

ORDINANCE NO. 2006 - 534

ORDINANCE OF THE TOWN OF WOODSIDE
 AMENDING SECTION 153.005 - DEFINITIONS, DELETING SECTION 153.060 -
 PROHIBITED USES AND ACTIVITIES IN ALL DISTRICTS, AND ADDING SECTION
 153.170 - TREE PROTECTION ORDINANCE,

IT IS ORDAINED by the Town Council of the Town of Woodside as follows:

Section 1: Section 153.005 of the Woodside Municipal Code is amended to add the following definitions:

DRIP LINE: A line on the surface of the ground occurring directly below the greatest horizontal limit of a tree's canopy of leaves and branches.

GIRDLING: A horizontal cut around a tree trunk to a depth of 1-4 inches that severs a tree's vascular cambium layer.

LANDMARK: A site or feature that is so designated by the Woodside Town Council due to the historic value pursuant to a historic preservation ordinance.

SIGNIFICANT TREE: Any living tree that has a trunk circumference, measured 48 inches above mean natural grade, greater than the size in inches in the table below. (For Madrone, Blue Oaks, and Buckeye trees only, if multiple trunks have developed by 48 inches above grade, the measure of circumference shall be the sum of the circumferences of all of the trunks. For California Bay Laurel trees, the measurement pertains only to the largest of multiple trunks.)

	<u>Circumference</u>	<u>Diameter</u>
<u>Slower growing natives</u>	24"	7.6"
Alder (<i>Alnus rhombifolia</i>)		
Big Leaf Maple (<i>Acer macrophyllum</i>)		
Blue Oak (<i>Quercus douglasii</i>)		
Buckeye (<i>Aesculus californica</i>)		
Fremont Cottonwood (<i>Populus fremontii</i>)		
Madrone (<i>Arbutus menziesii</i>)		
Tan Bark Oak (<i>Lithocarpus densiflorus</i>)		
<u>Faster growing natives</u>	30"	9.5"
Black Oak (<i>Quercus kelloggii</i>)		
California Bay Laurel (<i>Umbellularia californica</i>)		
Coast Live Oak (<i>Quercus agrifolia</i>)		
Coast Redwood (<i>Sequoia sempervirens</i>)		
Douglas Fir (<i>Pseudotsuga menziesii</i>)		
Valley Oak (<i>Quercus lobata</i>)		
Western Sycamore (<i>Platanus racemosa</i>)		
<u>Other</u>	36"	11.5"

STUBBING: Removal of the top of the tree or trimming of its branches to a point that the life of the tree is threatened.

TREE DESTRUCTION: ^{removal} The cutting of SIGNIFICANT TREES to the ground or to stumps, complete extraction, killing by chemical application, STUBBING, GIRDLING, placing fill within the drip line, other actions which threaten the life of the tree, or other willful actions that result in the premature death of the tree.

Section 2: Section 153.060 - Prohibited Uses and Activities in All Districts is deleted in its entirety.

Section 3: Sections 153.170 - 153.178 - Tree Protection - are added to the Woodside Municipal Code as follows:

153.170 Purpose

This ordinance is adopted to promote and enhance a superior community environment, to maintain the rural character, to maintain air quality and ecologic balance, to maintain property values, and to ensure the maximum preservation of the valuable natural features and scenic character as stated in the General Plan of the Town by establishing minimum standards and requirements relating to the protection of trees. It is intended that this ordinance be administered with the foregoing purposes in mind and specifically so as to:

- A. Ensure, insofar as practical in permitting development of land and minimizing fire hazard, the maximum retention of natural vegetation to aid in protection against erosion of top soil, preservation of natural scenic qualities and healthy ecosystems of the Town through good conservation practices, protection from flooding or landslides, noise absorption, and in providing habitat, shade and color.
- B. Protect mature trees and significant stands of trees in order to retain as many as possible consistent with the purposes set forth herein and also consistent with reasonable economic enjoyment of private property. In this context, privately owned trees have an impact on the quality of life for the entire community.

153.171 Applicability

The provisions of this section apply to those activities set forth in Section 153.173

153.172 Emergencies

In case of emergency, when a SIGNIFICANT TREE is hazardous or dangerous to life or property, it may be trimmed or removed by order of the Town Manager or his/her designee.

153.173 Permit - Required

No person shall engage in TREE DESTRUCTION without first obtaining a permit.

153.174 Permit - Application

Each application for a TREE DESTRUCTION permit shall be made by the owner of the property or by the owner's authorized agent to the Town's Planning and Building Department on the form furnished for that purpose. Such application shall be accompanied by the following items:

- A. A sketch of the site depicting the location of the SIGNIFICANT TREES included in the permit application, including relative proximity to structures, property lines, easements, other trees and other relevant features.
- B. Description of the SIGNIFICANT TREES, including species, size, health, and general condition.
- C. Photograph of existing site with the SIGNIFICANT TREES clearly marked with orange ribbon that will remain on the tree throughout the permitting process.

The Planning Director may require an arborist report to be submitted if the information submitted by the applicant is insufficient to determine the health of the SIGNIFICANT TREES or any danger the SIGNIFICANT TREES may pose. In such cases, the Planning Director shall, within ten days, send a letter to the applicant listing the specific application deficiencies that led to the requirement of an arborist report.

153.175 Permit - Application Review

The Planning Director shall review the application according to the following criteria and grant the permit if any of these following criteria apply to the SIGNIFICANT TREES.

- A. They are significantly diseased and at risk of dying, transmitting disease to other trees, or falling down.
- B. They are a potential hazard to people or structures for other reasons, including but not limited to weak root structure, leaning, and decay.
- C. SIGNIFICANT TREES may be removed as may be required to permit construction authorized by a valid building or grading permit which specifies such removal.
- D. Thinning (removal of select SIGNIFICANT TREES) is recommended by a certified arborist for the health of the remaining trees or by the Woodside Fire Protection District for fire protection.
- E. They are Eucalyptus, Acacia or Monterey Pine, and are not designated as a Landmark.

Factors in addition to the above that may be considered in support of a denial include, but are not limited to, size of the SIGNIFICANT TREES, number of trees remaining on the lot, number of same species trees in close proximity whose removal would significantly impact the surrounding ecosystem, timing of the cut, and potential for excessive and unnecessary scarring of the natural landscape through removal of vegetation. The Planning Director may issue a permit but require that the removal be delayed for reasons including, but not limited to, habitat preservation and avoiding damage to other trees. The Planning Director may also require tree replacement, as provided in Section 153.177.

The Planning Director may refer the matter to the Town's Conservation and Environmental Health Committee or the Town's Architectural and Site Review Board (ASRB) for a recommendation. In such cases, the Planning Director shall, within ten days, send a letter to the applicant listing the circumstances that led to the referral. If the Planning Director refers the matter to the ASRB, all neighbors with properties adjacent to the property on which the SIGNIFICANT TREES are located shall be notified in writing in advance of the meeting.

153.176 Protection of SIGNIFICANT TREES during Site Development and Construction

The following provisions shall be adhered to during site development and construction.

- A. Precautions during site development and construction, including at least the following:
- (I) A fence shall be placed around the drip line of the SIGNIFICANT TREES insofar as is practical prior to any work, and no construction activities shall be carried out within the drip line except as allowed by the permit.
 - (II) Permits for construction within a drip line of any SIGNIFICANT TREES shall include: provisions for hand trenching within the drip line; construction of approved tree wells to protect against fill; prohibition of grading, cuts, and fills within four feet of a tree base; review of any cutting or trimming, or those provisions recommended by a certified arborist.
 - (III) Appropriate signage must be posted on the fence protecting the SIGNIFICANT TREES during construction. The sign shall clearly state the purpose of the fence and that machinery and materials are not to be stored within the fenced areas, and work is to occur in the fenced areas only under the supervision of a certified arborist.
- B. Measures to effect erosion control, soil and water retention and limitation of adverse environmental effects.

The above protective measures are minimum requirements, and the Planning Director may require additional protection measures if the conditions of the site, development, or construction so dictate to protect SIGNIFICANT TREES.

153.177 Replacement of SIGNIFICANT TREES

When tree replacement is required by the Planning Director, the replacement trees shall be a California native tree species and be planted as near as possible to the original location, unless practical reasons preclude this option. Replacement trees will be of at least a thirty six inch box or other minimum size as specified by the Planning Director. Replacement trees shall be planted within one year of removal or, in the case of removal to accommodate construction, prior to final inspection.

153.178 Violations - Penalty

Any person or property owner violating provisions of this ordinance with respect to the protection of SIGNIFICANT TREES that is not fully cured within twenty days shall be required to:

- A. Replace all affected SIGNIFICANT TREES in accordance with the provisions of Section 153.177.
- B. Pay the following fines:
 - \$5000 for the first SIGNIFICANT TREE.
 - \$7500 for the second SIGNIFICANT TREE.
 - \$10,000 for each additional SIGNIFICANT TREE.

The amounts and conditions for these fines may be changed from time to time by the Town Council by resolution.

The penalties identified in this subsection are in addition to those identified in Chapter 10 of the Woodside Municipal Code.

Section 4: Severability.

The Town Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions of this Ordinance are severable and, if for any reason any sentence, paragraph, or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section 5: This Ordinance shall be published and posted according to law and shall take effect and be in force from and after thirty (30) days after its passage and adoption.

Section 6. The Town Clerk shall cause this Ordinance to be published and posted in accordance with the requirements of the Section 36933 of the Government Code of the State of California.

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Introduced this 14th day of November, 2006.

PASSED AND ADOPTED as an Ordinance of the Town of Woodside on the 12th day of December, 2006, by the following vote.

AYES, Councilmembers: Goeld, Gordon, Hodges, Romines, Sinclair,
Tanner, Mayor Boynton
NOES, Councilmembers: None
ABSENT, Councilmembers: None
ABSTAIN, Councilmembers: None



Mayor of the Town of Woodside

ATTEST:



Town Clerk of the Town of Woodside