



## **ADMINISTRATIVE ORDER# 302161-091516**

### **SITE – SPECIFIC DETERMINATION**

**SITE:** 2005 NE Perkins Way

**CODE SECTIONS:** 20.50.360(C)

#### **I. ISSUE**

As a part of subdivision and building permit proposals, Site Development and Tree Removal permits were issued allowing removal of (23) trees, retaining (12) trees, and replanting (20) trees.

The applicant is requesting consideration of Exception 20.50.360(C)(b) of the subject code section, which allows the Director to allow a reduction to the minimum replacement trees if all criteria are met.

#### **II. FINDINGS:**

*Exception 20.50.360(C)*

- b. The Director may allow a reduction in the minimum replacement trees required or off-site planting of replacement trees if all of the following criteria are satisfied:*
- i. There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.*
  - ii. Strict compliance with the provisions of this Code may jeopardize reasonable use of property.*
  - iii. Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.*
  - iv. The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.*

Site Development Permit #112871:

- Existing number of trees = 35
- Trees authorized for removal = 22
- Replacement requirement = 16 (6' tall)
- Status = open

Site Development Permit #124745:

- Request to remove (1) additional tree;
- Replacement requirement = 4 (12' tall)
- Status = open

Site inspection on July 14, 2016 revealed (0) trees were retained and (3) replacement trees were planted. Applicant proposes to plant (4) additional trees as mitigation.

**III. CONCLUSION**

The purpose of *Exception 20.50.360(C)* is to provide consideration for deviation from standard tree retention requirements, prior to any tree removal, and not as a method of mitigation after a breach of approved permit conditions have occurred.

**IV. DECISION:**

Exception 20.50.360(C) may not be used after a violation of approved permit conditions have occurred. Chapter 20.50.360(J) states, "*Significant trees which would otherwise be retained, but which were unlawfully removed or damaged or destroyed through some fault of the applicant or their representatives shall be replaced in a manner determined by the Director.*" This violation shall be referred to the City's Code Enforcement Officer for resolution.



Director's Signature

**Rachael Markle**

9-15-16

Date

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