

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

DATE: July 11, 2023

FILE NO.: 23-021 TREE

PROJECT NAME: Knollwood Estates Space 56 Tree Removal

APPLICANT/OWNER: Allison Hanson on behalf of Sandra Watts

ADDRESS: 37600 Sunset Street, Mobile Home Space 56

PROPOSAL: Remove 1 pine tree in compliance with requirements of Section 17.102, Urban Forestry.

EXHIBITS:

Applicant's Submittals

- A. Land Use Applications
- B. Estimate from Sylvan Tree Care
- C. Pictures

Additional Documents Submitted by Staff

- D. 2021 Knollwood Estates Tree Inventory by Teragan and Associates

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policies of the Sandy Comprehensive Plan are not directly applicable to this application because relevant code sections do not cite specific policies as criteria for evaluating the proposal.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. 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 site contains greater than one acre, therefore, the proposal must be processed to determine compliance with Section 17.102, Urban Forestry.
4. 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. **Tree removal or**

native vegetation removal without permit authorization may result in a fine as specified in Section 17.06.80.

5. The applicant proposes to remove one (1) hazardous pine tree from Mobile Home Space 56. The applicant is also planning to remove two dead arborvitaes. The tree will be cut to ground level according to Sylvan Tree Care (Exhibit B). The submitted pictures (Exhibit C) detail a dead leaning tree.
6. 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. The applicant was previously granted permission to remove 60 trees on the subject property in the following land use files:
 - 14 trees in 2011 (File Nos. 11-007 TREE and 11-024 TREE)
 - One tree in 2012 (File No. 12-018 TREE)
 - Three trees in 2013 (File No. 13-036 TREE)
 - Nine trees in 2014 (File No. 14-006 TREE)
 - Four trees in 2015 (File No. 15-047 TREE)
 - Four trees in 2016 (File No. 16-037 TREE)
 - Five trees in 2018 (File Nos. 18-007 TREE and 18-012 TREE)
 - Four trees in 2019 (File No. 19-003 TREE)
 - Four trees in 2021 (File No. 21-013 TREE)
 - 12 trees in 2022 (File No. 22-019 TREE)
7. 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 subject property is approximately 9.17 acres and, therefore, requires retention of 28 trees that are 11-inches or greater diameter at breast height (DBH), healthy, likely to grow to maturity, and located to minimize the potential for blow-down following the harvest. The applicant submitted a tree inventory from Teragan and Associates in 2021, which staff has included in the file (Exhibit D). The tree inventory included all trees 8-inches DBH or greater and concluded the site had 202 trees. With removal of the one (1) pine tree, the site will continue to retain at least three (3) trees per acre.
8. Section 17.102.60 specifies that all areas with exposed soils resulting from tree removal be replanted. The land use application did not indicate if the stumps will be removed 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 the 1st of June of the following year.**
9. 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 proposal to remove one (1) pine tree from Mobile Home Space 56 was determined to comply with the standards of Section 17.102, Urban Forestry and is hereby **approved with conditions**.

CONDITIONS OF APPROVAL:

1. The tree removed shall be limited to the one (1) tree as indicated on the submitted Tree Plan located at Mobile Home Space 56.
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 the 1st of June of the following year.
3. Future tree removal in Knollwood Estates shall require additional permit approvals. Tree removal without permit authorization may result in a fine as specified in Section 17.06.80.
4. 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.
5. 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 applicant's heirs, personal representatives, successors and assigns.
6. Activity within the right-of-way (e.g., staging, etc.) requires a separate right-of-way permit through the Public Works Department.



Kelly O'Neill Jr.
Development Services Director

RIGHT OF APPEAL

A decision on a land use proposal or permit may be appealed to the Planning Commission by a party with appeal standings by filing an appeal with the Director within twelve (12) calendar days of notice of the decision. Any person interested in filing an appeal should contact the City to obtain the form, "Notice of Appeal", and Chapter 17.28 of the Sandy Development Code regulating appeals. All applications for an 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 Section 17.28.50;
5. Payment of required filing fees. Payment of required filing fees is jurisdictional and must accompany an appeal at the time it is filed;
6. The name and mailing address of the person or entity appealing the decision; and
7. List and two sets of mailing labels for property owners within 300 feet of the subject property (for appeal of a Type I decision), 500 feet of the subject property for appeal of a Type II, III, or IV decision, or 1,000 feet for appeal of an annexation request. The property owner list and labels shall be obtained from a Title Company no more than seven days prior to submitting the appeal.