

**Tree Conservation Permit** ) **Land Use File GRD24-007**  
Application of- ) **FINDINGS,**  
David Clarke ) **CONCLUSIONS AND**  
Cedrona Park ) **FINAL DECISION**

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### SUMMARY OF APPLICATION AND DECISION

**Date:** December 26, 2024

**Application:** ***Type II Tree Conservation Permit for predevelopment tree removal.***  
David Clarke submitted grading permit number GRD24-007 to perform predevelopment clearing. The Cedrona Park properties are predominantly forested vacant land. The applicant submitted a tree conservation plan as discussed in the Findings, Conclusions and Decision below.

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**Decision:** The application is **CONDITIONALLY APPROVED.**

After respectful consideration of the above referenced application, the Port Townsend Director of Planning and Community Development hereby adopts the following Findings, Conclusions and Decision.

### FINDINGS OF FACT

1. Application: On June 5, 2024, David Clarke submitted a Grading Permit Application GRD24-007 and paid associated permit fees (Exhibit A). On July 22, 2024, staff requested the associated tree conservation plan. On September 3, 2024, the applicant provided a tree conservation plan and title report for noticing requirements. The application was deemed complete on June 10, 2024.
2. Background and Proposal: The applicant applied for a grading permit on June 5, 2024, in order to clear trees and install access for future development. On July 22, 2024, it was determined that the proposed predevelopment tree removal requires a Type II Tree conservation permit

and tree conservation plan.<sup>1</sup> In lieu of a tree conservation permit application form, the city accepts the clearing and grading permit application form. On September 3, 2024, the applicant submitted the tree inventory and conservation plan for both parcels (Exhibit B). On December 9, 2024, it was determined that the submitted Tree Conservation Plan did not meet the minimum requirements for pre-development clearing as detailed in PTMC 19.06.080. On December 26, 2024, the applicant submitted an updated Tree Conservation Plan meeting the minimum requirements.

3. Legal Descriptions: Per records of Jefferson County Assessor's website, parcel 987300805 consists of one lot legally described as Phoenix Addition Blk 8 Lot 13 City Dsd Letter LUP19-013 and parcel 987300814 consists of one lot legally described as Phoenix Addition Blk 8 Lot 14 City Dsd Letter LUP19-013.
4. Existing Conditions and Location: The lot consists of an upland mixed deciduous and coniferous forest with the majority being deciduous. Tree species observed onsite included Douglas Fir, Red Alder and Western Hemlock. Per a submitted site plan received on June 5, 2024, each of the two lots is 50 feet wide by 100 feet long for a total lot area of 10,000 square feet. The property is located on Eddy Street between Carolanne Street and 22<sup>nd</sup> Street.
5. Zoning and Proposed Use: The subject property and surrounding properties are zoned R-III Multi-Family. The parcel conforms to the lot dimension of the underlying zone as codified in PTMC Chapter 17.16. Future development must comply with the zoning in place at the time of a complete building permit application.
6. Critical Areas: No known critical areas exist on site.

### Procedural

#### Administrative Review Required

7. Consistent with City code 19.06.080.D, all predevelopment clearing is classified as a Type II permit. Type II permits require a Notice of Application comment period followed by administrative review and decision by the PCD Director. No open-record public hearing is required for Type II permits unless the Director's decision is appealed. Appeals of Type II decisions are heard by the City's Hearing Examiner as outlined at the end of this decision.

#### State Environmental Policy Act (SEPA) Review

9. The SEPA Responsible Official has determined that the proposal is exempt from environmental review and threshold determination under the State Environmental Policy Act pursuant to

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<sup>1</sup> PTMC 19.06.080

WAC 197-11-800(1)(b)(v) Minor new construction; fill or excavation of 100 cubic yards. The proposal is to excavate less than 100 cubic yards.

**Public Notice**

10. On October 3, 2024, public opportunity to comment on the project was sought in accordance with Port Townsend Municipal Code which included (Exhibit C):
- a. A direct mailing to adjacent property owners within 300 feet of the site using the information prepared by Jefferson Title Company (Exhibit C-1);
  - b. Posting the Notice on or near the project site (Exhibit C-2).

No public comment was received.

**Performance Standards**

11. **Special Study Required:** PTMC 19.06.080 requires a tree conservation plan that meets the requirements of Chapter 19.06, Article III, Standards for Tree Conservation. The applicant submitted a tree inventory and tree conservation plan (Exhibit B). On December 26, 2024, the applicant submitted an updated Tree Conservation Plan. Staff finds the plan compliant with the requirements of 19.06, Article III.
12. **Applicable Tree Conservation Policies and Standards: Special Studies:** The proposal has been reviewed for conformance with applicable policies and standards, specifically, general performance standards in 19.06.120 and 19.06.130 and can be summarized as follows:

Code citation 19.06	Summary of Performance Standards for Development	Analysis
19.06.080	Predevelopment tree removal	The submitted tree inventory and conservation plan details tree conservation requirements consistent with 19.06.130. However, 19.06.080.C.1 requires that predevelopment tree removal be limited to not more than 40% of pre-existing tree units are removed. The applicant submitted an updated tree inventory and tree conservation plan on December 26, 2024, which meets 19.06.080.C.1

19.06.080.E	Required Findings	<ul style="list-style-type: none"> <li>• The proposed tree conservation permit approval complies with the approval criteria in subsection C of 19.06.080</li> <li>• The granting of the proposed tree conservation permit approval will not be detrimental to the public health, safety, and general welfare;</li> <li>• The granting of the proposed tree conservation permit approval will not be injurious to the property or improvements adjacent to and in the vicinity of the proposal;</li> <li>• The granting of the proposed tree conservation permit approval will not result in significant adverse environmental impacts; and</li> <li>• The granting of the proposed tree conservation permit approval is consistent and compatible with the goals, objectives, and policies of the comprehensive plan and the provisions of the Port Townsend Municipal Code.</li> </ul>
<b>Code citation 19.06.130</b>	<b>Summary of Performance Standards for Development</b>	<b>Analysis</b>
19.06.130.A	Standards for trees to be retained or planted	The submitted tree inventory details each existing tree, the size of existing trees and the health of each tree. All trees proposed for removal are within the footprint of likely future building area or are considered declining in health or structurally defective.
<b>Code Citation 19.06.150</b>	<b>Summary of Performance Standards for Development</b>	<b>Analysis</b>

19.06.150.A-19.06.150H	Protection for trees before and during development	Tree protection of remaining trees and an inspection of the fencing is required prior to any clearing or grading. The project is conditioned to meet this requirement.
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**CONCLUSIONS**

- 1) Per Finding 7, City staff has confirmed the predevelopment clearing proposal requires a Type-II Tree Conservation Permit.
- 2) The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off site.
- 3) Per Finding 12 above, the proposal is consistent with the performance standards contained in Chapter 19.06 PTMC, specifically sections 19.06.120 and 19.06.130 Tree Conservation Standards and Standards for Trees to be Retained or Replanted.
- 4) Approval Criteria: PTMC 19.06.080.C requires that predevelopment tree removal meets the approval criteria outlined in this section. As proposed, the predevelopment tree removal meets these requirements.
- 5) The proposal meets the criteria in other applicable regulations and standards. Conditions have been applied to ensure consistency with all laws and ordinances of the City of Port Townsend, including but not limited to the policies and performance standards contained in Chapter 19.06 PTMC and Chapter 5, Clearing, Grading and Erosion Control of the Engineering Design Standards Manual.

**DECISION**

Based on the foregoing Findings and Conclusions, GRD24-007 is **CONDITIONALLY APPROVED**, subject to compliance with the following conditions:

**GENERAL:**

- 1) This permit approval allows clearing of parcels 987300805 and 987300814 following the tree conservation plan submitted with the application.
- 2) There shall be no further modifications without approval of the PCD Director. Minor modifications to the approved tree conservation permit/tree conservation plan may be

approved administratively pursuant to the procedures for a Type I-A project permit (Chapter [20.01](#) PTMC) provided the proposed modification is minor in nature, does not increase the overall area of tree removal, does not change the overall number of trees removed, or result in tree removal activities occurring within an environmental sensitive area, ESA buffer, or tree retention area. The submittal of an amended tree conservation plan meeting the requirements of this chapter may be required. Any modification exceeding these thresholds shall require a new application and associated fees.<sup>2</sup>

- 3) Trees approved for removal are limited to the trees indicated on the tree conservation plan.
- 4) All trees shown as being retained must be protected via fencing (e.g., snow fencing attached to t-posts). The protective fencing needs to extend from the base of each retained tree out to 3 ft. beyond the drip line. The tree protection measures must be installed & inspected by city staff prior to commencing with tree removal activities.

#### DURING CONSTRUCTION:

- 5) In no case shall the approved tree conservation plan be altered unless previously approved by the director.
- 6) Pursuant to the Engineering Design Standards, the applicant shall stabilize exposed soils upon completion of construction activities.

#### EXPIRATION:

- 7) This tree conservation permit shall be valid for two consecutive years following the date of issuance<sup>3</sup>.

**Suspension – Revocation.** In addition to enforcement procedures and penalties provided for in Chapter [1.20](#) PTMC, the director may suspend or revoke a permit if (s)he finds that the applicant or permittee has not complied with any or all of the conditions or limitations set forth in accordance with this chapter, has exceeded the scope of work set forth in the permit, or has failed to undertake the project in the manner set forth in the approved application.

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<sup>2</sup> PTMC 19.06.210

<sup>3</sup> PTMC Section 19.06.190(A)

**ENTERED** this 28th day of January 2025

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**Emma Bolin, AICP**  
**Director of Planning and Community Development**

**APPEALS**

Per Table 2 of Subsection 20.01.040 PTMC, Type II permits are afforded an administrative appeal to the City's hearing examiner; provided, that a written appeal in conformance with Chapter 1.14 PTMC is filed within 14 calendar days after the notice of the decision. The date on which a decision is deemed issued is 3 days after a written decision is mailed by the City. The administrative appeal period ends February 11th 2025.

**List of Exhibits:**

- Exhibit A: Grading Permit Application and Receipt for Fees Paid;
- Exhibit B: Tree Conservation Plans and Narrative; Revised Tree Conservation Plans (B-1)
- Exhibit C: Notice of Application; Title Report and Certificate of Mailing and Posting (C-1)