

FINDINGS OF FACT and FINAL ORDER TYPE I REVIEW

DATE:	April 28, 2025
FILE NO.:	25-024 TREE
PROJECT NAME:	Seventh Day Adventist Tree Removal
APPLICANT/OWNER:	Oregon Conference of Seventh-day Adventists
ADDRESS:	18575 Langensand Road
MAP/TAXLOT:	24E24AA05800
PROPERTY SIZE:	4.27 Acres
STAFF CONTACT:	Patrick Depa, Senior Planner
ZONING:	R-3 (High Density Residential)

PROPOSAL:

Remove two (2) trees in compliance with requirements of Section 17.102, Urban Forestry. One Red Cedar and one Maple Tree.

EXHIBITS:

Applicant's Submittals

- A. Land Use Application
- B. Pictures
- C. Aerial Site locations

FINDINGS OF FACT:

1. The site has a Plan Map designation of LDR, Low Density Residential, and a Zoning Map designation of SFR, Single Family Residential.
2. 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.
3. 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. **Other than the two trees applied for removal, further tree or native vegetation removal without permit authorization may result in a fine as specified in Section 17.06.80.**

4. The applicant proposes to remove two (2) potentially hazardous trees. Both trees to be removed are on property owned by one entity. One tree is rotting from the inside out (i.e. has formed a large tree cavity) and the other tree has co-dominant leaders that are plugging the drainage ditch and pipe that conveys water from the downspouts away from the building. The submitted pictures (Exhibit B) detail the two trees.
5. 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.
6. 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 4.27 acres and, therefore, requires retention of 15 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.
7. Because a tree survey and inventory of the site was not submitted, the City cannot determine how many healthy trees at least 11-inches DBH remain, and therefore mitigation is required. **Mitigation trees are valued at a 2:1 ratio requiring a total of four trees to be replanted.**
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 two (2) trees from the subject property listed above is **approved** with the following conditions.

CONDITIONS OF APPROVAL:

1. The trees removed shall be limited to the two (2) trees indicated on the aerial site map.
2. The two trees removed shall be mitigated and replaced with the planting of four (4) new trees from the City’s approved tree list. Deciduous trees shall be a minimum of seven feet in overall height or one and one-half inches in caliper measured six inches above the ground at the time of planting. Coniferous trees shall be a minimum of five feet in height above ground at time of planting.

3. The applicant shall aerate and amend the soil prior to planting the mitigation trees. The applicant shall not anchor anything to the mitigation trees, compact the soil under the dripline, or otherwise harm or damage the mitigation trees. The mitigation trees shall be planted per the City of Sandy standard planting detail. All ties and burlap shall be removed from the root ball prior to planting. If the burlap cannot be completely removed from the root ball without compromising the integrity of the root ball, the burlap shall be removed from at least the top one third of the side of the root ball. If the mitigation trees are staked, the applicant shall use loosely tied twine to tie the trees to the stakes. The mitigation trees shall be adequately watered for at least the first three dry seasons (summers).
4. Per Section 17.102.60(1), all areas of exposed soil 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.
5. Future tree removal on the subject site shall require additional permit approvals. Tree removal without permit authorization may result in a fine as specified in Section 17.06.80.
6. 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.
7. 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 conditions 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.



Patrick Depa
Senior Planner

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.