

Private Property Tree Code

Here are answers to some of your Frequently Asked Questions

What is the new Private Property Tree Code?

Our new Private Property Tree Code, adopted by the Town Council in December 2021, after more than two dozen public meetings over the past three years, creates a permitting system for the removal of “significant trees” on residential lots. The Code is a companion to our Public Property Tree Code that has been in existence since 2010.

How is a “significant tree” defined?

A “significant tree” is defined as any tree that has a diameter of 18” or greater, measured four and one-half feet above the ground (commonly referred to as 18” dbh, which stands for diameter at breast height).

Will I still be able to remove whatever trees I like? May I clear my entire lot for the construction of a new home? Is mitigation required?

Yes. Property owners can still remove any tree on their property that they want. Additionally, the entire lot can be cleared of all trees. However, a permit will be required in order to cut down any significant trees, and mitigation (replacement) may be required in order to retain a minimum tree density of one significant tree per 5,000 square feet of lot area. But we hope that most of the large majestic trees in Yarrow Point continue to thrive, lending environmental and health benefits, along with aesthetic ambiance to our beautiful community.

Doesn't Yarrow Point already have a Tree Code?

Yes, we do, but the existing regulations only apply to public property – the rights-of-way and other public spaces. Homeowners wishing to remove or prune trees on the right-of-way adjacent to their property should contact Town Hall before taking any action in order to avoid a penalty. If you are unsure whether a tree is located on your property or on Town property, please give Town Hall a call and we will be able to assist you. **The Town's Public Property/Right of Way Tree Code may be read in its entirety on the Town's website:**

<https://www.codepublishing.com/WA/YarrowPoint/#!/html/YarrowPoint12/YarrowPoint126.html>

What's involved in getting a permit to remove a significant tree from my property?

A Tree Removal Permit application form will be available from Town Hall after March 6, 2022. You will be asked to provide a site plan showing the location, size, and species of all significant trees on your lot, including those proposed for removal. A mitigation plan may be required in order to maintain the minimum significant tree density requirement. Identify the trees proposed for removal on your lot by placing a yellow tape around its circumference. A Notice of Proposed Tree Removal will be posted by the Town on the mailbox pagoda, on your site, and on the Town's website. And the Town will mail a letter and site plan to neighbors next to your property letting them know of the upcoming activity.

How do I figure out if mitigation is required?

The Town requires one significant tree per 5,000 square feet of lot area following the removal of your significant tree(s). If, after the removal, you still have the required number of significant trees, mitigation is not required. If you have less than one significant tree per 5,000 square feet of lot area, you will need to plant a new tree that has the potential to grow to significant tree size over time. Significant trees that straddle a property line are assigned a fractional tree density value of .49 per lot and may be counted towards your minimum tree density. Mitigation trees need to be a minimum of 10' tall or have a 3" caliper (trunk size).

Can you show some examples?

Example 1: 12,000 square foot property

A property owner with a 12,000 square foot lot with two significant trees wishes to remove one of those trees. A 12,000 square foot lot requires 2 significant trees ($12,000 / 5,000 = 2.4$, rounded to the nearest whole number = 2). The property owner draws up a site plan showing the two significant trees on the property, submits a permit to the Town, and the Town prepares the required notification. A mitigation tree will need to be planted in order to maintain the correct tree density.

Example 2: 15,000 square foot property

A property owner with a 15,000 square foot lot with four significant tree wishes to remove one significant tree. A 15,000 square foot lot requires 3 significant trees. The property owner submits a permit application with a site plan and the Town prepares the required notification. Mitigation is not necessary.

Example 3: A tree trunk that straddles a property line

Two neighbors share two significant trees and propose the removal of one. Neighbor A, with a 10,000 square foot lot, has one significant tree on site. Neighbor B, with a 12,000 square foot lot, has four significant trees on site. Following the removal, Neighbor A is required to mitigate with one tree, while Neighbor B does not have a mitigation requirement.

What if there's an emergency and a tree must be removed before I can obtain a permit?

Safety is paramount and is the Town's first priority! In the case of an emergency tree removal for a hazardous tree, you are permitted to remove the tree without first obtaining a permit. However, you must notify the Town within seven days of the removal and include the reason justifying the removal. An after-the-fact-permit will be required, with the same mitigation requirements as if the permit had been obtained prior to the removal event.

Are there monetary penalties if I forget to obtain a permit?

Failure to obtain a permit prior to the removal of a (non-emergency) tree may result in a penalty of \$10,000, up to \$25,000, depending upon the size of the tree.

Will the Private Property Tree Code decrease my property value?

The short answer is No! Did you know that Yarrow Point is the only community in our area that does not regulate trees on private property? And property values in neighboring Hunts Point and Medina have not decreased as a result of their tree regulations! In fact, large trees add significant value to residential properties. A comprehensive University of Washington economic review in 2018 concluded that "The presence of larger trees in yards and as street trees can add from 3% to 15% to home values," and in particular, "mature trees in high-income neighborhoods add 10% – 15% to the value of single-family homes."

(https://depts.washington.edu/hhwb/Thm_Economics.html) Please remember that the Private Property Tree Code does not prohibit you from removing significant trees – it requires a permit, neighbor notification, and perhaps mitigation.

What's Next?

Our Private Property Tree Code will be evaluated on an ongoing basis. Similar to all of our local regulations, we have the ability to adopt amendments, with ample opportunity for public participation. One task we will be working on will be to closely align the public and private property tree codes so that procedures are consistent. And finally, we are looking into incentives to encourage property owners to maintain and preserve their significant trees.

The Town's Private Property Tree Code (Ordinance 715) may be read in its entirety on the Town's website -

<https://www.codepublishing.com/WA/YarrowPoint/#!/html/YarrowPoint20/YarrowPoint2022.html>. Please contact Town Hall with any additional questions.