



# County of Santa Clara

## Roads and Airports Department

### Tree Removal Approval in County ROW: FAQ

VER 063022

The following is a list of frequently asked questions (FAQ) directed to the Land Development Unit of the Roads and Airports Department regarding Tree Removal in the County right-of-way (ROW). Following this list are the answers to the questions.

#### PROCESS, TIMELINE, and EXCEPTIONS

- When is a Tree Removal Approval needed for a tree in the County right-of-way?
- Where do I apply for a Tree Removal Approval and an Encroachment Permit?
- What are the step-by-step processes and timeline to obtain approval and a permit?
- Why is Board Approval required?
- Are there any exceptions for obtaining a Tree Removal Approval?

#### TREE REMOVAL APPLICATION FORM and TREE REPLACEMENT

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- What will I need to do to submit for the Encroachment Permit application?
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#### TREE INFORMATION

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#### FEES and ADDITIONAL INFORMATION

- Is there a fee to obtain a Tree Removal Approval or submit an Encroachment Permit application?
- What other types of permits or processes are managed by Roads and Airports Land Development?
- Who do I contact if I have more questions?

Exhibit A – Example Map/Sketch

## **PROCESS, TIMELINE, and EXCEPTIONS**

### **When is a Tree Removal Approval needed for a tree in the County right-of-way?**

A Tree Removal Approval is required to remove any tree from the County right-of-way, in accordance with County Ordinance Code Division C16 Tree Preservation and Removal ("Tree Ordinance") and the Roads and Airports tree protection resolution of 1992 ("Tree Resolution"). The Tree Resolution requires 60 days-notice to the Board of Supervisors prior to the removal of trees. The definition of "removal" in the Tree Ordinance is broad, and includes practices such as topping, adverse pruning, and "diminishing the vigor of or destroying a tree.

Please note the Planning Department protects trees with certain characteristics (size, type of tree, etc.) on any private or public property in designated areas of the County. However, all trees within the right-of-way of County roads are protected and will require a tree removal approval through an application process with the Roads and Airport Department.

### **Where do I apply for a Tree Removal Approval and an Encroachment Permit?**

All applications for Tree Removal Approval within the County and Encroachment Permits are done on-line. Visit these websites for information on the processes and how to apply online:

|                        |   |
|------------------------|---|
| Tree Removal Approval: | <a href="https://countyroads.sccgov.org/tree-removal-approval">https://countyroads.sccgov.org/tree-removal-approval</a> |
| Encroachment Permit:   | <a href="https://countyroads.sccgov.org/encroachment-permits">https://countyroads.sccgov.org/encroachment-permits</a>   |

Refer to the "Encroachment Permit" section to determine if an Encroachment Permit is required.

### **What are the step-by-step processes and timeline to obtain approval and a permit?**

The processes below include an estimated duration for obtaining tree removal approval and then proceeding to obtain an Encroachment Permit (if determined to be required).

1. Complete and Submit the Tree Removal Application Form
  - a. Download the Tree Removal Application Form and gather information to complete the form.
  - b. Contact the arborist for an evaluation and obtain the arborist report
  - c. Complete the form; sign and submit it to: [permits@rda.sccgov.org](mailto:permits@rda.sccgov.org)
2. Initial Application Review period: At this time, staff review the form for completion. This review may take 1 to 2 weeks, depending on completeness of the form. Staff will also advise the applicant if an Encroachment Permit is required once the tree removal is approved.
3. Public Notification Process: Roads and Airport staff will post tree removal sign at the tree for public review for a 7 day period or as otherwise required by the Director of Roads and Airports.
4. Board Approval: After posting, staff compile public comments, and then request approval from the Board of Supervisors. This is a 2 to 4 week process.
5. Permit Decision: Applicant is informed of permit approval.
6. Issuance of Encroachment Permit: If applicant is informed an Encroachment Permit is required, then allow 2 to 4 weeks for issuance of the Encroachment Permit (this timeline typically occurs in parallel with the tree removal approval).

A summary of the timeline is as follows:

- Applicants time      Prepare an submit Tree Removal Application Form
- 2 weeks                Staff review of application; posting of tree removal notice; results of notice
- 2 to 4 weeks        Planning review, Board approval and notification to the applicant
- 2 to 4 weeks        Encroachment Permit approval If an Encroachment Permit is required.  
Usually done concurrently with Board approval. Allow for additional time to process the permit if not done concurrently while waiting for Board approval.

### **Why is Board Approval required?**

The Roads and Airports tree protection resolution of 1992 requires 60 days-notice to the Board of Supervisors after display of the tree removal notice, and prior to the removal of trees in the County ROW.

Note that this approval is different from County Ordinance C16-9, where it states that for all unincorporated parcels, tree removal may take place at the end of the seven-day noticing period if no written objection to the issuance of the permit has been received by Planning staff.

### **Are there any exceptions for obtaining a Tree Removal Approval?**

There may be instances where tree removal is deemed necessary by a licensed arborist, tree surgeon, or forester. In such cases, the tree may be irreversibly diseased, dead, or is dying. The Tree Removal Approval process is the means to verify these findings, and therefore there is no exception to the Tree Removal Approval process.

In certain cases, County Roads and Airport crews may be requested to remedy potential dangerous conditions in the County ROW.

## **TREE REMOVAL APPLICATION FORM**

### **What is required to complete the Tree Removal Form?**

You will need the following information to complete the Tree Removal Application Form:

- Address for the Tree: Address where the tree is located.
- Applicant Information: Provide your contact phone number and email if available.
- Tree Description and Trunk Diameter: Describe the number of trees, provide common name and species, size (trunk diameter) approximate height, approximate canopy diameter, general health, and approximate age, if known. The trunk diameter of each tree being removed is as measured 4.5 feet above the ground (diameter = circumference/3.14).
- Reason for Work: Provide the reasons why you want to remove and/or prune the tree(s)
- Describe Method of Removal: Provide a description of the method to be used in the removal of the tree(s). Applicant should demonstrate that good harvesting practices will be used. Also identify if method of removal may impact the sidewalk, curb or driveway.
- Replacement Trees: Indicate species and common name of replacement trees, size of tree (a 5-gallon size or larger tree is required), and proposed location of the tree. See more information about replacement trees below including quantity of replacements and placement.
- Qualifications. The applicant must indicate on the tree permit form who will perform the tree pruning or removal work.

In addition, the Tree Removal Application Form will require the following items to be confirmed, then included with your email when submitting the form.

- Map/Sketch: A map/sketch of the property showing the location of each tree being removed and location of replacement trees. Include landmarks such as streets, buildings, fence, overhead power or communication lines, etc. Include identification numbers if more than one tree is being pruned or removed. The sketch may also occur on an aerial photograph. See placement recommendations below. See Exhibit A as an example of a sketch.
- Photos: Provide pictures of the tree(s) to be removed or pruned. Take photos showing the entire tree, the trunk from 10 feet away, and any defective tree part (i.e. dead limb, crack etc.). If a tree is damaging property, provide photos of damaged property (i.e. sidewalk, driveway, foundation, etc.)
- Arborist Report: A written opinion of an arborist, forester, or other expert qualified to render such an opinion.

### **Why do I need a certified arborist or forester? Where do I find one?**

It is the responsibility of the property owner or other person responsible for removing the tree to demonstrate that any tree removed is irreversibly diseased, substantially damaged, or presented an imminent danger to human life or safety or to property. Credible evidence shall include, but shall not be limited to, a photograph, video, and written opinion of an arborist, forester, or other expert qualified to render such an opinion. Such reports are to be obtained at the expense of the applicant.

Aside from researching and reaching out to arborists or foresters via website searches, applicants should consider the International Society of Arboriculture (ISA) online tools to find a certified arborist or to check the credentials of an arborist: <https://www.treesaregood.org/findanarborist>

### **What else should I know about replacement trees?**

For every single tree removed, two trees shall be identified as replacement trees. Replacement trees do not need to be placed in the same location as the tree that was removed, or within the County right-of-way. In some cases, trees are removed due to line-of-sight issues or due to new driveway construction, and will be required to be placed where they do not interfere with the new driveway. In this case, the trees may be placed within the property (outside of the County right-of-way) or outside of the driveway line-of-sight area. Ultimately, planted replacement trees must be maintained by the property owner. Your sketch/map must identify the locations of the replacement trees.

Refer to the tree removal application webpage for a link to a list of trees for non-expressway locations. The minimum container size is 5 gallons.

When identifying replacement trees in the application, or on maps/sketches, use both species name and common name as provided in this list.

Placement of replacement trees shall also consider the following guidelines:

Minimum clearance from utilities or infrastructure

- Street Lights – 20 ft
- Residential Driveways – 5 ft
- Commercial Driveways – 10 ft
- Sewer Lines (when marked) – 10 ft
- Water Lines – 5 ft
- Water meters/vaults – 6 ft
- Fire Hydrants – 5 ft
- Utility Boxes – 5 ft
- Gas meters – 10 ft
- Area of power/communication lines (requires coordination with the utility)

Minimum clearance from street infrastructure and property

- Driveway aprons and crosswalks – 8 ft
- Stop signs/traffic control devices – 20 ft
- Parking control or traffic warning signs (other than stop signs) – 5 ft
- Corners – 40 ft (subject to review)
- Park-strip between sidewalk/curb – Centered, 3 ½ ft from back of curb, 3 ½ ft from sidewalk
- Property line – 5 ft
- Transit shelters – 10 ft
- Tree to tree – ranges from 25 to 40 ft, dependent on tree species.

## **ENCROACHMENT PERMIT**

### **Do I need an Encroachment Permit if I have a Tree Removal Approval?**

It depends on the site conditions and objectives of the homeowner. Technically, an Encroachment Permit is not required if the tree removal does not impact traffic or the County right-of-way. The engineer assisting you in the application process will consider your situation and advise you if an Encroachment Permit is required.

Another consideration is the sidewalk, curb or driveway that was damaged by the tree, or may be damaged by removal of the tree. Repairs of the sidewalk, curb or driveway within the County right-of-way will require an Encroachment Permit so the work may be inspected to meet County requirements.

### **What is the purpose of an Encroachment Permit?**

The Encroachment Permit enables the County Roads and Airports Department to monitor work or activities performed within County ROW by home owners, private developers, contractors, utility companies and local governmental agencies to ensure work is performed in accordance with County standards, as well as ensuring the safety of the public. The Encroachment Permit must be granted before contractors or homeowners may encroach into the County ROW to remove the tree.

When planning your tree removal, applicants are encouraged to start the Encroachment Permit application process as soon as County staff have notified you that a recommendation is being made to the Board to approve the tree removal application.

### **What will I need to do to submit for the Encroachment Permit application?**

Applicants are strongly encouraged to begin the Encroachment Permit application process while the Tree Removal Approval process is in review. This includes doing the following:

- Registering online to use the online public portal for submitting an Encroachment Permit application.
- Obtain, complete and sign/date the Stormwater BMP form
- Obtain a copy of insurance that will indemnify the County.
- Prepare a traffic control plan if traffic is impacted.

Refer to the County Encroachment Permits webpage (<https://countyroads.sccgov.org/encroachment-permits>) for a complete list of steps and requirements, including blank Stormwater BMP form and specific insurance requirements. Note that your contractor may be able to prepare the traffic control plan.

### **What should I consider prior to hiring a company for my Encroachment Permit work?**

As you select a firm to do the tree removal for work that requires an Encroachment Permit, be sure to confirm with them their ability to submit to you a traffic control plan that includes addressing pedestrian access while work is proceeding, submitting a Stormwater BMP (best management practices) Form, insurance to do the work. All this information is available at Encroachment Permit webpage: <https://countyroads.sccgov.org/encroachment-permits>. You also want to ensure the firm is licensed to do the work.

In addition to the above, whomever you hire will have to address No Parking notices in advance of cutting the tree (not a County action). This information and request for posting would be included with the traffic control plan, and approved through the Encroachment Permit process. Most professional tree removal firms that deal with tree removal in City or County right of way know this, and know what to submit. So please consider discussing this with your candidate professional firm.

## **TREE INFORMATION**

### **How do I verify if my tree is in the County right-of-way? Is my tree a heritage tree?**

The County Encroachment Permits webpage (<https://countyroads.sccgov.org/encroachment-permits>) has information on how to determine "Roads and Boundaries Information." Use the instructions under "Investigating County Right of Way" to obtain both County right-of-way information and how to determine if your tree is a heritage tree. Note that County Planning will ultimately confirm if a tree is a heritage tree.

### **Where can I get information about tree removal from private property in the County?**

This FAQ is intended for removal of trees in the County right-of-way. For information regarding tree removal from any private or public property in designated areas of the County, contact the Planning Department: <https://plandev.sccgov.org/how/build-or-improve-property/tree-preservation-and-removal>.

### **Why are trees important?**

The County of Santa Clara recognizes the substantial economic, environmental and aesthetic importance of its tree population. 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.

## **FEES and ADDITIONAL INFORMATION**

### **Is there a fee to obtain a Tree Removal Approval or submit an Encroachment Permit application?**

There is no fee to submit and obtain a Tree Removal Approval application. When there is not a safety or property damage issue, there is a fee for the Encroachment Permit for tree removal. If the Encroachment Permit is to repair a sidewalk, curb or gutter or driveway due to the damage caused by the tree, there is no fee for the Encroachment Permit. Refer to current fees in the Encroachment Permit website identified earlier in this FAQ.

### **What other types of permits or processes are managed by the Roads and Airports Land Development?**

Contact the Land Development Section of the Roads and Airports Department for any questions regarding these additional processes:

- Avigation easements
- ROW dedication
- Maintenance and Indemnification Agreements (MIA's)
- Neighborhood parking permits

### **Who do I contact if I have more questions?**

You may have additional questions regarding a Tree Removal Approval or an Encroachment Permit application. Or you may need to submit additional information/documentation.

For more information on questions relating to the Tree Removal Application process within the County right-of-way, please contact the Roads and Airports Department Permit office: Email ([permits@rda.sccgov.org](mailto:permits@rda.sccgov.org)) or call 408-573-2475.

For questions regarding tree preservation and removal from any private or public property in designated areas of the County, contact the Planning Department: <https://plandev.sccgov.org/how/build-or-improve-property/tree-preservation-and-removal>.

**EXHIBIT A: Example Map/Sketch**

The graphic below is an example of the minimum information needed on your map or sketch. If there are existing power or communication lines, or known property or street infrastructure (utility lines, signs, etc.), also indicate on the sketch. Refer to the FAQ section "TREE REMOVAL APPLICATION FORM", above, regarding tree replacements and additional details or requirements.

Address: 123 Any St, San Jose, CA

