

## Why Are Trees Important ?

The County of Santa Clara recognizes the substantial economic, environmental and aesthetic importance of its tree population and that the preservation of certain trees on private and public property is necessary to establish and maintain the optimum amount of tree cover on lands in the county. Trees help to preserve and protect aesthetic and scenic beauty; prevent erosion of topsoil; protect against flood hazards and the risk of landslides; counteract the pollutants in the air; protect against high winds; maintain the climatic balance and provide shade, privacy and habitat to a variety of wildlife species; and protect valuable historical and community assets. In addition, studies have shown that trees increase commercial and residential property values.

## When is A Permit Required ?

An Administrative Permit or an Encroachment Permit is required for the removal of any protected tree. A protected tree on any private or public property shall consist of any of the following:

- Any tree having a main trunk or stem measuring 37.7” or greater in circumference (12” or more in diameter) at a height of 4.5’ above ground level, or in the case of multi-trunk trees, a total of 75.4” in circumference of all trunks (24” or more of the diameter) in the following areas of the County:
  - (1) parcels zoned “Hillsides” that are 3 acres or less;
  - (2) parcels within a “-d” (Design Review) combining zoning district;
  - (3) parcels within the Los Gatos Specific Plan area.
- Any tree having a main trunk or stem measuring 18.8” or greater in circumference (6” or more in diameter) at a height of 4.5’ above ground level, or in the case of multi-trunk trees, a total of 37.7” in circumference of all trunks (12” or more of the diameter) in the “-h1” New Almaden Historic Preservation Zoning District
- Any heritage tree, as that term is defined in §C16-2 of the Tree Preservation Ordinance.

- Any tree required to be planted as a replacement for an unlawfully removed tree, pursuant to §C16-17(e) of the Tree Preservation Ordinance.
- Any tree that was required to be planted or retained by the conditions of approval for any Use Permit, Building Site Approval, Grading Permit, Architectural & Site Approval, Design Review, Special Permit or Subdivision.
- Any tree on any property owned or leased by the County of Santa Clara which measures over 37.7” in circumference (12” or more in diameter) measures 4.5’ above ground, or which exceeds 20’ in height.
- Any tree, regardless of size, within road rights-of-way and easements of the County, whether within or without the unincorporated territory of the County.

## Exceptions To Permit Requirements

Except in the case of heritage trees, no permit shall be required from the Planning Office for the cutting, removal, destruction, or pruning of a tree in the following circumstances:

- The tree is (1) irreversibly diseased, dead, or dying: or (2) is substantially damaged from natural causes (a determination by a licensed arborist, tree surgeon, or forester may be required).
- Tree cutting to remove a hazard to life and personal property as determined by the Planning Director or his/her designee. It shall be the responsibility of the property owner or other person responsible for removing the tree to demonstrate that any tree removed without a permit was irreversibly diseased, substantially damaged, or presented an imminent danger to human life, safety or to property.
- Trees planted, grown and/or held for sale by licensed nurseries and/or tree farms.
- Trees in the active production of agriculture or orchard production, where there is no active plan to convert the property to another use.

- Tree removal necessary to carry out building site approval or other land use application approved by the County. No 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 removed should be limited to those that are necessary to carry out the permitted action.
- Maintenance work within public utility easements.
- Trees removed or pruned as part of maintenance of County Parks under established policies and procedures of the Parks & Recreation Department.
- Trees removed or pruned as part of maintenance of County right-of-way under established policies and procedures of the Roads and Airports Department.
- Trees removed on properties with a vegetative management program approved by the County.

## In AR (Agricultural Ranchlands) & HS (Hillside) Zoning Districts

Tree removal is allowed as a matter of right, by Special Permit, and by Use Permit in the AR and HS zoning districts, depending on the amount of tree cutting. Except in the “-h1” New Almaden Historic Preservation Zoning District, tree removal on parcels greater than 3 acres in the AR and HS zoning districts is governed by §C16-5 & §C16-6 of the County Ordinance Code. Tree removal regulations for the “-h1” Zoning District supersede all other provisions of the Tree Preservation and Removal Ordinance. Removal of certain tree species defined as commercial species, such as Redwood and Douglas Fir, may be subject to the oversight and permitting of the State Department of Forestry and Fire Protection.

## How Do I Apply For A Permit?

Any person desiring to remove any protected tree must file for an Administrative Permit with the County Planning Office not less than 10 days prior to the date of such planned removal. An

Encroachment Permit from the Roads and Airports Department is required for the removal of any tree, regardless of size, located within a County road right-of-way. The Encroachment Permit shall be filed not less than 60 days prior to planned removal.

The following information must be included when applying for an Administrative Permit or an Encroachment Permit:

- A brief statement of the reasons for removal of the tree.
- A photograph of the tree(s) proposed for removal.
- A site plan with the accurate location, number, species, size (diameter measured 4.5' above ground, approximate height and canopy diameter), general health, and approximate age.
- Location of property lines, names of the streets fronting the property and edge of any right-of-way.
- A replanting and/or revegetation plan for all trees to be removed. Replacement trees shall be of a like kind and species of removed tree, if native and feasible, or of a kind and species to be determined by the Planning Department. Replacement tree planting shall utilize at least five (5) gallon size stock.

#### **Is A Fee Required?**

No fee shall be assessed for an Administrative Permit. A fee is required for an Encroachment Permit, Special Permit or Use Permit.

#### **Who Approves the Permit?**

The Planning Office or, in the case of appeals, the Planning Commission has the authority to approve the permit.

#### **What Criteria Determines Approval?**

Criteria set forth in the Tree Preservation Ordinance include, but are not limited to, the following:

- Whether the tree is diseased; poses a risk to property, health, or safety; interferes with vital public utilities; or will be replaced by approved plantings;
- The topography of the land and the effect of the proposed tree removal upon erosion, soil retention, and the diversion or increased flow of sediment;
- The number, species, size, and location of existing trees in the area, and the effect the proposed removal would have upon shade, privacy, scenic beauty, property values, and potential impacts upon adjacent trees (i.e. increased wind throw);
- The historical significance of the tree to the community;
- The tree has caused repeated sewer/sidewalk damage and/or created a problem that cannot be resolved by any other means;
- Removal of the tree would benefit roadway usage such as, road widening, sidewalk installation, etc. as determined by the Roads & Airports Department.

#### **Display Of Permit/Notice To Neighbors**

The approved permit shall be posted on the site a minimum of 7 calendar days prior to the actual removal operations and shall be available to any person for inspection. The issued permit shall be posted in a conspicuous place at eye level at a point near the closest street or roadway. The property owner must provide a copy of the permit to adjoining property owners at least 7 days prior to the tree removal. Removal of the subject tree(s) shall be allowed at the end of the 7 day noticing period, if no written objection to the permit has been received by the Planning Office.

Note: A copy of the entire Tree Preservation and Removal Ordinance, Division C16 of the Ordinance Code, can be obtained at the Planning Office.

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# Tree Removal



#### **Santa Clara County Planning Office**

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