

20.770.120 HERITAGE TREES

A. Heritage Tree Inventory

1. The City shall develop an inventory of Heritage Trees that shall satisfy the criteria of this section. The initial inventory shall be the responsibility of the Urban Forestry Commission as established under VMC 12.02 and shall be updated annually by the Commission. The City Council, Planning Commission, Urban Forestry Commission, Neighborhood Association, a property owner, or any person may recommend to the City that a tree be designated a Heritage Tree.
2. The Heritage Tree designation may be applied to a tree or grove of trees.
3. The Urban Forestry Commission shall hold at least one public hearing on the proposed designations. The City shall notify each property owner by certified or registered mail when a tree on the owner's property has been proposed for designation to the Heritage Tree Inventory. The notice and a response form shall be mailed at least 30 calendar days prior to the public hearing. If the owner of the property objects to such designation in writing to the Urban Forestry Commission prior to the public hearing or at the public hearing, the designation procedure shall not proceed.
4. After the Commission completes its hearing, it shall establish a list of Heritage Trees based on the criteria found in this section. Decisions of the Urban Forestry Commission may be appealed to the Hearings Examiner/City Council by any aggrieved party.

B. Criteria

For any individual tree or grove of trees to be listed as a Heritage Tree(s), it must be in an apparently *healthy growing condition* and *one or more* of the following exist:

1. The tree has a diameter (at breast height) of 36 inches or greater;
2. The tree has a distinctive size, shape, or location, or is of a distinctive species or age which warrants a Heritage Tree status;
3. The tree possesses exceptional beauty which warrants a Heritage Tree status;
4. The tree is distinctive due to a functional or aesthetic relationship to a natural resource, such as trees located along stream banks or trees located along ridge lines; OR
5. The tree has a documented association with a historical figure, property, or significant historical event.

A grove may be considered for Heritage Grove Status if it is apparently in a healthy growing condition and one or more of the following criteria:

1. The grove is relatively mature and is of a rare or unusual nature containing trees that are distinctive either due to size, shape, species or age;
2. The grove is distinctive due to a functional or aesthetic relationship to a natural resource, such as trees located along stream banks, or trees located along ridge lines; OR
3. The grove has documented association with a historical figure, property, or significant historical event.

C. Heritage Trees Development Review

When development is proposed for property which contains a Heritage Tree, and the Director determines that the proposed development may affect a Heritage Tree, the property owner must have a tree preservation plan prepared by a qualified professional demonstrating how the Heritage Tree will be protected and preserved. A Heritage Tree shall be preserved unless the Urban Forestry Commission determines that the tree may be removed based on the removal criteria for Heritage tree in following section.

A tree preservation plan shall be composed of the following:

- a.** A site plan indicating the location of Heritage Trees.
- b.** The methods to be used to preserve the Heritage Trees.
- c.** If a Heritage Tree is proposed for removal, a narrative statement outlining the reasons why the Heritage Tree should be removed.
- d.** A mitigation plan indicating the replacement trees or additional new trees to be placed on the site. The mitigation plan should demonstrate, to the extent possible, that the character of the site will not substantially change as the result of development.

Site design adjustments may be allowed in some cases, as follows:

- a.** The Director may grant a variance to front, side, and/or rear yard setback standards by up to 20 percent to retain a Heritage Tree(s). The adjustment shall be the minimum necessary to accomplish preservation of trees on site and shall not conflict with the Uniform Building Code or other adopted ordinances or conditions placed on the property.
- b.** The Director may grant a 10 percent variance to the lot size and/or a ten percent variance to the lot width and/or lot depth standards in approving a short plat or other land division if necessary to retain Heritage Trees. The Director may accept a preliminary plat application and recommend approval to the hearing body of a plat which provides for similar variance to lot size, width and depth standards if necessary to retain Heritage Trees.

D. Removal of a Heritage Tree.

Except for the provisions in Section 20.770.030, no person may cut or remove a Heritage Tree without obtaining approval from the Urban Forestry Commission. The tree removal permit shall be approved if one of the criteria is satisfied:

- a.** Retention of the tree would make reasonable use of the property allowed under the current zoning impractical or impossible in that the development would not be allowed to meet the maximum density allowed by the applicable zoning or would require special design features that would significantly increase the cost of development by 5 percent or more.
- b.** The removal is necessary to accommodate a new improvement, structure or remodeled structure, and no alternative exists for relocation of the improvement on the site, or that variances to setback provisions of the Development Code will not allow the tree to be saved or will cause other undesirable circumstances on the site or adjacent properties.
- c.** The tree is hazardous, diseased or storm damaged and poses a threat to the health, safety or welfare of the public.
- d.** The tree has lost its importance as a Heritage Tree due to damage from natural or accidental causes, or is no longer of historic or natural significance.
- e.** The tree needs to be removed to accomplish a public purpose and no practical alternative exists.

The limb structure, or crown, of a Heritage Tree may be pruned in any one year period without obtaining approval from the Urban Forestry Commission, provided that at least 80 percent of the existing tree crown remains undisturbed. Any person who wishes to prune a Heritage Tree in excess of 20 percent of the existing crown shall obtain approval from the Urban Forestry Commission subject to the following conditions:

- a.** The protected tree shall be pruned following acceptable arboricultural standards.
- b.** The tree shall be pruned in a manner which ensures safety to public and private property and shall be done by a qualified professional.
- c.** Any other conditions necessary to ensure compliance with the requirements of the community development plan.