**Chapter 18.40 - Heritage and Landmark Trees**

**18.40.010 – Purpose and intent.**

A. Trees and other vegetation are important elements of the physical environment. They are integral to White Salmon’s community character and protect public health, safety and general welfare. Protecting, enhancing, and maintaining healthy trees and vegetation are key community values. The many benefits of healthy trees and vegetation contribute to White Salmon’s quality of life by:

1. Minimizing the adverse impacts of land disturbing activities and impervious surfaces such as runoff, soil erosion, land instability, sedimentation and pollution of waterways, thus reducing the public and private costs for stormwater control/treatment and utility maintenance;

2. Improving the air quality by absorbing air pollutants, mitigating the urban heat island effect, assimilating carbon dioxide and generating oxygen, and decreasing the impacts of climate change;

3. Reducing the effects of excessive noise pollution;

4. Providing cost-effective protection from severe weather conditions with cooling effects in the summer months and insulating effects in winter;

5. Providing visual relief and screening buffers;

6. Providing recreational benefits;

7. Providing habitat, cover, food supply and corridors for a diversity of fish and wildlife; and

8. Providing economic benefit by enhancing local property values and contributing to the region’s natural beauty, aesthetic character, and livability of the community.

B. Tree and vegetation removal in urban areas has resulted in the loss to the public of these beneficial functions. The purpose of this chapter is to establish a process and standards to provide for the protection, preservation, replacement, proper maintenance, and use of significant trees, associated vegetation, and woodlands located in the City of White Salmon.

The intent of this chapter is to:

1. Maintain and enhance canopy coverage provided by trees for their functions as identified above;

2. Preserve and enhance the City of White Salmon’s environmental, economic, and community character with mature landscapes;

3. Promote site planning, building, and development practices that work to avoid removal or destruction of heritage and landmark trees on private property; and

4. Mitigate the consequences of required tree removal in land development through tree replacement with the goals of halting net loss and enhancing White Salmon’s tree canopy to achieve an overall healthy tree canopy.

**18.40.020 – Definitions. *(We may want to add some additional definitions)***

A. “Certified arborist” means an individual that is currently certified by the International Society of Arboriculture (ISA) and should possess a minimum of three years’ experience working in the professional tree care industry. A certified arborist should be able to prescribe appropriate measures for the preservation of trees during land development.

B. “Diameter” means distance from one point on a circle through the center to another point on the circle. It is also the longest distance across the circle. Diameter is calculated by taking the circumference of the tree and dividing it by π (3.14).

C. “Diameter at breast height (DBH)” means the diameter of each tree measured at breast height which is defined as 4.5 feet up from the highest point of ground at the tree base.

D. “Drip line” means an area encircling the base of a tree, the minimum extent of which is delineated by a vertical line extending from the outer limits of a tree’s branch tips down to the ground.

E. “Tree, heritage” means

1. Oregon White Oaks with a trunk diameter that is equal to or greater than fourteen (14) inches diameter at breast height (DBH) or 4.5 feet above ground level;

2. All other tree species with a trunk diameter that is equal to or greater then eighteen (18) inches diameter at breast height (DBH) or 4.5 feet above ground level; or

3. Any tree designated as a heritage tree by the city council in accordance with the nomination process provide in Section 18.14.030.

F. “Tree, landmark” means a tree that is equal to or greater than thirty (30) inches diameter at breast height (DBH) or 4.5 feet above ground level.

**18.40.030 – Heritage tree nomination process.**

A. A tree may be nominated by the landowner of the ground sustaining the tree and be accepted and placed by the city on an inventory list of heritage trees compiled and maintained by the city.

B. Heritage trees may be designated with the following nomination and designation process:

1. Trees with small trunk diameters may be nominated for heritage status by the property owner, by submitting a map, a photograph, and a narrative description including the location, species, approximately age, and the specific characteristics and reasoning own which the nomination is based. To receive such designation, a tree must be an outstanding specimen, especial 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 the tree is to be designated a heritage tree. Notice of the city’s decision shall be mailed to the landowner and any other parties participating in the evaluation process.

3. The council may be asked to reverse its designation of a heritage tree.

C. The city shall maintain a list of heritage trees designated within the city limits in response to the voluntary nomination process. The inventory map include a map identifying the location of the trees and a brief narrative description of each heritage tree.

**18.40.040 – Approval required.**

A. Approval required. Any person who desires to cut down or remove any heritage or landmark tree or who desire to conduct grading activities on a site that will result in the removal of any heritage or landmark tree, must first obtain approval as required in this chapter. Approval may take the form of a tree removal permit or it may be included in conjunction with another land use approval such as a building permit.

B. Forest practices permittees. Permittees under Class IV – General forest practice permits issued by the Washington State Department of Natural Resources (DNR) for the conversion of forested lots to developed lots are also required to obtain approval under A above. For all other forest practice permits (Class II, III, IV – special permit) issued by DNR for the purpose of commercial timber operations, no approval is required but no land use permits will be issued for six years following tree removal.

C. Tree removal permit application form. The Planning Department shall establish and maintain a heritage or landmark tree removal permit application form to allow property owners to request city review of heritage or land tree removal for compliance with applicable city regulations. The application form shall include at a minimum the following:

1. A stie plan showing the approximate location of heritage and landmark trees, their size (DBH) and their species, along with the location of existing and any proposed structures, driveways, access ways and easements.

2. For required replacement trees, a planting plan showing location, size and species of the new trees in accordance to standards set forth in WSMC \_\_\_\_\_\_\_\_\_\_. ***Do we have a scenario whereby a property owner can propose to remove a heritage or landmark tree that does not meet the outright exemptions and replace the tree with \_\_\_\_\_ trees as provided for in this chapter – would need language about how many, what type, size, etc.***

D. Tree Removal Permit Application Procedure and Appeals.

1. Applicants requesting to remove heritage or landmark trees must submit a completed permit application on a form provided by the City as provided in 18.40.040(C). The city shall review the application within 21 calendar days and either approve, approve with conditions or modifications, deny the application or request additional information. All decisions shall be in writing along the reasons for approval or denial and the appeal process.

2. The decision of the Planning Official is appealable using the applicable appeal provisions of WSMC 18.\_\_\_\_\_\_.

**18.40.050 – Evaluation required.**

In determining whether an approval for the removal of a heritage or landmark tree shall be granted, the submittal of a professional evaluation and/or tree protection plan prepared by a certified arborist may be required when the city deems such services are necessary to demonstrate compliance with the standards of this chapter. Such professional evaluation(s) and services may include, but is not limited to:

1. Developing plans for tree protection or replacement, including supervising and/or monitoring implementation of such plans;

2. Providing a written evaluation of the anticipated effects of proposed construction on the viability of trees on a site;

3. Providing a hazardous tree assessment;

4. Providing a written evaluation of heritage and/or landmark trees; and/or

5. Conducting a post-construction site inspection and evaluation.

The costs associated with preparing a professional evaluation and/or tree protection plan prepared by a certified arborist shall be the responsibility for the property owner.

**18.40.060 – Exemptions.**

A. The following actions are exempt from obtaining a variance approval as required in this chapter. Exemptions will be provided for in writing.

1. A heritage or landmark tree can be removed if it is dead or dangerous as attested by a certified arborist’s report, submitted to the city and paid for by the tree owner or in case of an emergency by written order, including criteria for removal by the police chief, fire chief, the public works director or their respective designees.

2. A heritage or landmark tree can be removed if the presence of the heritage or landmark tree reduces the building area of a lot by more than fifty percent after all potential alternatives including possible variances to minimum yard depth and width requirements have been considered.

3. Following the submittal of a certified arborist’s report, a heritage tree may be removed if the planning director or their designee determines the heritage tree must be removed to provide reasonable use of the property and no more than 25% of heritage trees will be removed from the property.

 The city shall give consideration to the following:

a. The necessity to remove the tree or trees in order to construct proposed improvements to the property;

b. 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;

c. The ecological value of the tree or group of trees, such as food, nesting, habitat, protection and shade for wildlife or other plant species;

d. 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;

e. The number of trees the particular parcel adequately support according to good arboricultural practices; and

f. The availability of reasonable and feasible alternatives that would allow for the preservation of the heritage or landmark tree(s).

4. If the removal of a heritage or landmark trees does not meet one above exemptions, the property owner may propose replacing the heritage or landmark tree(s) based on the following chart:

 ***CHART***

B. If a landowner requests the removal of a heritage or landmark tree and cannot meet one of the above exemptions or allowances, the landowner may submit a variance request pursuant to WSMC 18.\_\_\_\_.

**18.40.070 – Maintenance and preservation of heritage and landmark trees is required.**

A. Any owner or applicant shall use reasonable efforts to maintain and preserve all heritage and landmark trees located on their 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 trees include:

1. Avoidance of grading, excavation, demolition or construction activity within the heritage or landmark tree protection area where possible. The city shall consider an exemption or variance to allow location of structures outside of the building setback line of a heritage or landmark tree whenever it is reasonable to approve such exemption or variance to yard requirements or other setback requirements.

2. Grading, excavation, demolition or construction activity within the heritage or landmark tree protection area shall require submittal of a tree protection plan, prepared in accordance with WSMC 18. \_\_\_\_\_.

**18.40.080 – Enforcement of heritage and landmark tree protection regulations.**

City enforcement of heritage or landmark heritage tree protection regulations may included:

1. Stop work on any construction project which threatens a heritage or landmark tree until it is shown that appropriate measures have been taken to protect the tree, or an exemption or variance 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 committees, allows, or maintain a violation of any provision of this chapter a civil penalty in an amount not to exceed five thousand dollars per violation for heritage trees and fifteen thousand dollars per violation for landmark trees per tree unlawfully removed, or the replacement value of each such trees, 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.