Subchapter Six: Tree Cutting and Removal

5.06.010 Purpose and Findings.

The General Plan of the City recognizes the contribution of both trees and views to the character and beauty of the City. Removal of trees without reasonable care would destroy the natural beauty of certain areas, contribute to erosion and increase cost of drainage systems, reduce protection against wind, and impair residential privacy and quiet. Guidelines are needed to protect both trees and views. For such reasons, the City Council enacts these regulations to promote the public health, safety and welfare.

[*History*: formerly § 5.601; ORD. 292, 10/12/83; ORD. 303, 9/12/84; ORD. 479, 4/12/95; ORD. 638, 12/14/05]

5.06.020 Definitions.

Person: Any individual, firm, partnership, corporation or other legal entity.

Tree: As used in this chapter, a "tree" means any live woody plant having a single perennial stem of 12 inches or more in diameter or multi-stemmed perennial plant having an aggregate diameter of 40 inches or more measured 4 feet above the natural grade. "Tree" shall also include any woody plant that has been placed by the City, or required by permit of the City, that has not yet obtained the stated size.

Alteration: Any action which would significantly damage a tree, whether (1) by cutting of its trunk or branches, or (2) by filling or surfacing or changing the drainage of the soil around the tree, or (3) by other damaging acts; this definition excludes routine pruning and shaping, removal of dead wood, or other maintenance of a tree to improve its health, facilitate its growth, or maintain its configuration to protect an existing view.

Undeveloped Parcel: Any lot or parcel which may be subdivided or divided under applicable regulations of the City, and any lot or parcel on which a permanent structure had not been built; any other lot or parcel is a "developed property" for purposes of this ordinance.

[*History*: formerly § 5.602; ORD. 292, 10/12/83; ORD. 303, 9/12/84; ORD. 479, 4/12/95 ORD. 638, 12/14/05]

5.06.030 Removal or Alteration of Trees Without a Permit Prohibited.

It shall be unlawful for any person to remove or alter any tree on private property in the City without a permit issued as provided herein, except as provided in Section 5.06.060.

[*History*: formerly § 5.603; ORD. 292, 10/12/83; ORD. 303, 9/12/84; ORD. 479, 4/12/95 ORD. 638, 12/14/05]

5.06.040 Decision Making Body.

The City Planner shall approve, conditionally approve, or deny the application for a permit to cut down, remove, or move any indigenous tree or trees.

[*History*: formerly § 5.604; ORD. 292, 10/12/83; ORD. 303, 9/12/84; ORD. 479, 4/12/95; ORD. 638, 12/14/05]

5.06.050 Permit Procedures.

(a) An application for a tree removal permit shall be made on the Town of Colma project application form and be submitted to the City Clerk, along with the information required in this ordinance and the application fee, which shall be established from time to time by the City Council of the Town of Colma by resolution. The application shall identify the property on which the tree is located, provide a perimeter outline of any existing or proposed building on the property, specify the location of the tree within an accuracy of one foot, state the size and species of the tree, and furnish a brief statement of the reason for the request, along with such other information as the City Planner may require. In the case of an application for a use permit or for tentative approval of the division or subdivision of property, the information required under this section shall be part of that application. In the case of an application for removal of more than five trees from the same property, or an application for removal of trees that can be seen from a main public road, the applicant must also provide the Planner with a revegitation plan.

(b) The City Planner shall review the application for completeness and shall notify the City Clerk when the application is complete. The City Clerk shall post the Notice of the complete application on the three (3) official bulletin boards of the Town for not less than ten (10) nor more than forty (40) days prior to the City Planner's decision to approve or deny the application. The notice shall describe the application and give the date and time at which the matter will be decided by the City Planner.

(c) The City Planner shall inspect the tree and the site and shall consider the following factors in determining whether to issue or to deny a permit:

(1) The conditions of the trees with respect to disease, hazard proximity to existing or proposed structures, or interference with utility services;

(2) The necessity of removal or alteration of the tree in order to improve the property;

(3) The topography of the land, and the effect of tree removal or alteration on protection from wind, soil erosion or increased flow of surface water;

(4) The protection of privacy for the property on which the tree is located or for adjacent properties;

(5) The number of trees in the neighborhood, and the effect of tree removal or alteration on property values in and characteristic of the neighborhood.

(d) The City Planner shall issue a tree removal permit unless the Planner finds that the tree affected is of such size, type, condition and location that its removal or alteration would destroy the natural beauty of certain areas, contribute to erosion, increase the cost of drainage systems, reduce protection against wind, or significantly impair the privacy and quiet of a residential area. The City Planner may attach such conditions to the permit as are reasonable and necessary to accomplish the purposes of this ordinance, including protection of the tree by grading, drainage and cut and fill restrictions, or substitution using a minimum 15-gallon size tree or shrub.

(e) Where the proposed tree removal would destroy the natural beauty of certain areas, contribute to erosion and increase cost of drainage systems, reduce protection against wind, or significantly impair the privacy and quiet of a residential area, the City Planner may issue a tree removal permit on such conditions as the Planner may deem appropriate, including replacement or substitution using specimen size trees.

(f) Replacement of trees that are removed shall be done on the same property as the removal unless the City Planner determines that an off-site location better serves the Town's objectives. Each tree to be removed or altered shall be physically marked with red tape. No tree may be removed or altered on any undeveloped parcel on Saturdays, Sundays or holidays or at any time except during the regular working hours (8:00 a.m. to 5:00 p.m.) Monday through Friday.

(g) The applicant shall post at once a copy of the permit at the property in a location where it may be read from street or sidewalk.

(h) The provisions of this paragraph 5.605(h) shall apply to the removal of trees in connection with the grant of a use permit or approval of the subdivision or division of lands. The City Planner shall prepare a report on trees and views based on the developer's plans and site inspection of the land to be subdivided or divided. Such report shall be maintained in a permanent City permit file. Final approval of the project plan by the City Council shall constitute a permit to remove or alter the specified tree. No other tree removal or alteration on the property subsequent to such approval of map may be done except pursuant to a permit issued under subparagraph (a) of this section. A notice that identifies the approved subdivision or division of land map shall be posted at the property.

[*History*: formerly § 5.605, ORD. 292, 10/12/83; ORD. 303, 9/12/84; ORD. 479, 4/12/95; ORD. 524, 1/14/98; ORD. 638, 12/14/05]

5.06.060 Exceptions.

(a) If personal injury or substantial property damage is imminently threatened, the Chief of Police, City Manager, or City Planner may authorize the removal of a tree without compliance with other provisions of this ordinance.

(b) The provision of this article shall not apply to any project or activity being carried out by the Town of Colma.

(c) The provisions of this article shall not apply to the removal or pruning of any tree, other than those required as part of an approved landscape plan, from any developed, residentially zoned land.

[*History*: formerly § 5.606; ORD. 292, 10/12/83; ORD. 303, 9/12/84; ORD. 479, 4/12/95; ORD. 502, 10/9/96; ORD. 638, 12/14/05]

5.06.070 Appeal.

A decision of the City Planner to grant or deny a Tree Removal Permit may be appealed by any interested party to the city council in accordance with the procedures set forth in section 1.02.140 of the Colma Municipal Code.

[*History*: formerly § 5.607, ORD. 292, 10/12/83; ORD. 303, 9/12/84; ORD. 479, 4/12/95; ORD. 521, 12/10/97; ORD. 638, 12/14/05]

5.06.080 Penalties.

Any person violating any of the provisions of this subchapter shall be guilty of a misdemeanor, which shall be punishable as set forth in section 1.05.010 et seq.

[*History*: formerly § 5.608; ORD. 292, 10/12/83; ORD. 303, 9/12/84; ORD. 479, 4/12/95; ORD. 638, 12/14/05, ORD. 643, 4/12/06]