

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

DATE: April 1, 2022

FILE NO.: 22-013 TREE

PROJECT NAME: Meinig Park Hazard Tree Removal

APPLICANT: City of Sandy Parks and Recreation Department

OWNER: City of Sandy

ADDRESS: 39250 Pioneer Blvd.

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. Annual Tree Report dated December 6, 2021 (Damien Carre, Oregon Tree Care, Certified Arborist #PN-6405A, Certified Tree Risk Assessor CTRA#1717)
- C. Photo of Dead Cedar

Additional Exhibits Submitted by Staff

- D. Site Plan with Dead Cedar Circled in Red
- E. Photos from March 31, 2022 Site Visit

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policies of the Sandy Comprehensive Plan are not directly applicable to this application because relevant code sections do not cite specific policies as criteria for evaluating the proposal.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 Parks and Open Space, and a Zoning Map designation of POS, Parks and Open Space.
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 contiguously owned properties total approximately 12.35 acres.
4. The applicant applied for a retroactive tree removal permit to remove one hazard tree from Meinig Park. Per Section 17.102.20(A), "No person shall cut, harvest, or remove trees 11 inches DBH or greater without first obtaining a permit and demonstrating compliance with

this chapter”; however, “Tree removal to prevent an imminent threat to public health or safety, or prevent imminent threat to public or private property, or prevent an imminent threat of serious environmental degradation” is exempt provided a Type I tree removal permit is applied for within seven days following the date of tree removal. The Land Use Application (Exhibit A) states that the tree was removed on March, 22, 2022. The applicant submitted a retroactive hazard tree removal permit on March 28, 2022 in compliance with the seven day timeline. 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 Annual Tree Report prepared by Damien Carre of Oregon Tree Care and dated December 6, 2021 (Exhibit B) as well as a photo of the dead tree (Exhibit C). Staff submitted a site plan (Exhibit D) that has an aerial view of Meinig Park and shows the location of the dead tree circled in red. The Annual Tree Report identifies the tree as a 35-inch DBH cedar that is dead. The report recommends that the dead cedar be reduced. Staff conducted a site visit on March 31, 2022 and noted that the tree was cut to its base and not reduced to a snag as recommended by the report (see photos in Exhibit E). Snags provide habitat and contribute to the ecological functioning of a site. **Staff recommends that the applicant leave a snag for any future tree removals from City parks provided the snag is recommended and determined to be safe by an ISA-certified arborist with the Tree Risk Assessment Qualification (TRAQ).**
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 did not submit a proposal for where they intend to plant the mitigation trees. **The applicant shall submit a site plan detailing the proposed location of the two required mitigation trees for staff review and approval. Staff recommends planting the mitigation trees in the area just northeast of the tree stump or in one of the clearings further north or west from the stump. Staff will not approve mitigation trees planted within 25 feet of a paved path due to anticipated future conflict.** Mitigation trees are typically planted “like for like.” The removed cedar was a large, native, evergreen tree; therefore, **the mitigation trees shall be large, native, evergreen trees such as western redcedar, Alaska yellow cedar, incense cedar, Douglas fir, or western hemlock. The mitigation trees shall be a minimum of 5 feet in height at time of planting 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 applicant shall plant two (2) mitigation trees in Meinig Park. Rather than plant the trees immediately, the applicant shall wait to plant the two mitigation trees until after the dry season is over (roughly mid-October).**
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. Staff conducted a site visit on March 31, 2022 and determined the stump was left in place. There’s a large wood chip pile west of the stump but there are no areas of exposed soil resulting from removal of the tree.

DECISION:

The retroactive tree removal permit application for removal of one (1) hazard tree from Meinig Park is hereby **approved** as modified by the conditions listed below.

Staff recommends that the applicant leave a snag for any future tree removals from City parks provided the snag is recommended and determined to be safe by an ISA-certified arborist with the Tree Risk Assessment Qualification (TRAQ).

CONDITIONS OF APPROVAL:

- A. Tree removal is limited to the one (1) hazardous cedar tree that was removed on March 22, 2022.**

- B. The applicant shall plant two (2) mitigation trees in Meinig Park and shall adhere to the following conditions. Rather than plant the trees immediately, the applicant shall wait to plant the two mitigation trees until after the dry season is over (roughly mid-October).**
 - 1. Prior to planting the trees, the applicant shall submit a site plan detailing the proposed location of the two required mitigation trees for staff review and approval. Staff recommends planting the mitigation trees in the area just northeast of the tree stump or in one of the clearings further north or west from the stump. Staff will not approve mitigation trees planted within 25 feet of a paved path due to anticipated future conflict.

 - 2. The mitigation trees shall be large, native, evergreen trees such as western redcedar, Alaska yellow cedar, incense cedar, Douglas fir, or western hemlock. The mitigation trees shall be a minimum of 5 feet in height at time of planting 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.

C. 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.



Emily Meharg
Senior Planner

04/01/2022

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.