

## **Heritage Tree Ordinance Checklist/Findings**

### **Part I:**

1. Does the heritage tree prevent reasonable access to the property?

Yes or No

If yes, please describe, with specificity, how access to the property is prevented by the existence of the heritage tree. Include visual aids to support the explanation.

Explain here:

If the answer to this question is “yes,” then, go to Part II.

If the answer is “no,” then, proceed to the next question.

2. Does the heritage tree prevent a reasonable use of property?

Yes or No

If yes, please identify and describe, with specificity, the pre-existing or current use of the property, including whether this is a reasonable use of the property. Please explain, with specificity, how the heritage tree prevents reasonable use of this property. Include visual aids to support the explanation.

Explain here:

If the answer to this question is “yes,” then, go to Part II.

If the answer is “no,” then, proceed to the next question.

3. Does the heritage tree present an imminent hazard to life or property?

Yes or No

Explain here:

- a. If “yes,” then, is removal of the tree necessary to prevent or mitigate this imminent hazard to life or property?

Yes or No

Please explain options, other than removal of the tree, that have been considered to prevent or mitigate the imminent hazard.

Explain here:

If the answers to both of these questions are “yes,” then, go to Part III.

If the answer to either of these questions is “no,” then, proceed to the next question.

4. Is the heritage tree dead?

Yes or No

If the answer to this question is “yes,” please attach photos to support this finding.

If the answer to this question is “yes,” then, go to Part III.

If the answer is “no,” then, proceed to the next question.

5. Is the heritage tree diseased to the degree that (a) restoration to sound condition is not practical and/or (b) the disease may be transmitted to other trees and endanger their health?

Yes or No

If yes, please identify the disease that is impacting the heritage tree and the degree to which the heritage tree has been impacted. Please also explain why restoration is not practical or how the disease threatens other trees. Please attach photos to support this finding.

Explain here:

If the answer to this question is “yes,” then, go to Part III.

If the answer to this question and all of the other questions above are “no,” then, the variance should be denied, and there is no need to proceed further.

**NOTE:** Only questions 3, 4, and 5, above, require consideration of the condition of the heritage tree. If the answers to these 3 questions are “no,” then, no other information regarding the condition of the heritage tree is relevant for purposes of determining whether the heritage tree should be removed.

Part II:

If the answer to Question 1 or 2, above, was “yes,” then, please answer the following:

6. Has the applicant applied for and been denied a variance, waiver, exemption, modification, or alternative compliance from another City Code provision that would eliminate the need to remove the heritage tree?

Yes or No

If yes, please describe and identify, with specificity, the variance, waiver, exemption, modification, or alternative compliance that was sought by the applicant, the governing body (*e.g.* board, commission, or council) that considered the request, and the date of the decision. Please include a citation to any relevant City Code provisions.

Explain here:

If the answer is “no,” then, please explain, with specificity, why the applicant has not complied with this requirement.

Explain here:

**NOTE:** The request for a variance to allow removal of a heritage tree may not be considered unless the variance, waiver, exemption, modification or alternative compliance from other City Code provisions was denied. *See* § 25-8-646.

Part III:

7. Is removal of the heritage tree based on a condition (*e.g.*, prevents reasonable access to the property or prevents reasonable use of the property) caused by the method chosen by the applicant to develop the property (*e.g.*, applicant chose to add an access road in an area where a heritage tree exists)?

Yes or No

If answer to this question is “no,” then, please explain and describe, with specificity, the various methods considered by the applicant to develop the property in a manner that would preserve the heritage tree. Include figures, sketches, diagrams, or other visual aids to support your explanation.

Explain here:

If the answer to this question is “no,” then, proceed to Part IV.

If the answer to this question is “yes,” then, proceed to the next question.

8. Will removal of the heritage tree result in a design that will allow for the maximum provision of ecological service, historic, and cultural value of the trees on the site?

Yes or No

If the answer to this question is “yes,” then, please explain, with specificity, the (a) ecological service, (b) historic value of the trees onsite, and (c) cultural value of the trees onsite, and describe how those values and benefits will be maximized by a design that requires removal of the heritage tree?

Explain here:

If the answer to this question is “yes,” then, proceed to Part IV.

If the answer is “no,” then, the variance should be denied.

Part IV:

9. Is the requested variance the minimum change necessary to address the need for the variance?

Yes or No

If yes, please explain, with specificity, why measures other than removal of the heritage tree are inadequate. For example, please explain whether relocation of the heritage tree was considered and whether this is a viable alternative to removal of the heritage tree.

Explain here:

If the answer to this question is “yes,” then, proceed to Part V.

If the answer to this question is “no,” then, please list any and all options that would result in preservation of the heritage tree.

#### Part V:

If the findings and requirements, listed above, have been satisfied, then, a variance may be approved, with the following conditions:

- a. Mitigation is a required condition of variance approval; and
- b. Heritage tree may not be removed until the applicant has satisfied the mitigation conditions or posted fiscal security adequate to ensure performance of the mitigation conditions not later than one year after issuance of the variance.