

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

DATE: October 30, 2020

FILE NO.: 20-045 TREE

PROJECT NAME: Alpine Village Tree Removal

APPLICANT: Marie Botchie

OWNER: Deborah Kaufman

ADDRESS: 37950 Highway 26

PROPOSAL: Remove one tree (greater than 11-inches DBH) in compliance with requirements of Section 17.102, Urban Forestry.

EXHIBITS:

Applicant's Submittals

- A. Land Use Application Form
- B. Tree Plan
- C. Replanting Plan

Additional Documents Submitted by Staff

- D. Tree Plan with Key
- E. Email from Arborist Regarding Replanting

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policies of the Sandy Comprehensive Plan are not directly applicable to this application because relevant code sections do not cite specific policies as criteria for evaluating the proposal.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 HDR, High Density Residential, and a Zoning Map designation of R-3, High Density Residential.
3. Chapter 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 contains greater than one acre (approximately 1.9 acres); therefore, the proposal must be processed to determine compliance with Chapter 17.102, Urban Forestry.
5. Section 17.102.20 (A) states: “no person shall cut, harvest or remove trees 11 inches DBH or greater without first obtaining a permit and demonstrating compliance with this chapter.” Section 17.102.80 specifies that violations of this section are subject to enforcement procedures contained in Chapter 17.06, specifically Section 17.06.80. This section specifies that each violation of the code is considered a separate offense punishable by a fine.
6. In May 2017, the applicant removed three Douglas fir trees 11 inches DBH or greater from the property (Final Order 17-020 TREE) and in August 2017, the applicant removed one additional Douglas fir tree (Final Order 17-046 TREE) for a total of four (4) trees removed in 2017 (Trees A, B, C, and 16 on the Tree Plan with Key (Exhibit D)).
7. With this application (File 20-045 TREE) the applicant is requesting to remove one tree. The tree is as a 33-inch DBH maple tree located in the parking area in the northeast corner of the site (Tree #1 on the Tree Plan with Key (Exhibit D)). The land use application (Exhibit A) states that the tree was damaged from the wind and is unsafe.
8. Section 17.102.30 (A) details the procedures and application requirements for Type I tree removal permits. The proposal is considered a Type I permit because fewer than 50 trees will be removed and the minimum retention standards for the site will continue to be met.
9. The applicant submitted a tree removal application in compliance with Section 17.102.30 (B).
10. Section 17.102.50 (A) details tree retention and protection requirements. Section 17.102.50 (A.1.) states: “At least three trees 11 inches DBH or greater are to be retained for every one-acre of contiguous ownership.” Section 17.102.50 (A.3.) states: “Trees proposed for retention shall be healthy and likely to grow to maturity.” Section 17.102.50 (A.4.) states: “If possible, at least two of the required trees per acre must be of conifer species.” The property is approximately 1.9 acres, which requires retention of at least six (6) trees 11 inches DBH or greater and in good health. The applicant submitted a tree plan (Exhibit B) detailing the location, species, size, and condition of trees 11 inches DBH or greater on the property. With removal of the maple tree, the site will retain 18 trees that are 11 inches DBH or greater and in good health. Eleven of the remaining trees are conifer species that are 11 inches DBH or greater and in good health.
11. Section 17.102.60 specifies that all areas with exposed soils resulting from tree removal be replanted. The project arborist indicated they will be grinding the stump and replacing the removed tree with a 1.5” caliper tree to the south (Exhibit E). The submitted replanting plan (Exhibit C) indicates they are planning to plant a new maple tree. The submitted materials do not address replanting for the area where the stump will be ground. **The applicant shall replant all areas with exposed soils resulting from tree removal.**

12. **The applicant shall maintain all replacement vegetation in good condition. Per Sections 17.92.10(L) and 17.92.60(B), maintenance shall include necessary watering, weeding, and pruning at intervals sufficient to assure survival and growth.**
13. **The applicant did not indicate if there are nests in the maple tree proposed for removal. If the tree is removed during prime nesting season (February 1- July 31), the applicant shall check for nests prior to tree removal. If nests are discovered, the applicant shall delay tree removal until after the nesting season or shall hire a professional to relocate the nests to an appropriate nearby location, provided the species using the nest is not invasive.**
14. **The applicant did not provide specific information regarding how the tree proposed for removal with this application would be felled. The applicant shall have the tree felled such that it does not negatively impact the adjacent trees that are to be preserved. If the felled tree damages a healthy tree, the applicant may be subject to a fine.**

DECISION:

The application is **approved** because the proposal complies with standards of Chapter 17.102, Urban Forestry. The applicant is authorized to remove one maple tree identified as Tree #1 on the Tree Plan with Key (Exhibit D).

CONDITIONS OF APPROVAL:

1. The tree removed shall be limited to the one (1) maple tree as identified as Tree #1 on the tree plan with key (Exhibit D).
2. The applicant shall have the tree felled such that it does not negatively impact the adjacent trees that are to be preserved. If the felled tree damages a healthy tree, the applicant may be subject to a fine.
3. The applicant shall replant all areas with exposed soils resulting from tree removal.
4. The applicant shall maintain all replacement vegetation in good condition. Per Sections 17.92.10(L) and 17.92.60(B), maintenance shall include necessary watering, weeding, and pruning at intervals sufficient to assure survival and growth.
5. If the tree is removed during prime nesting season (February 1- July 31), the applicant shall check for nests prior to tree removal. If nests are discovered, the applicant shall delay tree removal until after the nesting season or shall hire a professional to relocate the nests to an appropriate nearby location, provided the species using the nest is not invasive.
6. At least three trees 11 inches DBH or greater shall be retained for every one-acre of contiguous ownership. The retained trees shall be healthy and, if possible, at least two trees per acre shall be conifer species.

7. Future tree removal at 37950 Highway 26 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.
8. 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

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.