the city's decision shall be mailed to the land owner and any other parties participating in the evaluation process.
 - 3. The council may be asked to reverse its designation of a heritage tree.
- D. Tree inventory is required.
 - 1. The city shall maintain a list of heritage trees designated within the city limits in response to the voluntary nomination process. The inventory may include a map identifying the location of the trees and a brief narrative description of each heritage tree.
- E. Maintenance and preservation of heritage trees is required.
 - 1. Any owner or applicant shall use reasonable efforts to maintain and preserve all heritage trees located thereon in a state of good health pursuant to the provisions of this chapter. Failure to do so shall constitute a violation of this chapter. Reasonable efforts to protect heritage trees include:
 - a. Avoidance of grading, excavation, demolition or construction activity within the heritage tree protection area where possible. The city shall consider special variances to allow location of structures outside the building setback line of a heritage tree whenever it is reasonable to approve such variance to yard requirements or other set back requirements.
 - b. Grading, excavation, demolition or construction activity within the heritage tree protection area shall require submittal of a tree protection plan, prepared in accordance [with] applicable guidelines for a critical area report and habitat management plan per Section 18.10.200, General Provisions.
 - c. Consideration of the habitat or other value of mature trees in the request for a variance or other modification of land use standards may require listing of the tree as a heritage tree.

Once listed for protection approval of variances or modification of standards are considered reasonable actions and not the result of a self created hardship.

2. The critical area report for purpose of this section shall include a heritage tree protection plan and shall be prepared by a certified arborist. The plan shall address issues related to protective fencing and protective techniques to minimize impacts associated with grading, excavation, demolition and construction. The city may impose conditions on any permit to assure compliance with this section. (Note: Some provisions in section 18.10.200, such as 18.10.211 Buffers, 18.10.214 Native growth protection easement, 18.10.215 Critical areas tracts, and 18.10.216 Marking and/or fencing requirements; may not be applicable to protection areas for heritage trees.)
3. Building set back lines stipulated by subsection 18.10.212 shall be measured from the outer line of the tree protection area for heritage trees.
4. Review and approval of the critical areas report and tree protection plan by the city is required prior to issuance of any permit for grading or construction within the heritage tree protection area.
5. In lieu of the NGPE required in subsection 18.10.214, a heritage tree protection easement (HTPE) shall be required. A HTPE is an easement granted to the city for the protection of a heritage tree protection area. HTPEs shall be required as specified in these rules and shall be recorded on final development permits and all documents of title and with the county recorder at the applicant's expense. The required language is as follows:

"Dedication of a Heritage Tree Protection Easement (HTPE) conveys to the public a beneficial interest in the land within the easement. This interest includes the preservation of existing heritage tree for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, visual and aural buffering, and protection of plant and animal habitat. The HTPE imposes upon all present and future owners and occupiers of land subject to the easement the obligation, enforceable on behalf of the public of the city of White Salmon, to leave undisturbed all heritage trees within the easement. The heritage tree protection area may not be impacted by grading, excavation, demolition or construction without express permission from the city of White Salmon, which permission must be obtained in writing."

- F. Heritage tree removal and major pruning is prohibited. It is unlawful for any person to remove, or cause to be removed any heritage tree from any parcel of property in the city, or prune more than one-fourth of the branches or roots within a twelve-month period, without obtaining a permit; provided, that in case of emergency, when a tree is imminently hazardous or dangerous to life or property, it may be removed by order of the police chief, fire chief, the director of public works or their respective designees. Any person who vandalizes, grievously mutilates, destroys or unbalances a heritage tree without a permit or beyond the scope of an approved permit shall be in violation of this chapter.
- G. Exceptions to the provisions in this section include:
 1. A heritage tree can be removed if it is dead, dangerous, or a nuisance, as attested by an arborist's report, submitted to the city and paid for by the tree owner or by order of the police chief, fire chief, the director of public works or their respective designees.
 2. A heritage tree in or very close to the "building area" of an approved single family residence design can be replaced by another tree. A heritage tree can be removed if its presence reduces the building area of the lot by more than fifty percent after all potential alternatives including possible set backs to minimum yard depth and width requirements have been considered.
 3. Any person desiring to remove one or more heritage trees or perform major pruning (per subsection 18.10.316 F, above) shall apply for an exception pursuant to procedures established by this section rather than subsection 18.10.125 Exceptions, which generally applies elsewhere in this chapter.

4. It is the joint responsibility of the property owner and party removing the heritage tree or trees, or portions thereof to obtain exception. The city may only issue a permit for the removal or major pruning of a heritage tree if it is determined that there is good cause for such action. In determining whether there is good cause, the city shall consult with a certified arborist, paid for by the applicant, as appropriate. The city shall also give consideration to the following:
 - a. The condition of the tree or trees with respect to disease, danger of falling, proximity to existing or proposed structures and interference with utility services;
 - b. The necessity to remove the tree or trees in order to construct proposed improvements to the property;
 - c. The topography of the land and the effect of the removal of the tree on erosion, soil retention and diversion or increased flow of surface waters;
 - d. The long-term value of the species under consideration, particularly lifespan and growth rate;
 - e. The ecological value of the tree or group of trees, such as food, nesting, habitat, protection and shade for wildlife or other plant species;
 - f. The number, size, species, age distribution and location of existing trees in the area and the effect the removal would have upon shade, privacy impact and scenic beauty;
 - g. The number of trees the particular parcel can adequately support according to good arboricultural practices; and
 - h. The availability of reasonable and feasible alternatives that would allow for the preservation of the tree(s).
- H. City enforcement of heritage tree protection regulations may include:
 1. Stop work on any construction project which threatens a heritage tree until it is shown that appropriate measures have been taken to protect the tree or an exception is granted for its removal; and/or
 2. As part of a civil action brought by the city, a court may assess against any person who commits, allows, or maintains a violation of any provision of this chapter a civil penalty in an amount not to exceed five thousand dollars per violation. Where the violation has resulted in removal of a tree, the civil penalty shall be in an amount not to exceed five thousand dollars per tree unlawfully removed, or the replacement value of each such tree, whichever amount is higher. Such amount shall be payable to the city. Replacement value for the purposes of this section shall be determined utilizing the most recent edition of the Guide for Plant Appraisal, published by the Council of Tree and Landscape Appraisers.

(Ord. No. 2012-11-906, § 1, 11-26-2012)