

Key: Bold Underlined = added language
~~Bold Strikethrough~~ = deleted language

Chapter 18.40 – TREE PROTECTION.

18.40.010 - Purpose.

The purpose of this Chapter is to establish a process and standards to provide for the preservation, replacement, and protection of trees located in the City of White Salmon to:

- A. Implement the policy goals and objectives outlined in the City's Comprehensive Plan and Community Forest Management Plan and support efforts towards greater climate and wildfire resiliency (placeholder for Climate Action Plan);
- B. Promote site planning, building and development practices to prevent indiscriminate removal or destruction of trees, avoid unnecessary disturbance to trees and vegetation, and provide for replanting in order to maintain canopy cover, reduce erosion, and minimize risk of wildfires;
- C. Preserve and enhance White Salmon's aesthetic, community character, biodiversity, and wildlife habitat provided by native vegetation and mature trees;
- D. Protect the native Oregon white oak through retention and replacement; and
- E. Promote best practices to maximize ecosystem services provided by trees, including improved air quality, stormwater filtration, and carbon storage and sequestration, as well as trees' contributions to the livability, public health, safety, and quality of life in White Salmon.

18.40.020 - Definitions.

The requirements provided in this section supplement those identified in Title 17 and 18. The most restrictive definitions and those protective of the environment shall prevail.

1. American National Standards Institute (ANSI) - the ANSI A300 industry consensus standards developed by the Tree Care Industry Association and written by the Accredited Standards Committee (ASC) for the management of trees, shrubs, and other woody vegetation.
2. Diameter at breast height (DBH) – diameter or thickness of a tree trunk measured at 4.5 feet above grade. If the tree is a multi-stem tree, the total DBH is the square root of the sum of the DBH for each individual stem squared per ANSI A300 standards. If the main union is at or below 4.5 feet above grade, the measurement will be taken below the main union.
3. Grove – three or more significant and/or special trees with overlapping or touching branches.

4. Hazard tree – a tree or 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.
5. Heritage tree – any tree that because of its age, size, unique type, or historical association that is of special importance to the city, as nominated pursuant to WSMC 18.41.020.
6. 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; or is severely infested with an insect, pest, and/or other pathogen that significantly impacts the long-term viability of the tree.
7. Prohibited tree – trees that are exempt from tree protection provisions in this chapter, including red alder (*Alnus rubra*), black cottonwood (*Populus trichocarpa*), holly (*Ilex aquifolium*), Tree of Heaven (*Ailanthus altissima*), or other invasive trees listed by the state or county weed control board (not including trees located within critical areas).
8. Pruning – the practice of selectively removing branches from a tree using approved practices to achieve a specified objective based on ANSI A300 Tree Care Standards best practices. Pruning that exceeds twenty-five percent (25%) of a tree’s live canopy within twelve (12) consecutive months constitutes tree removal.
9. Qualified professional arborist – a person with relevant education and training in arboriculture or urban forestry, having the International Society of Arboriculture (ISA) Arborist Certification and for purposes of hazard tree evaluation, TRAQ (tree risk assessor) qualification.
10. Topping – indiscriminate cuts made between branches that leave a stub, without regard to long-term tree health or structural integrity, used to reduce the height or crown size of an established tree. Topping is not an acceptable pruning practice pursuant to 2023 ANSI A300 Tree Care Standards. This definition does not apply when the sole purpose is to create snag(s) for wildlife habitat.
11. Tree protection zone (TPZ) – an area defined during site development by a qualified professional arborist that is equal to 6-18 times the DBH, where construction activities and access are limited to protect tree(s) and soil from damage necessary to sustain tree health and stability. TPZ denotes the location of tree protection fencing.
12. Significant Tree – a regulated tree with a DBH of more than 18 inches.
13. Special Tree – a regulated tree with a DBH that is equal to or greater than the diameters listed in the Special Tree Table below:

<u>Special Tree Table</u>	
<u>Native Species</u>	<u>DBH Threshold</u>
<u>CASCARA — Rhamnus purshiana</u>	<u>8 in</u>
<u>Pacific DOGWOOD — Cornus nuttallii</u>	<u>6 in</u>
<u>Ponderosa Pine - Pinus ponderosa</u>	<u>12 in</u>
<u>Vine MAPLE — Acer circinatum</u>	<u>8 in</u>
<u>Oregon white oak or Garry OAK — Quercus garryana</u>	<u>6 in</u>

18.40.030 - Significant tree removals and maintenance, not associated with development.

- A. **To ensure that trees function well in their intended landscape, the City of White Salmon promotes the proper care of trees on private property to ensure trees reach their normal life expectancy and contribute to optimal benefits to the community. For that reason, tree topping is prohibited and may be considered tree removal per WSMC 18.40.020(6).**
- B. **Tree removal allowance. Any private property owner of developed property may remove up to a specified number of significant and/or special trees with the submittal of a tree removal notification to the city.**
- C. **On any single legal parcel where no exterior construction, demolition, grading, material storage, or other development activity is proposed, one significant or special tree may be removed per 12-month period or a maximum of two trees may be removed per 24-month period.**
 - 1. **A tree or tree(s) may not be removed without permit under the following conditions:**
 - a. **The tree is a heritage tree (see WSMC 18.41);**
 - b. **The tree is located within a critical area or critical area buffer;**
or
 - c. **The tree is in an Oregon White Oak woodland as protected under WSMC 18.10.312 ([Ord. 2023-11-1152, effective January 1, 2024](#))**
- D. **Removal of hazard or nuisance trees. Removal of hazard or nuisance trees does not count toward the tree removal allowances if the nuisance or hazard condition is supported by a qualified professional arborist and approved by the city. The**

city may request an arborist's report prepared by a qualified professional arborist to be submitted to the city and paid for by the applicant.

- E. Emergency tree removal. 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 without a permit, so long as notification before or immediately after the event is provided.

18.40.040 – Significant and Special tree retention associated with development.

- A. The City's objective is to mitigate the impacts of incremental canopy loss due to development by establishing clear standards for the retention of significant and special trees and for planting and maintenance of new trees.
- B. Retention of significant and special trees. Development proposals shall retain significant and/or special trees to the maximum extent feasible. Deviation requests can be accomplished pursuant to WSMC 18.40.060. Removal of a significant and/or special tree shall be limited to the following circumstances:
1. If the tree is dead or meets the criteria of a hazardous tree, as determined by a qualified professional arborist.
 2. A significant and/or special tree can be removed if its presence reduces the building area of the lot by more than fifty percent after all potential alternatives have been considered, including a possible reduction to setbacks and minimum yard depth and width requirements.
 3. If retention of the tree limits the structural footprint to less than the following:
 - a. Single-family home: 1,000 square feet
 - b. Townhomes or multi-family units: 900 square feet per unit
 - c. Accessory Dwelling Unit: 700 square feet
 - d. 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.
 4. Retention of a significant and/or special tree or grove will prevent creation of a residential lot through a subdivision or short subdivision.
 5. A significant and/or special 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.
- C. Any properties undergoing development activities, including but not limited to grading, excavation, demolition, or other construction activity, within the tree protection zone of significant and/or special trees shall be required to develop a tree retention plan, to be submitted for review by the Planning Administrator.
1. Tree retention plans shall be prepared by a qualified professional arborist and include the following:
 - a. A site plan containing the following information:

- i. Footprint of the house(s), driveway(s), utilities, streets and any other proposed improvements;
- ii. Grade changes;
- iii. Surveyed location of significant and/or special trees or heritage trees (subject to WSMC 18.41);
- iv. Trees to be removed noted with x's or ghosted out indicating proposed tree removals; and
- v. Location of tree protection fencing drawn to scale at the TPZ for retained trees.
- b. A tree inventory containing the following information:
 - i. All significant/special trees on the subject property listed by common name and genus/species, identified by numbers that correspond to the site plan, size (DBH), general health condition rating, and indications of proposed tree removals.
 - ii. The inventory shall include trees on adjacent properties with canopies extending onto the subject parcel that may be impacted by the proposed development.

D. Tree protection with development. Reasonable efforts to protect significant and/or special trees shall include the following:

- 1. Tree protection fencing placed along the TPZ. Fencing shall be constructed of chain link (or other approved material) and at least six feet high.
- 2. Avoidance of grading, excavation, demolition, or other construction activity within the TPZ.
- 3. The city shall consider modifications to the TPZ at the recommendation of the qualified professional arborist.

18.40.050 - Tree replacement requirements.

A. Each significant and/or special tree removed under an approved development permit must be replaced according to the following table:

Table 1. Significant/Special Tree Replacement Ratios.

<u>Zone</u>	<u>Number of Replacement Trees Required per Tree Removed</u>
<u>R1</u>	<u>2</u>
<u>R2</u>	<u>2</u>
<u>R3</u>	<u>1</u>
<u>Commercial</u>	<u>1</u>
<u>RL</u>	<u>3</u>
<u>MH</u>	<u>1</u>
<u>All others</u>	<u>1</u>

B. In addition to the replacement requirements in Table 1, Oregon white oak trees shall be replaced by a minimum of two (2) replacement trees for every tree removed.

- C. The Planning Administrator may require up to four (4) replacement trees per significant and/or special tree removed on a tree-by-tree basis in all zones.
- D. Fee in-lieu. A fee in-lieu of tree replacement may be allowed if a parcel cannot adequately accommodate the number of replacement trees required to be planted, subject to approval by the Planning Administrator.
1. The base fee per tree is established *in the schedule of land use and site work permit fees*. At a minimum, the fee must be set to account for the cost of a tree, installation (labor and equipment), maintenance for three years, and fund administration.
 2. Fee-in-lieu is required for each replacement tree that is required but is not planted on site.
 3. The fee must be paid prior to the issuance of a development permit.
 4. Funds collected through fee in-lieu may be used for the purposes of:
 - a. Planting and maintaining trees on publicly owned property within the City;
 - b. Irrigation and related work necessary for the successful establishment of new trees;
 - c. Establishing and maintaining a monitoring program for the removal and replacement of trees;
 - d. Urban forestry education;
 - e. Other purposes relating to public trees as determined by the City Council.

18.40.060 – Development Incentives and Deviation Requests.

1. In order to retain significant and/or special trees or grove of trees anywhere on the property, an applicant may opt to utilize development incentives, seeking relief from stormwater flow control, subject to WSMC 13.01.050.B(5).
2. Where retention of significant and/or special trees or grove of trees anywhere on the property conflicts with development of an ADU, an applicant may opt to utilize deviations seeking relief from off-street parking standards from proposed ADU(s), per Title 17 – Zoning and WSMC 17.72.
 - a. The applicant must provide a brief memo describing why this deviation request is necessary and there is no feasible alternative, including but not limited to:
 - i. Shift or flip (mirror) the location of proposed building footprints and driveways;
 - ii. Relocate utilities when feasible, taking into account gravity and location of existing mains;
 - iii. Avoid rockery/retaining walls located within TPZs to maintain existing grades.

18.40.060 Enforcement. City enforcement of the tree protection regulations contained in this chapter may include:

- A. It is unlawful for any person to remove a significant and/or special tree or impact said tree in such a way that its' removal becomes necessary. Any person who vandalizes, grievously mutilates, destroys or unbalances a significant tree without a authorization or beyond the scope of an approved permit shall be in violation of this chapter.
- B. Stop work on any construction project which threatens a significant and/or special 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
- C. Stop work on any arborist work or construction project that does not display a permit for removal or major pruning of a significant and/or special tree.
- D. 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 of at least 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.

Chapter 18.41 – HERITAGE TREES.

18.41.010 - Purpose. The city acknowledges that heritage trees provide valuable local habitat and that the preservation of such trees is critical to maintaining the character of White Salmon. The purpose of this chapter is to define the process for nominating or removing heritage trees and to establish the heritage tree registry.

18.41.020 - Applicability.

- A. 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, and~~
 - 1. Any tree designated as a heritage tree by the city council in accordance with the nomination process detailed below.

18.41.030 - Heritage tree nomination process.

- A. Heritage trees may be designated in accordance with the following nomination and designation process:
 - 1. Nominations for heritage tree(s) must fit the size criteria defined in this chapter, be outstanding specimens, or of distinctive age, form, location, or of ecological, cultural or historical significance. Trees with smaller trunk diameters may also be nominated for heritage status.
 - 2. Any party may nominate a heritage tree; however the nomination must be approved 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.

3. Nomination applications must include a map showing the tree's location on the property, photograph, and a narrative description of the location, species, trunk diameter, approximate age, and the specific characteristics and reasoning on which the nomination is based.
- B. The city shall inspect the tree(s), consult with a qualified professional arborist to verify the nominated tree does not fit hazard tree criteria, and decide whether or not the tree(s) are 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 nomination process.
- C. At the request of the property owner, the Council may be asked, but is not required to, reverse the designation of a heritage tree.

18.41.040 - Heritage tree registry. The city shall maintain a registry of heritage trees or groves designated within the city limits in response to the voluntary nomination process. The registry may include a map identifying the location of the trees, date tree was designated and a brief narrative description of each heritage tree.

18.41.050 - Heritage tree removal.

- A. **Heritage trees may only be removed if they meet the circumstances outlined in WSMC 18.40.040.B(1).**
- B. **Removal of a heritage tree requires public signage of the pending removal, including permit number and date of removal, no less than 14 days before the removal date.**
- C. **Removal decisions by the administrator are not contestable by the public, but illegal removals are reportable by the public.**

18.41.060 - Heritage tree declassification. A heritage tree may be removed from heritage tree status at the request of the property owner after providing written notice to the city and receiving city approval.