

The following amended ordinance goes into effect on September 6, 2013:

CHAPTERS 12.10 TO 12.70 – TREES AND THE URBAN FOREST

Chapter 12.10

PURPOSE, DEFINITIONS, APPLICABILITY, AND EFFECT

12.10.010 Purpose.

(a) The purpose of this title is to facilitate the protection, preservation, and restoration of Pacific Grove’s urban forest; and enhance the visual and aesthetic uniqueness of Pacific Grove, in accordance with the city of Pacific Grove General Plan.

(b) Accordingly, this title provides regulations relating to the removal and pruning of Trees in public and private areas, to safeguard life, limb, health, property, and public welfare, by managing the urban forest pursuant to these regulations and the [Urban Forestry Standards](#), and by developing programs for the urban forest of the city of Pacific Grove.

(c) This code is adopted pursuant to the authority granted by Section 7 of Article XI of the State Constitution to a city to make and enforce such local, police, sanitary, and other regulations as are not in conflict with the general laws of the state.

12.10.020 Findings.

The city council makes the following general findings regarding the relationship between health, safety, and general welfare, and the selection, planting, conservation, protection, and maintenance of trees in public and private areas as addressed in this chapter. These shall be the same findings as required to be made for a permit application for Protected Tree removal and replacement.

(a) Trees are a valuable long-term community asset, and tend to increase property values.

(b) Trees protect us from climatic extremes. They recycle air and water, absorb carbon dioxide and release oxygen, provide shade and windbreak protection, and can potentially moderate temperatures for an entire neighborhood or community.

(c) Trees can improve human health by absorbing air pollution and trapping dust. In addition, they buffer noise from traffic and other sources.

(d) Trees diffuse the effects of rain that weather houses, erode topsoil, and cause flooding. They provide enrichment of the soil for more plant growth.

(e) Trees reduce the volume and slow the velocity of storm drainage and dry weather flows. They also are able to filter out many contaminants that would otherwise end up in the ocean.

- (f) Trees provide habitat for wildlife.
- (g) Trees contribute to the pleasantness and serenity of neighborhoods.
- (h) The presence of Trees can do much to reduce the stress of modern living.
- (i) Trees may enhance the architectural character of a neighborhood, accent or soften the effect of structures, promote visual formality and aesthetic interest, and screen undesirable views.

The above general findings are applicable when the health of Trees is preserved and the safety and general welfare of the public are observed. Healthy Trees are achieved when the right Trees are planted in the right location and are properly maintained. [Ord. 12-017 § 6, 2012].

12.10.030 Definitions.

For the purposes of this title, the definitions in the Urban Forestry Standards shall be the same as for the following regulations issued to implement this title. Terms defined in the Urban Forestry Standards are indicated with initial capital letters when used in this title. See www.ci.pg.ca.us/UFS-Definitions.

For the purposes of this title, the definitions in the Urban Forestry Standards shall be the same as for the following regulations issued to implement this title. Terms defined in the Urban Forestry Standards are indicated with initial capital letters when used in this title.

12.10.040 Applicability, conflicts, and other requirements.

(a) Applicability. This title applies to all trees within the city of Pacific Grove, except on Federal lands exempt from these standards.

(b) Conflicts. If conflicts occur between this title and PGMC Title [18](#) (Buildings and Construction) or Title [23](#) (Zoning), or the Local Coastal Program, the more protective requirements shall prevail. If conflicts occur between this title and other titles of the PGMC, the Urban Forestry Standards, or other city regulations, this title shall prevail.

(c) Liability. Nothing contained in this title, within the adopted [Urban Forestry Standards](#), other management programs, an adopted Street Tree landscaping plan, or other city document shall be deemed to impose any liability for duty of care or for damages upon the city, its officers, or employees, nor shall it relieve the owner of private property from the duty to keep a Protected Tree on his property or under his control, in such condition as to prevent it from constituting a hazard or an impediment to travel or vision upon any street, park, boulevard, alley, or public place within the city.

(d) Severability. Should any part or provision of this title be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this title as a whole or any part thereof other than the part held to be invalid.

(e) Adoption of Standards. The city hereby adopts the [Urban Forestry Standards](#), which may be amended from time to time.

(f) Adoption of Management Programs. The city may also adopt management programs, lists of appropriate tree species, Public or Street Tree landscaping plans, and other standards for the planting, maintenance, and removal of Trees on public lands. All work performed under this title shall be performed in accordance therewith.

12.10.050 Authority and responsibility.

(a) Generally. The Person in possession of Public Property and the owner of any private property shall have a duty to keep the Protected Trees upon the property and under their control in a safe and healthy condition.

The city shall be responsible for the maintenance of all Public and Street Trees. Pruning, other maintenance, and the replacement of Street Trees shall generally be the responsibility of the city and shall be at city's expense. Property owners may maintain, at their initiative, Street Trees on their property. Such maintenance shall be in full conformance with the [Urban Forestry Standards](#).

Pruning, condition assessment, and other maintenance by a Qualified Professional, and replacement of Trees on private property shall generally be the responsibility of the property owner(s) and shall be at property owner's expense. Any Person who determines that a Tree located on property possessed, owned, or controlled by them is a danger to the safety of themselves, others, or structural improvements on site or off site shall have an obligation to secure the area around the Tree, support the Tree, or remove the Tree, as appropriate, to safeguard both Persons and improvements from harm. In determining the level of risk and urgency to address a potential danger, the requirements under Chapter [12.40](#) PGMC shall also apply.

It is the responsibility of all Persons owning any land within the city to keep all private Trees that extend over any public street or walkway pruned so as to remove any foliage encroaching into space above a street to a height of 14 feet, and above sidewalk areas to a height of eight feet. The city holds the same responsibility for Street Trees and other Public Trees.

Any person claiming both financial and physical inability to perform the duties set out in this section may petition the city manager for relief. If the city manager concurs that such inability exists, the city manager shall direct city crews to perform the required work.

(b) City Staff. The city manager, through the departments of public works and community development, shall be responsible for the establishment and maintenance of standards necessary for implementation of this title, known as the [Urban Forestry Standards](#). The city arborist and public works director, among other duties, shall issue Tree maintenance and removal permits, oversee implementation of the [Urban Forestry Standards](#) and other management activities, and monitor and evaluate the effectiveness of this title.

(c) Beautification and Natural Resources Commission. The Beautification and Natural Resources Commission shall develop and maintain lists of Trees recommended for or discouraged for use as described in Landscape Trees for Pacific Grove. The commission shall make recommendations to the city council after consultation with city staff, arborists, and nursery operators familiar with the subjects of such plantings.

The Beautification and Natural Resources Commission shall prepare a Street Tree landscaping plan setting forth the types and kinds of Trees, especially recommending native species that are Suitable and desirable for planting along Public Streets within the city.

Thereafter, the commission shall from time to time recommend to the city council updates covering the same subjects, each of which shall be complete in itself. Such lists shall be made available at city hall and shall be posted on the city's website.

(d) Utilities. Public and private utilities that have easements within the city-owned Right-of-Way shall be responsible for Tree management and appropriate pruning consistent with this title and the [Urban Forestry Standards](#) in order to protect critical infrastructure, by obtaining a city-wide permit, in consultation with the city arborist.

(e) California Department of Transportation Right-of-Way. Within the State Highway 68 corridor, the California Department of Transportation shall have authority to manage Trees within the state-owned Right-of-Way, and is encouraged to implement Tree management programs consistent with this title and the [Urban Forestry Standards](#).

12.10.060 Enforcement.

Enforcement of this title shall be in accordance with PGMC Title [1](#).

Chapter 12.20 PROTECTED TREES

12.20.010 Overall canopy coverage.

The entire community benefits from a healthy and full Tree canopy and root system. The city of Pacific Grove shall strive to achieve a 25-year city-wide canopy cover target to maintain the existing canopy cover with the goal of a total canopy cover of 33 percent. The city shall develop and implement programs to maximize opportunities for the planting of Public Trees. The city shall encourage reporting on the removal of non-Protected Trees to track changes in the overall canopy coverage.

12.20.020 Categories of Protected Trees.

(a) Five categories of Trees are protected as specified below:

(1) Native Trees. All Gowen cypress, regardless of size; all Coast live oak, Monterey cypress, Shore pine, Torrey pine, and Monterey pine six inches or greater in trunk diameter, measured at 54 inches above native grade.

(2) All Other Private Trees. In addition to (a)(1), all other trees on private property, regardless of species, twelve inches or greater in trunk diameter, measured at 54 inches above native grade.

(3) Monarch Butterfly Habitat Trees. All Trees in or within 100 yards of designated Monarch Sanctuaries. For the purposes of this title, the following sites are designated as Monarch Sanctuaries, serving as official Pacific Grove monarch butterfly over-wintering sites:

(A) Monarch Grove Sanctuary. That portion of land bordered on the east and west by Ridge Road and Grove Acre Avenue, respectively, on the south by Short Street, and on the north by the northerly boundary of assessor's parcel numbers 006-361-30-031, -032, -033, and -034, extended from Grove Acre easterly to Ridge Road.

(B) Washington Park Site. That portion of land bordered on the east and west by Alder Street and Melrose Avenue, respectively, on the north by Pine Avenue, and on the south by the imaginary extension of Junipero Avenue westerly from Alder to Melrose.

(4) Public Trees. All Trees on Public Property six inches or greater in trunk diameter, measured at 54 inches above native grade, and all Street Trees, regardless of size.

(5) Designated Trees. All Trees that are otherwise Protected and will be impacted as a result of Development, both proposed for pruning or removal and where the Development will impact the critical root zone of the tree that requires protection during construction, and all Trees otherwise identified – during Development or otherwise – for special protection by the property owner. Trees that are proposed to be removed as part of a Development project shall be processed as part of the community development permit application and approval process, and replaced in accordance with this chapter, Chapter [12.30](#) PGMC, and the [Urban Forestry Standards](#).

(b) Nothing in this title limits or modifies the existing authority of the city under PGMC Title [23](#) (Zoning) to require Trees not covered by this title to be identified, retained, protected, and/or planted as conditions of the approval of Development.

12.20.030 Planting and maintenance of Protected Trees.

(a) The city, its residents, and its property owners benefit by having the right Tree planted in the right place. Native Trees are preferred. Trees to be planted should be selected from a list of appropriate landscape Trees for Pacific Grove, whenever possible. The planting and maintenance of Protected Trees shall be in accordance with the city's [Urban Forestry Standards](#).

(b) Planting of Public and Street Trees shall be in conformance with an approved management plan for Trees on public property, including a Street Tree landscaping plan, developed and updated from time to time by the Beautification and Natural Resources Commission and approved by the city council. Street Tree plantings shall be considered first from the viewpoint of

the people passing on or using the Streets, the benefits to storm water management, the extension of pavement life due to the shade they provide, the adjacent property owner, and from the other broader community benefits. Of secondary consideration is the enhancement, embellishment, or other benefit of the properties abutting the Street or public property.

12.20.040 Pruning and Removal of Protected Trees.

(a) Substantial Pruning or Removal of any Protected Tree requires a permit, as described in Chapter [12.60](#) PGMC (Permit Application and Processing), except in an Emergency. All such work shall be done under the direction of the city arborist. A Tree that serves as part of a windbreak system, or assists in storm water drainage or the avoidance of soil erosion, or serves as a component of a wildlife habitat, is to be preserved if Feasible. Acceptable criteria for Substantial Pruning or Removal of any Protected Tree are as follows:

(1) The Tree Risk Assessment Level is “High” or “Extreme” (see PGMC [12.40.020](#) (Actions to be undertaken for dead Trees and Trees assessed as High-Risk)) and there are not more cost-effective remedial solutions.

(2) The Tree is causing or is projected to cause significant damage to hardscape (house foundations, driveways, retaining walls, patios, etc.), utility service lines, or infrastructure (sidewalk, curb, storm drain, Street, etc.) and there are not more cost-effective remedial solutions.

(3) The Tree is within the fuel management zone around an occupancy, or is within a Very High Fire Hazard Severity Zone, as defined by CalFire, and such work is necessary to reduce the risks due to wildfire (see the [Urban Forestry Standards](#), Flammable Fuel Management).

(4) The Tree is determined to be a Nuisance (see PGMC [12.40.030](#)), and there are not more cost-effective remedial solutions.

(b) A permit is not required for Pruning of less than 25 percent of the live branches of the entire Tree within a 12-month period; and/or cutting or Removal of any live limb with a diameter less than six inches or a circumference less than 19 inches at any point on such limb, or cutting or removal of roots less than four inches in diameter.

(c) Pruning or Removal of Monarch Butterfly Habitat Trees shall be prohibited except as prescribed in the approved [Monarch Sanctuary Habitat Management Plan](#) or upon a finding by the city council that such is necessary for proper maintenance of the site or for public health, safety, or welfare.

(d) Pruning or Removal of Trees within 100 yards of any boundary of a Monarch Sanctuary shall be prohibited during the months of October through April unless deemed necessary by the city arborist and confirmed by the public works director for public health, safety, or welfare. Any Person aggrieved by or objecting to any exercise of authority by the public works director under this section shall have the right of appeal to the city council in accordance with Chapter [12.70](#) PGMC.

(e) No Protected Tree shall be pruned to an extent that destroys its identity as a Tree, unless conditions for removal exist and the Tree is to remain as a snag for the purpose of wildlife habitat.

(f) A Protected Tree shall not be Substantially Pruned or Removed for the purpose of securing or improving a view, for acquiring more sunlight or air, or to reduce organic litter, unless the Tree is to be replaced, subject to conditions determined by the city arborist. The city shall strive to preserve view corridors, as defined in the [General Plan](#), through the maintenance and pruning of Public Trees and by encouraging private property owners to maintain and prune their Trees.

(g) A Protected Tree shall not be Removed solely because it is diseased if the disease is readily curable or is not spreading. In cases where an applicant for a Tree permit feels that the Tree is diseased, the city arborist may require an analysis of the Tree to determine the type, extent, and degree to which the disease directly affects the Tree. Such testing shall be performed by an independent expert chosen by agreement of the applicant and city arborist. Cost of the analysis shall be borne by the applicant.

12.20.050 Public Tree protection.

Unless authorized by permit, no person shall:

(a) Remove, Top, or in any way damage, destroy, injure, or mutilate a Public Tree.

(b) Fasten any sign, wire, or injurious material to any Public Tree, other than a Public Tree under PGMC [12.60.050](#).

(c) Excavate any ditch or tunnel, or place concrete or other pavement, within the Critical Root Zone of any Public Tree.

12.20.060 Wildlife protection.

Tree pruning and removal activities shall take place outside the nesting periods of listed threatened, endangered, or special status species as specified by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Upon the discovering of any large nest, property owners and contractors shall consult the city arborist or a qualified biologist for appropriate pruning and removal times, best management practices, and inspections to ensure wildlife protection measures are being followed.

12.20.070 Replacement of Protected Trees.

Removal of any Protected Tree on a property that will continue to meet the canopy coverage goals in this chapter after the Removal shall not require replacement. For the removal of all other Protected Trees, whether living or dead, as well as in those cases where the tree is being left as a snag, one Replacement Tree shall be required for each Protected Tree Removed.

Replacement Trees shall be of a Suitable species and planted in a Suitable location, as agreed to by the city arborist and the property owner. If agreement cannot be reached, the Beautification and Natural Resources Commission will determine the matter. Owners are encouraged to select Replacement Trees from the approved list identified in the Landscape Trees for Pacific Grove. Invasive Trees will not be approved. For Upper Canopy Trees on lots with available landscape area in excess of 2,000 square feet, at least half of all replacement Trees shall be Native Trees as defined in Section 12.20.020(a)(1).

The city arborist or designee shall inspect replacement Trees during the first two years after planting to monitor survivability and growth progress. Dead Trees or Trees in an irreversible decline shall be replaced by the property owner at the owner’s expense. A new species and replacement planting location may be agreed to at that time.

12.20.080 Canopy coverage goals.

The desired overall nature and scope of Tree canopy to achieve a mixed, healthy urban forest is as follows:

(a) Residential Properties. The canopy coverage goal for Trees on residential properties shall be based on the available landscape area, if feasible, as follows:

Available Landscape Area	Upper Canopy Trees	Lower Canopy Trees
Up to 2,000 square feet	0 – 1	1 – 2
2,001 – 3,000 square feet	2	2 – 3
3,001 – 4,000 square feet	3	3 – 4
Over 4,000 square feet	Variable	Variable

In accordance with PGMC Title [23](#), Zoning, “site coverage” means the sum of building coverage plus areas covered by impervious surfaces. In residential zoning districts, maximum site coverage is 60 percent. For proposed developments on residential properties with site coverage exceeding 60 percent, Owners shall be encouraged to remove impervious surface area and to plant Trees to achieve the canopy coverage goal where appropriate.

On residential properties where the number of Trees after proposed Removal(s) would exceed the canopy coverage goals above, no Replacement Tree(s) shall be required.

(b) Commercial and Governmental Properties. One Tree per 30 feet of frontage, with a minimum of two Trees, if space is available. In parks and open space, the city shall strive to achieve at least 33 percent canopy coverage, where appropriate.

(c) Parking Lots. Thirty-three percent of paved parking lots shall be shaded with tree canopies, and in conjunction with low impact development landscaping for stormwater management.

12.20.090 Appropriate variation for individual situations.

While the overall canopy coverage standards shall serve as the community-wide desired levels of forest cover, the appropriate configuration (number, size, species, and placement) for a given parcel will depend on a series of interrelated factors, as determined by the city arborist:

- (a) Neighborhood, zoning district, and parcel objectives and aesthetics;
- (b) Existing canopy coverage on the lot;
- (c) Adjacent properties and land uses;
- (d) Size and location of structures;
- (e) Existing infrastructure and potential for adverse impacts;
- (f) Topography and soil conditions;
- (g) Stormwater management and erosion prevention;
- (h) Windbreak potential;
- (i) Viewshed protection;
- (j) Wildlife habitat protection;
- (k) Long-term health potential of the replacement Tree.

12.20.100 Alternatives when Protected Trees cannot be replaced on site.

In some circumstances, crowding or other physical constraints make it impossible or undesirable to replace a Protected Tree on site to meet the desired coverage levels.

- (a) For replacement of Native Trees and Monarch Butterfly Trees, or removal of a Public Tree if initiated by a Private Party, a fee established by resolution of the city council shall be paid to the city of Pacific Grove and deposited into the Community Tree Program Fund.
- (b) As established by the adopted fee schedule, a sum of money (an in-lieu fee) will be deposited in the Community Tree Program Fund, to be used solely for the planting and maintenance of Trees on city property.

Payment of in-lieu fees cannot be made as an alternative to replacement on site unless findings can be made that the Tree replacement planting is not Feasible, based on the criteria identified in PGMC [12.20.090](#) (Appropriate variation for individual situations).

Chapter 12.30
TREES AND DEVELOPMENT

12.30.010 Assessment of the Tree resources.

All permit applications for Designated trees associated with Development shall be processed as a component of the community development permit application, and through the appropriate review authority for the project. During the Development process, a Tree Resource Assessment shall be performed by a Qualified Professional, if deemed necessary by the city arborist, in accordance with the [Urban Forestry Standards](#). This Qualified Professional will be designated the Project Arborist for the duration of the project. All costs associated with the Project Arborist shall be borne by the applicant.

The Development shall preserve, or mitigate for, the maximum number of Suitable individual Trees that exist on the site pre-development in accordance with the desired canopy in Chapter [12.20](#) PGMC, and shall identify any Designated Trees that would be Removed as a result of Development. Designated Trees shall be replaced as required by this title.

If Replacement of Designated Trees is not feasible, a sum of money (an in-lieu fee), to be assessed at the time of a Building Permit, shall be deposited into the Community Tree Program Fund. The in-lieu fee amount for Trees removed as a result of Development shall consider the value of the Tree using the most recent edition of the Guide for Plant Appraisal published by Council of Tree and Landscape Appraisers or comparable guide established by the International Society of Arboriculture, the remaining canopy coverage on the property, and appropriate variation for individual situations as described in PGMC [12.20.090](#).

12.30.020 Construction impact analysis.

Prior to issuance of a planning or building permit, the Project Arborist shall review grading, drainage, utility, building and landscape plans to determine impacts to individual Trees, as described in the Urban Forestry Standards. Conditions of approval, minimum Tree protection standards during construction, or other necessary mitigation requirements for Designated Trees Removed due to construction impacts shall be determined.

All Critical Root Zone specifications recommended by the Project Arborist through review of planning or building permits shall be Conditions of Project Approval and delineated on construction drawings for the Building Permit.

Chapter 12.40
HIGH-RISK TREES AND NUISANCE TREES

12.40.010 High-Risk Trees.

A Tree with: a) one or more defects (e.g., disease, significant lean, large cracks, a shallow root system); and b) one or more targets (e.g., a use area or structure that would be struck or otherwise damaged in the event the Tree fell) imposes risks upon the community; or c) because

of age, is nearing mortality. Risk levels shall be determined using the International Society of Arboriculture (ISA) Hazard Tree Evaluation rating system, as detailed in the [Urban Forestry Standards](#).

Protected Trees in the Moderate Risk category, with a Potential Failure Rating of 6 to 8, shall be monitored by the property owner at least annually, as well as upon any significant change in condition. Actions should be considered that will ameliorate the risk and that may extend the life of the Tree. The Property Owner shall develop a course of action for any Protected Tree in the High-Risk category, with a Potential Failure Rating of 9 or higher.

12.40.020 Actions to be undertaken for dead Trees and Trees assessed as High-Risk.

When a Protected Tree is assessed as high-risk, the actions taken shall be those that Remove the risk while imposing the least impact on the Tree. Such actions may involve removing a critical limb, drastically reducing the Tree's overall height, or removing the Tree. If the situation is an Emergency, such that the Tree would be given a Potential Failure Rating of 12, Extreme, immediate action is necessary, including, for example, cordoning off the area, to ameliorate the risk, until the appropriate work can be completed. No notice shall be required for Emergency Tree Removal.

12.40.030 Nuisance Trees.

A Tree meeting one or more of the following criteria may be determined to be a public nuisance:

- (a) Containing one or more limbs that obscure and impair the view of passing motorists, cyclists, or pedestrians so as to create a safety hazard;
- (b) Limiting access to a fire hydrant or other facility necessary for public safety;
- (c) Being irretrievably infested or infected with insect, borer, pest or disease that results in mortality, and that may infect or attack adjacent Trees, which cannot be preventatively treated;
- (d) Being infected with Pitch Canker and having crown damage that exceeds 50 percent of total canopy volume, or has other crown damage exceeding 50 percent;
- (e) Imposing a detriment to or crowding an adjacent Protected Tree;
- (f) Being of an invasive species as identified by [Landscape Trees for Pacific Grove](#), the [California Invasive Plant Council](#), or the [California Invasive Species Advisory Committee](#);
- (g) Such other conditions as agreed to by the city arborist and the property owner.

12.40.040 Abatement of nuisance.

The property owner is responsible for addressing the nuisance, using appropriate techniques; if the Tree is a Protected Tree, the owner shall follow the processes detailed in Chapter [12.60](#)

PGMC (Permit Application and Processing). When a Tree imposing a nuisance exists, for which the owner is not taking the appropriate action, the city arborist may give written notice thereof to the property owner, in the manner provided in PGMC [1.12.010](#) (Giving of notice). Such notice shall describe the condition, state the work necessary to remedy the condition, and shall specify the time within which the work is to be performed. After the giving of such notice a copy shall be conspicuously posted on the property upon which such public nuisance is alleged to exist. If, at the end of the time specified, such work has not been performed, the city may perform such work, and the cost thereof shall constitute a charge against such owner, and, if unpaid within 90 days of notice, shall be proposed to the city council as a lien on such property.

Chapter 12.50 TREE SERVICE CONTRACTORS

12.50.010 Tree service contractors.

All Tree service contractors providing Tree trimming and Removal services in the city of Pacific Grove shall:

- (a) Hold a valid business license with the city of Pacific Grove, a current [California State Contractors License](#), a C61-D49 classification, and sufficient liability insurance; be bonded; and participate in the state's workers' compensation program.
- (b) As a condition of obtaining or renewing a business license, meet with the city arborist at least once a year, in meetings to be set by the arborist, to review written standards for Tree trimming and Removal services in the city of Pacific Grove, and agree in writing to abide by such standards.
- (c) Visibly mark all truck(s) and/or other vehicles utilized by the Tree Service Contractor with the contractor's name, state contractor's license number, business address, and phone number, in letters at least two inches high.

12.50.020 Contractor adherence to this title and Urban Forestry Standards.

If the city arborist finds work by a licensed Tree service contractor to be in conflict with this title or the [Urban Forestry Standards](#), the arborist will review the concerns with the contractor. Continued failure to abide by these standards shall be grounds for revocation of the contractor's city business license.

Chapter 12.60 PERMIT APPLICATION AND PROCESSING

12.60.010 Permit required for certain work.

It shall be a violation of this title for anyone to Remove or cause to be Removed or Substantially Pruned a Protected Tree, except as allowed in this title and as addressed by the [Urban Forestry Standards](#). In the absence of Development, Protected Trees shall not be pruned or removed

unless determined by the city arborist. Applications for Removal of Designated Trees associated with Development shall be processed as part of the community development permit review and approval process for the project, as provided in PGMC Title 23, Zoning.

The city arborist may require relevant information, including on the basis of a Tree Report prepared by a Qualified Professional for the applicant, if deemed necessary. The city arborist may determine that a Tree Report is not necessary if the Tree should be removed because it is dead, is high-risk, is a detriment to or crowding an adjacent Protected Tree, or constitutes a Nuisance under PGMC [12.40.030](#).

12.60.020 Application for permit.

Removal of a Protected Tree requires completion of a Tree removal application on forms provided by the city, accompanied by a fee as established in the city's master fee schedule. Any person desiring to do any of the work described in this title shall apply for such permit.

12.60.030 Tree Report.

The application for Removal of one or more Protected Trees shall include a written Tree Report, as specified in the [Urban Forestry Standards](#). The Report shall be prepared for the applicant by a Qualified Professional and shall be submitted to the city to provide accurate information and a professional opinion regarding the condition, welfare, maintenance, preservation, and value of a Protected Tree

12.60.040 Review of application.

The city arborist shall review each application and may inspect the Tree and the surrounding area to determine whether, and under what conditions, the permit is to be granted.

The city arborist may refer a permit application to the Beautification and Natural Resources Commission or other appropriate review body, in the case of Designated trees associated with Development, for review and a determination on permit approval or denial.

Before approving any application, the city arborist shall be required to make the findings that the approved actions best further the purposes of this title, as specified in PGMC [12.10.020](#) (Findings).

12.60.050 Public noticing requirements.

A permit to Remove or substantially alter any Protected Tree is not effective until the tenth day following the date of posting the property on which the Tree or Trees subject to the permit are located, unless it is an Emergency or nuisance pursuant to PGMC [12.40.030](#). The posted notice shall state that the permit approval may be appealed by any interested person during the 10-calendar-day posting period. City personnel shall post one notice on the subject Tree(s), two identical notices on public property within 200 feet of the property on which the subject Tree or Trees are located, in positions clearly visible to the public, and on the city's website. The subject

Tree(s) must also be marked with a bright chartreuse ribbon around the trunk, which shall remain on the Tree until work has begun. All notices shall remain posted until all work is completed. Noticing for Designated Trees shall follow the procedures as provided in PGMC Title 23, Zoning.

12.60.060 Dead Trees and High-Risk Trees.

All permit applications for dead Trees and High-Risk Trees with a Potential Failure Rating of 9 or above shall be Removed in a timely manner and processed within 10 days and requirements for a Tree Report, public noticing, etc. shall be adjusted accordingly.

12.60.070 New subdivisions – Cost of trees paid to city.

Before any street improvements in any new subdivision of real property in the city are accepted by the city council, the subdivider shall pay to the city the total cost for purchasing and planting of all trees to be planted along all streets in said subdivision. After receipt of said payment, the city will plant said trees at the proper time as determined by the city arborist.

12.60.080 Issuance of permit.

If approved, a permit shall be issued authorizing a scope of work, so long as it:

- (a) Will not create, continue, or aggravate any hazardous condition or public nuisance;
- (b) Will not prevent or interfere with the growth, location, or planting of approved Public Trees.

All work performed under a permit shall be performed according to the [Urban Forestry Standards](#).

The city arborist shall include such conditions on a permit as are necessary to fulfill the standards set out herein.

Response will generally be mailed to the applicant within 10 days and in no case longer than 20 days, except in the case of Designated Trees associated with Development where processing timelines are as provided in PGMC Title 23, Zoning.

Each Tree permit shall expire 60 days after its effective date, except in the case of Designated Trees associated with Development where permit expirations are as provided in PGMC Title 23, Zoning. The city arborist may grant up to one extension not to exceed 30 days.

12.60.090 Time limits.

Whenever a number of days is specified in this title, or in any permit, condition of approval, notice issued or given as provided in this title, the number of days shall be construed as calendar days. Where the last of the specified number of days falls on a weekend, holiday, or other day city hall is closed, the time limit will extend to the following working day.

Chapter 12.70
APPEALS

12.70.005 Appeal of decision associated with Development.

For Designated Trees associated with Development, any Person aggrieved by or objecting to any project decision by the approval authority shall have the right of appeal to the appeal authority as specified in PGMC Chapter 23.70. Filing a timely and complete appeal with the Community Development Department shall suspend any permit or approval until the hearing on the appeal has been completed. Appeals associated with Development shall follow the appeal procedures provided in PGMC Chapter 23.74.

12.70.010 Appeal of city arborist decision.

Any Person aggrieved by or objecting to any exercise of authority by the city arborist under this title shall have the right of appeal to the Beautification and Natural Resources Commission. Filing a timely and complete appeal with the city clerk shall suspend any permit or approval until the hearing on the appeal has been completed. A complete appeal shall include the: action being appealed; property address or location of the Tree impacted by the action; name and contact information of the Person or Persons filing the appeal; reasons for the appeal; and any fee for such appeal as adopted by the city council and included in the city's master fee schedule, which is available at city hall and on the city's website.

(a) Appeals of the city arborist's action hereunder shall proceed as follows:

(1) Any applicant or interested person may, upon payment of a fee established by the council, appeal a permit decision to the Beautification and Natural Resources Commission within the 10-day posting period. The appeal will suspend a permit approval pending the commission's hearing on the appeal.

(2) Within 60 days of receipt of an appeal, the Beautification and Natural Resources Commission will hold a public hearing on the appeal unless the appeal is continued for good cause demonstrated. At least 10 calendar days prior to the hearing, the property on which the Tree or Trees subject to the appeal are located shall be posted with a notice of the date and time of the public hearing. Two identical notices shall be posted on public property within 200 feet of the property on which the subject Tree or Trees are located, in positions clearly visible to the public. The party appealing shall be notified by mail of the date and time of the hearing.

(3) The Beautification and Natural Resources Commission may affirm, reverse, or modify the action of the city arborist, and in so acting, apply the standards set out in subsection (c) of this section.

(4) The action of the Beautification and Natural Resources Commission may be appealed to the city council within 10 calendar days.

(5) Once the city council has considered an application for Removal or alteration of a Tree, all further applications relating to that Tree shall be made directly to the council.

12.70.020 Notice of commission hearing.

At least 10 days prior to the hearing, the property on which the Tree or Trees subject to appeal are located shall be posted with notice of the time and date of the hearing at or near the subject Tree or Trees. Two identical notices shall be posted by the city arborist on public property within 200 feet of the property on which the Tree or Trees are located, in positions clearly visible to the public. The subject Tree or Trees shall be marked with a bright ribbon around the trunk. The property owner and party appealing shall be notified by mail of the date and time of the hearing.

12.70.030 Decision of the Beautification and Natural Resources Commission.

The Beautification and Natural Resources Commission may affirm, reverse, or modify the decision and/or the action of the city arborist and, in so doing, shall apply the findings set out in PGMC [12.10.020](#) and the [Urban Forestry Standards](#).

12.70.040 Review by city council.

The decision of the Beautification and Natural Resources Commission may be appealed to the city council within 10 days by filing the appeal in writing, together with the fee set forth in the city's master fee schedule, with the city clerk. Filing of this appeal shall suspend any permit or approval until the hearing on the appeal has been completed.

12.70.050 Notice of council hearing.

Within 30 days of receipt of an appeal, or its next regular meeting, the city council shall hold a public hearing on the appeal unless such time is continued for good cause demonstrated. At least 10 days prior to the hearing, the property on which the Tree or Trees subject to the appeal are located shall be posted with a notice of the date and time of the public hearing. Two identical notices shall be posted on public property within 200 feet of the property on which the subject Tree or Trees are located, in positions clearly visible to the public. The property owner and party appealing shall be notified by mail of the date and time of the hearing.

12.70.060 Decision of the city council.

The council may affirm, reverse, or modify the decision of the Beautification and Natural Resources Commission and/or the action of the city arborist and, in so doing, shall apply the findings set out in PGMC [12.10.020](#) and the [Urban Forestry Standards](#).

12.70.070 Further action.

Once the Beautification and Natural Resources Commission or city council has considered, on appeal, an application for Removal or alteration of a Tree(s), all further applications relating to that Tree shall be made directly to that same appeal authority.