

FINDINGS OF FACT and FINAL ORDER TYPE I REVIEW

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| DATE: | August 26, 2025 |
| FILE NO.: | 25-043 TREE |
| PROJECT NAME: | Adventist Health - Tree Removal |
| APPLICANT/OWNER: | Portland Adventist Med Ctr |
| ADDRESS: | 17055 Ruben Lane |
| TAX MAP AND LOT: | T2SR4E14, Tax Lots 01402 |
| ZONING: | General Commercial (C-2) |
| STAFF CONTACT: | Patrick Depa, Senior Planner |

PROPOSAL

Remove one 15-inch DBH dead pine tree located in the southwest corner of the Adventist Health Primary/Urgent Care property. The applicant is not proposing to replace this tree or offering any mitigation trees.

EXHIBITS

Applicants' Submittals

- A. Land Use Application
- B. Removal Narrative
- C. Photos – Site location

GENERAL FINDINGS OF FACT

Finding 1: The site has a Comprehensive Plan Map designation of Commercial and a Zoning Map designation of General Commercial (C-2).

Finding 2: The site was developed and the building was built in 1991.

Finding 3: There are no tree retention covenants associated with this property and the property is 1.23 acres in size.

FINDINGS APPLYING SANDY DEVELOPMENT CODE CRITERIA

Section 17.102.20. Applicability.

This chapter applies only to properties within the Sandy Urban Growth Boundary that are greater than one acre including contiguous parcels under the same ownership.

- A. *General:* No person shall cut, harvest, or remove trees 11 inches DBH or greater without first obtaining a permit and demonstrating compliance with this chapter.

1. As a condition of permit issuance, the applicant shall agree to implement required provisions of this chapter and to allow all inspections to be conducted.
2. Tree removal is subject to the provisions of Chapter 15.44, Erosion Control, Chapter 17.56, Hillside Development, and Chapter 17.60 Flood and Slope Hazard.

Finding 4: The subject property is greater than one acre and the dead tree is greater than 11 inches DBH. Therefore, the proposal must be processed as a land use application to determine compliance with provisions for removal of the tree.

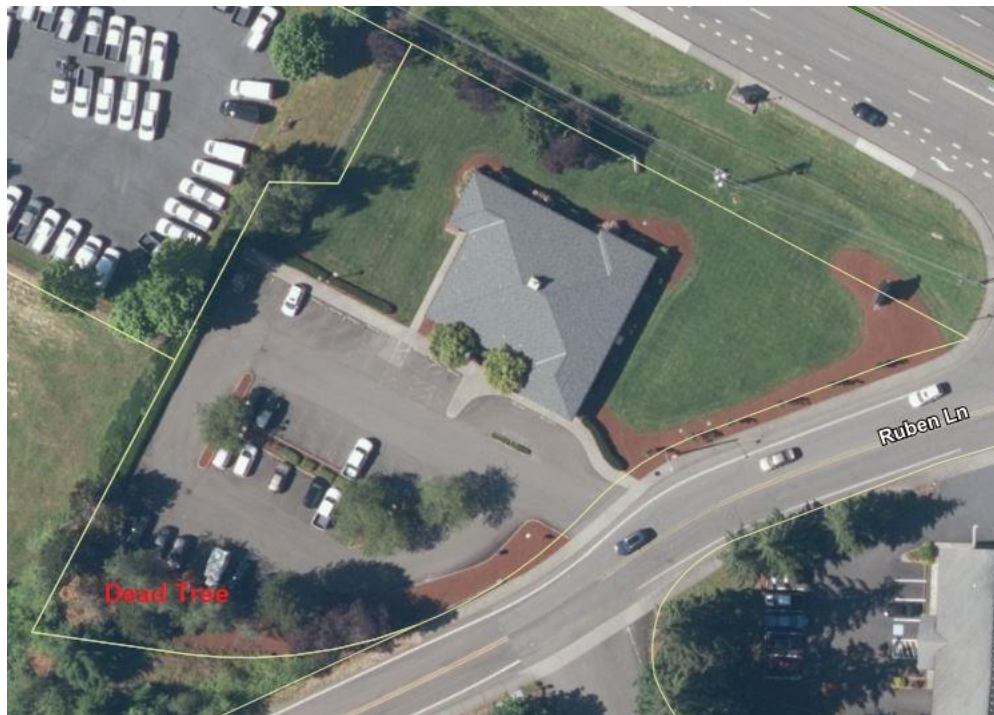


Section 17.102.30. Procedures and application requirements.

A person who desires to remove trees shall first apply for and receive one of the following tree cutting permits before tree removal occurs:

- A. *Type I Permit.* The following applications shall be reviewed under a Type I procedure:
1. Tree removal on sites within the city limits under contiguous ownership where 50 or fewer trees are requested to be removed and the subject site is in compliance with the tree retention requirements of Section 17.102.50.A.
 2. Removal of a hazard tree or trees that presents an immediate danger of collapse and represents a clear and present danger to persons or property as defined by an ISA certified arborist or professional forester with the tree risk assessment qualification (TRAQ).

Finding 5: The applicant applied under a Type I permit because there are fewer than 50 trees being proposed for removal and the dead tree does present an immediate danger to persons and property. The dead tree appears to have been dead for some time due to its appearance and decay.



Section 17.102.50. Tree retention and protection requirements.

- A. *Tree Retention.* The landowner is responsible for retention and protection of trees required to be retained as specified below:
1. At least three trees, 11 inches DBH or greater, are to be retained for every one acre of contiguous ownership, except in the Bornstedt Village Overlay (BVO) in accordance with Section 17.54.140.
 2. Retained trees can be located anywhere on the site at the landowner's discretion before the harvest begins. Clusters of trees are encouraged.
 3. Trees proposed for retention shall be healthy and likely to grow to maturity and be located to minimize the potential for blow-down following the harvest, as determined by an arborist certified by the International Society of Arboriculture with Tree Risk Assessment Qualification (ISA TRAQ). Retention trees shall not be nuisance species as listed in the Portland Plant List.
 4. Provided they meet the other requirements in this section, at least two of the required trees per acre must be of conifer species.

Finding 6: The subject site is in compliance with the tree retention requirements of Section 17.102.50.A. Upon site verification, there are currently eight (8) additional existing trees on the 1.23-acre site above 11-inch DBH. These trees are grouped in the southwest corner of the property and are in addition to and separate from required street trees, interior parking lot landscaping, or open space landscaping.

All eight (8) retention trees are mature, over 11 inches DBH each, and healthy. Five (5) of the eight (8) remaining retention trees are conifer species. The eight trees are clustered to minimize the potential for blow-down following the removal of the dead tree.

Section 17.102.60. Tree replanting requirements.

- A. All areas with exposed soils resulting from tree removal shall be replanted with a ground cover of native species listed in the City of Portland Plant List within 30 days of harvest during the active growing season, or by June 1 of the following spring.
- B. 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.
- C. Removal of hazard trees as defined shall be replanted with two native trees listed in the City of Portland Plant List and meeting the standards in Section 17.92.50. for every tree removed.

Finding 7: The applicant is not required to plant retention trees or submit a replanting plan. The applicant did not provide specific information regarding how the dead tree would be removed. **If removal of the dead tree damages a healthy tree, the applicant shall be subject to a fine.**

The applicant states that the removal of the tree will entail a flush cut leaving the stump in the ground. **If the stump shall be ground, the applicant shall cover all exposed soil resulting from removal of the tree.**

If the tree is 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 application for the removal of one 15-inch DBH dead pine tree located in the southwest corner of the Adventist Health Primary/Urgent Care property is hereby **approved** as modified by the conditions listed below.

CONDITIONS OF APPROVAL:

A. Tree removal is limited to the one dead pine tree identified in the application.

1. 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.

B. The following conditions shall apply to the tree removal:

1. If the stump is ground, the applicant shall cover all exposed soil resulting from removal of the dead tree.
2. If removal of the dead damaged tree damages a healthy tree, the applicant shall be subject to a fine.

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.



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) or 500 feet of the subject property for appeal of a Type II or Type III decision. The property owner list and labels shall be obtained from a Title Company no more than seven days prior to submitting the appeal. Note that a Type IV decision may be appealed to the Land Use Board of Appeals (LUBA) or to other tribunals in accordance with Oregon law.