

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

DATE: October 15, 2021

FILE NO.: 21-058 TREE

PROJECT NAME: 38499 Strawbridge Pkwy Tree Removal

APPLICANT: ArborPro, Inc.

OWNER: Michawl McKeel

ADDRESS: 38499 Strawbridge Pkwy

LEGAL DESCRIPTION: 24E13CB01200

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. Photo of tree 1
- D. Photo of tree 2

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policies of the Sandy Comprehensive Plan are not directly applicable to this application because relevant code sections do not cite specific policies as criteria for evaluating the proposal.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 Comprehensive Plan Map designation of High Density Residential, and a Zoning Map designation of R-3, High Density Residential.
3. The applicant requests approval to remove two trees on the subject property. The trees proposed for removal are a 14 inch DBH cottonwood and a 22 inch DBH cottonwood.
4. 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 site is 8.11 acres, therefore, the proposal is reviewed to determine compliance with Chapter 17.102.

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 up to \$500.00.
6. Section 17.102.30 (A)(2) specifies that removal of a hazard tree or trees that presents an immediate danger of collapse and represents a clear and present danger to persons or property constitutes a Type I application.
7. According to the Arborist Report (Exhibit B), the two trees being proposed for removal are hazardous due to high failure potential. The photos (Exhibits C and D) show severe leans and bowed trunks.
8. 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.”
9. The Arborist Report did not include a complete inventory of trees on the property. Therefore, staff is not able to determine if a suitable number of trees can be retained according to the standards set in Section 17.102(A)(1). Because of this, **the applicant shall plant two mitigation trees for each tree being removed for a total of four (4) mitigation trees. The mitigation trees shall be alder, cascara, Doug fir, or incense-cedar, or a combination of these four tree species.**
10. **The applicant shall record a tree protection covenant for the four mitigation trees. To help maximize the health and survival of the mitigation trees in the future, the applicant shall aerate and amend the soil prior to planting the mitigation trees and shall submit documentation from a landscaper stating that the soil has been amended and aerated prior to planting the mitigation trees. The applicant shall aerate and amend the soil prior to planting the mitigation trees and shall submit documentation from the project landscaper stating that the soil has been amended and aerated prior to planting the mitigation trees. 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. 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 for at least the first three dry seasons (summers). To help ensure proper watering, the applicant shall install an irrigation system, such as drip-line irrigation, to water the trees and shall submit documentation from a landscaper detailing the type of irrigation system that was installed.**

11. The submitted Arborist Report (Exhibit B) does not indicate if the stump of the removed trees 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.**
12. The applicant did not indicate if there are nests in the trees proposed for removal. **If the trees are 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 the two cottonwoods as identified in the arborist report (Exhibit B).
2. The applicant shall plant two mitigation trees for each tree being removed for a total of four (4) mitigation trees. The mitigation trees shall be alder, cascara, Doug fir, or incense-cedar, or a combination of these four tree species.
3. The applicant shall record a tree protection covenant for the four mitigation trees.
4. To help maximize the health and survival of the mitigation trees in the future, the applicant shall aerate and amend the soil prior to planting the mitigation trees and shall submit documentation from a landscaper stating that the soil has been amended and aerated prior to planting the mitigation trees.
5. 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. 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 for at least the first three dry seasons (summers). To help ensure proper watering, the applicant shall install an irrigation system, such as drip-line irrigation, to water the trees and shall submit documentation from a landscaper detailing the type of irrigation system that was installed.

6. 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.
7. If the trees are 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.
8. 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.
9. 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.
10. Activity within the right-of-way (e.g., staging, etc.) requires a separate right-of-way permit through the Public Works Department.



Shelley Denison
Associate 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.