

Landmark Tree Nomination Application

(Port Townsend Municipal Code Title 12.24.050 Landmark trees – Qualification)

The landmark tree preservation designation recognizes the significance of certain special trees to the citizens of Port Townsend. A tree on private or public property may be protected throughout its useful life because of its contribution to the environment and city character. To be nominated as a landmark tree, consent of the tree's property owner, or owners, is required. In addition to the criteria listed below, to qualify as a landmark tree the tree must not constitute a hazard or obstruction. Nominations for landmark tree designation shall be reviewed by the city's Park, Recreation, Tree and Trails Advisory Board. The Board shall consider all nominations for landmark tree designation at an open public meeting.

Your name: _____

Your email address: _____

Is the tree you wish to nominate on public property or private property? _____

Please describe the location: _____

Are you the owner of the private property/adjacent property (the owner of the property will need to be a co-applicant)? _____

What is the tree's genus and species? _____

To qualify as a landmark tree, one or more of the following criteria must be met. Please provide any of the following information you may have about the tree. You may attach additional pages of documentation.

1. *The tree has significance associated with a historical person, place or event;*

2. *The tree has attained significant size in height, caliper, or canopy spread for its age and species;*

3. *The tree has unique or uncommon aesthetic qualities for its species;*

4. *The tree is prominently visible to the public, along a major road or near a public place*

5. *The tree possesses rare horticultural value.*

I understand that if the city approves the proposed designation, it shall be memorialized in a covenant signed by the city and the property owner(s) in a form acceptable to the city attorney. The covenant shall require that the tree be maintained by the property owner(s) in a manner that is consistent with the provisions of this chapter. The covenant shall also describe the city's role in providing reasonable technical advice in caring for the tree per subsection (F)(4) of this section. The covenant shall be recorded by the county auditor. The city shall pay recording fees. The covenant and designation shall be effective from the date of recording until such time as approval by the public works director has been granted for the cutting of the tree.

Applicant Signature: _____

Owner Name and Signature (if different): _____

Date: _____

Please submit the completed nomination to the attention of:

**City of Port Townsend
Public Works Director
250 Madison St, Ste 2R
Port Townsend, WA 98368**

A. Designation of Landmark Trees.

1. A property owner may propose to the city that a tree located on his or her private property be designated as a landmark tree. Any city resident may propose to the city that a tree located on public property be designated as a landmark tree. No tree may be designated without the approval of the property owner(s) on which the tree, or any portion of the tree's branches or canopy, is located.

2. Upon receipt of a proposed designation and the approval of the property owner, the city tree committee at an open public meeting shall determine whether the tree satisfies the criteria for being a landmark tree. The city tree committee shall make a recommendation to the public works director whether or not to designate the proposed tree as a landmark tree. The director shall make a final decision on the proposal within 14 calendar days of receiving a recommendation from the city tree committee.

If the city approves the proposed designation, it shall be memorialized in a covenant

signed by the city and the property owner(s) in a form acceptable to the city attorney. The covenant shall require that the tree be maintained by the property owner(s) in a manner that is consistent with the provisions of this chapter. The covenant shall also describe the city's role in providing reasonable technical advice in caring for the tree per subsection (F)(4) of this section. The covenant shall be recorded by the county auditor. The city shall pay recording fees. The covenant and designation shall be effective from the date of recording until such time as approval by the public works director has been granted for the cutting of the tree.

3. Upon request of a property owner, the city shall provide reasonable advice and consultation on maintenance of any landmark tree without charge to the property owner. (Ord. 2837 § 3(Exh. C § 1)).

12.24.050 Landmark trees – Qualification.

A. The landmark tree preservation designation recognizes the significance of certain special trees to the citizens of Port Townsend. A tree on private or public property may be protected throughout its useful life because of its contribution to the environment and city character.

B. Property Owner Consent. To be nominated as a landmark tree, consent of the tree's property owner, or owners, is required. Forms for nominating a tree as a landmark tree will be maintained by public works.

C. Nominations for landmark tree designation shall be reviewed by the city's tree committee. To qualify as a landmark tree, one or more of the following criteria must be met:

1. The tree has significance associated with a historical person, place or event;
2. The tree has attained significant size in height, caliper, or canopy spread for its age and species;
3. The tree has unique or uncommon aesthetic qualities for its species;
4. The tree is prominently visible to the public, along a major road or near a public place;
5. The tree possesses rare horticulture value.

D. In addition to the above criteria, to qualify as a landmark tree the tree must not constitute a hazard or obstruction.

E. The tree committee shall consider all nominations for landmark tree designation at an open public meeting.

The above code does not address other considerations when making the determination of landmark tree designation. City staff recommend that the following criteria also be evaluated:

1. Hazards are reflective of safety concerns to traveling public or people on private property, impacts to private property, impacts to public property public property, and/or impacts to animals, is a significant contributor to wildfire hazard, or other trees and plants. Hazards should be able to be mitigated if designation proceeds.
2. Tree health needs to be considered in terms of hazard evaluation as well as maintenance costs.
3. Impact to City and franchise utilities.
4. Right tree right location versus right tree wrong location, versus wrong tree right location
5. Impacts to pavement and or road surfacing
6. Whether there is an impact to a future road extension or driveway necessary to access property or meet city street plans, fire access, or other public needs.
7. Impacts to trails.
8. Impacts to uses of right of way and/or easements. Some easements may prevent trees from existing within an easement as an example.
9. The PW Director should seek input from utility managers as a matter of decision making process.
10. Whether the landmark tree designation is being used as a tool to create neighborhood division or impact others negatively
11. How the tree fits within balancing the goals for housing, urban forestry, commercial development, and other land uses designated by the comprehensive plan.
12. How the tree impacts utility plans.

12.24.060 Major pruning or removal of landmark trees.

A. Landmark Tree Cutting Requirements.

1. Property owners may conduct minor pruning of designated landmark trees consistent with this chapter.
2. Major pruning or removal of landmark trees requires approval by the public works director. A request to conduct major pruning or tree removal shall first be referred to the city's tree committee for a recommendation. The tree committee shall forward a recommendation to the public works director.
3. Criteria for Major Pruning or Removal of a Landmark Tree. The applicant must demonstrate that major tree pruning or removal is necessary for one of the following

reasons:

- a. The tree, or a portion of the tree proposed for removal, meets the definition of a hazard tree;
 - b. The tree, or a portion of the tree proposed for removal, is dead;
 - c. The tree, or a portion of the tree proposed for removal meets the definition of a diseased tree;
 - d. That the retention of the tree will have a material, adverse and unavoidable impact on the use of the property.
4. The director shall review the recommendation of the tree committee and may also seek the advice of a qualified professional (certified arborist or other qualified tree professional) in reaching his or her decision. (Ord. 2837 § 3(Exh. C § 1)).

12.24.070 Violations and penalties – Enforcement.

A. Director’s Authority. Whenever the public works director or his or her designee (“director”) determines that a condition exists in violation of this chapter or any standard required to be adhered to by this chapter, or in violation of any permit issued hereunder, he or she is authorized to enforce the provisions of this chapter.

B. Chapter 1.20 PTMC Applicable. All violations of any provision of this chapter or incorporated standards, or of any permit or license issued hereunder, are declared nuisances and made subject to the administration and enforcement provisions of Chapter 1.20 PTMC, including any amendments, and including but not limited to abatement, criminal penalty, and civil penalty as set forth in Chapter 1.20 PTMC, which are incorporated by reference as if set forth herein. (Ord. 2952 § 3, 2008; Ord. 2837 § 3(Exh. C § 1); Ord. 2578 § 7, 1997; Ord. 2508 § 4, 1996).