

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

DATE: February 1, 2022

FILE NO.: 22-004 TREE

PROJECT NAME: 16641 Champion Way Sandy Storage Tree Removal

APPLICANT/OWNER: Spartan Investment Group

CONTRACTOR: SeaCon LLC

ADDRESS: 16641 Champion Way

PROPOSAL: Remove one hazard tree in compliance with the requirements of Chapter 17.102, Urban Forestry.

EXHIBITS:

Applicant's Submittals

- A. Land Use Application
- B. Arborist Report dated December 22, 2021 (Andrew Craig, Springwater Arboriculture, ISA, TRAQ)
- C. Photos
- D. 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policies of the Sandy Comprehensive Plan are not directly applicable to this application because relevant code sections do not cite specific policies as criteria for evaluating the proposal.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 site has a Plan Map designation of Light Industrial, and a Zoning Map designation of I-1, Industrial Park.
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). The subject property is approximately 5.46 acres.
4. The applicant proposes to remove one hazard tree from the wetland area of the site as shown on the site plan (Exhibit D). A hazard tree can only be removed upon a determination 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.

5. The applicant submitted an Arborist Report from Andrew Craig of Springwater Arboriculture dated December 22, 2021 (Exhibit B) as well as photos of the damaged tree (Exhibit C). The Arborist Report states: “The subject tree is a Black Cottonwood (*Populus trichocarpa*) 13”dbh, 35’ tall and in fair condition. This tree has been damaged by a beaver. The beaver notched a face cut into the trunk which has effected [sic] 1/3 the circumference of the trunk and 1/3 the wood volume at 18” above grade. While the damage has removed conductive tissue and wood, the subject tree will probably survive and not be immediately at risk of failure. However, this is a Black Cottonwood and by design they poorly compartmentalize wounds of this nature. This tree will continue to grow vertically but will not adequately respond to the beaver damage, by replacing lost tissue. This will allow subsequent decay to advance and compromise the surrounding wood leading to whole tree failure in the near future. There are no mitigation options short of removal to keep this tree from failing in the near future. It is recommended that this tree is removed and left on site for the beaver to use.” The submitted photos show the damage to the trunk from the beaver. **The applicant shall be allowed to remove the one (1) hazard tree in compliance with the conditions of approval outlined in this final order.**

6. Per Section 17.102.60, removal of a hazard tree requires replanting at a minimum 2 to 1 ratio. Thus, the removal of one (1) hazard tree requires planting a minimum of two (2) mitigation trees. The applicant proposes to plant two (2) Douglas fir trees as detailed on the submitted stie plan (Exhibit D). Douglas firs are large evergreen trees and staff has concerns that there may not be sufficient space for the trees to grow to maturity in the proposed location, which is just east of Building 4 and south of the parking spaces associated with Building 4. In addition, mitigation trees are typically planted “like for like.” In this case, the applicant is proposing to remove a black cottonwood, which is a large deciduous tree often found in riparian habitats along with alders and willows. Thus, staff is supportive of planting two riparian trees in or adjacent to the wetland area as mitigation trees. If there is insufficient room in or adjacent to the wetland area to plant two mitigation trees, staff will accept a fee-in-lieu of mitigation trees to be paid at \$500 per tree. The fee-in-lieu of mitigation tress will be used by the City to plant two 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 do one of the following:**
 - A. **Plant two (2) mitigation trees on the property. The mitigation trees shall be alders or black cottonwoods and shall be planted in or adjacent to the wetland area of the site. The mitigation trees shall be 1.5 inch caliper and 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 cost of planting, watering, and maintaining the trees is the burden of the property owner. The applicant shall update the re-planting plan to detail the two (2) mitigation trees as red or white alders (*Alnus rubra* or *Alnus rhombifolia*) or black cottonwoods (*Populus trichocarpa*) located in or directly adjacent to the wetland area of the site.**

-OR-

B. Pay a mitigation tree fee-in-lieu of \$500 per tree to relocate the two mitigation trees off-site (\$1,000 total).

7. Section 17.102.60 specifies that all areas with exposed soils resulting from tree removal shall be replanted. The applicant did not submit a replanting plan or information regarding whether the stump will be left in place or ground; however, the Arborist Report (Exhibit B) recommends that the tree be left on site for the beaver to use. **The applicant shall fell the tree such that the stump below where the beaver damaged the tree is left in place; the applicant shall not stump grind the stump. The applicant shall leave the tree on site for the beaver to use.**
8. 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 adjacent trees. The tree shall be felled by someone on foot; heavy machinery shall not be permitted in the wetland area. If removal of the damaged tree damages another healthy tree, the applicant shall be subject to a fine, and if the damaged tree becomes a hazard and needs to be removed in the future, the mitigation ratio shall be four to one (4:1).**
9. The applicant did not indicate if there are nests in the 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.**

DECISION:

The application for removal of one (1) hazard tree from 16641 Champion Way is hereby **approved** as modified by the conditions listed below.

CONDITIONS OF APPROVAL:

- A. Tree removal is limited to the one (1) hazardous black cottonwood as identified on the submitted site plan (Exhibit D).**
- B. There are two options with approval of this tree permit application. Within 90 days of the date of this final order, the applicant shall do one of the following:**
 1. Plant two (2) mitigation trees on the property. The mitigation trees shall be alders or black cottonwoods and shall be planted in or adjacent to the wetland area of the site. The mitigation trees shall be 1.5 inch caliper and 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 cost of planting, watering, and maintaining the trees is the burden of the property owner. The applicant shall submit an updated re-planting plan that details the two (2) mitigation trees as red or white alders (*Alnus rubra* or *Alnus rhombifolia*) or black cottonwoods (*Populus trichocarpa*) located in or directly adjacent to the wetland area of the site.

-OR-

2. Pay a mitigation tree fee-in-lieu of \$500 per tree to relocate the two mitigation trees off-site (\$1,000 total).

C. The following conditions shall apply to the hazard tree removal:

1. The applicant shall fell the tree such that the stump below where the beaver damaged the tree is left in place; the applicant shall not stump grind the stump.
2. The applicant shall leave the tree on site for the beaver to use.
3. The applicant shall have the tree felled such that it does not negatively impact adjacent trees. If removal of the damaged tree damages another healthy tree, the applicant shall be subject to a fine, and if the damaged tree becomes a hazard and needs to be removed in the future, the mitigation ratio shall be four to one (4:1).
4. The tree shall be felled by someone on foot; heavy machinery shall not be permitted in the wetland area.
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.

D. General Conditions of Approval

1. 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.
2. 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 the applicant's heirs, personal representatives, successors, and assigns.
3. Activity within the right-of-way (e.g., staging, etc.) requires a separate right-of-way permit through the Public Works Department.



02/01/2022

Emily Meharg
Senior Planner

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.