

TIGARD MUNICIPAL CODE

Chapter 8.04 TREE PERMIT PROCEDURES

Sections:

- 8.04.010 Purpose
- 8.04.020 City Manager Decision Making Procedures
- 8.04.030 City Board or Committee Decision Making Procedures
- 8.04.040 Emergency Tree Permit Procedures

8.04.010 Purpose

The purpose of this chapter is to create a flexible framework for tree permit decisions to address both simple and complex situations. The City Manager Decision Making Procedures are implemented administratively by city staff without public review for approving tree permits in situations where the reasons and criteria for tree planting, removal and/or replacement are simple. The City Board or Committee Decision Making Procedures are implemented through a public review process by a designated board or commission in situations where the reasons and criteria for tree removal and/or replacement are complex. (Ord. 12-11 §1)

8.04.020 City Manager Decision Making Procedures

A. City manager tree permit applications shall be made on forms provided by the city manager or designee.

B. City manager tree permit applications shall:

1. Include the information requested on the application form;

2. Address all of the relevant approval criteria in the Urban Forestry Manual in sufficient detail for review and action; and

3. Be accompanied by the required fee.

C. The city manager's or designee's decision shall address all of the relevant approval criteria in the Urban Forestry Manual. The city manager or designee shall approve, approve with conditions or deny the requested tree permit in writing based on the relevant approval criteria in the Urban Forestry Manual.

D. The city manager's or designee's decision shall be final and valid for a period of up to one year after issuance unless a longer timeframe is conditioned as part of the tree permit decision. However, nothing shall prevent a person from submitting another application for a city manager tree permit if the conditions and circumstances of an unexpired city manager tree permit have changed. (Ord. 12-11 §1)

8.04.030 City Board or Committee Decision Making Procedures

A. The city manager or designee shall authorize a city board or committee to issue discretionary decisions pertaining to tree permits.

B. The designated city board or committee shall be authorized to use their discretion when issuing their decision on tree permits and include but not be limited to the following considerations:

1. Solar access;
2. Views;
3. Quality of tree species, condition and location;
4. Contribution to the environment;

TIGARD MUNICIPAL CODE

5. Contribution to the community; and
6. Aesthetics.

C. The City Board or Committee Decision Making Procedures shall be consistent with the procedures in Section 18.390.050 of the Tigard Municipal Code except subsections 18.390.050.A and B.2.e do not apply. The review body shall be the city board or committee so designated by the city manager or designee.

D. Decisions made according to the City Board or Committee Decisions Making Procedures shall be final and valid for a period of up to one year unless:

1. A longer timeframe is conditioned as part of the tree permit decision; or
2. A subsequent decision is issued through the City Manager Decision Making Procedures in Section 8.04.020 that conflicts with an unexpired city board or committee tree permit. (Ord. 12-11 §1)

8.04.040 Emergency Tree Permit Procedures

If an emergency exists because a tree presents such a clear and present danger to people, structures, infrastructure or utilities that there is insufficient time to obtain a permit, any person may remove the subject tree without first having obtained a permit. The person shall, within 14 calendar days after having removed such tree, submit a retroactive application for a city manager tree permit through the City Manager Decision Making Procedures detailed in Section 8.04.020. Applicants are encouraged to take photographs of the subject tree and obtain written documentation from a certified arborist prior to the removal. If the city manager or designee determines that there was no emergency, he/she shall pursue

enforcement action through Chapter 1.16. (Ord. 12-11 §1) ■