



White Salmon Tree Board Meeting

A G E N D A

April 15, 2024 – 4:00 PM

N Main Ave and via Zoom

Meeting ID: 874 5428 2850

Call in Number: 1 (253) 215-8782 US (Tacoma)

Call to Order

Discussion Items

1. Downtown Street Trees
2. Spring City Tree Maintenance
- [3.](#) DRAFT Heritage Tree Ordinance Update
City Webpage: bit.ly/Heritagetreeupdate
4. TreeFest Recap
5. Tree Board Member Round Table

Adjournment

Heritage Tree Ordinance
Update Dedicated Webpage



Tree Board Meeting Packet



File Attachments for Item:

3. DRAFT Heritage Tree Ordinance Update

City Webpage: bit.ly/Heritagetreeupdate

TECHNICAL MEMORANDUM



Date: April 11, 2024
To: White Salmon Tree Board
From: Lexi Ochoa, ISA Certified Arborist; Evan Earhart, ISA Certified Arborist; Deb Powers, ISA Certified Senior Arborist; Alex Capron, AICP, Senior Planner
Project Name: White Salmon Heritage Tree Code Update
Project Number: 220534.12

Subject: Supporting Recommendations for Heritage Tree Ordinance Adoption Effort

White Salmon’s existing tree canopy contributes to the City's character and sense of place, its economic vitality, as well as providing numerous environmental and health benefits. These benefits include reducing urban heat island effects, stormwater management, biodiversity, improving mental health and wellness, and mitigating the impacts of climate change. Balancing tree preservation with thoughtful tree removal and replanting strategies ensures that White Salmon’s tree canopy cover continues to provide these benefits to the community.

Project Background

In October of 2023, the Planning Commission drafted suggested amendments to the proposed standalone Heritage Tree Ordinance (now White Salmon Municipal Code (WSMC) 18.40, formerly WSMC 18.10.317), a section of the code related to a designated critical area embedded within the Fish and Wildlife Habitat Conservation Area. Upon discussion with staff, the Planning Commission tabled these amendments until Spring 2024 to exclusively focus on amendments to the Critical Areas Ordinance (WSMC 18.10) for adoption in early 2024 (Ord 2023-11-1152). The result was a placeholder ordinance (Ord. 2023-11-1153, WSMC 18.40) that was almost identical to the previous critical areas provisions for heritage trees in WSMC 18.10.317, apart from requiring an additional 15-foot building setback from trees’ critical root zones¹ as originally regulated per WSMC 18.10.212 Critical Areas. The project team was contracted to gauge the community’s sentiment about the existing code and tree preservation in general, to conduct public engagement, and to develop draft code recommendations in response to the community.

¹ Critical Root Zone: The area around a tree where the minimum amount of roots that are biologically essential to the structural stability and health of the tree are located. This area is commonly defined in municipal codes as a formula equal to one foot distance from the face of a tree trunk for every one inch of trunk diameter (DBH).

Summary of Survey Results

Community members of White Salmon were surveyed to gather knowledge regarding the existing Heritage Tree Code. The survey was open for approximately two weeks and collected 128 responses (*See Appendix A: Survey Results PowerPoint summary*). The resulting feedback indicates that White Salmon values trees for their many ecological benefits and for contributing to city residents' quality of life. Many surveyed were unfamiliar with the current Heritage Tree Code (WSMC 18.40). Results from the survey suggest that residents support "reasonable and appropriate tree protection" on private and public property and the desire to preserve trees based on size, preferring greater levels of protection for larger, more mature trees.

Additionally, a strong emphasis was placed on finding a balance between new development for middle housing (in alignment with the City's recently adopted Housing Action Plan), tree removal, and tree retention. Survey responders favored increasing tree canopy coverage along streets and in public spaces in addition to appropriate private property protection. Responders also introduced a desire for appropriate maintenance strategies for managing wildfire and insect infestation risks. Furthermore, survey responders would like to see tree care (i.e., how to plant a tree, basing pruning techniques, how to water trees effectively, tips for species selection that encourage "right tree, right place" and long-term tree retention) related resources readily available on the City's website.

Recommended Tree Code Updates

Purpose and Intent

In the draft code, we suggest developing a robust purpose and intent that will guide the future interpretation of the code and provide greater clarity for possible challenges.

Definitions

Planning Commission's October 2023 draft code comments suggested raising the size threshold (trunk diameter, or DBH) of heritage trees. By capturing fewer trees, this modification decreases the regulatory strength of overall tree protection, and we believe it may have the unintended consequence of reducing tree canopy coverage. In response to public feedback, the proposed size/age tree definitions will help establish comprehensive tree protection requirements for larger, more mature trees while allowing the removal and replacement of younger trees.

In addition to slight changes to the size threshold for heritage trees, we suggest creating three new designations for regulated trees on public and private property: significant tree, landmark tree, and exceptional tree. These three designations for regulated trees would be based on a trunk diameter range, while heritage trees would be citizen-nominated trees located on public or private property based on their size, age, unique type, or historical significance. As with heritage trees, significant, landmark, and exceptional trees must be protected during development scenarios and must be deemed hazard or nuisance trees for their removal outside of development activity.

Regulated Tree: A tree of any species that is between twelve (12) and twenty-two (22) inches at fifty-four (54) inches above the lowest ground level, and is not an alder (*Alnus rubra*), cottonwood (*Populus trichocarpa*), English holly (*Ilex aquifolium*), Tree of Heaven (*Ailanthus altissima*), or other common invasive tree listed on the WA State Noxious Weed Board (<https://www.nwcb.wa.gov/>) or Klickitat County Noxious Weed Control website (<https://www.klickitatcounty.org/562/Weed-Control>). All other tree definitions below are forms of regulated trees with more stringent requirements.

1. Landmark Tree: A regulated tree of any species that is between twenty-two (22) and thirty-six (36) inches at fifty-four (54) inches above the lowest ground level that is not on the Exceptional Tree Table species list.
 - a. Oregon white oaks (*Quercus garryana*) with a trunk diameter larger than six (6) inches at fifty-four (54) inches above the lowest ground level.
2. Exceptional Tree: A regulated tree of any species with a diameter of more than thirty-six (36) inches or with a diameter equal to or greater than the diameter listed in the Exceptional Tree Table.
 - a. Oregon white oaks (*Quercus garryana*) with a trunk diameter larger than twelve (12) inches at fifty-four (54) inches above the lowest ground level.
3. Heritage Tree: Any tree that, because of its age, size, unique type, or historical association, is of special importance to the city. The city acknowledges that preserving such trees may be beneficial and has set forth a procedure to preserve and protect these heritage trees.

Oregon white oaks are important trees in the community and, as such, were awarded a lower size threshold of protection from a regulated tree standpoint. Based on the tree inventory conducted in concert with the 2018 Urban Forest Management Plan prepared by Peninsula Urban Forestry LLC, the average trunk diameter of inventoried Oregon white oaks was four (4) inches in DBH. Other jurisdictions that utilize an Exceptional Tree designation and associated Exceptional Species List have Oregon white oak listed as Exceptional at six (6) inches. Based on an Oregon State University Forestry report on Oregon white oak, this species has an incredibly slow growth rate of less than twelve (12) inches per year and is considered mature once the trunk diameter reaches 24 inches. Due to these findings, the threshold for Landmark and Exceptional Trees regarding Oregon white oaks was reduced accordingly.

Consider including additional pertinent tree terms with definitions that reflect arboriculture industry standards, such as Critical Root Zone, Diameter at Breast Height (DBH), Grove, Hazard Tree, Nuisance Tree, Qualified Professional Arborist, and Tree Protection Zone.

Tree Replacement Ratios

Include replacement requirements (based on the results of the discussion of the outstanding topic below) for trees that are removed in association with development and not associated with development.

Tree Retention Plans Related to Development

Include the requirements for submitted tree retention plans. This may include requiring a tree inventory of all regulated trees on the subject parcel and those whose canopies extend into the subject parcel that may be impacted by the proposed development design. Tree inventories should be conducted by a qualified professional arborist or qualified landscape designer who can prescribe appropriate measures necessary for the preservation of trees during development. Tree inventories should include the tree species (common and botanical name), trunk diameter measured 54 inches (DBH) above the lowest ground level, location, condition, structure, health, and recommendation for retention or removal based on the proposed designs.

Tree Plan sheets should include the detailed site plan and include the following at a minimum:

- Location of proposed improvements, such as building footprint, utilities, construction access points, applicable setbacks, and limits of disturbance (LOD drawn to scale around all trees potentially impacted by site disturbances)
- Accurate locations of the regulated trees inventoried showing the trunk location, corresponding inventory number, DBH, and critical root zone area.

- Location of Tree Protection measures
- Proposed tree status (retained or removed); noted by an "X" or by ghosting out
- Proposed locations of any required replacement trees

Tree Protection Requirements

Include minimum tree protection requirements based on arboricultural best management practices. These may include tree protection fencing and signage requirements, allowable intrusions into the critical root zone if approved by a qualified professional arborist based on anticipated impacts and construction methods, and restrictions for accessing the tree protection zone (i.e., no staging of materials or equipment, no dumping of wastewater, etc.),

Heritage Tree Nominations

Clarify the process for citizens to nominate a tree for Heritage Tree Status.

Things to consider:

- What are the eligible tree criteria for nomination?
- What will the application look like, and where can it be accessed?
- What will the application require (photos, description/narrative, trunk measurements, etc)?
- Where are applications submitted, and who reviews and approves?
- Will a plaque or certificate be issued if approved, and is a maintenance agreement required?
- Will the trees be tagged with an ID number by City staff?
- Who within the City will maintain the Heritage Tree inventory?

Outstanding Topics In Need of Input

Tree Removals and Replacement

Initial suggestions for establishing a tree replacement ratio regarding removing trees associated with development are listed below. Depending on the discussion around establishing canopy coverage goals, removals and replacements could be based on canopy coverage goals for different zoning types.

Tree Type Removed	Replacement Ratio
Regulated Tree	1:1
Landmark Tree	2:1
Heritage Tree	3:1

**Note: Replacement species should be adapted to Eastern Washington’s specific environment and able to tolerate increasingly hotter summers, the urban environment, and periods of drought. Arborvitae would not be considered as a reasonable replacement species due to its low contribution to canopy coverage and limited environmental benefits.*

Consider including a minimum tree retention percentage, such as twenty percent, for a parcel under development. Consider including incentives for the retention of larger trees (landmark trees and heritage trees) on a middle-housing development project.

We propose restrictions on the removal of Exceptional Trees for Tree Board consideration, such as:

Exceptional Trees must be retained unless one of the following circumstances applies

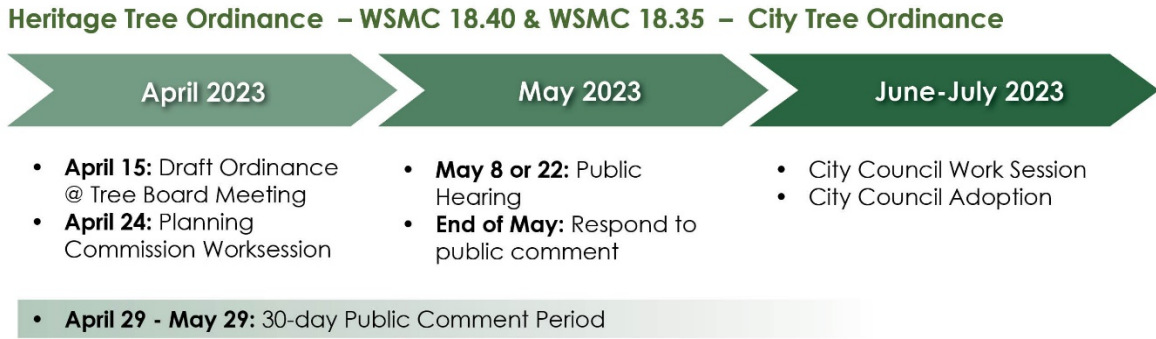
- Exceptional trees may only be removed if deemed hazardous or are infested with an insect, pest, and/or other pathogen that significantly impacts the long-term viability of the tree.
- Retention of an exceptional tree(s) will limit the structure footprint by less than the following:
 - Single-family home 1,000 sf
 - Townhomes or multi-family units 900 sf per unit
 - Accessory Dwelling Units – 700 sf
 - Businesses/Commercial 1,200 sf, or the amount of square footage necessary to support the existing or proposed use, as shown by the applicant in a site development permit.
- Prevents subdivision of a residential lot.

Future Considerations

The City of White Salmon may want to consider measuring its tree canopy cover at regular (5-8-year) intervals to monitor trends in canopy gain/loss city-wide and within certain land use areas. Based on the status of its canopy cover, the City should establish an appropriate city-wide tree canopy cover goal as a performance measure of its tree code. Using metrics such as tree canopy cover in addition to tracking tree removals and replacements enables the City to better understand the effectiveness of the code.

Next Steps

As we move toward formal public comment period and hearing for this effort, the next meeting will be held April 24th in-front of Planning Commission to introduce Tree Board recommendations to our preliminary draft code. See project outreach storymap site (<https://storymaps.arcgis.com/stories/7d33b18297f14d55b8db44c967cb97a9>) for survey results and schedule excerpt below for details:



Encl: Heritage Tree Ordinance Update Community Survey & High level Draft Code Amendments (Discussion only)

White Salmon Heritage Tree Code Update

Monday, April 08, 2024

128

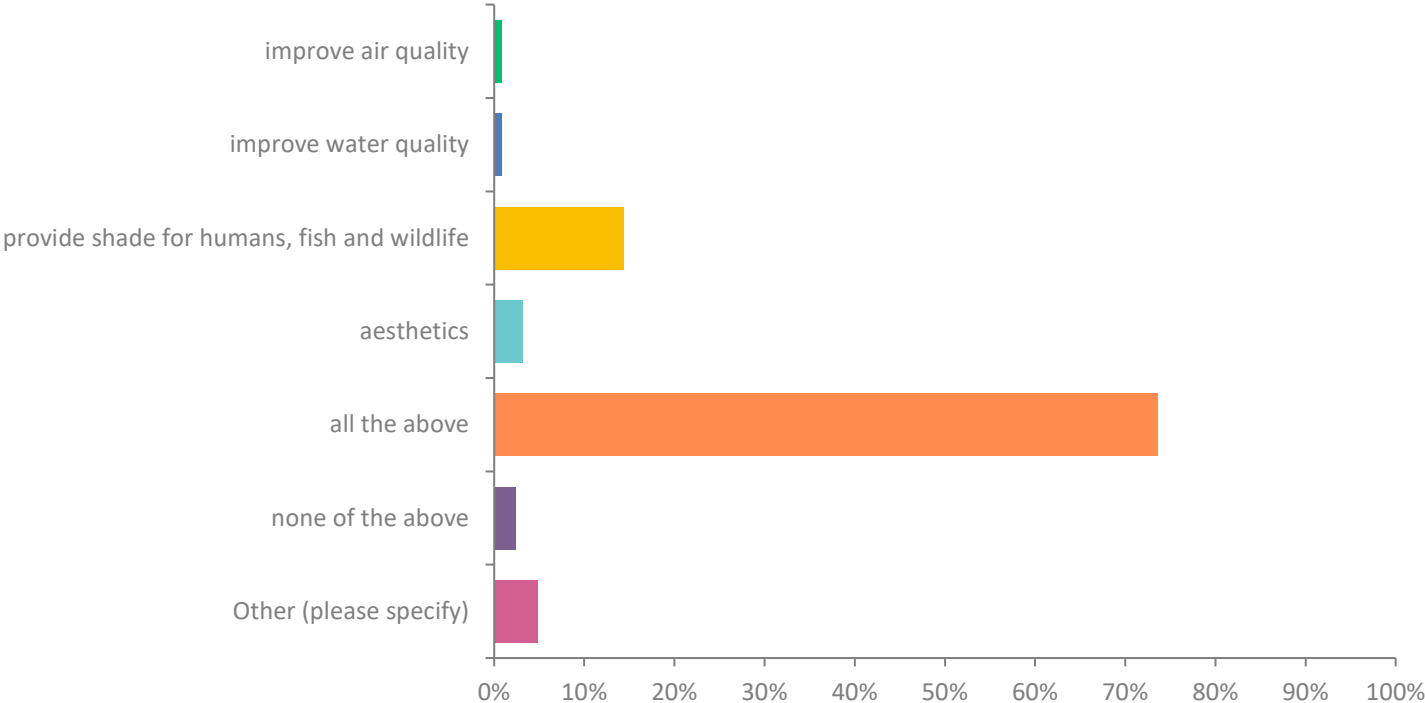
Total Responses

Date Created: Thursday, March 14, 2024

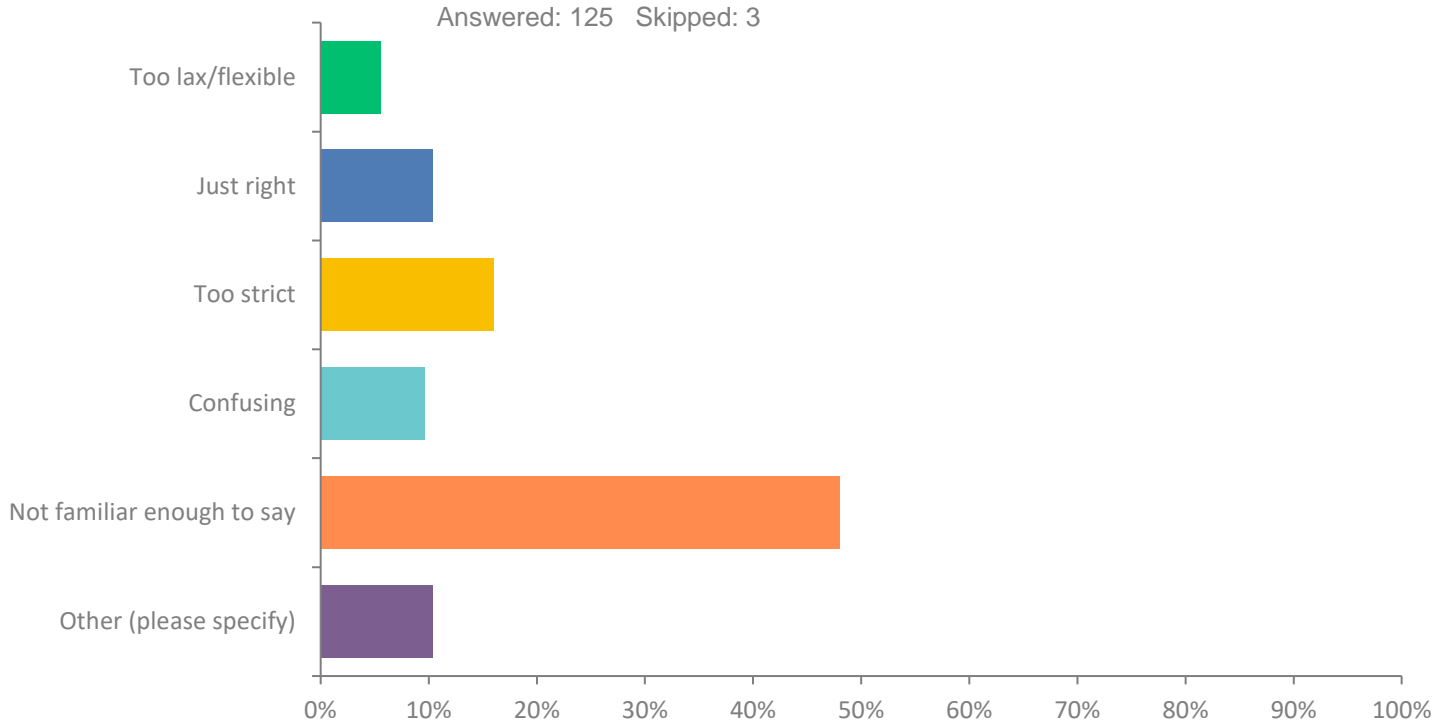
Complete Responses: 128

Q1: Trees provide many benefits to a community, please let us know which is the most important to the City of White Salmon

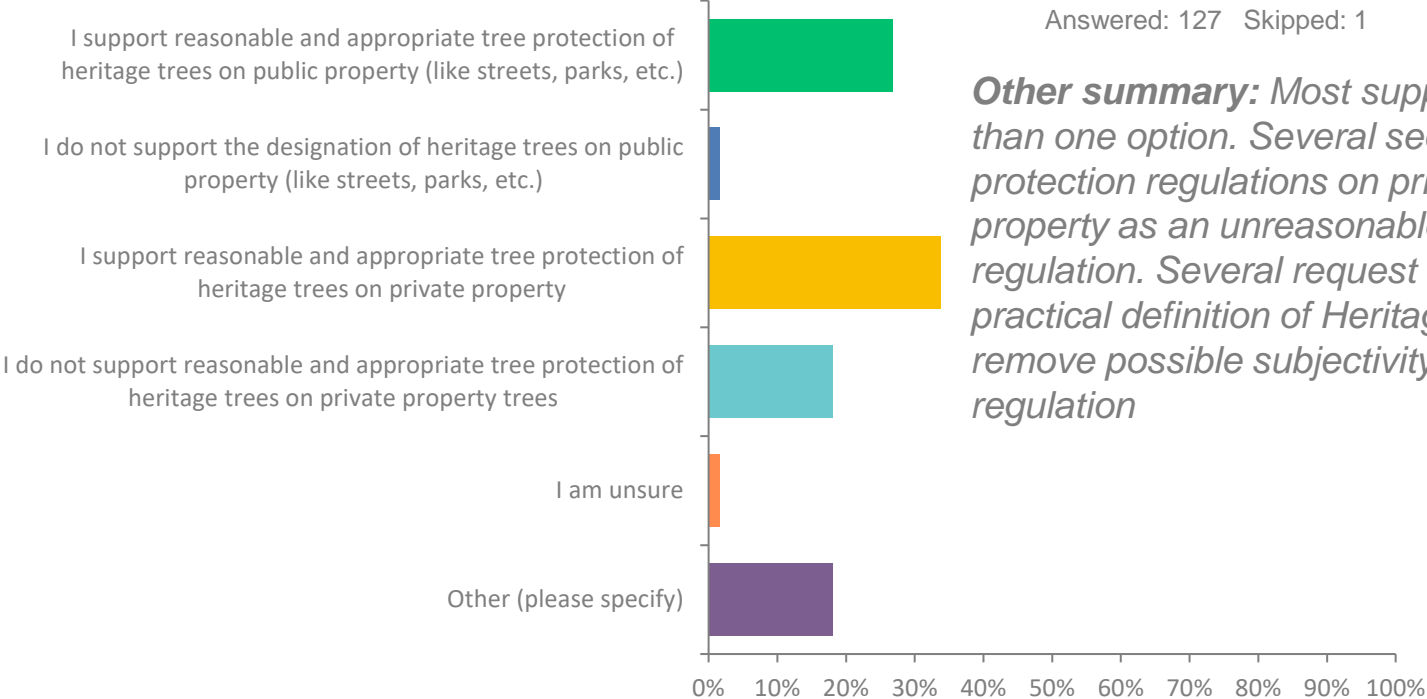
Answered: 125 Skipped: 3



Q2: How would you rate your awareness and understanding of White Salmon's current Heritage Tree Code (https://www.whitesalmonwa.gov/sites/default/files/fileattachments/city_council/page/3211/ordinance_2023-11-1153_creating_wsmc_18.40_signed.pdf)?



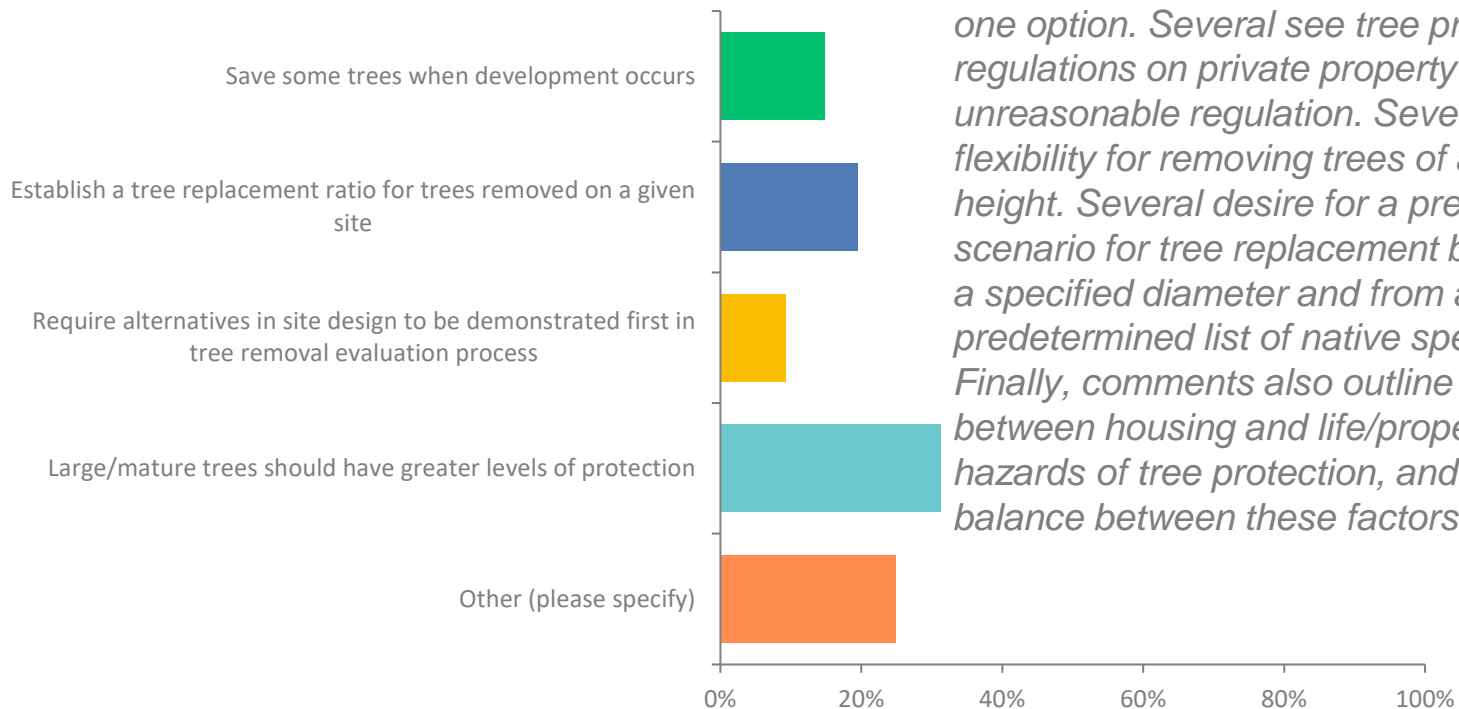
Q3: A Heritage Tree Program can be designed to protect trees on public property (like streets, parks or near public buildings) or can include protections for trees on private property. Consider one statement that most applies in your personal opinion.



Other summary: Most support more than one option. Several see tree protection regulations on private property as an unreasonable regulation. Several request for a practical definition of Heritage tree to remove possible subjectivity in regulation

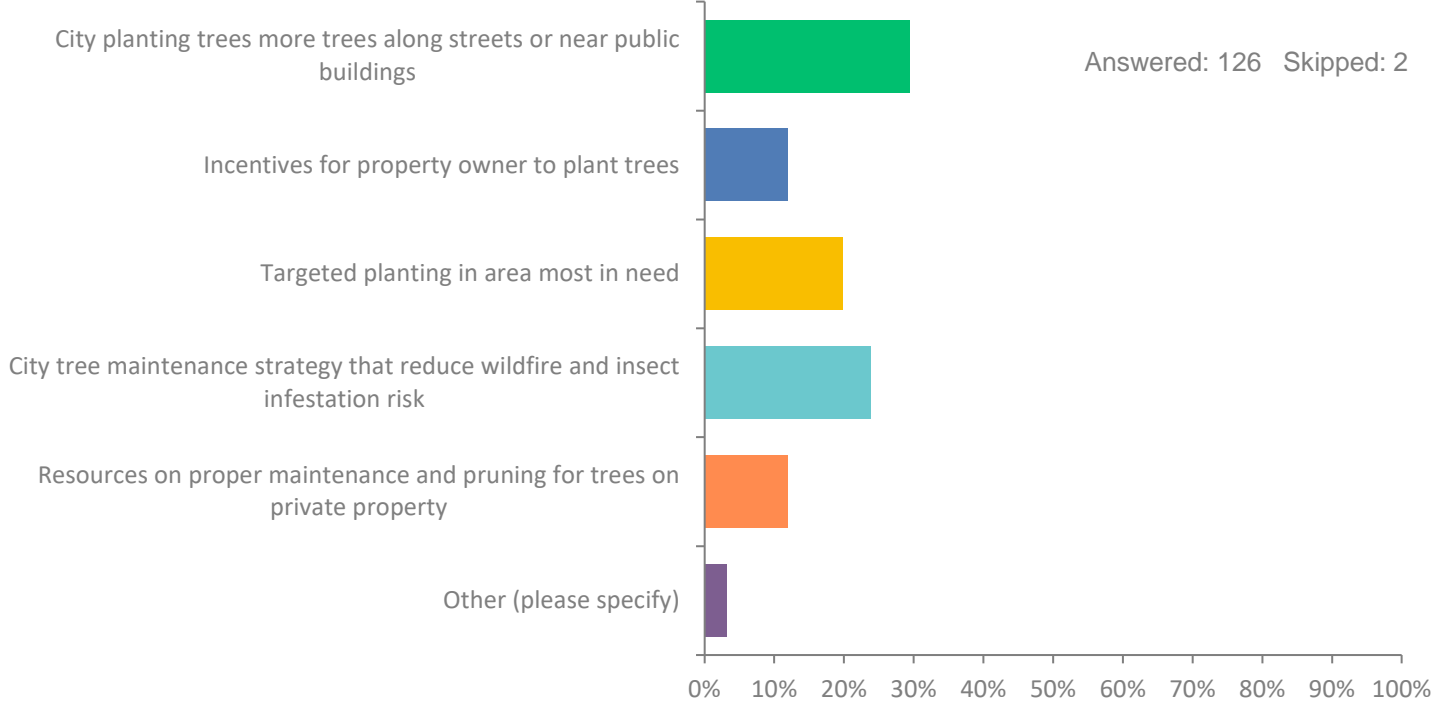
Q4: What strategy for tree retention would you most prefer the City implement in their Heritage Tree regulatory update?

Answered: 128 Skipped: 0

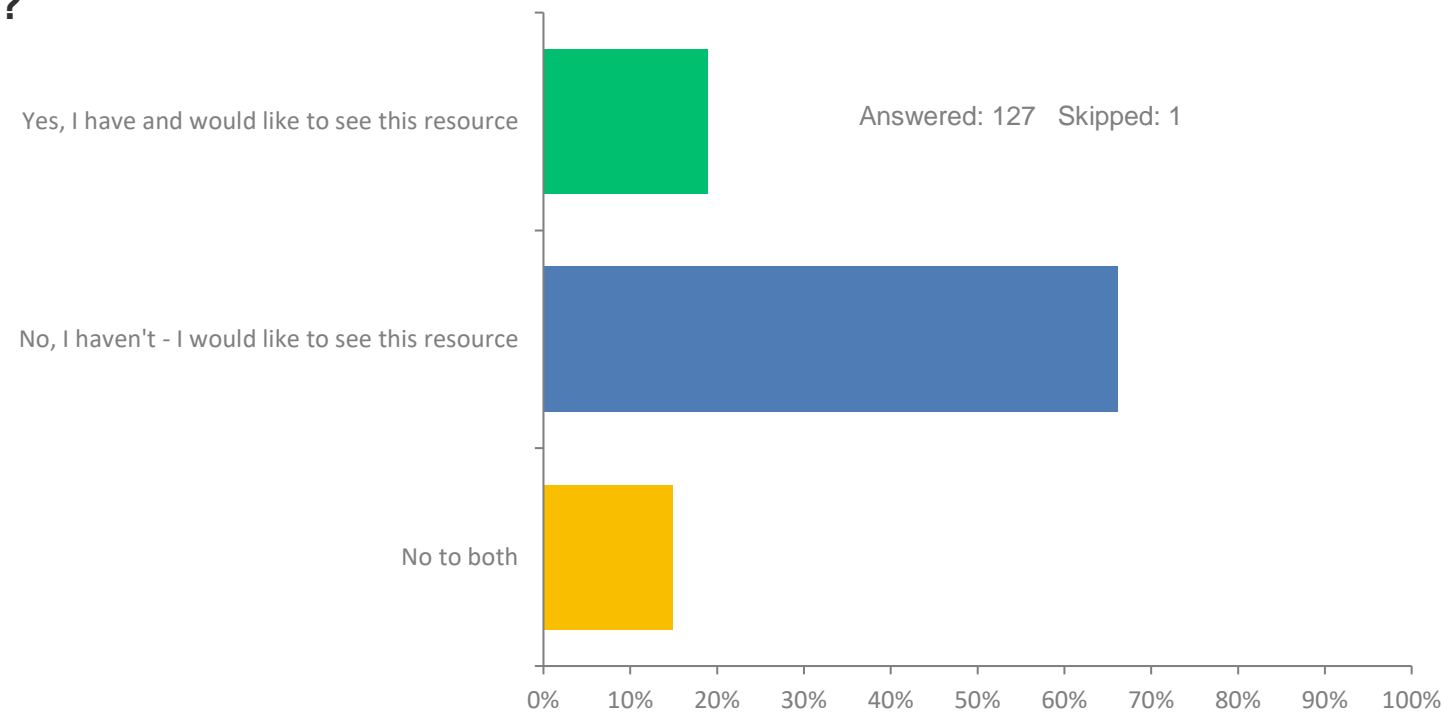


Other summary: Most support more than one option. Several see tree protection regulations on private property as an unreasonable regulation. Several desire flexibility for removing trees of a certain height. Several desire for a prescriptive scenario for tree replacement based upon a specified diameter and from a predetermined list of native species. Finally, comments also outline conflict between housing and life/property hazards of tree protection, and needing a balance between these factors.

Q5: A Heritage Tree Program often includes a tree canopy goal. Tree canopy goals assess the percentage of trees (eaves, branches and stems) that shelter the ground when viewed from above. In order to accomplish the tree canopy goal what specific strategies would you support



Q6: Have you ever tried to find tree care, tree planting or recommended tree species list information on the City's website? If not, is this a resource you would like to see?



Chapter ~~18XX.40YY~~ – HERITAGE TREESTREE PROTECTION.

~~XX18.40YY.10~~ _Special provisions—Heritage trees_Intent

A. Intent.

~~Heritage t~~Trees are valued for their contributions to the livability, environment, public health and quality of life in White Salmon. Their benefits include:

- (1) Shade
- (2) Climate resilience
- (3) Improved air quality
- (4) Soil stabilization
- (5) Enhancement of city beauty and character
- (6) Enhanced property values
- (7) Wildlife habitat

B. A. ——— Definitions

~~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.~~

- (1) Critical Root Zone (CRZ) —the area around a tree where the minimum amount of roots that are biologically essential to the structural stability and health of the tree are located. This area can be approximated by an area with a radius of one foot for every diameter inch of the trunk. However, topography and site conditions may greatly affect where critical roots are growing.
- (2) Tree Protection Zone (TPZ) — An area defined during site development by a qualified professional arborist, where construction activities and access are limited to protect the tree(s) and soil from damage, and to sustain tree health and stability. The size shape of a TPZ should consider tree species response to construction impacts, size, condition, and maturity, in addition to the location of current infrastructure, planned construction, and specific aspects of the site. TPZ denotes the location of tree protection fencing and may be determined using critical root zone, dripline, exploratory root excavations or other methodologies.
- (3) Diameter at Breast Height (DBH) — The diameter or thickness of a tree trunk measured at 54 inches above the ground. If the tree is a multi-trunk tree, the measurement will be taken below the main union. If the main union is at or below grade, each trunk will be considered individually
- (4) Grove — A group of three or more regulated trees with overlapping or touching crowns.

Commented [AC1]: This document outlines high-level redlines to Planning Commission's October 2023 draft Heritage Tree Ordinance. A separate redline of the current Heritage Tree Ordinance will be available on April 29 for public comment based upon Tree Board and Planning Commission considerations.

Commented [DP2]: Would further develop a purpose/intent. Stating intent guides future interpretation and provides greater clarity for appeals/legal challenges.

Commented [EE3]: From the upcoming update to ISA standards.

Commented [EE4]: From the upcoming update to ISA standards

(5) Hazard Tree - A tree/tree part assessed by a qualified professional as having an extreme or high overall risk rating using the ISA Tree Risk Assessment Qualification (TRAQ) method in its current form.

(6) Topping - A prohibited pruning practice; the significant cutting back of the main stem or major branches, resulting in severely altering the growth potential of a tree. Or the cutting back of limbs or branches to lateral branches that are not sufficiently large enough to assume the terminal role or are less than one-half of the diameter of the limb or branch that is cut. This definition does not apply when the sole purpose is to create a snag or snags for wildlife habitat

(7) Nuisance Tree - A tree causing significant physical damage to a private or public structure and/or infrastructure, including but not limited to the sidewalk, curb, road, water or sewer or stormwater utilities, driveway, parking lot, building foundation, or roof.

(8) "Qualified Professional Arborist" means a person with relevant education and training in arboriculture or urban forestry, having the International Society of Arboriculture (ISA) Tree Risk Assessment Qualification and one of the following credentials:

- i. ISA certified arborist;
- ii. ISA certified arborist municipal specialist;
- iii. ISA board certified master arborist;
- iv. American Society of Consulting Arborists (ASCA) registered consulting arborist;
- Society of American Foresters (SAF) certified forester for forest management plans.
- v.

(9) Regulated Tree - A tree that is between 12 and 22 inches in DBH, and is not an alder, cottonwood, holly, Tree of Heaven (*Ailanthus altissima*), or other common invasive tree. Other regulated tree thresholds are as follows:

- i. Landmark Tree: A regulated tree that is between 22 and 36 inches at fifty-four (54) inches above the lowest ground level that is not on the Exceptional Tree Table species list.
Oregon white oaks (*Quercus garryana*) with a trunk diameter larger than eight (8) inches at fifty-four (54) inches above the lowest ground level.
- ii. Any tree or group (or grove) of trees.
- iii. Exceptional Tree - A regulated tree 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 List below, are considered exceptional trees:
 - 1. Oregon White Oak at 16 inches DBH (?)
 - 2. Others (?)

iv. Heritage tree - any tree that because of its age, size, unique type, or historical association is of special importance to the city. The city

Commented [AC5]: Tree Board to weigh in.

acknowledges that preserving such trees may be beneficial and has set forth a procedure to preserve and protect these heritage trees.

B. Heritage trees — Are those of a certain size and that are targeted for protection and retention in development proposals. — include:

— Heritage trees include:

C.1a. Oregon w/White o Oaks (Quercus garryana) with a trunk diameter larger than sixteenfourteen (16) inches at fifty four (54) inches above the lowest ground level;

2b. — All other tree species with a trunk diameter greater than twenty two (22) eighteen inches at fifty four (54) inches above the lowest ground level; or

3c. — Any tree or group (grove) of trees designated as a heritage tree by the city council in accordance with the nomination process detailed below.

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.

Commented [DP6]: FYI - this equates to an area within the Inner Critical Root Zone, which is not considered best practices for successful tree protection.

Trunk measurements shall be taken fifty four (54) inches above the lowest ground elevation at the base of the trunk. If the tree is a multi-trunk tree, the measurement will be taken below the main union. If the main union is at or below grade, each trunk will be considered individually.

Commented [DP7]: Radius?

C. — Heritage tree nomination process

1. Tree inventory is required. The city shall maintain a list of heritage trees or groves 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.

4. — 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. Heritage trees designated under part (3) shall be marked on the trunk with an inventory identification number. In a heritage grove, the largest trunk close to a major access shall be marked with an inventory identification number.

— C. — Heritage trees may be designated in accordance with the following nomination and designation process:

2. 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 trees~~ must be ~~an~~ outstanding specimens, especially old or large, or of distinctive form, location, or of ecological, cultural or historical significance, as determined by a qualified professional arborist.

~~3. 2.~~—The city shall inspect the tree or trees, ~~consider public comments~~, consult with a certified qualified professional arborist ~~if relevant~~, and decide whether or not the tree or trees are ~~is~~ to be designated a heritage tree or tree grove. Notice of the city's decision shall be mailed to the land owner and any other parties participating in the evaluation nomination process.

~~3. 4.~~ At the behest of the property owner, the Council may be asked, but is not required to, reverse the designation of a heritage tree. The council may be asked by the property owner to reverse its designation of a heritage tree.

D. ~~Tree inventory is required.~~

~~4.~~—The city shall maintain a list of heritage trees or groves designated within the city limits in response to the voluntary nomination process. The inventory may include a map identifying the location of the trees, date tree was designated and a brief narrative description of each heritage tree.

E. Maintenance and preservation of regulated, landmark, exceptional and heritage trees ~~are~~ required. Regulated trees must be protected with tree protection fencing closely matching critical root zones and tree protection zones when they intersect with potential development.

1. Any owner or applicant shall use reasonable efforts to maintain and preserve all regulated heritage trees located ~~thereon on public or private property~~ 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-regulated trees include:

a. Avoidance of grading, excavation, demolition or construction activity including site access for large equipment 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 submissionsubmittal of a tree protection plan which shall include construction of tree buffer fencing that shall be left in place for the duration of the activity, prepared in accordance ~~[with]~~ applicable guidelines for a critical area report and habitat management plan per Section 18.10.200, General Provisions.

Commented [DP8]: Maintenance provisions - suggest referring to best management practices according to ANSI standards/ISA BMPs for pruning, watering, mulching, etc.

c. Consideration of the habitat or other value of ~~mature-regulated~~ trees in the request for a variance or other modification of land use standards may require ~~listing designating of~~ the tree ~~for protection 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.

Commented [DP9]: This seems like it should be in a separate section, not under maintenance.

~~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-Regulated~~ tree removal and major pruning, ~~including topping, without a permit~~ 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 ~~perform major pruninge 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-regulated~~ tree can be removed if it is dead, dangerous, ~~or a nuisance~~. ~~The city may optionally request for any reason, as attested by~~ an arborist's report by a city approved arborist, 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 ~~regulated heritage~~ tree (not including an exceptional or heritage tree) within the footprint of an approved building plan, including an approved driveway, may be removed provided:

a. The approval maximizes available space outside tree protection zones to the greatest extent possible.

a.b. A replanting plan is presented to and accepted by the ~~White Salmon Tree Board~~ Planning Administrator.

c. This does not include decks, patios, pools, fences, outbuildings, or other landscape features. The ~~White Salmon Tree Board~~ Planning Administrator will evaluate the replanting plan which shall include planting of new trees with a minimum diameter of two (2) inches at fifty four (54) inches above the ground. The minimum number of replacement trees per ~~heritage regulated~~ tree by zone is:

(A) R1: two (2)

(B) R2: two (2)

(C) R3: one (1)

(D) Commercial: one (1)

(E) RL: three (3)

(F) MH: one (1)

(G) All others: one (1)

d. 2:1 multiplier shall be applied for proposed removal of landmark trees. See (G)(7) below exceptional tree retention requirements.

e. ~~The Tree Board Administrator may require up to four (4) replacement trees per heritage regulated or landmark tree removed on a tree-by-tree basis in all zones if:~~

(A) The tree in question was designated as heritage tree by the current or previous land owner(s).

(B) ~~At the board's discretion when supported by public comment.~~

3. ~~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-regulated tree can be removed if~~

Commented [AC10]: Need Tree Board input regarding timing and standards for an 'approved building plan' and 'approved driveway', as well as replacement ratios versus canopy-based requirements (or both). Requirements that trees all be planted on-site should also be a consideration

Commented [DP11]: Does comment period below apply to removal-related requests for additional tree replacements?

its presence reduces the building area of the lot by more than fifty percent after all potential alternatives including possible ~~setbacks~~~~set-backs~~ to minimum yard depth and width requirements have been considered.

~~4. 3.—A regulated heritage tree cannot be removed to facilitate construction access and will only be considered for removal if it impedes the ability of the landowner to develop permitted buildings or permanent access as described by an approved driveway permit, pursuant to WSMC 13.01.070~~

~~5. 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.~~

~~3.—Removal of a heritage or exceptional tree requires public signage of the pending removal including permit number and date of removal no less than 14 days before the removal date. Removal decisions by the administrator are not contestable by the public, but illegal removals are reportable by the public.~~

~~i. If heritage or exceptional tree removal is approved after due process, the tree will be replaced with 4 2-new trees, or an amount as deemed appropriate by the administrator.~~

~~6. 4.— It is the joint responsibility of the property owner and party removing the heritage or exceptional tree or trees, or portions thereof to obtain exception. Arborists who knowingly remove a heritage tree without a permit will be considered in violation of this ordinance.~~ 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 remaining 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).

i. The wildfire risk posed by the tree(s).

j. After a heritage tree or grove removal has been completed, it is the land owner's responsibility to correct the land title with the county recorder.

7. Retention of exceptional trees. Development proposals shall retain exceptional trees.

Removal of exceptional trees shall be limited to the following circumstances under authorization of a variance under WSMC 17.80.058 and demonstration of the following:

a. Retention of exceptional tree(s) will result in an unavoidable hazardous situation;
or

b. Retention of an exceptional tree(s) will limit structure footprint to less than:

i. Single-family home – 1,000 square feet

ii. Townhomes or multi-family units – 900 square feet per unit

iii. Accessory Dwelling Unit – 700 square feet

iv. Businesses/Commercial 1,200 square feet, or the amount of square footage necessary to support the existing or proposed use, as shown by the applicant in a site development permit

c. Retention of exceptional or other regulated trees or grove will prevent creation of a residential lot through a subdivision or short subdivision

H. City enforcement of ~~heritage~~ tree protection regulations may include:

1. Stop work on any construction project which threatens a heritage-regulated 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. Stop work on any arborist work or construction project that does not display a permit for removal or major pruning of a heritage tree.

23. 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)~~

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