

**FINDINGS OF FACT and FINAL ORDER
TYPE I REVIEW**

DATE: August 4, 2020

FILE NO.: 20-027 TREE

PROJECT NAME: 35932 Chinook Street Retention Tree Removal

APPLICANT/OWNER: Nicolae Kostinyuk

ADDRESS: 35932 Chinook Street (Lot 60 of Salmon Creek Estates)

PROPOSAL: Remove one (1) bigleaf maple retention tree in compliance with requirements of Section 17.102, Urban Forestry and the Tree Preservation Plan for the Salmon Creek Estates subdivision.

EXHIBITS:

Applicant's Submittals

- A. Land Use Application
- B. Arborist Report and Site Plan (Andrew Craig, Springwater Arboriculture LLC; ISA Certified Arborist PN5927, ISA Tree Risk Assessment Qualified)

Submitted by the City of Sandy

- C. Tree Preservation Plan for Salmon Creek Estates

FINDINGS OF FACT:

1. These findings are based on the applicant's submittal materials received on June 15, 2020 with additional items received on 7/30/20. The application is deemed complete on August 4, 2020.
2. 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policies of the Sandy Comprehensive Plan are not directly applicable to this application because relevant code sections do not cite specific policies as criteria for evaluating the proposal.
3. The site has a Plan Map designation of Low Density Residential, and a Zoning Map designation of SFR, Single Family Residential.
4. 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).

5. The subject property is less than one acre (approximately 0.15 acres); however, the tree proposed for removal is a required retention tree per the Tree Preservation Plan for the Salmon Creek Estates Subdivision (Exhibit C). The requirement for retention of the tree occurred during the platting of the Salmon Creek Estates Subdivision in 2008 (File No. 04-051 PD). Therefore, the proposal must be processed as a land use application to determine compliance with provisions for removal of the required retention tree.
6. The applicant proposes to remove one (1) bigleaf maple tree located at the top of the rear garden slope.
7. The bigleaf maple proposed for removal is identified as a required retention tree on the Tree Preservation Plan for Salmon Creek Estates (Exhibit C). The applicant submitted an Arborist Report by Andrew Craig of Springwater Arboriculture LLC (Exhibit B) that identifies the tree as a 27-inch diameter bigleaf maple (*Acer macrophyllum*) in poor condition. The report states, "This tree has a co-dominant structure and the two co-dominant stems originate from a single stem at 18" above grade. Diameter was measured at the narrowest point below where the two stems converge. This is standard practice. The east stem is mostly dead and has been declining for some time. Exfoliating bark is evidence of this long term decline. The stem to the west is still alive, however, the live crown ratio of this stem is about 10% with all the foliage at the top where the stem clears the adjacent Western Red Cedar. There is a noticeable hollow at the base of the main stem. When this hollow was probed, significant decay was present. There is no evidence that the subject tree is producing any new wood in response to the interior decay. This decay is significant enough that the mechanical strength of the surrounding wood will not be sufficient to support the west stem in the short term."
8. Per Section 17.102.60, removal of protected trees requires replanting at a 2 to 1 ratio. Thus, the removal of one (1) required retention tree requires the planting of two (2) mitigation trees. **The applicant shall replace the removed bigleaf maple tree at a ratio of 2 mitigation trees for every 1 tree removed.** The submitted arborist report (Exhibit B) states that if mitigation planting is required, it is recommended that either two (2) western redcedars or two (2) grand firs be planted on the rear slope in the approximate location indicated on the site plan. **Alternatively, the applicant may choose to pay a mitigation tree fee-in-lieu of \$500 per tree to relocate the trees off-site.** The fee-in-lieu of mitigation trees will be used by the City to plant native trees on City-owned property, within a conservation easement, or on a similar tract of land within the same watershed that will remain as protected natural area. This fee also includes a three-year establishment period, including watering weekly during the summer months for the first three years and any needed structural pruning, disease control, or replacement of the trees. **The applicant shall plant the required mitigation trees (two western redcedars, two grand firs, or one of each) or submit the fee-in-lieu of planting by December 31, 2020. If the applicant chooses to plant the mitigation trees on the subject property, the applicant shall wait to plant the trees until after October 15, 2020 and shall submit a photo of the planted mitigation trees to Planning staff. In addition, the applicant shall record a tree protection covenant with the County and submit a copy to the City. The tree protection covenant shall specify protection of the two mitigation trees (in addition to the required retention trees as identified on the Tree Preservation Plan for Salmon Creek Estates) and shall**

prohibit future removal without submittal of an Arborist's Report and City approval. The tree protection covenant shall include a sketch identifying the species and location of the two mitigation trees. Future tree removal on the subject property shall require additional permit approvals.

9. **To help maximize the health and survival of the mitigation trees in the future, the applicant shall not anchor anything to the mitigation trees, compact the soil under the dripline, or otherwise harm or damage the mitigation trees. The mitigation trees shall be planted per the City of Sandy standard planting detail. All ties and burlap shall be removed from the root ball prior to planting. If the burlap cannot be completely removed from the root ball without compromising the integrity of the root ball, the burlap shall be removed from at least the top one third of the side of the root ball. If the mitigation trees are staked, the applicant shall use loosely tied twine to tie the trees to the stake and the twine shall be removed after the first growing season but no later than one year from being planted. The mitigation trees shall be adequately watered during the first three dry seasons (summers).**
10. Section 17.102.60 also specifies that all areas with exposed soils resulting from tree removal be replanted. The arborist report (Exhibit B) states that leaving portions of the tree as habitat is not recommended based on the use of the landscaped area adjacent to the subject tree; however, the report states that the stump should be left in place and treated to prevent epicormic re-growth. The arborist report concludes that removal is required and should be done prior to the middle of October. **The applicant shall remove the bigleaf maple retention tree prior to October 15, 2020, shall leave the stump in place, and shall treat the stump to prevent epicormic re-growth. The applicant shall remove the tree in a way that does not harm or damage adjacent trees.**

DECISION:

The application for removal of one (1) required bigleaf maple retention tree is hereby **approved** as modified by the conditions listed below.

CONDITIONS OF APPROVAL:

- A. **The tree removed shall be limited to the one (1) bigleaf maple tree identified in the arborist report.**
- B. **The applicant shall remove the bigleaf maple retention tree prior to October 15, 2020, shall leave the stump in place, and shall treat the stump to prevent epicormic re-growth. The applicant shall remove the tree in a way that does not harm or damage adjacent trees.**
- C. **The applicant shall replace the removed bigleaf maple tree at a ratio of 2 mitigation trees for every 1 tree removed. Alternatively, the applicant may choose to pay a mitigation tree fee-in-lieu of \$500 per tree to relocate the trees off-site. The applicant shall plant the required mitigation trees (two western redcedars, two grand firs, or one**

of each) or submit the fee-in-lieu of planting by December 31, 2020. If the applicant chooses to plant the mitigation trees on the subject property, the applicant shall wait to plant the trees until after October 15, 2020 and shall submit a photo of the planted mitigation trees to Planning staff. In addition, the applicant shall record a tree protection covenant with the County and submit a copy to the City. The tree protection covenant shall specify protection of the two mitigation trees (in addition to the required retention trees as identified on the Tree Preservation Plan for Salmon Creek Estates) and shall prohibit future removal without submittal of an Arborist's Report and City approval. The tree protection covenant shall include a sketch identifying the species and location of the two mitigation trees.

D. General Conditions of Approval

1. The applicant shall not anchor anything to the mitigation trees, compact the soil under the dripline, or otherwise harm or damage the mitigation trees. The mitigation trees shall be planted per the City of Sandy standard planting detail. All ties and burlap shall be removed from the root ball prior to planting. If the burlap cannot be completely removed from the root ball without compromising the integrity of the root ball, the burlap shall be removed from at least the top one third of the side of the root ball. If the mitigation trees are staked, the applicant shall use loosely tied twine to tie the trees to the stake and the twine shall be removed after the first growing season but no later than one year from being planted. The mitigation trees shall be adequately watered during the first three dry seasons (summers).
2. Future tree removal from the subject property shall require additional permit approvals and if a permit is not obtained prior to removal of a tree, this violation may be subject to a fine per occurrence as specified in Section 17.06.80.
3. Successors-in-interest of the applicant shall comply with requirements of this final order. In the event the applicant should sell or lease the property upon which the condition contained in this document apply, the sale or lease will be subject to the restrictions and conditions described herein. The conditions shall run with the land and are binding on applicant's heirs, personal representatives, successors and assigns.
4. Activity within the right-of-way (e.g. staging, etc.) requires a separate right-of-way permit through the Public Works Department.



Emily Meharg
Senior Planner

8/4/2020
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.