

Discussion Draft Amendments to GZO Section 6.070(8) Preservation & Removal of Trees
This version displays the amendments proposed to City Council in regular black text, and discussion draft changes in response to City Council comments in tracked changes.

Key: Deletions, Additions

8. PRESERVATION AND REMOVAL OF TREES

A. Purpose:

The purpose of this section is to recognize that trees are a significant aesthetic and environmental resource within the City of Gearhart and to create conditions favorable to the preservation of this plant heritage for the benefit of the current and future residents of the City. The purpose is not to prohibit the removal of all trees, but to ensure that mature trees are removed only where necessary, and to permit the reasonable development and use of property.

B. **Definition:** For the purpose of this section, “tree” is defined as follows: Any tree greater than thirty-eight (38) inches in circumference as measured four and one half (4-1/2) feet above the existing grade, and excluding Common Hawthorn, English Holly, Cherry Laurel, and Tree of Heaven. ~~When a tree has multiple trunks or branches below the measurement height, the measurement shall only be applied to the largest trunk or branch.~~

C. **Applicability:** This section applies to the removal of trees in the City of Gearhart, except that it does not apply to tree removal:

- (1) in order to construct proposed improvements, including the placement of structures and on-site sewerage disposal facilities, access ways, utilities, need to make essential grade changes, and other authorized activities.
- (2) in the B.A.D. Overlay Zone the preservation and removal of trees are regulated by that zone in Section 3.12.

D. Requirements:

- (1) Any person proposing to remove, cut down, or otherwise destroy a tree shall first obtain a minor or major tree removal permit from the City.
- (2) One or more minor tree removal permits may be granted for the removal of up to five total trees within any twelve month period. Upon submittal of a complete application and verification by City staff that the proposed permit will not authorize the removal of more than five trees in a 12 month period, and that the proposal is consistent with the Gearhart Zoning Ordinance, the permit shall be issued.
- (3) Removal of more than five trees within any twelve month period may be permitted as a major tree removal permit. The Planning Commission may grant or deny a request for a major tree removal permit on the basis of the criteria set forth below in Section 6.070(8)(E), except as provided in Section 6.070(8)(F) below.
- (4) Such conditions as are deemed necessary and appropriate to ensure the proper enforcement of this section may be made part of the major removal permit. Such conditions may involve, but are not limited to the following:
 - a. The replacement of the trees proposed for removal with trees of a suitable type, size and location.
 - b. A Plan for protecting trees on the project site during and after development.

Formatted: Not Strikethrough

Formatted: Strikethrough

Formatted: Underline, Not Strikethrough

Formatted: Strikethrough

Commented [GP1]: City Council indicated that permits should not be required to remove invasive trees, or that removal of invasive trees should not be subject to the “major” tree removal permit requirement. This change to the definition of “Tree” would exempt invasive trees completely from permitting requirements.

Discussion Draft Amendments to GZO Section 6.070(8) Preservation & Removal of Trees
This version displays the amendments proposed to City Council in regular black text, and discussion draft changes in response to City Council comments in tracked changes.

Key: Deletions, Additions

- c. Restrictions on cuts, fills and grading within the vicinity of remaining trees.
- (5) Tree removal that is to be undertaken in conjunction with a specific development project shall occur only after a building permit has been issued, or the Planning Commission or City Council has approved an activity requiring the removal of the trees.
- (6) An approved tree removal permit shall be void after one year from its issuance unless a shorter period was specified as a condition for approval.

E. Criteria: The granting of a major tree removal permit shall be based on a finding that at least one of the following criteria is met:

- (1) Necessity to remove trees which poses a safety hazard.
- (2) Necessity to remove trees which are diseased. Evidence of disease may be provided by a qualified forester or arborist.
- (3) Solar access; and the need to remove trees which deposit needles or other debris on rooftops. The burden of proof is on the applicant to show that other design alternatives which do not require the tree removal are not practical or will create a significant economic hardship.

F. Exception:

- (1) A tree posing a safety hazard or dangerous condition may be removed without first obtaining a permit if an arborist recommends removal as the corrective action. In such cases, the condition and corrective action shall be documented in writing by an arborist, and submitted to the City with a tree removal application within 10 days after the corrective action has occurred.
- ~~(2)~~ (2) The City Administrator or designee may grant the immediate removal of trees which pose a safety hazard or dangerous condition, or for a required septic system emergency repair. In such cases, the septic system permit shall be submitted to the City with a tree removal permit within 10 days after the corrective action has occurred.

G. Appeals of a decision of the City Administrator or Planning Commission shall be in accordance with Section 13.060.

H. Enforcement. Enforcement of this section shall be in accordance with Article 15 of this ordinance, or by other ordinances the City Council may adopt to implement the purpose of this section.

Formatted: Not Strikethrough

Formatted: Strikethrough

Formatted: Underline, Not Strikethrough

Formatted: Strikethrough

Commented [GP2]: City Council members indicated that a permit should not slow down the process of correcting a safety issue, and indicated that City staff do not have time or expertise to determine safety and hazard situations.

Commented [GP3]: This change responds to the same City Council feedback as described in the comment above.