



SANTA CLARA COUNTY GUIDELINES FOR TREE PROTECTION AND PRESERVATION FOR LAND USE APPLICATIONS

PREAMBLE

These Guidelines for Tree Protection and Preservation are used by the Planning Office to evaluate how trees are protected, preserved, removed and replaced, as part of Planning review for Land Use approvals. In accordance with the County General Plan, County Tree Preservation and Protection Ordinance and other State statutes (California Environmental Quality Act (CEQA) and California Public Resources Code §21083.4, for Oak Woodland), tree protection and preservation is desired for the following purposes:

- A.** Preserve and protect the habitat for Wildlife Species (birds and animals)
- B.** Climate Control including:
 - Mitigation against Global Warming.
 - Dissipation of heat through shading
 - Improving Air Quality by absorbing air pollutants
 - Wind breaks, and regulation of local wind circulation.
- C.** Erosion Control and Protection against the risks of landslides and flash floods.
- D.** Enhancement of aesthetic and scenic beauty of the neighborhood and the County.
- E.** Protection of Property Values.
- F.** Protection of Heritage Tree Resources.

REGULATIONS GOVERNING TREE PRESERVATION

Trees removal and preservation is enforced under the following types of regulatory action:

a) Tree Removal Permit

Division C16 of the County Ordinance Code requires an Administrative Permit (Tree Removal Permits) and mitigation measures for removal of any protected tree, on any private or public property in designated areas of the County, including but not limited to "Hillsides" (parcels three acres or less), -d (Design Review) combining district, and any tree within the "-h1" Historic Preservation zoning district for New Almaden.

b) California Environmental Quality Act (CEQA)

Land Development that requires discretionary approvals by the Planning Office and requires review through the California Environmental Quality Act (CEQA), requires tree preservation measures and/or replacement ratios, for trees either proposed for removal or impacted by the development.

c) Oak Woodlands

California Public Resources Code §21083.4, effective January 1, 2005, requires Counties to evaluate impacts to Oak Woodlands as part of the environmental analysis conducted in compliance with the California Environmental Quality Act (CEQA). *The Santa Clara County Planning Office [Guide to Evaluating Oak Woodlands Impacts](#)* provides more information on the guidelines and requirements for oak trees proposed for removal (See *attachment*).

SITE PLAN REQUIREMENTS

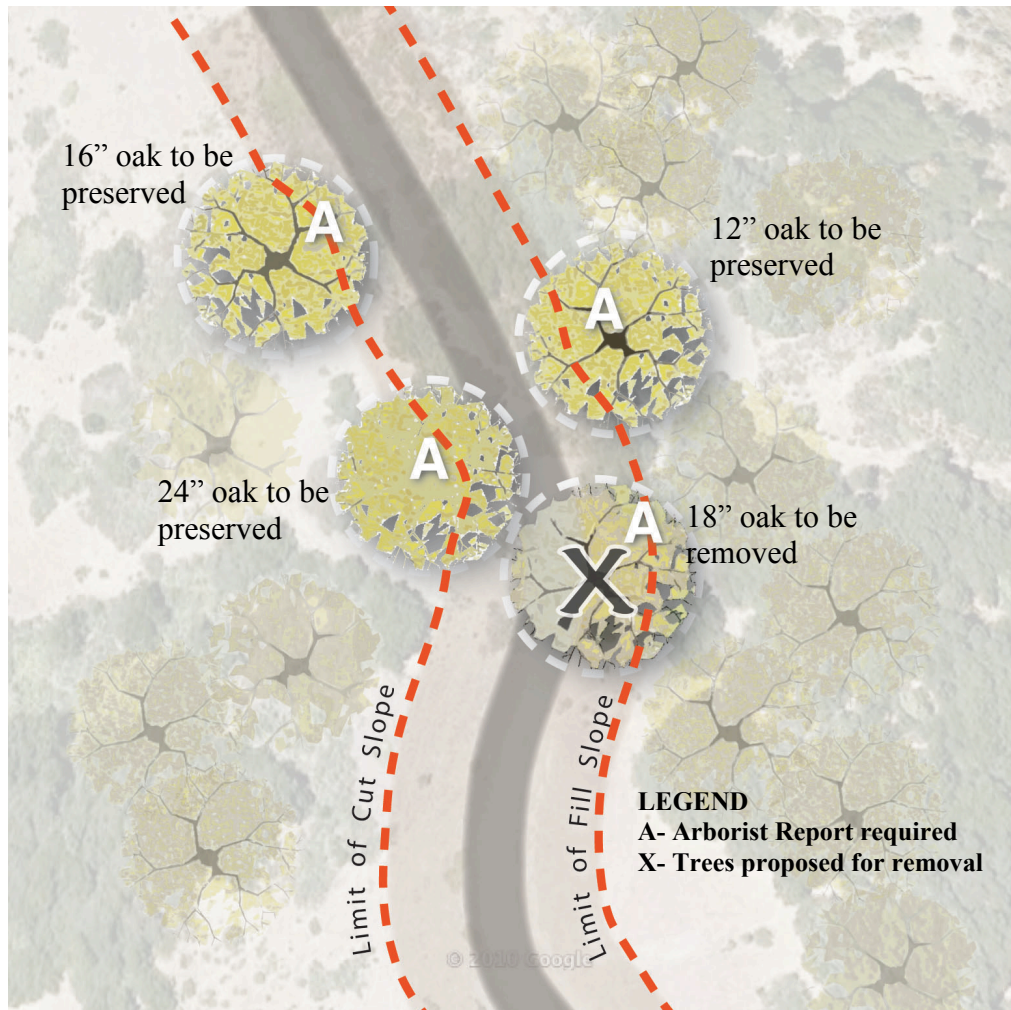
A land use approval that proposes removal of, or potential impact to existing tree(s) on site, shall provide the following information on the site plan.

a) Urban Districts R1, R1E, R2, A1 (in Urban Service Area) R3, RHS, R1S (Stanford) and R1S (Multifamily):

Show on the site plan, and in a tabular format, the location, size and species of trees having a main trunk or stem measuring 37.7 inches or greater in circumference (12 inches or more in diameter) at a height of 4.5 feet above ground level, or in the case of multi-trunk trees a total of 75.4 inches in circumference (24 inches or more of the diameter) of all trunks to be removed or impacted by the development.

b) Rural Districts A, A1, RR, AR, HS, RS, OS/F (Stanford):

Show on the site plan and in a tabular format, the location, size and species of all trees having a main trunk or stem measuring 15.7 inches or greater in circumference (5 inches or greater in diameter) that are at least 4.5 feet above ground, that are either proposed to be removed and/or with canopy within the development area that may be impacted by the project. (See *Graphic 1 below*).



Graphic 1: Trees that are impacted and need evaluation are those that are proposed for removal and/or where the canopy interfaces with proposed grading improvements.

NOTES:

1. Consistent with County Ordinance Code **Division C16 - Tree Preservation and Removal**, any Land Use application that proposes removal of trees as part of the scope of work shall provide a **justification statement** of the reasons for removal of the tree or trees.
2. If any trees are proposed for removal per the Wildland /Urban Interface (WUI) guidelines adopted by the Fire Marshal Office, then show the location and size of all trees impacted by the guidelines.

ARBORIST REPORT

An arborist report shall be required under the following circumstances:

- a) When a project is determined to have significant impact to either the health or maintenance of an identified tree (or trees), then an arborist report shall be required. (See *Graphic 1 above for a typical example*).
- b) When a parcel has oak woodland on the property, then an arborist report shall be required to determine if the proposed project will cause significant impact to the oak woodland. (See attachment '*The Santa Clara County Planning Office [Guide to Evaluating Oak Woodlands](#)*' for more information).

A typical arborist report shall be prepared by a I.S.A Certified Arborist ("Arborist") and must include the following specific information:

- location, type, species (shown in a tabular format and on the site plan) of all trees proposed for removal and trees with canopies within the development area.
- health, of the tree(s) impacted by the development.
- potential impacts of development, and
- recommended actions and mitigation measures regarding the tree or trees impacted by the development.

NOTE: An accurate representation of the canopy cover of trees greater than 15.7 inches in circumference (5 inches in diameter) must be represented in the site plans. Information presented in the arborist report shall match the nomenclature and notations in the site plans.

An arborist report should provide recommendations or mitigation measures for tree protection and preservation. In addition to adopting the recommendations of the arborist, the following measures should be adhered to.

PRESERVATION OF TREES/ MITIGATION MEASURES

In order to preserve and protect trees, where a proposed development includes grading and/or construction activities within the canopy of tree or trees, certain preservation and mitigation measures shall be required. These guidelines will address impacts and preservation measures from pre-construction and demolition, through post-construction.

I. Pre-Construction:

An Arborist shall review final grading / demolition / construction plans and make recommendations regarding preservation of all trees potentially impacted by the proposed project, which are designated for preservation.

If the Arborist concludes, with concurrence from the Planning Office, that the proposed improvements will result in damage and subsequent irreversible loss of additional trees on site, replacement mitigation shall be required.

Final grading / construction plans shall clearly identify the size and species of all trees proposed for removal, consistent with the arborist plan review report. For each tree designated for removal, replacement shall occur at the replacement ratios stated below.

II. Tree Protection

a) *Fencing:*

All trees to be retained shall be protected with chain link fencing or other rigid fence enclosure acceptable by the Planning Office.

Fenced enclosures for trees to be protected shall be erected at the dripline of trees or as established by the Arborist to establish the Tree Protective Zone (TPZ) in which no soil disturbance is permitted and activities are restricted.

All trees to be preserved shall be protected with minimum 5-foot high fences. Fences are to be mounted on 2-inch diameter galvanized iron posts, driven into the ground to a depth of at least 2 feet, at no more than 10-foot spacing ([See detail, available at www.sccplanning.org](http://www.sccplanning.org)). This detail shall appear on grading, demolition and building permit plans.

Tree fencing shall be erected before any demolition, grading or construction begins and remain in place until the Final Inspection.

b) *"Warning" Signs*

A warning sign shall be prominently displayed on each tree protective fence per the requirements of development pursuant to the Santa Clara County Planning Office. ([See attached Example](#)). The signs are available at the Planning and Building Inspection Offices or at www.sccplanning.org.

c) *Irrigation Program*

Irrigate to wet the soil within the TPZ during the dry season as specified by the Project Arborist.

d) *Dust Control Program*

During periods of extended drought, or grading, spray trunk, limbs and foliage to remove accumulated construction dust.

e) *Soil Compaction Damage/ Mulching*

Compaction of the soil causes a significant impact to trees during construction. If compaction to the upper 12-inch soil within the TPZ has occurred or is proposed, then one or more of the following mitigation measures shall be implemented as recommended by the Arborist or the County Planning Office.

- A. Four-inches of chip bark mulching shall be placed on top of the TPZ and enclosed with the tree protective fencing as prescribed in the County protective fencing measures.
- B. If compaction of the root system, may result in possible suffocation of the root system, a soil aeration system shall be installed as designed and specified by an Arborist.
- C. Paving/Hardscape and other soil compacting material that encroaches within the TPZ, should include an aeration system designed by an Arborist.

III. During construction

All tree protection measures as recommended by a certified Arborist shall be shown on the final grading/ construction or landscape plans and adhered to during construction. The Arborist shall monitor construction activity to ensure that the tree protection measures are implemented, and submit a Construction Observation Letter to the Planning Office for approval, prior to final inspection, summarizing the results of the monitoring activity and resulting health of trees designated for preservation onsite.

IV. Post-Construction Monitoring

The following may be required based on project specific circumstances:

An Arborist shall submit to the Planning Office two (2) copies of a monitoring report annually from the date of final inspection. The report shall show compliance with the tree protection conditions of approval and verification that all trees are in good health.

REPLACEMENT OF TREES

The following guidelines shall be imposed as conditions when a proposed development entails removal of trees or may significantly impact the health and vigor of trees within the development area of the proposed project.

All healthy native trees 12 inches in diameter or more (at 4.5 feet above the ground) proposed for removal shall be replaced.

- Replacement trees should be native, and like for like. (See [Appendix D Santa Clara County native/ naturalized trees list attached](#)).
- Oak trees shall be replaced with oak trees (no exceptions taken).
- No tree removal shall be permitted until such grading or building permit has been issued by the County as indicated on approved plans. The number of trees cut may not exceed the minimum number necessary to carry out the permitted action.

Additional conditions may need to be established for scheduled arborist reports, and stipulations on replanting replacement trees in the case that the original replacement trees die.

Tree Replanting Ratios

Generally, the following are the replacement ratios:

For the removal of one small tree (5- 18 inches):

(3) 15 gallon trees, or (2) 24-inch box trees.

For the removal of one medium tree (18 – 24 inches):

(4) 15 gallon trees or (3) 24-inch box trees.

For the removal of a tree larger than 24 inches

(5) 15 gallon trees or (4) 24-inch box trees.

NOTE: Based on the following variability of factors, tree replacement ratios may vary for each project. Tree replacement can be dependant upon the size of the canopy of removed trees, number of trees, size of trees, type of trees, and steepness of slope of trees to be removed; or amount of room available on a parcel in which trees can be planted. On properties where there is limited room to plant replacement trees, fewer replacement trees may be authorized.

NOTE: If the project has the potential to cause significant impact to Oak Woodland as stated in *The Santa Clara County Planning Office [Guide to Evaluating Oak Woodlands Impacts](#)*, then additional mitigation measures will be required. (See *attachment for more information*).

This document is intended to provide guidance in applying certain Land Use Code regulations and is for informational use only. It cannot be used as a substitute for the Land Use Code or for other codes, such as the Construction Codes. Additional information is available from the Planning and Development Office or on the website at www.sccplanning.org.