

Chapter 20.129 SIGNIFICANT TREES

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20.129.010 Purpose.

It is the purpose of this chapter to:

- (1) Provide incentives for preserving significant trees and to require the replacement of significant trees at specified ratios when they are removed.
- (2) Mitigate the environmental and aesthetic consequences of tree removal in land development through tree replacement to achieve a goal of no net loss of significant trees throughout the city.
- (3) Provide measures to protect significant trees that may be impacted during construction activities.
- (4) Maintain and protect the public health, safety, and general welfare.
- (5) Preserve the aesthetic, ecological, and economic benefits of forests and tree-covered areas in Port Orchard including:
 - (a) Providing varied and rich habitats for wildlife;
 - (b) Absorbing carbon dioxide;
 - (c) Moderating the effects of winds and temperatures;
 - (d) Stabilizing and enriching the soil;
 - (e) Slowing runoff from precipitation and reducing soil erosion;
 - (f) Improving air quality;

- (g) Improving water quality;
- (h) Masking unwanted sound;
- (i) Providing visual relief and screening;
- (j) Providing recreational benefits;
- (k) Enhancing the economic value of developments; and
- (l) Providing a valuable asset to the community. (Ord. 011-19 § 4 (Exh. 1)).

20.129.020 Applicability.

- (1) This chapter applies to all significant trees in the city.
- (2) No significant tree may be removed unless the requirements of this chapter are met.
- (3) The following situations, activities, and projects are exempt from the significant tree protection requirements of this section unless the tree is located in a critical area as identified in Chapter 20.162 POMC:
 - (a) Utility developments.
 - (b) Roadway or street (including sidewalks) construction.
 - (c) Parks projects.
 - (d) Trees that interfere with overhead utility lines.
 - (e) Trees that are causing damage to building foundations.
- (4) This chapter shall not be construed to authorize the removal of trees where tree removal is not otherwise permitted in the POMC. (Ord. 011-19 § 4 (Exh. 1)).

20.129.030 Definitions.

- (1) Significant trees are those trees with a DBH (diameter at breast height) of 18 inches or greater and which are not identified by a licensed arborist as damaged, diseased, or a safety hazard due to potential root, trunk or primary limb failure, or new exposure to wind after having grown in a closed, forested situation.

(2) The root protection zone is equal to one-foot radius from the center of the tree for every one inch of tree DBH. A modified root protection zone may be established by a certified arborist's individual tree evaluation. (Ord. 011-19 § 4 (Exh. 1)).

20.129.040 Removal and replacement of all significant trees.

(1) Approval of the director is required for the removal of significant trees and shall be granted; provided, that all other applicable requirements and standards of the Port Orchard Municipal Code are met. The decision to authorize the removal of a significant tree shall be a Type 1 decision; however, an application that involves two or more procedures may be processed consistent with the procedures provided in POMC 20.22.020(2). Approval requires that the following condition and the replacement requirements of subsection (2) are met:

(a) All significant trees located within any required landscape buffer area or required landscape planting area shall be retained to the extent practical and feasible.

(b) This provision shall not be construed as to prohibit mass grading; provided, that significant trees are replaced in accordance with this chapter.

(2) Significant trees that are removed shall be replaced with trees meeting the following requirements:

(a) Trees must be replaced at the rates described in Table 20.129.040 and at no less than a 1:1 ratio for any proposed development. If the number of replacement trees required in accordance with Table 20.129.040 results in a fraction, the number shall be rounded up to the nearest whole number.

**Table 20.129.040
Replacement Tree Quantity**

Significant Tree Diameter	Number of Replacement Trees Required
18 – 22 inches diameter	0.5
22 – 28 inches diameter	1
28 – 36 inches diameter	2
Greater than 36 inches diameter	3

(b) To incentivize significant tree retention, every significant tree that is retained shall reduce the required number of replacement trees by three trees.

(c) Replacement deciduous trees shall be fully branched, have a dominant leader branch, have a minimum caliper of one and one-half inches (as measured 24 inches above the root ball), and a minimum height of six feet at the time of planting as measured from the top of the leader branch to the top of the root ball.

(d) A replacement deciduous tree that has a minimum caliper of three inches (as measured 24 inches above the root ball) and a minimum height of eight feet at the time of planting as measured from the top of the leader branch to the top of the root ball may substitute for two required replacement trees.

(e) Replacement evergreen trees shall be fully branched and a minimum of six feet in height, measured from the top of the leader branch to the top of the root ball, at the time of planting.

(f) Replacement trees shall primarily be those species native to the Pacific Northwest. In making a determination regarding the species of replacement trees, the director shall defer to the species selected by the property owner unless the director determines that the species selected is unlikely to survive for a period of at least 10 years, represents a danger or nuisance, or would threaten overhead or underground utilities.

(g) The property owner shall maintain all replacement trees in a healthy condition. The property owner shall be obligated to replace any replacement tree that dies, becomes diseased, or is removed. Replacement trees shall not be removed except when they are moved to another location in accordance with this chapter.

(h) The director may authorize the planting of fewer and smaller replacement trees if the property owner can demonstrate the reduction is suitable for the site conditions, neighborhood character, and the purposes of this section, and that such replacement trees will be planted in sufficient quantities to meet the intent of this section. The director may require a certifying statement from a Washington State licensed landscape architect, Washington-certified professional horticulturalist (CPH), or certified arborist.

(3) If the site does not allow for planting of replacement trees, the trees may be planted (a) on an alternative site within the city, or (b) on public property (such as in a city park) subject to the approval of the public works director. If the trees are not planted on public property, guarantees shall be provided (such as a conservation easement) to ensure that the replacement trees will not be removed prior to reaching 18 inches DBH (at which time they will be considered significant trees).

(4) The director shall not authorize the planting of shrubs or bushes in lieu of required replacement trees.

(5) For projects containing five or fewer significant trees, the required replacement trees planted shall be in addition to other required trees installed to satisfy street tree and landscaping buffer, parking

lot, and other landscape area requirements. For projects on nonforested sites containing more than five significant trees, up to 75 percent of the required replacement trees to be planted may be satisfied by planting trees within required or proposed landscaping areas including but not limited to landscape buffers and parking lot islands as specified in Chapter 20.128 POMC. For projects on forested sites containing more than five significant trees, up to 100 percent of the required replacement trees to be planted may be satisfied by planting trees within required or proposed landscaping areas including but not limited to landscape buffers and parking lot islands as specified in Chapter 20.128 POMC. For the purposes of this section, a site is considered forested if it contains more than 20 significant trees per acre.

(6) Guidelines for Significant Tree Replacement. The following guidelines and requirements shall apply to significant tree replacement:

- (a) When individual trees or tree stands are protected, replacement trees should be planted to reestablish or enhance tree clusters where they previously existed.
- (b) Replacement trees shall be planted in locations appropriate to the species' growth habit and horticultural requirements.
- (c) Replacement trees shall be planted in areas that connect or are adjacent to native growth protection areas or other open space, where appropriate.
- (d) Replacement trees shall be integrated into the required landscape plans, if any, for a development.
- (e) Replacement trees to be planted next to or under power lines shall be selected with consideration of the trees' maturation and maintenance requirements. (Ord. 011-19 § 4 (Exh. 1)).

20.129.050 Retention and protection of significant trees associated with development proposals.

(1) Significant Tree Retention Plan. The applicant or property owner shall submit a tree retention plan prepared by a certified arborist, horticulturalist, landscape architect, forester or other qualified professional concurrent with the underlying development permit application (such as a land disturbing activity, short subdivision, binding site plan, conditional use, building, or preliminary subdivision permit application), whichever is reviewed and approved first. The tree retention plan shall consist of:

- (a) A tree survey that identifies the location, size, and species of individual significant trees or the perimeter of stands of trees on a site;
- (b) Identification of the significant trees that are proposed to be retained; and

(c) The location and design of root protection during construction and development activities.

(2) Exemption. Significant tree retention plans shall not be required for the construction of a detached house or backyard cottage, but these projects shall comply with all other sections of this chapter.

(3) Protection of Significant Trees. To provide protection for significant trees that are to remain during and after development activity the following standards apply:

(a) Prior to construction, grading, or other land development, each root protection zone is identified with a temporary chain-link or orange mesh fence with a minimum height of five feet.

(b) No impervious surfaces, fill, excavation, or storage of construction materials shall be permitted within the root protection zone.

(c) Alternative protection methods may be used if determined by the director to provide equal or greater significant tree protection. (Ord. 011-19 § 4 (Exh. 1)).