



MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

TREE REMOVAL PERMIT FACT SHEET

DEFINITION

The County of Marin has adopted a Native Tree Preservation and Protection Ordinance (“Native Tree Ordinance”) to establish regulations for the preservation and protection of native trees in the non-agricultural unincorporated areas of the county. These regulations establish a Tree Removal Permit process through which property owners can request to remove “protected trees” defined by the following criteria: 1) on an unimproved parcel, the removal of any individual native tree with a diameter at breast height (DBH) as specified in the Native Tree Ordinance; and 2) on an improved parcel, the removal of more than five (5) native trees within any 12 month period when each of the trees has a DBH as specified in the Native Tree Ordinance. Native trees subject to the Native Tree Ordinance, as summarized in items (1) and (2) above, are listed by species type and DBH in Attachment 1. The removal of any tree required to be planted or preserved as a condition of a County discretionary permit application shall be considered through an amendment to the prior permit, and not a Tree Removal Permit.

Protected trees that qualify for one or more of the exemptions established in the Native Tree Ordinance may be removed without first obtaining a Tree Removal Permit. Property owners are responsible for verifying that trees to be removed qualify for an exemption. Please refer to the Native Tree Ordinance for a list of specific exemptions (*Section 22.27.040, Exemptions to the Prohibition on Removal of a Protected Tree*). The Community Development Agency strongly encourages property owners to consult with appropriate professionals to verify and document exemptions to the prohibition on removal of protected trees. In some cases, you may be required to submit documentation, such as an arborist report, to demonstrate that the tree removal is exempt from the ordinance.

The Community Development Director will normally act on a Tree Removal Permit after considering criteria that are established in the Native Tree Ordinance such as whether preservation of the tree would interfere with the reasonable use and enjoyment of land, the number of trees remaining in the immediate area of the subject property and the number of healthy trees the subject property can support, the value of the tree to the surrounding area, the environmental impacts of the proposed tree removal, and alternatives that would allow for preservation of trees. Please refer to the Native Tree Protection Ordinance for a list of specific criteria (*Section 22.27.090 Action on Tree Removal Permit – Criteria*).

The Director may refer a Tree Removal Permit to the Marin County Planning Commission for action if the permit request raises significant policy or environmental issues.

TIME FOR PROCESSING

Generally, action is taken on a Tree Removal Permit application within two or three weeks from the date when the application is deemed complete.

APPLICATION PROCESS

STEP 1 SUBMIT APPLICATION AT PLANNING INFORMATION COUNTER – The submittal requirements for a Tree Removal Permit are listed in the Zoning/Development Application Submittal Checklist. Please check with the public information planner if you have any questions regarding any of these items. Incomplete or unclear applications will not be accepted for processing.

STEP 2 STAFF APPLICATION PROCESSING – A planner will be assigned to process your application. Depending upon the extent of the proposed tree removal, the assigned planner may transmit your plans and any other pertinent materials to relevant public agencies, such as the Department of Public Works, Fire Department and, when applicable, to the local community advisory group for their review and comments.

If a community advisory group is to review your permit request, you will be notified of the person to contact and location and the tentative date of the meeting when your project will be on the agenda. Your attendance is encouraged.

STEP 3 DETERMINATION OF COMPLETENESS – The planner assigned to your project will review your permit application for completeness. State law requires that staff determine whether the application is complete within 30 days from submittal. You will be sent a Notice of Project Status informing you whether your application is complete or incomplete and, if incomplete, what items must be submitted before processing can begin.

STEP 4 ACTION –The Community Development Agency Director (Director) can act to approve, approve with conditions, or deny a Tree Removal Permit application. The Director will take into account any information or comments from reviewing departments, agencies, community advisory groups and the general public. A public notice will be posted at the subject property and mailed to adjacent or surrounding property owners prior to action on the permit application. If the permit application is referred to the Planning Commission, a noticed public hearing will be held to consider public testimony before an action is taken.

STEP 5 APPEAL – The action of the Director is final unless an appeal is received by the Marin County Community Development Agency, Planning Division within ten business days from the date of action, except for projects in the coastal zone when a five business day appeal period applies. The Planning Commission will act on the appeal to sustain, modify, or overrule the previous action. Actions taken by the Planning Commission may be appealed to the Board of Supervisors. Check at the public information counter regarding applicable fees and other details of the appeal process.

FOR FURTHER INFORMATION

- Visit the Marin County Community Development Agency’s public information counter at the Civic Center, Room 308, San Rafael, California, Monday through Friday (closed holidays), 8:00 a.m. – 4:00 p.m., or call (415) 499-6269.
- See Marin County Development Code Chapter 22.27.

Trees Native to Marin County

Botanical Name	Common Name	Diameter at Breast Height
<i>Acer macrophyllum</i>	Big-leaf maple	10 inches
<i>A. negundo</i> var. <i>californicum</i>	Box elder	10 inches
<i>Aesculus californica</i>	California buckeye	10 inches
<i>Alnus rhombifolia</i>	White alder	10 inches
<i>A. rubra</i>	Red alder	10 inches
<i>Amelanchier alnifolia</i>	Service-berry	10 inches
<i>Arbutus menziesii</i>	Pacific Madrone	6 inches
<i>Castanopsis chrysophylla</i>	Giant Chinquapin	10 inches
<i>Cercocarpus betuloides</i>	Mountain-mahogany	10 inches
<i>Crataegus douglasii</i>	Hawthorn	10 inches
<i>Cupressus sargentii</i>	Sargent cypress	6 inches
<i>Fraxinus latifolia</i>	Oregon ash	10 inches
<i>Garrya elliptica</i>	Silk tassel	10 inches
<i>Lithocarpus densiflorus</i>	Tanbark oak	10 inches
<i>Myrica californica</i>	Wax myrtle	10 inches
<i>Pinus muricata</i>	Bishop pine	10 inches
<i>Pseudotsuga menziesii</i>	Douglas-fir	10 inches
<i>Quercus agrifolia</i>	Coast live oak	6 inches
<i>Q. chrysolepis</i>	Canyon live oak	6 inches
<i>Q. douglasii</i>	Blue oak	6 inches
<i>Q. garryana</i>	Oregon oak	6 inches
<i>Q. kelloggii</i>	California black oak	6 inches
<i>Q. lobata</i>	Valley oak	6 inches
<i>Q. parvula</i> var. <i>shrevei</i>	Oak	6 inches
<i>Q. wislizeni</i>	Chaparral oak	6 inches
<i>Salix exigua</i>	Narrow leaved willow	6 inches
<i>S. laevigata</i>	Red willow	6 inches
<i>S. lasiolepis</i>	Arroyo willow	6 inches
<i>S. lucida</i> ssp. <i>lasiandra</i>	Shining willow	6 inches
<i>S. scouleriana</i>	Scouler's willow	6 inches
<i>S. sitchensis</i>	Sitka willow	6 inches
<i>Sambucus callicarpa</i>	Red elderberry	10 inches
<i>Sequoia sempervirens</i>	Coast redwood	10 inches
<i>Taxus brevifolia</i>	Pacific yew	10 inches
<i>Torreya californica</i>	California nutmeg	10 inches
<i>Umbellularia californica</i>	California bay	10 inches