

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

DATE: April 2, 2021

FILE NO.: 21-011 TREE

PROJECT NAME: 15331 Bluff Road Tree Removal

APPLICANT/OWNER: Richard Andross

ADDRESS: 15331 Bluff Road

LEGAL DESCRIPTION: T2S R4E Section 11AD, tax lots 800 and 308 (west of Bluff Road)
and tax lot 1100 (east of Bluff Road)

DECISION: Approved subject to conditions of approval.

This request was processed as a Type I Tree Removal. The following exhibits, findings of fact, and conditions (bold text) explain the proposal and the conditions of approval.

EXHIBITS:

Applicant's Submittals

- A. Land Use Application Form
- B. Arborist Report
- C. Site Plan

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policies of the Sandy Comprehensive Plan are not directly applicable to this application because relevant code sections do not cite specific policies as criteria for evaluating the proposal.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 subject lots have a Plan Map designation of LDR, Low Density Residential, and a Zoning Map designation of SFR, Single Family Residential.
3. The applicant requests approval to remove one tree within Tax Lot 800 to the west of Bluff Road. The tree proposed for removal is a 31-inch diameter at breast height (DBH) deodar cedar in good condition (Tree #8 in the Arborist Report (Exhibit B) and Site Plan (Exhibit C)).
4. The applicant owns three contiguous properties. The applicant previously received approval to remove two trees, 6-inches or greater within the Flood and Slope Hazard (FSH) overlay on tax lot 1100 on three separate occasions:

- September 12, 2003 (File Number 03-033 FSH/TREE)
 - November 5, 2015 (File Number 15-050 FSH/TREE)
 - September 28, 2017 (File Number 17-042 FSH/TREE)
5. The applicant also submitted an application to remove two trees in the FSH overlay in 2006 (File Number 06-065 FSH/TREE), but was denied because the trees proposed for removal were not located on the applicant's property and because the proposal did not meet the criteria of Section 17.102.50(A)(1).
 6. As a condition of approval for File No. 17-042 FSH/TREE, the applicant planted six (6) western redcedar mitigation trees. The Arborist Report (Exhibit B) evaluated these recently planted trees and states that a total of 8 western redcedar trees were found to be in good condition with normal shoot growth, foliage size, and color.
 7. 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). The applicant owns three contiguous parcels (Tax Lots 308, 800, and 1100) totaling approximately 1.86 acres. The site contains greater than one acre, therefore, the proposal is reviewed to determine compliance with Chapter 17.102.
 8. 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 up to \$500.00.
 9. 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." The 1.86-acre site must therefore retain a minimum of 6 trees at 11 inches or greater DBH.
 10. The submitted arborist report (Exhibit B) by Andrew Craig of Springwater Arboriculture LLC verified tree locations and conditions on March 13, 2021. The Arborist Report identifies the following nine (9) trees on the three contiguously-owned subject properties as detailed on the Site Plan (Exhibit C):
 - Tree #2: an 8-inch DBH bigleaf maple in good condition
 - Tree #4: a 14-inch DBH Douglas fir in good condition
 - Tree #5: a 12-inch DBH Douglas fir in good condition
 - Tree #6: an 18-inch Douglas fir in good condition
 - Tree #7: a 14-inch DBH western redcedar in good condition
 - Tree #8: a 31-inch DBH deodar cedar in good condition
 - Tree #9: a 14-inch blue spruce in good condition
 - Tree #10: a 14-inch flowering plum in good condition
 - Tree #11: a 13-inch Douglas fir in good condition

11. The applicant is proposing to remove Tree #8, which is located to the northeast of the existing house on tax lot 800 and is not in the FSH overlay. With removal of Tree #8, the site would still have seven (7) trees remaining that are in good condition and are 11-inches DBH or greater; six (6) of the seven (7) trees are evergreen species. Therefore, the proposal is in compliance with the minimum tree retention standards of Section 17.102.50.
12. The submitted Arborist Report (Exhibit B) does not indicate if the stump of Tree #8 will be ground or left in place. **Per Section 17.102.60(1), all areas of exposed soils resulting from tree removal shall be replanted with a groundcover of native species within 30 days of harvest during the active growing season, or by June 1st of the following year.**
13. The applicant did not indicate if there are nests in Tree #8. **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.**

DECISION:

The application is **approved** because the proposal complies with the standards of Chapter 17.102, Urban Forestry, subject to conditions of approval.

CONDITIONS OF APPROVAL:

1. The applicant is only permitted to remove Tree #8.
2. Per Section 17.102.60(1), all areas of exposed soils resulting from tree removal shall be replanted with a groundcover of native species within 30 days of harvest during the active growing season, or by June 1st of the following year.
3. 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.
4. Future tree removal or native vegetation removal on the subject property requires additional permit approvals. Tree removal or native vegetation removal without permit authorization may result in a fine as specified in Section 17.06.80.
5. No land disturbing activity shall be conducted so as to cause slides of mud, soil, rock, vegetative material, or any other material to be pushed onto, deposited upon, or gravitated to the property of another, either public or private, as specified in Ordinance 2002-12.
6. 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.