
FINDINGS OF FACT and FINAL ORDER TYPE I REVIEW

DATE:	September 28, 2023
FILE NO.:	23-036 TREE
PROJECT NAME:	Hazard Tree Removal (Tupper Park)
APPLICANT:	City of Sandy Parks and Recreation Department
OWNER:	City of Sandy
LOCATION:	17815 Tupper Road (SW corner of Strawbridge Pkwy and Tupper Road)
TAX LOT:	24E13CA07900
ZONING:	Parks & Open Space (POS)/Flood Slope Hazard (FSH)
PROPOSAL:	Removal of two (2) hazard trees within the Flood and Slope Hazard Overlay in compliance with the requirements of Chapter 17.60, Flood and Slope Hazard (FSH) Overlay District, and Chapter 17.102, Urban Forestry.
STAFF CONTACT:	Patrick Depa, Senior Planner

BACKGROUND:

The City of Sandy's Parks and Recreation Department removed five (5) Birch Trees and two (2) Fir Trees inside Tupper Park on September 6, 2023, as they were dead or in severe decline and presented a hazard to the public. There are two (2) additional Birch Trees that the Parks and Recreation Department state need to be removed due to their decline in health and the potential hazard they pose. Parks and Recreation state that upon approval of this application and as soon as the parks team can schedule, the two remaining trees will be removed.

EXHIBITS:

Applicant's Submittals

- A. Land Use Application (Tiana Rundell)
- B. Map and Photo

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policies of the Sandy Comprehensive Plan are not directly applicable to this application because relevant code sections do not cite specific policies as criteria for evaluating the proposal.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 Comprehensive Plan Map designation of Parks and Open Space, and a Zoning Map designation of POS, Parks and Open Space, with the Flood and Slope Hazard (FSH) Overlay.
3. Chapter 17.60, Flood and Slope Hazard (FSH) Overlay District, applies to development within the mapped FSH Overlay and 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).
4. The FSH Overlay encumbers a small portion of Tupper Park at the corner of Strawbridge Pkwy and Tupper Road. The proposed tree removal is outside the mapped FSH overlay adjacent to No Name Creek therefore, no FSH Overlay review is needed. However, because Tupper Park is approximately 1.26 acres, Chapter 17.102 applies.

17.102 – Urban Forestry

5. Section 17.102.20 contains information on the applicability of Urban Forestry regulations 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 Parks Department submitted their application to the Planning Department on September 12, 2023, within the seven-day allotted time frame.

Per Section 17.102.60, removal of a hazard tree requires replanting at a minimum 2 to 1 ratio. Thus, the removal of the nine (9) hazard trees requires planting a minimum of eighteen (18) mitigation trees. **The applicant shall submit a mitigation tree plan detailing the proposed location of the eighteen (18) required mitigation trees for staff review and approval.** The applicant has stated that they would like to incorporate replacement trees, specifically Black Tupelo, along the frontages of Strawbridge Pkwy and Tupper Road.

6. Section 17.102.60 specifies that all areas with exposed soils resulting from tree removal shall be replanted. **No heavy machinery shall be driven into the FSH Overlay area nor within critical root zones of existing trees that will remain.**

DECISION:

This hazard tree removal permit application for removal of the two (2) remaining hazard trees and the previously removed seven (7) trees is hereby **approved** as modified by the conditions listed below.

CONDITIONS OF APPROVAL:

- A. The applicant shall plant eighteen (18) mitigation trees with the following conditions:**

1. Submit information on the proposed species, size, and location of the eighteen (18) mitigation trees for staff review and approval.
2. The mitigation trees shall be planted within one (1) year of the removal of the hazardous trees, between the months of October and March.
3. The mitigation trees shall be a minimum of 5 feet in height at time of planting or at least 1.5 inches caliper measured at six inches above the ground 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 one year from being planted. Aerate soils prior to planting the mitigation trees.
4. No heavy machinery shall be driven into the FSH Overlay area nor within critical root zones of existing trees that will remain.
5. Future tree removal from the subject property shall require additional permit approvals.



Patrick Depa
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 at least the following:

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.