

Sec. 30-254. Permits for tree removal; mitigation (Commercial Tree Removal Permits)

- (g) *Commercial tree removal permits.* Commercial tree removal permits may be granted for the removal of trees associated with forestry management, tree harvest and other similar commercial purposes in accordance with the requirements of this subsection.
- (1) *Applicability.* Commercial tree removal permits may be requested in lieu of other tree removal permits required by this section where no development of the property is intended. Where development of the property is planned, the petitioner shall address tree removal within the development plan review or normal tree removal processes:
 - (2) *Permit granting authority.* The city manager or designee, the board of adjustment and the development review board have authority to grant commercial tree removal permits as described below.
 - (3) *Receipt of request.* Owners of property may request the appropriate authority to grant a permit for the commercial removal of trees by filing such an application with the planning and development services department, on forms supplied by the department, together with the appropriate fee. The request shall be accompanied with the following information supplied by the applicant:
 - a. Suitability of the trees for harvest.
 - b. Harvesting methods to be used.
 - c. Sedimentation and erosion control measures to be used.
 - d. Plan of property showing location of required buffers next to water bodies and property lines and tree canopy to remain as applicable.
 - e. Tree protection measures for trees to remain.
 - f. Species of trees to be used for replacement.
 - (4) *Notice.* Whenever a property is under consideration for a permit, except any property designated agriculture on the future land use map, all owners of property adjacent to the property shall be given notice by mail. Such notice shall be mailed at least 15 days prior to the granting of the permit. For the purpose of this notification, an owner of property shall be deemed to be the person who, by his/her address, is so shown on the tax rolls of the city. If any such property is part of the common area of a condominium, notice shall be sent to all of the condominium unit owners as shown on the latest tax rolls. Additionally, the property under consideration shall also have a sign posted at least five days prior to the date the permit is to be granted. The sign shall specify that the property is under consideration for a permit allowing tree removal for commercial purposes and specify the date the permit is to be granted.
 - (5) *Procedure for review.* If less than 20 percent of the noticed property owners file a written objection to the proposed tree removal within 15 days of the mailing of the notice, the commercial tree removal permit may be issued provided all other provisions of this section and this chapter have been met.
 - a. *Parcels of five acres or less, other than property designated agriculture on the future land use map.* If 20 percent or more of such noticed property owners file a written objection within 15 days of the date of mailing of the notice, the application will be referred to the board of adjustment for a public hearing according to the notification for special exception procedures as found in article X. The board of adjustment in deciding whether to approve or disapprove the application shall consider the factors delineated in subsections (i)(7) and (8) of this section.

- b. *Parcels of more than five acres, other than property designated agriculture on the future land use map.* If 20 percent or more of such noticed property owners file a written objection within 15 days of the date of mailing of the notice, the development review board shall hold a public hearing in accordance with its rules. The development review board, in deciding whether to approve or disapprove the application, shall consider the factors as delineated in subsection (i)(7) and (8) of this section.
 - c. *Parcels designated agriculture on the future land use map.* All applications for tree removal on such parcels shall be reviewed by the city manager or designee, who, in deciding whether to approve or deny the application, shall consider the factors delineated in subsection (i)(7) and (8) of this section. Appeals of the decision of the city manager or designee shall be made to a hearing officer. The procedure for the appeal shall be the same as is provided in [section 30-352.1\(a\)](#) for appeals from decisions of the development review board.
- (6) *Action on application.* Upon receipt of a completed application and following the notice period specified above, or after the permit has been granted after a hearing under subsection (i)(5), the city manager, or designee, will issue the commercial tree removal permit, except as may be modified below, with the following conditions:
- a. Unless otherwise specified herein, trees will be removed according to best management practices, as specified in the "A Landowner's Handbook for Controlling Erosion from Forestry Operations," published by the state department of agriculture and consumer services, division of forestry, or subsequent manuals on file with the public works department.
 - b. No regulated tree shall be removed and no logging road shall be constructed:
 - 1. Within 35 feet of the break in slope at the top of the bank of any creek;
 - 2. Within 35 feet of the landward extent of a lake or wetland; or
 - 3. Within a designated conservation management area.

This requirement may be waived where crossing of the creek by a bridge is necessary to access the property where trees are to be removed. Such waiver shall be limited to the area necessary to construct the bridge. For the purposes of this subsection, creeks shall be those identified by the surface water district provisions of article VIII.
 - c. Following removal of the trees granted by the permit, the petitioner shall within 18 months provide for reforestation of the site by one of the following means:
 - 1. Where forestry or other agricultural use of the property is to continue in the conservation or agriculture districts, pine seedlings or other forestry or agricultural crops, including pasture, may be planted.
 - 2. Where forestry use is to be abandoned or in districts where it is not a permitted use, replacement of trees shall be required as per section 30-260. This requirement may be waived when an adequate number of trees of appropriate size and species remain on-site to meet this requirement and are certified by the city manager or designee to be in good health and free from damage caused by harvest operation which may result in the death of the tree.

d. All invasive nonnative tree species listed in section 30-251(7)(g) may be required to be removed from the property.

(7) *Imposition of additional conditions.* The city manager or designee, board of adjustment or development review board, as appropriate, may impose other reasonable conditions where need is demonstrated. Such conditions may include restrictions on percentage of canopy removed or the prohibition of tree removal from certain portions of the site under consideration. The city manager, board of adjustment or development review board, as appropriate, shall be guided by, but not restricted to, the following criteria in imposing such additional conditions:

- a. The need to provide buffers to adjacent developed property;
- b. The need to protect soils highly susceptible to soil erosion as identified by the soil survey of the county;
- c. The need to protect slopes in excess of ten percent, particularly near creeks and other bodies of water;
- d. The need to protect existing wetlands, floodplains and flood channels and other environmentally sensitive areas as shown on existing maps, photographs and other reliable and available sources; and
- e. The need to preserve endangered, threatened or special concern animal and vegetative species, habitats and communities, rare hardwood hammocks or champion trees as identified from competent sources.

(8) *Removal of trees specifically planted or managed for harvest.* Where environmental and other factors limit the removal of trees on 75 percent or more of the site under consideration, the commercial tree removal permit may be denied. However, factors identified above may not be used to unduly prohibit the harvest of trees where it is demonstrated that the trees to be harvested were specifically planted for that purpose.