CITY OF CAMPBELL
Community Development Department

OFFICIAL DIRECTOR INTERPRETATION
No. 10

Municipal Code Section – Chapter 21.32 (Tree Protection Regulations); Section 21.32.020 (Definitions); Section 21.32.060 (Exemptions); Section 21.32.065 (Removal of Dead or Dying Trees); Section 21.32.080 (Determination on Permit); Section 6.10.020 (Public Nuisance)

Purpose of Interpretation – Chapter 21.32 establishes ministerial pathways for tree removal, including exemptions under Section 21.32.060 and Zoning Clearances under Section 21.32.065 that do not require discretionary findings under Section 21.32.080. In practice, removal requests eligible for these pathways have been processed through the discretionary permit track due to the absence of clearly defined evidentiary standards for determining threshold eligibility. This Interpretation establishes consistent, objective standards based on current arboricultural practices and field conditions, and provides a framework for routing removal requests between ministerial and discretionary pathways. This Interpretation is consistent with the General Plan by promoting public safety and predictable administration of the Zoning Code.

Interpretation – The Community Development Director hereby interprets the provisions of Chapter 21.32 identified below.

A. Dead or Dying Trees (Sections 21.32.020 and 21.32.065)

Section 21.32.020 defines a "dying tree" as one in an advanced state of decline due to damage or disease such that death is unavoidable. This establishes a standard where the relevant inquiry is whether decline is irreversible, not whether the tree is near complete biological failure.

A tree may be determined to be "dying" where objective evidence demonstrates:

1. Advanced decline due to damage, disease, or structural instability; and
2. The condition is not reasonably correctable through available and feasible preservation measures.

This includes conditions also evaluated under Section 21.32.080.A.1 ("diseased or danger of falling") where structural failure, progressive disease or decay, or irreversible decline indicates that long-term viability is compromised and death is reasonably expected.

The following conditions, when documented by photographs, staff site inspection, or arborist report, are sufficient to establish dying status:

- Crown dieback exceeding approximately 50 percent of total crown volume during the growing season, attributable to disease, pest infestation, or structural root damage rather than seasonal dormancy or recent pruning;
- Structural instability indicating probable failure, including trunk failure, root plate failure, or severe lean with recent onset, where the structural condition is caused by or accompanied by disease or decay;
- Presence of a lethal pathogen, pest, or disease condition for which no effective treatment protocol exists or for which available treatment has a documented failure rate exceeding 50 percent for the species and stage of infection;
- Structural root plate compromise where the tree's ability to sustain vascular function is documented as fatally compromised; or
- Bark sloughing, cambial death, or extensive sapwood decay around the majority of the trunk circumference, observable on visual inspection.

Where supported by photographs, staff inspection, or arborist documentation, such trees may be processed as "dying trees" under Section 21.32.065 through Zoning Clearance. Where the condition is not visually apparent from ground-level inspection, the Director may require an arborist report pursuant to Section 21.32.065.C. This interpretation does not apply where the condition is temporary, treatable, or reasonably correctable.

B. Public Utilities Exemption (Section 21.32.060.C)

Section 21.32.060.C exempts trees that "undermine or impact the safe operation of public utilities." The phrase "public utilities" is interpreted to encompass utility infrastructure serving the public, including all publicly and privately owned water, sewer, natural gas, and storm drainage systems. The operative standard is whether the tree undermines or impacts the safe operation of the utility system. This includes conditions affecting the function, integrity, or accessibility of utility infrastructure, including:

1. Root intrusion into sewer, water, gas, or storm drainage systems;
2. Displacement or damage to utility lines, conduits, or associated infrastructure;
3. Conditions restricting access necessary for maintenance or repair; or
4. Progressive conditions that will foreseeably impair system operation.

Where such conditions are documented by the utility provider or qualified professional, and removal is necessary to address the condition, the exemption applies. The exemption is not limited to imminent system failure. Staff review is limited to verifying the existence of the documented utility conflict and its relationship to safe or reliable operation. Staff shall not independently evaluate whether alternative remedies are feasible.

C. Public Nuisance Exemption (Sections 21.32.060.B and 6.10.020)

Section 21.32.060.B exempts any tree "in a condition to constitute a public nuisance, as defined in Section 6.10.020 of the Campbell Municipal Code," upon declaration by the Building Official, Community Development Director, or Fire Chief. Section 6.10.020 defines a public nuisance to include conditions that are dangerous to public health, safety, or general welfare, or that materially interfere with the use and enjoyment of property.

Section 21.32.020 defines "significant damage" as structural damage to a building foundation, floor framing, roof framing, or exterior walls, or to the wall of a swimming pool. A tree that is causing significant damage as defined in Section 21.32.020 is, by that fact, in a condition dangerous to public safety or constituting a material interference with the use and enjoyment of property. Such a condition satisfies the definition of public nuisance under Section 6.10.020.

Accordingly, where the Community Development Director determines that a tree is causing significant damage as defined in Section 21.32.020, such condition is hereby declared a public nuisance pursuant to Section 6.10.020. Upon such determination, the tree qualifies for exemption under Section 21.32.060.B and may be removed without a tree removal permit.

To support consistent application of this determination, the following indicators may be used to establish that "significant damage" is present:

1. *Proximity to Structure*
    - Tree trunk located approximately within 5 feet of a foundation or slab, or within 3 feet of a pool wall or similar structural improvement; and/or
    - With visible or reasonably inferred root presence beneath or adjacent to the structure.
2. *Observable Structural Damage*
    - Cracks in foundation, slab, or exterior walls measuring approximately 1/8 inch or greater;
    - Differential displacement or uplift of structural elements of approximately 1 inch or greater;
    - Separation or misalignment of structural components consistent with root pressure; and/or
    - Pool shell cracking, displacement, or leakage associated with root activity.
3. *Root–Structure Relationship*

    Evidence demonstrating the tree as the cause of damage, including:
    - Exposed roots beneath or in contact with structural elements;

- Root intrusion verified through inspection (e.g., plumbing video, excavation, or contractor documentation), or reasonably inferred where the tree is located within approximately five feet of the affected utility line and the type and location of damage are consistent with root intrusion; and/or
- Damage patterns consistent with root expansion from the subject tree.

4. *Progressive or Imminent Damage*
   - Ongoing cracking, displacement, or movement;
   - Continued root growth toward or beneath the structure; and/or
   - Documentation indicating that damage will worsen if the tree remains.

Where these indicators are present and documented by photographs, engineering or contractor assessments, or staff inspection, the Community Development Director may determine that the tree is causing significant damage constituting a public nuisance and declare the condition accordingly. Upon such declaration, the tree qualifies for exemption under Section 21.32.060.B.

This category is based on a factual determination of existing conditions. It does not require the evaluative findings of Section 21.32.080.A.2, which applies to structure damage cases that do not rise to the level of a public nuisance, for example, where damage is prospective, where the causal relationship between the tree and the damage is disputed, or where the question of whether damage can be controlled through reasonable modification of the tree's root or branch structure is genuinely contested.

D. Replacement Requirements (Section 21.32.065.D and 21.32.110).

Replacement trees shall be required for removals authorized pursuant to this Interpretation in accordance with Section 21.32.100, except that replacement for dead or dying trees shall continue to be governed by Section 21.32.065.D. Specifically, the number and minimum size of replacement trees shall be as specified by Table 3-5 (Replacement Tree Requirements). The species and location of replacement trees shall be selected by the property owner and identified on a replacement tree form prescribed by the Community Development Director.

Compliance shall be demonstrated through submission of the completed replacement tree form and photographic verification of installation. Replacement trees shall be installed within the timeframes specified in Section 21.32.100.B. Where a property cannot physically accommodate the required number of replacement trees due to existing structures, required access, or utility constraints, a fee in lieu of replacement may be accepted in accordance with Section 21.32.110 for the portion that cannot be accommodated.

Implementation: Notwithstanding Section 21.32.060, all exemption determinations made pursuant to this Interpretation shall be processed as a Zoning Clearance in compliance with Chapter 21.40. The Zoning Clearance shall serve as the ministerial review process for verifying the basis for the exemption determination in compliance with this Interpretation. No tree identified in this Interpretation as exempt shall be removed until the Zoning Clearance has been issued, except in cases processed under the emergency provisions of Section 21.32.060.A. Applications for tree removal permits pending as of the effective date of this Interpretation that meet the conditions described herein may be reclassified and processed as Zoning Clearances at the discretion of the Community Development Director.

This Interpretation is issued pursuant to Campbell Municipal Code Sections 21.02.020 and 21.02.030 and shall be effective on the date identified below.

Rob Eastwood
_____

Rob Eastwood
Community Development Director

01/04/26
_____

Date

No. 10 - Tree Removal Permit Requirements

Final Audit Report 2026-04-01

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