

12.36.080 - Criteria for issuance of tree removal permit.

An applicant for a tree removal permit shall demonstrate that the following criteria are satisfied. The tree permit administrator may require an arborist's report to substantiate the criteria for a permit.

- A. **Hazard Tree.** The tree permit administrator shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal:
 - 1. A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within public rights-of-way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
 - 2. The city may require the applicant to mitigate for the removal of each hazard tree pursuant to Section 12.36.085 of this chapter. Such mitigation requirements shall be a condition of approval of the permit.

- B. **Tree that is Not a Hazard.** The city shall issue a tree removal permit for a tree that is not a hazard if the applicant demonstrates one of the following two options:
 - 1. The tree is proposed for removal in order for the property to achieve compliance with other applicable city requirements and standards (i.e., other applicable site design and use standards). The tree permit administrator may require the building footprint of an improvement that would prompt the removal of a tree to be staked on the property prior to removal of the tree;

The city shall require the applicant to mitigate for the removal of each tree granted approval pursuant to Section 12.36.085 of this chapter. Such mitigation requirements shall be a condition of approval of the permit.

- 2. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface Removal of the tree will not have a significant negative impact on the tree densities, sizes, canopies, and species diversity within two hundred feet of the subject property. The city shall grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted by the city zoning ordinances. In making this determination, the city may consider alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the city zoning ordinance.

The city shall require the applicant to mitigate for the removal of each tree granted approval pursuant to Section 12.36.085 of this chapter. Such mitigation requirements shall be a condition of approval of the permit.

(Ord. No. 726, § 1, 4-12-2011)