



## **Staff Report & Recommendations**

### **RIVARA TREE REMOVAL PERMIT:**

#### **Type I**

#### **Hazard Tree Removal Permit**

2025-032-TRE

June 20, 2025

<b>PROPOSAL:</b>	Rivara Hazard Tree Removal Permit - The applicant is requesting the removal of one (1) hazard tree. The tree is a very large fir tree with an above ground shallow root system continuously growing near the primary residence and under the fence onto the neighboring properties, the tree branches overhang the homeowner's home, deck, patio cover fence and are overhanging onto neighboring properties. The tree is in the northwestern corner of the back yard. The home is located at 1264 E Caples Court La Center, WA 98629 on .18 acres in the LDR 7.5 zone district.
<b>LOCATION:</b>	Parcel Number: 63472652/LaCenter/ WA / 98629
<b>APPLICABLE STANDARDS</b>	The application will be reviewed for compliance with the La Center Municipal Code (LCMC): 18.350.080; Hazard Tree Removal, Title 18, Development Code Chapters: 18.30 Procedures; 18.130 Low Density Residential (LDR-7.5)
<b>RECOMMENDATION:</b>	<b>APPROVAL</b> , subject to conditions

## I. CONTACT LIST

### APPLICANT/ OWNER

Name: Louis Rivara  
Address: 1264 E Caples Court  
LaCenter WA, 98629  
Phone: 925.200.6917  
email: [louis@remaxaccord.com](mailto:louis@remaxaccord.com)

### LA CENTER STAFF

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## II. OVERVIEW

The project site is located at 1264 E Caples Court La Center, WA 98629. The site is approximately .18 acres in the LDR-7.5 zone district and the hazard tree is located in the northwest corner of the back yard. The applicant is requesting to remove hazard tree due to the dangerous root system and close proximity to the home and neighboring properties.

According to LCMC 18.350.070 Tree removal permits:

A person who desires to remove a tree shall first apply for and receive one of the following tree cutting permits before tree removal occurs:

(1) Type I Permit. Type I permits shall be issued without further review upon application and demonstration by the applicant that the request qualifies as a Type I permit pursuant to this subsection.

**(a) Tree removal permits are not required for:**

- (i) A property that is located in a residential zone and is occupied by a single-family dwelling;
- (ii) Removal of up to two trees, 10-inch caliper or less per tree at DBH within a calendar year; and
- (iii) A tree that is not:
  - (A) Located within a critical area or buffer;
  - (B) A heritage tree per LCMC 18.350.110;
  - (C) Protected by a condition of approval of a development permit pursuant to the La Center Municipal Code;
  - (D) Located on property owned by the city or dedicated to the public, including parks, open space and public rights-of-way.

***Staff Finding: Staff has determined that a tree removal permit is required and the tree is not exempt from a removal permit.***

**(b) Dead Tree Removal Permit:**

- (i) The city shall issue a tree cutting permit for a dead tree, except as provided by subsection (3)(b) of this section, if the applicant demonstrates that a tree is dead and warrants removal.
- (ii) In order to provide for wildlife habitat and natural processes, the director may require the retention of a dead tree. Dead trees shall not be removed if located in critical areas, parks or open space areas required to be preserved as a condition of development approval, unless the tree presents a potential hazard to persons or property.

***Staff Finding: The homeowner has verified that the tree is alive and is not dying. Therefore, a dead tree removal permit is not applicable.***

**(c) Hazard Tree Removal Permit:** The city shall issue a tree cutting permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal.

(i) A hazard tree is a tree that is cracked, split, leaning or physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within a public right-of-way and is causing damage to existing public, or private facilities or services and such facilities or services cannot be relocated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.

(ii) The city may require the applicant to submit an arborist's report confirming the hazard potential of the tree along with an analysis of alternative methods to alleviate the hazard without removal and submit a completed hazard evaluation form as provided by the city.

***Staff Findings: The homeowner has demonstrated that the proposed tree to be removed is a hazard. The root system is shallow and above ground. The root system is growing close to the homeowner's house and under a fence that the homeowner shares with neighboring properties. The tree overhangs onto the homeowner's roof, patio cover, deck and onto the neighbor's property located on the north side of the fence.***

***It's difficult to manage or limit the root growth of a fir tree without seriously harming or killing it. Fir trees (like Douglas firs or balsam firs) have expansive root systems, often with a mix of shallow and deeper roots, and interfering with those can stress or destabilize the tree.***

#### **☐ Continuous Growth**

***Fir trees, like most trees, don't stop growing until they die. Roots will:***

- ***Expand outward, often well beyond the canopy (drip line).***
- ***Increase in diameter, not just length.***

#### **☐ Shallow Root Spread**

***While some roots grow deep, the majority of fir tree roots are shallow, growing within the top 12–18 inches of soil. These roots:***

- ***Spread wide for stability and water absorption.***
- ***Can damage nearby foundations, sidewalks, and pipes if close enough.***

#### **☐ Structural Roots Thicken**

***As the tree gets larger, so do the structural (anchor) roots near the base. They can:***

- ***Displace soil.***
- ***Uplift nearby hardscapes over time.***
- ***Become a trip hazard or interfere with lawns or gardens.***

***Therefore, staff has determined that a hazard tree permit is warranted.***

**(d) Emergency Permit:**

(i) If the condition of a tree presents an immediate danger of collapse and represents a clear and present hazard to persons or property, an emergency tree cutting permit may be issued and the payment of a fee may be waived. For the purposes of this subsection, "immediate danger of collapse" means that the tree is already leaning, with the surrounding soil heaving, and there is a significant likelihood that the tree will topple or otherwise fail and cause damage before a tree cutting permit could be obtained through the nonemergency process. "Immediate danger of collapse" does not include hazardous conditions that can be alleviated by pruning or treatment.

(ii) Emergency tree cutting permits must be approved by the public works director or city planner. If an emergency situation arises at a time when city officials are unavailable, and such emergency creates a significant likelihood that the tree will topple or otherwise fail before such official becomes available, the owner of the tree shall, if practical and reasonable, first notify City Hall and state the address where the tree is being removed, the company performing the removal, along with the property owner's name, address, and telephone number. The owner shall photograph the tree showing emergency conditions and then may proceed with removal of the tree to the extent necessary to avoid the immediate hazard. Within seven days of such removal, the owner of the tree shall apply for a retroactive emergency tree cutting permit and shall submit with the application evidence to demonstrate the emergency nature of the tree.

(iii) The city may require the applicant to hire an arborist to review the evidence to ascertain whether the tree presented an immediate danger of collapse. The person or entity performing the removal shall not be eligible to provide this review. If the evidence shows that the tree did not satisfy the emergency tree removal standards set forth in this chapter, the application shall be denied and the owner of the tree shall be subject to enforcement pursuant to Chapter 18.50 LCMC and the mitigation requirements of LCMC 18.350.050.

***Staff Finding: Staff finds that the tree removal is not an emergency. Therefore, the emergency tree removal permit is not applicable.***

The applicant shall meet each of the applicable approval criteria according to LCMC: 18.350.090 Approval criteria.

An applicant for a tree removal permit shall demonstrate that the following criteria are satisfied. The city planner may require an arborist's report to substantiate the criteria for a permit.

(1) Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; ***Condition 1 - The homeowner is responsible for proper erosion control measures, soil stability and flow of surface waters.***

(2) Removal of the tree is not for the sole purpose of providing or enhancing views; ***The removal of the tree is for safety purposes only.***

(3) The tree is proposed for removal for landscaping purposes or in order to construct development approved or allowed pursuant to the La Center Municipal Code or other applicable development regulations. The city planner may require the building footprint of the development to be staked to allow for accurate verification of the permit application; ***The tree removal is for one (1) tree only and for safety purposes. There will be no development resulting from the removal of the tree.***

(4) Removal of the tree will not have a significant negative impact on the character, aesthetics, or property values of the neighborhood. The city may grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. In making this determination, the city may consider

alternative site plans or placement of structures or alternate landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other provisions of the La Center Municipal Code. ***The removal of the tree will allow safety for the neighboring properties to assure that the root system will not continue to grow and tree branches will not fall onto neighboring properties.***

(5) The city shall require the applicant to mitigate for the removal of each tree pursuant to LCMC 18.350.050. Such mitigation requirements shall be a condition of approval of the permit.

***Condition 2 - The applicant shall plant a new native species tree for the tree that is removed. There shall be no signs of remainder portions of the tree that is being removed.***

***Condition 3 - All debris due to the tree removal shall be properly disposed of and an inspection will be required to ensure the mitigation has been made.***

(6) The city may impose conditions of approval on any tree cutting permit if the condition is reasonably related to preventing, eliminating or mitigating a negative impact or potential impact on natural features or processes or on the built environment of the neighborhood which is as created or contributed to by the approved tree removal. Conditions of approval may include, but are not limited to:

- (a) Cutting a tree or stump flush with the grade instead of grinding or fully removing a stump;
- (b) Requiring modifications in the location, design or intensity of a development or activities on a site or to require or prohibit certain construction methods;
- (c) Requiring vegetation not requiring a tree removal permit to remain in place or be planted;
- (d) Requiring the removal of injurious vegetation (English ivy) from other trees on the property.

*The mitigation shall be imposed with section (5) of the applicable approval criteria.*

### **LCMC 18.30 Procedures**

The application is a Type I permit and does not require a notice of application.

A Type I application shall be reviewed within 21 calendar days of the submitted application.

The application was submitted on May 30, 2025.

### **LCMC 18.130 (Low Density Residential District | LDR-7.5)**

The applicant is requesting to remove one (1) hazardous tree located in the LDR-7.5 zone district. The applicant is not requesting any type of development within the area.

### **CONCLUSIONS & RECOMMENDATIONS**

The review authority finds the applicant has sustained the burden of proving the application complies with the applicable provisions of the La Center Municipal Code. The subject application should be

**APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS**

**Conditions of Approval**

1. The homeowner is responsible for proper erosion control measures, soil stability and flow of surface waters.
2. The applicant shall plant a new native species tree for the tree that is removed.
3. All debris due to the tree removal shall be properly disposed of and an inspection will be required to ensure proper mitigation has taken place.
4. The replacement tree shall be re-planted within three months of the tree removal

Contact	Information
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**APPEALS**

The applicant, applicant's representative, or any person, agency or firm with an interest in the matter may appeal the Critical area decision. The appellant shall file the appeal together with the requisite fee and information within 14 calendar days (July 4, 2025) of the date of the decision being appealed. (18.030.130 LCMC.)

Angie Merrill, Associate Planner  
City of La Center

Angie Merrill 6/20/2025

