

Appendix J City of San Juan Capistrano
Tree Removal Ordinance

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Sec. 9-2.349. Tree removal permit.

(a) Purpose and intent. The purpose and intent of this section is to provide for the preservation of existing trees within the City while permitting reasonable use and development of properties containing such trees. For the purposes of this section, "tree" shall mean a living woody perennial plant having a trunk diameter greater than six (6) inches measured at a point three (3) feet above the ground.

(b) Tree removal permit procedures.

(1) No removal without permit. No tree, unless specifically exempted by subsection (e) of this section, shall be removed without prior approval of a tree removal permit pursuant to the requirements of this section. Said action on the approval or denial of the tree removal permit shall require specific findings based on the factors outlined in subsection (c). Applications for tree removal may be filed with the Department of Planning Services. The Planning Director shall prescribe the form of application and the supporting information required to initiate the tree removal application review. Once an application is received by the Department of Planning Services, the application will be reviewed for completeness. If the Department of Planning Services finds the application to be complete, then the application shall be processed in accordance to the procedure depicted subsections (b)(2) and (b)(3) of this section. If the application is found to be incomplete, the Department of Planning Services will notify the applicant in writing within thirty (30) days what additional information is required, and the application will not be processed until that information is received by the Department of Planning Services.

(2) Removals not associated with new development. Applications for removal of trees on public or private property which are not associated with new development projects shall be approved or denied by the Tree Inspector. Tree removal applications shall be processed in accordance to the procedure depicted in Figure 2-20. The Tree Inspector may require an arborist to prepare and submit a report on the health of the specific tree.

(3) Removal associated with new development. Applications for removal of trees on private property which are associated with new development projects shall be approved or denied by the decisionmaking body for that project. Tree removal applications shall be processed in accordance to the procedure depicted in Figure 2-20. In considering development applications where tree removals are requested, the City may cause to be prepared, a report by an arborculturalist. Such report shall include, as a minimum, an evaluation on the health of the tree(s), identification of measures which can be incorporated into project design to preserve said trees, and any recommended modifications to project design necessary to protect the trees.

(4) Imposition of conditions. The Tree Inspector or decisionmaking body may impose conditions on tree removal permit approvals. Such conditions may include, but are not limited to, the replacement of a tree to be removed with new trees of similar size.

(c) Factors to influence approval or denial. The reviewing body shall consider the following factors in determining whether to approve or deny a tree removal permit application:

(1) The condition of existing trees with respect to disease, general health, and ability to preserve;

- (2) Whether a project site plan has been designed to preserve the maximum number of existing trees on the site;
- (3) Whether the design and placement of new public utilities and facilities have avoided tree removal;
- (4) The topography of the property and the effect of tree removal on erosion, soil retention, and the diversion or increased flow of surface waters;
- (5) The adverse visual impacts of tree removals upon surrounding properties and streets the decrease in visual buffering or construction mitigation which would result from a proposed tree removal;
- (6) Foundation, slab, wall or other property damage, or excessive nuisance problems caused by an existing tree
- (7) Material interference by an existing tree with the safe and efficient maintenance of an existing electrical, sewer, water, or other utility line;
- (8) The health of the tree or trees proposed for removal and their likely remaining life if preserved
- (9) Possible future hazards to traffic, pedestrians, general public safety, or property if the trees) is preserved and
- (10) The interests of the City in the protection and conservation of trees and other irreplaceable natural resources from pollution impairments or destruction.

(d) Appeals. Any decision regarding tree removal may be appealed by the applicant or by an affected City resident or property owner in accordance with the provisions of Section 9-2.311 Appeals.

(e) Exemptions.

- (1) Emergencies. In the event of an emergency wherein a tree is causing an immediate threat to human life or to property, the Tree Inspector, Public Works Director, or the Sheriffs Department, Fire Department, or City employee in charge at the scene may authorize the removal of such tree without issuance of a removal permit.
- (2) Orchards. Trees which are growing on property currently in use as a nursery, garden center, tree farm, or orchard, where such trees, or their produce, are being grown for the purposes of sale, and trees which are being completely removed in order to utilize the land for the production of leafy vegetation or open space, shall be exempt from the provisions of this section. (§ 2, Ord. 869)