

Tree Removal Regulations

The KMPUD and Cal Fire are only to be contacted for an emergency event, such as a damaged tree from a storm. Otherwise, all tree work must be compliant within the doctrine of the Specific Plan as stated below. There are contacts for arborists/foresters located on the vendors tab of the EMHOA.org website.

Chapter 12.16 of the Specific Plan TREE REGULATIONS—KIRKWOOD AREA

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12.16.010 Definitions.

As used in this chapter:

A. “Approving body” means any one of the following: Kirkwood Meadows Association Planning Committee, Kirkwood Association Planning and Architectural Committee, or Tri

County Technical Advisory Committee. See Ordinance 491 in the county planning department and the office of the county clerk for a flow chart for appropriate approving body.

B. “Diameter at breast height (DBH)” means diameter of tree measured at four and one-half feet above the ground on the high side of the tree. (Ord. 491 (part), 1988)

12.16.020 Permit—Required when.

No person, firm, or corporation shall destroy, remove, cut down, kill, damage, trim, prune or top any tree on any property, public or private, without a tree permit and authorization by an approving body. This also applies to any public agency or public utilities. (Ord. 491 (part), 1988)

12.16.030 Permit—Exemptions from requirements.

The following are exempted from the provisions of Section [12.16.020](#):

A. Trees that have been identified for removal as part of a conditional use permit, special use permit, building permit or other land use permit;

B. Trees that have been identified by a licensed arborist or forester as “dying” or “unhealthy”; trees that are in a hazardous condition presenting an immediate danger to health or property with prior approval of the fire chief; or trees cut in emergencies involving the lives of people and the public safety with the fire chief’s prior approval. In the event that a tree is removed without the fire chief’s prior approval or verification from the licensed arborist or forester, a permit shall be applied for after the fact. (Ord. 491 (part), 1988)

12.16.040 Permit—Application—Procedure.

Any person, firm, or corporation desiring to cut down, remove, or destroy one or more trees shall apply for a tree permit through the permitting agency. The application shall be submitted by the lot owner and shall include the following:

A. Name, address, and phone number of applicant and owner of record of the land on which activity is to occur,

B. Written consent of the owner of record of the land, if other than the applicant;

C. The location of the land on which the removal is to occur;

D. A plot plan drawn to scale showing accurate location, number, species, size (DBH and height), and approximate age of the trees to be removed. The plan should also show the general location, characteristics, and densities of the trees to be left on the site and any improvements on the property. This plan shall be verified by the first level approving body;

E. A brief statement of the reasons for removal;

F. An application fee of ten dollars plus the cost to notify adjacent lot owners or owners of lots within a five hundred foot radius. The approving body will determine which lot owners must receive notification. Notification must be done either in person or by registered mail;

G. Any additional information that may be requested by the approving body. (Ord. 491 (part), 1988)

12.16.050 Permit—Application—Decision criteria.

Prior to the issuance of a tree permit, the approving body shall ascertain whether or not the tree cannot or should not be retained. The determination of the approving body in granting or denying a permit shall be based upon, but not limited to, the following:

A. Whether or not the preservation of the tree would unreasonably compromise the owner's development of the land;

B. The condition of the tree with respect to disease, general health, danger of falling, etc.;

C. The approximate age of the tree compared to its average life span;

D. The number of existing trees in the area and the affect of the removal upon public health, safety, visual beauty, and general welfare of the area;

E. The effect of the removal on soil erosion and stability, particularly near streams or steep slopes;

F. The potential for the tree to be a public nuisance or interfere with utility service;

G. Present and future visual screening potential;

H. Any other information the body finds pertinent to the decision including, if necessary, information obtained at a public hearing. (Ord. 491 (part), 1988)

12.16.060 Permit—Cash deposit required—Proof of insurance.

Upon issuance of the permit, the lot owner shall be required to place a cash deposit with the permitting agency. This deposit shall be a minimum of one hundred dollars and a maximum of five hundred dollars as determined by the approving body and shall be refunded when all items in Section [12.16.100](#) have been completed. In addition to the cash deposit, the lot owner shall provide the permitting agency with proof of homeowners liability insurance. If a contractor is hired to perform the work, he shall provide the permitting agency with proof of liability insurance in lieu of the lot owner. (Ord. 491 (part), 1988)

12.16.070 Permit—Denial—Notification.

If a permit is denied, written notification shall be provided to the applicant including the reasons for denial. (Ord. 491 (part), 1988)

12.16.080 Permit—Expiration Extensions.

A permit that is granted is valid for a period of ninety days unless otherwise specified. An extension of the permit time may be granted upon written request prior to the permit's expiration. (Ord. 491 (part), 1988)

12.16.090 Permit—Revocation.

The permitting agency or the approving body may revoke the permit whenever there has been a false statement or misrepresentation in the application upon which the permit was based. (Ord. 491 (part), 1988)

12.16.100 Tree removal provisions.

A. It shall be the responsibility of the person destroying or removing any trees to have a copy of the approved tree permit or building permit of which the tree removal is a part at the tree removal site.

B. Existing healthy trees and native vegetation on the site shall be preserved and protected by adequate means during any construction.

C. Damage to trees not to be cut and to residual vegetation shall be avoided. Damaged trees shall be repaired in accordance with Section [12.16.110](#).

D. No tree shall be felled into a perennial or seasonal stream without specific approval.

E. Any stump left in the ground shall be treated with approved chemicals or methods to prevent the spread of forest tree diseases.

F. Ground skidding is not allowed.

G. Slash, debris, and nonmerchantable timber generated by the removal shall be disposed of in a manner approved by the permitting agency.

H. All tree removal sites shall be winterized before the end of the construction season so as to prevent erosion and loss of soil from the site. (Ord. 491 (part), 1988)

12.16.110 Repair of trees damaged during removal process.

Any tree damaged during the removal process shall be repaired with tree sealer and any necessary tree surgery. (Ord. 491 (part), 1988)

12.16.120 Damaged or hazardous trees.

A. The permitting agency or an approving body may determine, on the advice of a competent authority, that a tree or trees on private or public land is diseased, insect infested, or hazardous to the public, and may declare the tree to constitute a public nuisance. Upon making such a determination, the permitting agency or the approving body shall, by written notice, notify the owner of the land on which the tree or trees are located of the condition and his duty to remove it within a specified period of time. If the owner refuses or fails to do so, the permitting agency shall remove the nuisance and charge the owner the cost, which shall be a lien of the property.

B. All diseased and bug infested trees shall be treated prior to removal by approved methods to prevent the spread of such disease or infestation.

C. For each damaged or hazardous tree removed, five seedlings of the same species shall be planted on the property. These seedlings shall be planted in locations specified by the licensed arborist or forester who determined the trees to be damaged or hazardous. The arborist or forester shall be particularly aware of the visual impact the removed trees will have on the property and shall locate the seedlings accordingly. (Ord. 491 (part), 1988)

12.16.130 Appeal procedure.

To appeal conditions or denial of a permit, the lot owner shall follow the appropriate county's appeal procedure for permits. Appropriate fees shall be levied by the county. (Ord. 491 (part), 1988)

12.16.140 Violation—Penalty.

Any party that is in violation of the provisions of this chapter shall be subject to conditions of restoration of the site or monetary penalties as follows:

A. For each tree removed without authorization, the replacement of the tree shall be based on the following replacement value: thirty dollars/inch DBH for each illegally removed tree. The replacement shall consist of trees of the same or similar species. The actual replacement size shall be determined by the approving body.

B. If a project site is not capable of supporting all the replacement trees, the violator shall pay the sum equivalent to thirty dollars/inch DBH for each illegally removed tree. All funds collected for violations shall go into a Kirkwood reforestation fund. Distribution of the funds shall be approved by the Tri County Technical Advisory Committee. (Ord. 491 (part), 1988)

DEFENSIBLE SPACE AROUND STRUCTURES. (Letter to KMA Homeowners Compliance) A person that owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush covered lands, grass covered lands, or any land that is covered with flammable material, shall at all times do all of the following:

- (a) Maintain around and adjacent to the building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side of the building or structure or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This subdivision does not apply to single specimens of trees or other vegetation that is well pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to any building or structure. (NOTE: We understand that CAL FIRE is mostly concerned about flammable material, that starts at the ground and feeds to higher and higher vegetation, for example reduce high grasses under trees)
- (b) Grass and other vegetation located more than 30 feet from the building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion. This subdivision does not apply to single specimens of trees or other vegetation that is well pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a dwelling or structure.
- (c) Remove that portion of any tree that extends within 10 feet of the outlet of a chimney or stovepipe.
- (d) Maintain any tree adjacent to or overhanging a building free of dead or dying wood.
- (e) Maintain the roof of a structure free of leaves, needles, or other dead vegetative growth.
- (f) Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than one half inch in size. (PRC 4291)