

FINDINGS OF FACT and FINAL ORDER TYPE I REVIEW

DATE:	February 1, 2024
FILE NO.:	24-003 TREE/FSH
PROJECT NAME:	Hazard Tree Removal (Hamilton Ridge Green Space)
APPLICANT:	City of Sandy Parks and Recreation Department
OWNER:	City of Sandy
LOCATION:	37744 Hamilton Ridge Drive (Hamilton Ridge Park and Tickle Creek Pathway)
TAX LOT:	24E14DD07600
ZONING:	High Density Residential (R-3)/Parks & Open Space (POS)/Flood Slope Hazard (FSH)
PROPOSAL:	Removal of four (4) damaged/hazard trees 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 two (2) Hemlock trees, one (1) Grand fir tree, and one (1) Cedar tree adjacent to Hamilton Ridge Park/Green Space on January 25, 2024. The two (2) Hemlock Trees were damaged during the January 2024 winter storm when high wind conditions caused three other trees to fall and severely damage the house at 37744 Hamilton Ridge Drive.

In addition, the Parks and Recreation Department stated that there was a need to remove one (1) Gand Fir and one (1) Western Red Cedar Tree inside Hamilton Ridge Park/Green Space at the same time due to being left vulnerable due to the storm and the loss of surrounding trees. Both trees also showed a decline in their health and posed a potential hazard to surrounding properties.

EXHIBITS:

Applicant's Submittals

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

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policies of the Sandy Comprehensive Plan are not directly applicable to this application because relevant code sections do not cite specific policies as criteria for evaluating the proposal.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. The house that received damage from fallen trees is located in the High Density Residential (R-3) zoning district. No review criteria in the R-3 zoning district are applicable to this application.
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). Because Hamilton Ridge Park is approximately 5.6 acres, Chapter 17.102 applies.
4. The FSH Overlay encumbers most of Hamilton Ridge Park/Green Space at the end of Hamilton Ridge Drive where the tree removal occurred. The tree removal that occurred is inside the mapped FSH overlay adjacent to Tickle Creek, therefore, FSH Overlay review is needed. Section 17.60.20 Permitted Uses and activities lists tree removal of dead or dying trees that are hazardous to the public as a permitted use.
5. Section 17.60.40 Review procedures lists tree removal as subject to a Type I review procedure. Section 17.102.30 Procedures and application requirements states that the removal of a hazardous tree that causes an immediate danger shall also be subject to a Type I review procedure.

Chapter 17.60 – Flood and Slope Hazard (FSH)

The approval authority may approve, approve with conditions, or deny an application based on the provisions of this chapter. The approval authority may require conditions necessary to comply with the intent and provisions of this chapter. The following analysis is limited to the criteria that are applicable to this tree removal request.

6. Section 17.60.60.A.1 - Cumulative Impacts. Limited development within the FSH overlay district, including planned vegetation removal, grading, construction, utilities, roads, and the proposed use(s) of the site will not measurably decrease water quantity or quality in affected streams or wetlands below conditions existing at the time the development application was submitted. **The removal of the above stated trees will not decrease the water quality of any stream, creek, or wetland in any riparian corridor due to the proximity of the removals.**
7. Section 17.60.60.A.4 - Cuts and Fills. Cuts and fills shall be the minimum necessary to ensure slope stability, consistent with the recommendations of special reports, or third-party review of special reports. **The Arborist for Powell Tree Company determined that the Gand Fir and Western Red Cedar were at a higher risk if they remained due to the fallen Hemlock Trees disturbance to the adjacent soils with the slope.**

With the removal of all four trees, there would be a greater chance to stabilize the slope for long term regrowth. Their removal was the prudent choice due their vulnerability in a future storm of similar intensity.

8. Section 17.60.60.A.5 - Minimize Wetland and Stream Impacts. Development on the site shall maintain the quantity and quality of surface and groundwater flows to locally significant wetlands or streams regulated by the FSH Overlay District. **No soil erosion methods were required or deployed due to the distance of the tree removal from any significant wetland or stream.**
9. Section 17.60.60.A.6 - Minimize Loss of Native Vegetation. Development on the site shall minimize the loss of native vegetation. Where such vegetation is lost as a result of development within restricted development areas, it shall be replaced on-site on a 2:1 basis according to type and area. Due to the severity of the slope, the applicant would have difficulty planting evergreen trees at 5 feet in height. Disturbed understory and groundcover shall be replaced by native understory and groundcover species that effectively covers the disturbed area. **The applicant shall replace the four (4) trees that were removed with eight (8) new evergreen trees. Due to the slope, they will be planted on, the size of the eight new evergreen trees will not be dictated by this decision. All ground area around the trees being removed shall have straw placed over the area to stabilize the slope where the trees were located.**

Chapter 17.102 – Urban Forestry

10. 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 Division on January 26, 2024, within the seven-day allotted time frame.**

Per Section 17.102.60, removal of a hazard trees requires replanting at a minimum 2 to 1 ratio. Thus, the removal of the four (4) hazard trees requires a planting of a minimum of eight (8) mitigation trees. **The applicant shall replace the four (4) trees that were removed with eight (8) new evergreen trees. Due to the slope, they will be planted on, the size of the eight new evergreen trees will not be dictated by this decision.**

11. Section 17.102.60 specifies that all areas with exposed soils resulting from tree removal shall be replanted. **All areas with exposed soils resulting from tree removal occurring between October 1 and March 31 shall also be covered with straw to minimize erosion.**

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 four (4) hazardous trees is hereby **approved** as modified by the conditions listed below.

CONDITIONS OF APPROVAL:

1. Replace the four (4) trees that were removed with eight (8) new evergreen trees. Due to the slope they will be planted on, the size of the eight new evergreen trees will not be dictated by this decision. Disturbed understory and groundcover shall be replaced by native understory and groundcover species that effectively covers the disturbed area.
2. The eight trees and any new understory or groundcover shall be planted within one (1) year of the removal of the hazardous trees, between the months of October and March.
3. All areas with exposed soils resulting from tree removal occurring between October 1 and March 31 shall also be covered with straw to minimize erosion.
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.