

Section 4.610.20. Type A Permit

2. **Platted Subdivisions.** The recording of a final subdivision plat whose preliminary plat has been reviewed and approved after the effective date of Ordinance 464 by the City and that conforms with this subchapter shall include a Tree Survey and Maintenance and Protection Plan, as required by this subchapter, along with all other conditions of approval.
 3. **Utilities.** The City Engineer shall cause utilities to be located and placed wherever reasonably possible to avoid adverse environmental consequences given the circumstances of existing locations, costs of placement and extensions, the public welfare, terrain, and preservation of natural resources. Mitigation and/or replacement of any removed trees shall be in accordance with the standards of this subchapter.
- J. **Exemption.** Type D permit applications shall be exempt from review under standards D, E, H and I of this subsection.

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- (.01) Approval to remove one to three trees within a twelve (12) month period on any property shall be granted if the application meets all of the following requirements:
 - A. The trees subject to removal are not located in the Significant Resource Overlay Zone; and
 - B. The trees subject to removal are not located in the Willamette River Greenway;
 - C. The trees subject to removal are not Heritage Trees.
 - D. The trees subject to removal are not street trees;
 - E. The trees subject to removal must not be retained as a condition of site development approval.
- (.02) Where the City determines that an application to remove a tree or trees does not meet the criteria of 1(A) - (E) of this section, then the application may be submitted as a Type B application.
- (.03) An application for a Type A Permit shall contain the following information:
 - A. A brief statement explaining why tree removal is necessary.
 - B. A brief description of the trees proposed for removal or relocation, including common name, approximate height, diameter (or circumference) at four and one-half (4 1/2) feet d.b.h. above grade, and apparent health.
 - C. A drawing that depicts where trees are located and provides sufficient detail to indicate to a City reviewer where removal or relocation will occur.
 - D. The name of the person who will perform the removal or transplanting, if known, and the approximate date of removal.
 - E. Additional supporting information which the Planning Department requests, in order to determine whether an application meets the requirements of this section.

- (.04) The City shall accept a Type A permit application under the following procedure:
- A. Review Period. Completed Type A permit applications shall be reviewed within ten (10) working days. The grant or denial of the Tree Removal Permit application shall be the responsibility of the Planning Director.
 - B. The Type A permit application shall be reviewed under the standards of Class I administrative review and applicable requirements of this subchapter.

Section 4.610.30. Type B Permit

- (.01) An applicant may apply for a Type B Permit based on the following criteria:
- A. The applicant proposes to remove four (4) or more trees on property not subject to site development review; or
 - B. The applicant proposes major or minor changes in a condition or conditions of a development permit previously approved under the provisions of this Chapter; or
 - C. The applicant is a homeowners' association that proposes to remove trees on property previously approved by the City for development.
 - 1. A Tree Maintenance and Protection Plan submitted for approval-under (1)(C) of this subsection shall meet the following criteria:
 - a. The Development Review Board shall review the Covenants, Conditions and Restrictions (CC&R's) to verify that the homeowners' association is designated and authorized by the CC&R's to review tree maintenance, removal, and planting requests.
 - b. A request for tree removal shall indicate the reason for the request, as well as the location, size, species and health of tree.
 - c. Decisions on requests and actions taken are documented and retained and shall be made available to the City's Development Review Board upon request.
 - d. A replanting program is established and reviewed on an annual basis. Where such a program is approved, mitigation under this Chapter shall not be required.
 - 2. Any permit approved under this subsection shall require that all maintenance, planting, and removal be performed to the standards established in this subchapter and in Wilsonville Code.
 - 3. Failure of a homeowners' association to meet the requirements of this subsection shall be grounds for revocation of a Type B permit.
- (.02) Application for the Type B permit shall consist of the information required for a Type A Permit, as provided in WC 4.610.20, and a Tree Maintenance and Protection Plan, which shall contain the following information:
- A. An accurate topographical survey, subdivision map or plat map, that bears the signature of a qualified, registered surveyor or engineer, and which shows:

1. the shape and dimensions of the property, and the location of any existing and proposed structure or improvement,
2. the location of the trees on the site, and indicating species, approximate height, d.b.h. diameter, canopy spread and common name,
3. the location of existing and proposed easements, as well as setbacks required by existing zoning requirements.

B. In lieu of the map or survey, an applicant proposing to remove trees under (1)(B) or (1)(C) of this subsection may provide aerial photographs with overlays, GIS documentation, or maps approved by the Planning Director, and clearly indicating the information required by (2)(A) of this subsection.

C. Arborist Report. The report shall describe the health and condition of all trees subject to removal or transplanting, and shall include information on species, common name, diameter at four and one-half (4 1/2) feet d.b.h., approximately height and age.

D. Tree Protection. Unless specifically exempted by the Planning Director, a statement describing how trees intended to remain will be protected during tree removal, and how remaining trees will be maintained.

E. Tree Identification. Unless specifically exempted by the Planning Director, a statement that any trees proposed for removal will be identified by a method obvious to a site inspector, such as tagging, painting, or flagging, in addition to clear identification on construction documents.

F. Replacement Trees. A description of the proposed tree replacement program with a detailed explanation including the number, size, and species, and cost. In lieu of replacing trees, the applicant may propose to pay into the City Tree Fund an amount equivalent to the value of the replacement trees after installation, as provided in this subchapter.

G. Covenants, Conditions and Restrictions (CC&R's). Where the applicant is proposing to remove trees on common areas, the applicant shall provide a copy of the applicable CC&R's, including any landscaping provisions.

H. Waiver of documentation. The Planning Director may waive an application document where the required information has already been made available to the City, or where the Director determines the information is not necessary to review the application.

(.03) Review.

A. The Type B permit application, including major or minor changes in a condition or conditions of a development permit previously approved under the provisions of this chapter, shall be reviewed under the standards of Class II administrative review and the requirements of this subchapter. Where site plan review or plat approval by the Development Review Board is not required by City ordinance, the grant or denial of the Type B permit shall be the responsibility of the Planning Director. The Planning Director has the authority to refer a Type B permit

application to DRB under the Class II administrative review procedures of this Chapter.

- B. The DRB shall review and render a decision on any application referred by the Planning Director within sixty (60) days. The Planning Director shall review a completed permit application within thirty (30) days.
- C. The decision to grant or deny a Type B permit shall be governed by the standards established in WC 4.610.10.

Section 4.610.40. Type C Permit

- (.01) Approval to remove any trees on property as part of a site development application may be granted in a Type C permit. A Type C permit application shall be reviewed by the standards of this subchapter and all applicable review criteria of Chapter 4. Application of the standards of this section shall not result in a reduction of square footage or loss of density, but may require an applicant to modify plans to allow for buildings of greater height. If an applicant proposes to remove trees and submits a landscaping plan as part of a site development application, an application for a Tree Removal Permit shall be included. The Tree Removal Permit application will be reviewed in the Stage II development review process, and any plan changes made that affect trees after Stage II review of a development application shall be subject to review by DRB. Where mitigation is required for tree removal, such mitigation may be considered as part of the landscaping requirements as set forth in this Chapter. Tree removal shall not commence until approval of the required Stage II application and the expiration of the appeal period following that decision. If a decision approving a Type C permit is appealed, no trees shall be removed until the appeal has been settled.
- (.02) The applicant must provide ten copies of a Tree Maintenance and Protection Plan completed by an arborist that contains the following information:
 - A. A plan, including a topographical survey bearing the stamp and signature of a qualified, registered professional containing all the following information:
 - 1. Property Dimensions. The shape and dimensions of the property, and the location of any existing and proposed structure or improvement.
 - 2. Tree survey. The survey must include:
 - a. An accurate drawing of the site based on accurate survey techniques at a minimum scale of one inch (1”) equals one hundred feet (100’) and which provides a) the location of all trees having six inches (6”) or greater d.b.h. likely to be impacted, b) the spread of canopy of those trees, (c) the common and botanical name of those trees, and d) the approximate location and name of any other trees on the property.
 - b. A description of the health and condition of all trees likely to be impacted on the site property. In addition, for trees in a present or proposed public street or road right-of-way that are described as unhealthy, the description shall include recommended actions to restore

such trees to full health. Trees proposed to remain, to be transplanted or to be removed shall be so designated. All trees to remain on the site are to be designated with metal tags that are to remain in place throughout the development. Those tags shall be numbered, with the numbers keyed to the tree survey map that is provided with the application.

- c. Where a stand of twenty (20) or more contiguous trees exist on a site and the applicant does not propose to remove any of those trees, the required tree survey may be simplified to accurately show only the perimeter area of that stand of trees, including its drip line. Only those trees on the perimeter of the stand shall be tagged, as provided in "b," above.
 - d. All Oregon white oaks, native yews, and any species listed by either the state or federal government as rare or endangered shall be shown in the tree survey.
3. Tree Protection. A statement describing how trees intended to remain will be protected during development, and where protective barriers are necessary, that they will be erected before work starts. Barriers shall be sufficiently substantial to withstand nearby construction activities. Plastic tape or similar forms of markers do not constitute "barriers."
 4. Easements and Setbacks. Location and dimension of existing and proposed easements, as well as all setbacks required by existing zoning requirements.
 5. Grade Changes. Designation of grade changes proposed for the property that may impact trees.
 6. Cost of Replacement. A cost estimate for the proposed tree replacement program with a detailed explanation including the number, size and species.
 7. Tree Identification. A statement that all trees being retained will be identified by numbered metal tags, as specified in subsection "A," above in addition to clear identification on construction documents.

Section 4.610.50. Type D Permit

- (.01) The owner or operator of a commercial woodlot shall apply and receive approval for a Type D Permit before beginning harvesting operations of more than three (3) trees within any twelve (12) month period. Type D permit applications shall be subject to the standards and procedures of Class I administrative review and shall be reviewed for compliance with the Oregon Forest Practice Rules. The removal of three (3) or fewer trees in a commercial woodlot within any twelve (12) month period shall not require a tree removal permit.
- (.02) Sites which meet the following criteria on the effective date of this regulation shall be designated as commercial woodlots by the Planning Director:
 - A. The site is at least 30,000 square feet.
 - B. Trees have been maintained on the site for the purpose of harvesting.