

**FINDINGS OF FACT AND FINAL ORDER  
TYPE I TREE REVIEW**

**DATE:** April 9, 2020

**FILE NO.:** 20-011 TREE

**PROJECT NAME:** 15119 Sunflower Ave Tree Removal

**APPLICANT:** Nick Ewald (LBD Landscaping)

**OWNER:** Becky Powell

**ADDRESS:** 15119 Sunflower Avenue (Lot 12 of Sandy Bluff Annex 5)

**PROPOSAL:** Remove one western redcedar retention tree in compliance with requirements of Section 17.102, Urban Forestry and the Final Order for the Sandy Bluff Annex 5 subdivision (File No. 15-012 SUB/VAR).

**EXHIBITS:**

**Applicant's Submittals**

- A. Land Use Application
- B. Arborist Report with Photos (Christine Johnson, ISA Certified Arborist, PN-8730A)

**Submitted by the City of Sandy**

- C. Final Order for the Sandy Bluff Annex 5 Subdivision (File No. 15-012 SUB/VAR)
- D. Sandy Bluff Annex 5 Tree Removal and Mitigation Plan and Arborist Report/Tree Inventory
- E. Approved Site Plan for Lot 12

**FINDINGS OF FACT:**

1. The goals and policies of the Sandy Comprehensive Plan are not directly applicable to this application because relevant code sections do not cite specific policies as criteria for evaluating the proposal.
2. The site has a Plan Map designation of Low Density Residential, and a Zoning Map designation of SFR, Single Family Residential.
3. Section 17.102, Urban Forestry, applies to properties within the Sandy Urban Growth Boundary that are greater than one acre in area (including contiguous parcels under the same ownership).
4. The site is less than one acre (approximately 0.18 acres); however, the tree proposed for removal is a required retention tree in the Sandy Bluff Annex 5 Subdivision (File No. 15-012

SUB/VAR; Exhibit C). Therefore, the proposal must be processed as a land use application to determine compliance with provisions for removal of the required retention tree.

5. The applicant proposes to remove one (1) western redcedar tree at the rear (north end) of the property (15119 Sunflower Avenue; Lot 12 of the Sandy Bluff Annex 5 Subdivision). The applicant submitted an arborist report (Exhibit B) with photographs showing the required retention tree in close proximity to an existing rear deck.
6. The western redcedar proposed for removal is identified as a required retention tree (Tree #8) in the approval for the Sandy Bluff Annex 5 Subdivision (Exhibit C) as depicted on the Sandy Bluff Annex 5 Tree Removal and Mitigation Plan and Arborist Report/Tree Inventory (Exhibit D), which identifies Tree # 8 as a 24-inch DBH western redcedar in good condition. Section 17.102.30(B.5) states: “An application for removal of a hazard tree within a protected setback area or a tree required to be retained as defined in Chapter 17.102.50 shall also contain a report from a certified arborist or professional forester indicating that the condition or location of the tree presents a hazard or danger to persons or property and that such hazard or danger cannot reasonably be alleviated by treatment or pruning.” Since Tree #8 is a tree that was required to be retained as part of the Sandy Bluff Annex 5 Subdivision approval, the applicant submitted an arborist’s report by Christine Johnson of Teragan & Associates (Exhibit B). The arborist report states: “The current health and structure of the tree was given a rating of good. The western redcedar was measured to be 28 inches DBH. The base of the trunk is 7.5 feet from the foundation. The trunk is abutting the deck on two sides. On the east side of the trunk, the tree is in direct contact with the deck. On the south side of the trunk, the tree is five inches from the deck.” The arborist report recommends removal of the tree citing that the “western redcedar has outgrown its allotted space and will continue to grow into the deck, causing additional damage to the structure of the deck in the future.” However, the approved site plan for the subject property (Exhibit E) clearly details the required minimum 10 foot tree protection zone as required by Section 17.102.50(B). Neither the deck nor the house should have been built in the 10 foot tree protection zone per the approved site plan and Sandy Bluff Annex 5 Subdivision approval. The tree, which is a required retention tree for the Sandy Bluff Annex 5 subdivision, existed prior to either the house or the deck. Therefore, the applicant’s request to remove the required retention tree is denied. The arborist report states “In order to solve the deck/ tree conflict the entire northwest corner of the deck would have to be reconstructed which may also require the stairs to the deck to be eventually rebuilt/repositioned as the tree grows larger.” **The applicant shall retain the required retention tree and shall either remove the deck completely from within the required 10 foot minimum tree protection zone around the required retention tree in order to reduce further negative impacts to the required retention tree, or shall reconstruct the entire northwest corner of the deck and reposition the stairs per the arborist’s recommendation. The deck shall be removed or repositioned under the supervision of a certified arborist to ensure the retention tree is not damaged.**
7. The Tree Removal and Mitigation Plan and Arborist Report/Tree Inventory for Sandy Bluff Annex 5 (Exhibit D) details the one required retention tree (Tree # 8) and four (4) required

noble fir mitigation trees on Lot 12 (Trees #M2, M3, M21, and M22). **The applicant shall confirm that the four (4) required mitigation noble fir trees are still alive and in good condition. The applicant shall submit documentation of the existence and health of the 4 mitigation trees prepared by a certified arborist to the City of Sandy Planning Division. Alternatively, the applicant shall submit photographs that clearly show the location and condition of each of the four mitigation trees.**

### **DECISION:**

The application for removal of one (1) required western redcedar retention tree is hereby **denied**. The applicant shall retain the required retention tree. **The applicant shall complete the following within 90 days of the date of this Final Order:**

1. Either remove the deck completely from within the required 10 foot minimum tree protection zone around the required retention tree in order to reduce further negative impacts to the required retention tree, or reconstruct the entire northwest corner of the deck and reposition the stairs per the arborist's recommendation. The deck shall be removed or repositioned under the supervision of a certified arborist to ensure the retention tree is not damaged.
2. Confirm that the four (4) required mitigation noble fir trees are still alive and in good condition. The applicant shall submit documentation of the existence and health of the 4 mitigation trees prepared by a certified arborist to the City of Sandy Planning Division. Alternatively, the applicant shall submit photographs that clearly show the location and condition of each of the four mitigation trees.



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Emily Meharg  
Senior Planner

04/09/2020  
Date

### **RIGHT OF APPEAL**

A decision on a land use proposal or permit may be appealed to the Planning Commission by an affected party by filing an appeal with the Director within twelve (12) days of notice of the decision. The notice of appeal shall indicate the nature of the interpretation that is being appealed and the matter at issue will be a determination of the appropriateness of the interpretation of the requirements of the Code.

An application for an appeal shall contain:

1. An identification of the decision sought to be reviewed, including the date of the decision;
2. A statement of the interest of the person seeking review and that he/she was a party to the initial proceedings;
3. The specific grounds relied upon for review;

4. If de novo review or review by additional testimony and other evidence is requested, a statement relating the request to the factors listed in Chapter 17.28.50; and
5. Payment of required filing fees.