



City of Weed

Fee: \_\_\_\_\_

APPLICATION FOR PERMIT TO CUT MATURE TREES

P.O. Box 470
550 Main St.
Weed, CA 96094
(916) 938-5020
530

Any person who desires to cut any mature tree located on a parcel of one-third acre or more (14,520 square feet) shall apply for a permit as required by Weed Municipal Code Section 8.28.

Applicant: \_\_\_\_\_ \* Owner: \_\_\_\_\_
Address: \_\_\_\_\_ \* Address: \_\_\_\_\_
Phone: \_\_\_\_\_ \* Phone \_\_\_\_\_

Property

APN: \_\_\_\_\_ Size: \_\_\_\_\_
Estimated Slope: \_\_\_\_\_ Minimum \_\_\_\_\_ Maximum

Trees

Mature tree means a living tree with a circumference of thirty (30) or more inches, including all major stems, as measured four and one-half (4.5) feet above the root crown. (9.5 inch diameter.)

Estimated number of mature trees on property: \_\_\_\_\_

Mature trees proposed for removal:

Table with 2 columns: Number, Species

Trees designated by stump mark: \_\_\_\_\_ Yes \_\_\_\_\_ No

Reasons for Removal

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

Check one or more as applicable:

- subdivision
homesite
commercial development
specify:
other
specify:

continued on reverse:

This application will be reviewed using the following criteria:

- A. The condition of the tree with respect to disease, danger of collapse proximity to existing structure, walkway, driveway, alley, or street, or interference with utility services.
- B. The necessity to remove the tree in order to construct public or private improvements which allow economic development of the property. The applicant must have applied for, and have paid plan checking fees for a building permit for the subject improvements.
- C. The number of mature trees existing on the property.
- D. Good forestry practices (# of trees that an area will support, stem spacing, etc.).
- E. Whether removal of the tree is necessary to public or utility right of way.
- F. The suitability of the tree species in the subject area.
- G. The slope and other physical attributes of the land.

Home firewood permits: The owner of lands of any size acreage may cut up to six (6) cords of firewood from mature trees each year, upon application to the director and issuance by the director of a tree cutting permit. Such firewood must be for the personal use of said owner and may not be sold or transferred to any other person.

The Planning Commission shall determine whether, and on what terms and conditions, the permit should be issued. The Planning Commission may, as a condition of the issuance of a permit, specify mitigation which must be done in order to diminish any negative impact resulting from the cutting, including but not limited to replanting of trees or other vegetation.

The applicant may be required to provide a written report prepared by a registered professional forester or person with similar credentials, to supplement this application. This requirement may be appealed to the Planning Commission at its next meeting.

Fees:

- 1. residential properties: \$ 25.00/parcel (based on 1 hour maximum, additional time billed at \$20/hour)
- 2. commercial or industrial properties: \$ 75.00/parcel (based on 3 hour maximum, additional time billed at \$20/hour)
- 3. home firewood: no charge

I HAVE READ THIS APPLICATION COMPLETELY AND HEREBY CERTIFY THE INFORMATION PROVIDED IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Applicant  
Signature: \_\_\_\_\_

Owner  
Signature: \_\_\_\_\_

=====

FOR OFFICIAL USE ONLY

Site plan submitted: \_\_\_\_\_

Plan check fee paid: \_\_\_\_\_

Reviewed and approved by: \_\_\_\_\_

Director

Planning Commission Approval: \_\_\_\_\_ Conditions: \_\_\_\_\_

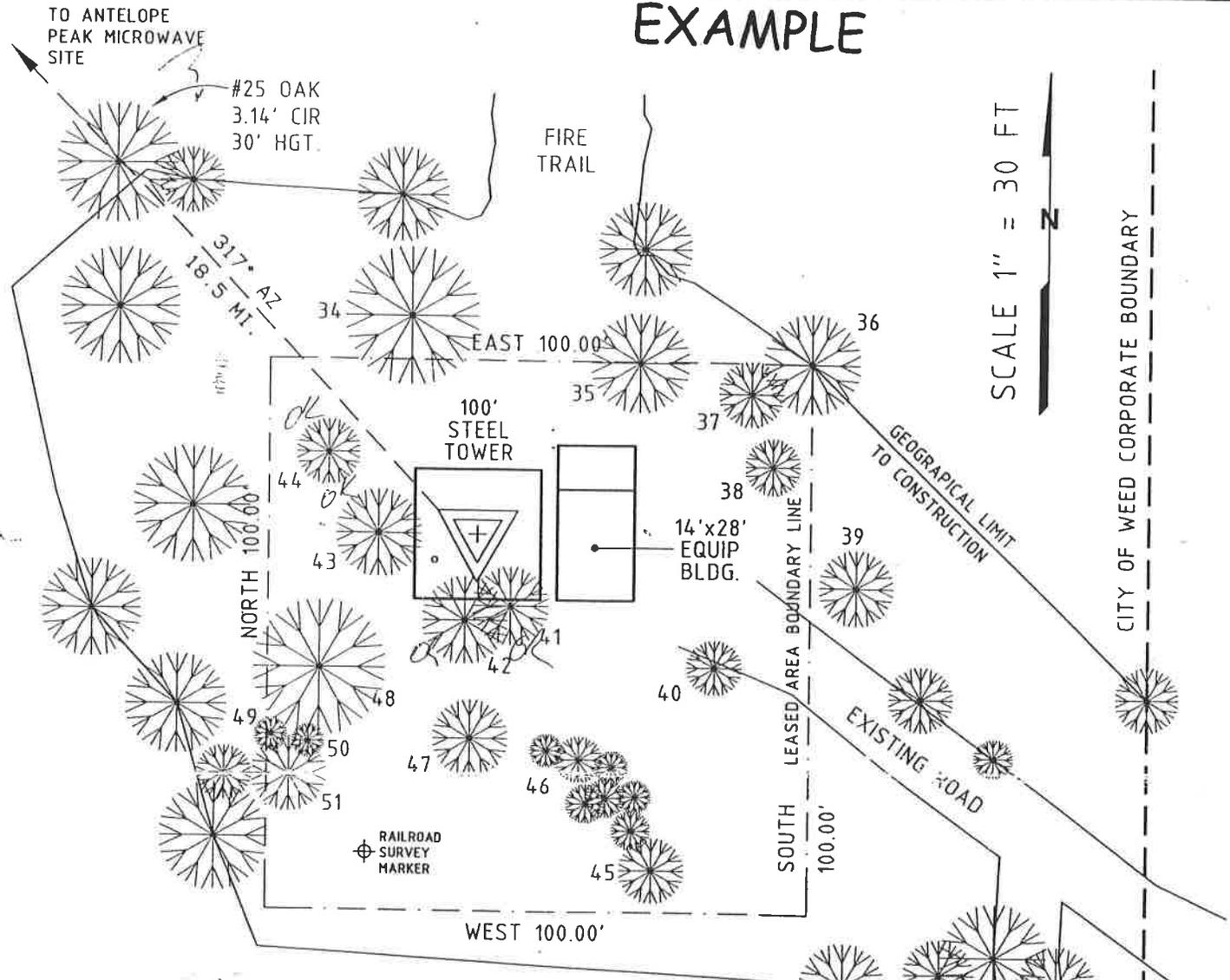
\_\_\_\_\_

# EXAMPLE

SCALE 1" = 30 FT



CITY OF WEED CORPORATE BOUNDARY



**TREE LIST  
WITHIN 100 FT SQ. BOUNDARY**

No.	SPECIES	CIRCUM.	HGT	No.	SPECIES	CIRCUM.	HGT
34	DAK	1.80'	25'	45	PINE	2.10'	15'
35	DAK	2.10'	18'	46	SMALL DAKS IN GROUP		
36	DAK	2.10'	20'	47	PINE	3.67'	45'
37	CEDAR	1.83'	14'	48	DAK	5.75'	25'
38	DAK	1.83'	14'	49	PINE	1.10'	15'
39	DAK	2.36'	18'	50	PINE	1.10'	15'
40	DAK	1.57'	15'	51	PINE	3.40'	60'
41	PINE	2.60'	43'	} TREES NEEDING REMOVED			
42	PINE	3.14'	48'				
43	PINE	7.00'	56'				
44	CEDAR	4.50'	54'				

SITE LOCATION  
T.41 N. R.05 W.  
SEC. M.D.B.M.

Tree Cutting  
Application/Permit

Applicant Name,  
Address, Phone

Site Location

## Chapter 8.28

### TREE CUTTING ON PRIVATE AND PUBLIC PROPERTY

#### Sections:

- 8.28.010 Intent and purpose.
- 8.28.020 Scope.
- 8.28.030 Definitions.
- 8.28.040 Prohibition of removal.
- 8.28.050 Tree cutting permit.
- 8.28.060 Home firewood permits.
- 8.28.070 Standards for granting or denying tree removal.
- 8.28.080 Exemptions.
- 8.28.090 Trees on city lands and rights-of-way.
- 8.28.100 Appeals.
- 8.28.110 Fees.
- 8.28.120 Penalties for violation.
- 8.28.130 Compliance with other laws and regulations.

8.28.010 Intent and purpose. It is the determination of the city council that, in order to protect the health, safety and welfare of the citizens of the city, proper and necessary steps be taken in order to protect and preserve mature trees, especially where those mature trees are associated with proposals for urban development, or are located on hillside areas. This chapter shall be interpreted and applied so as to allow all economic development which is otherwise permissible under the city's planning ordinances and regulations, and not to make such development economically infeasible, but to preserve all trees subject hereto the removal of which is not reasonably necessary to the project. (Ord. 284-91 §1(part), 1991).

8.28.020 Scope. The provisions of this chapter shall apply to trees located on parcels of one third acre or more, or on lands which have been subdivided or split within thirty-six months and which, before such subdivision or split into small portions, were one third acre or more. (Ord. 328-95 §1, 1995: Ord. 289-92 §1, 1992: Ord. 284-91 §1(part), 1991).

8.28.030 Definitions. For the purposes of this chapter, the following definitions shall apply:

"Cut" means to cut, remove, destroy or deliberately cause significant damage to any mature tree, but shall not include normal trimming or pruning of any tree which does not damage it, or jeopardize its survival.

"Director" means the director of public works, the city administrator in the absence of the former, or such other persons who may from time to time be designated by either of them.

"Mature tree" means a living tree with a circumference of thirty or more inches, including all major stems, as measured four and one-half feet above the roof crown (9.5 inch diameter).

"Person" means any individual, corporation, partnership, or other business entity.

"Tree retention plan" means a plot plan diagramming the remaining trees following tree removal. (Ord. 289-92 §3, 1992; Ord. 284-91 §1(part), 1991).

8.28.040 Prohibition of removal. No mature tree shall be cut on any parcel within the subject of this chapter, except as provided herein. (Ord. 284-91 §1(part), 1991).

8.28.050 Tree cutting permit. A. Any person who desires to cut any mature tree subject to this chapter, shall apply to the city for a permit to do so.

The director shall establish the format and information required for such application, consistent with this chapter, and including the number of mature trees on the property, the slope of the property, the designation, number and species of mature trees to be removed, the reasons for removal, and a tree retention plan. The directors and two members of the planning commission shall review the information contained on the application form and make an on-site inspection to verify its accuracy.

Within twenty days after receipt of a completed application, and payment of the fee therefor, the director shall issue a report and recommendation, both of which shall thereupon be submitted to the planning commission at its next meeting. If the director finds it necessary, he may require the applicant to provide a written report prepared by a registered professional forester or person with similar credentials, to supplement the application. This requirement may be appealed to the planning commission at its next meeting.

B. The planning commission shall determine whether, or to what extent, and on what terms and conditions, within the guidelines set forth below, the permit should be issued. The planning commission may, as a condition of the issuance of a permit, specify mitigation which must be done

in order to diminish any negative impact resulting from the cutting, including but not limited to replanting of trees or other vegetation, and removing or grinding of stumps. Stump height, after cutting or grinding, shall not exceed four inches above ground level.

C. If deemed necessary, the planning commission shall require the applicant to provide a written report, prepared by a registered professional forester, or person with similar credentials, to supplement an application.

D. If the planning commission fails to act on a completed application within sixty days, the permit shall be deemed to have been issued, unless the applicant has agreed to extend such time. (Ord. 328-95 §2, 1995; Ord. 289-92 §2, 1992; Ord. 284-91 §1(part), 1991).

8.28.060 Home firewood permits. The owner of lands of any size acreage may cut up to six cords of firewood from mature trees thereon each year, upon application to the director and issuance by the director of a tree cutting permit. Such firewood must be for the personal use of said owner and may not be sold or transferred to any other person. The director shall apply the applicable standards of Section 8.28.070 for granting or denying a tree cutting permit for home firewood. Slash disposal shall be by pile and burn, chip or removal. Stumps shall be removed or ground or cut so as not to exceed four inches above ground level. (Ord. 328-95 §3, 1995; Ord. 284-91 §1(part), 1991).

8.28.070 Standards for granting or denying tree removal. The determination by the planning commission to issue a tree cutting permit shall be based on the criteria set forth below.

A. The condition of the tree with respect to disease, danger of collapse of all or any portion, proximity to an existing structure, walkway, driveway, alley or street, or interference with utility services;

B. The necessity to remove the tree in order to construct public or private improvements which allow economic development of the property. In applying this subsection, the planning commission shall not consider such removal to be necessary for a private improvement unless the applicant has actually applied for, and has paid plan checking fees for a building permit for the subject improvements. The request to remove a tree shall not be denied if the applicant shows that the tree would unreasonably interfere with a building, road, or other necessary appropriate improvement, or with grading required for appropriate drainage, and parking areas necessary to provide for sufficient use of the property so as to make a project economically feasible;

C. The number of mature trees existing on the subject property;

D. Good forestry practices, i.e., the number of healthy mature trees that a given area will support, and stem spacing no greater than twenty-five feet. This also applies to Section 8.28.060;

E. Whether removal of the tree is necessary to any public or utility right-of-way;

F. The suitability of the tree species in the subject area;

G. The slope and other physical attributes of the land on which the trees are located. (Ord. 289-92 §4, 1992; Ord. 284-91 §1(part), 1991).

8.28.080 Exemptions. The following are exempt from the provisions of this chapter:

A. Trees on order of the city administrator, director of public works, or a member of the police or fire departments if the condition of the mature tree poses an imminent threat to the public safety to the extent that it would be unreasonable to wait and submit an application;

B. Trees on land of the United States, the state of California, or on land owned or leased by any duly formed school district or special district;

C. Trees planted, grown, or held for sale by a licensed nursery;

D. Christmas tree farms;

E. Dead or diseased trees. (Ord. 328-95 §4, 1995; Ord. 284-91 §1(part), 1991).

8.28.090 Trees on city lands and rights-of-way. The following procedure shall be followed for removal of trees from any lands owned or leased by the city, or over which the city has any easement or right-of-way:

A. The director may issue a permit for the removal of any of the following, without first submitting the same to the planning commission:

1. Trees deemed by the director to be necessary to obtain adequate line-of-sight distances for public streets or roads;

2. Trees within or adjacent to the public right-of-way which, in the opinion of the director, will likely cause damage to existing public improvements.

B. Before issuing such a permit, the director shall, not less than fifteen days in advance, cause to be posted in a conspicuous place at City Hall, and mailed to every owner of real property within one hundred feet of the subject tree, a notice of the director's intention to issue the permit. Thereafter, not later than fifteen days after such mailing and posting, whichever is later, any interested person may protest, in writing, the proposed issuance of the permit.

C. Any protest of a proposed permit under this section shall be considered by the planning commission within

forty-five days. If the planning commission fails to act on the protest within forty-five days, the protest shall be deemed rejected, unless both the director and the protesting party have agreed to extend such time. (Ord. 284-91 §1(part), 1991).

8.28.100 Appeals. Decisions of the planning commission may be appealed to the city council in accordance with the procedures set forth in Chapter 18.40 of this code. (Ord. 284-91 §1(part), 1991).

8.28.110 Fees. The city council may, from time to time, by resolution, set fees for all tree cutting permits required hereunder, which shall reimburse the city's expenses for processing applications and the other costs of regulation and enforcement. (Ord. 284-91 §1(part), 1991).

8.28.120 Penalties for violation. Violations of this chapter shall be punishable in any or all of the following ways:

A. Each mature tree which is cut shall be a separate violation.

B. Each violation will be punished with a fine of five hundred dollars.

C. The city may obtain injunctive relief against further violations, and recover attorney fees incurred by the city in doing so.

D. In addition to any penalties described in this section, in the event of a violation of this chapter on lands owned or leased by the city or within any city right of way, the violator shall be liable to the city for the replacement value of said trees and any damage incurred as a result of such violation, and the city shall be able to recover any attorneys fees incurred by the city in doing so. (Ord. 346-99 §1, 1999: Ord. 284-91 §1(part), 1991).

8.28.130 Compliance with other laws and regulations.

A. Nothing herein shall relieve an applicant from complying with the laws or regulations of other governmental entities. The issuance of a timber harvesting plan, or other tree cutting permit, by another governmental entity shall not relieve a person from also complying with this chapter.

B. Negative declarations shall address all applicable portions of this chapter. Environmental impact reports shall also address this chapter.

C. The California Department of Forestry's timber harvest review team is requested to notify the city of any proposed timber harvest plan and harvest plan exemptions within the city limits. (Ord. 328-95 §5, 1995; Ord. 289-92 §5, 1992: Ord. 284-91 §1(part), 1991).