

## FINDINGS OF FACT and FINAL ORDER TYPE I REVIEW

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<b>DATE:</b>	December 15, 2025
<b>FILE NO.:</b>	25-052 TREE
<b>PROJECT NAME:</b>	Johnson RV Tree Removal
<b>APPLICANT:</b>	Total Landscape Care
<b>PROPERTY OWNER:</b>	JRV LLC
<b>ADDRESS:</b>	41777 Highway 26
<b>MAP/TAXLOT:</b>	25E19AA00200, 25E19AA00300
<b>PROPERTY SIZE:</b>	10 acres
<b>STAFF CONTACT:</b>	Kelly O'Neill Jr., Development Services Director
<b>ZONING:</b>	C-2 (General Commercial)

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### **PROPOSAL:**

Remove three (3) fir trees that are severely leaning towards houses, in compliance with requirements of Section 17.102, Urban Forestry.

### **EXHIBITS:**

#### **Applicant's Submittals**

- A. Land Use Application and Letter
- B. Pictures
- C. Tree Removal Map

### **FINDINGS OF FACT:**

1. 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.
2. 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 three fir 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.**
3. The applicant proposes to remove three (3) fir trees along the common lot line with the Hoodview Heights II subdivision. The three trees vary from 19-inch DBH to 22-inch DBH and are leaning significantly (two trees are leaning at 45-degree angles) towards new houses.

The applicant claims that the ground is unstable below the trees. The submitted pictures (Exhibit B) show the trees.

4. 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.
5. 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 10 acres and, therefore, requires retention of at least 30 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.
6. 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 six trees to be replanted. The applicant shall submit a tree mitigation plan to the City for review and approval. The mitigation plan shall detail the proposed locations of the six mitigation trees, the species, and the size in caliper or height. Deciduous trees shall be a minimum of seven feet in overall health or 1.5-inches in caliper measured six inches above the ground and coniferous trees shall be a minimum of five feet in height above ground at time of planting. 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). If the mitigation trees severely decline or die, new mitigation trees shall be planted by the applicant or the property owner.**
7. 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.**
8. 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 three (3) fir trees from 41777 Highway 26 is **approved** with the following conditions.

## **CONDITIONS OF APPROVAL:**

**A. The trees removed shall be limited to the three (3) fir trees indicated in Exhibit C. Because the applicant states that the trees are a hazard, they shall be removed within 60 days of the date of this final order.**

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

1. 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.
2. 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.
3. Removal of the three fir trees shall not harm other trees.

**C. The applicant shall plant six mitigation trees in-lieu of the three fir trees that are being removed. The mitigation trees shall meet the following specifications:**

1. Within 60 days of the date of this final order the applicant shall submit a tree mitigation plan to the City for review and approval. The mitigation plan shall detail the proposed locations of the six mitigation trees, the species, and the size in caliper or height.
2. Deciduous trees shall be a minimum of seven feet in overall height or 1.5-inches in caliper measured six inches above the ground and coniferous trees shall be a minimum of five feet in height above ground at time of planting.
3. Prior to March 16, 2026, the mitigation trees shall be planted per the City of Sandy standard planting detail. The applicant shall aerate and amend the soil prior to planting the mitigation trees. 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.

**D. General Conditions of Approval**

1. Within 180 days of the date of this final order and after removal of the three fir trees, the applicant shall record a tree protection covenant for the six mitigation trees. The City of Sandy Planning Division has a template for the tree protection covenant.

2. The mitigation trees shall be adequately watered for at least the first three dry seasons (summers). If the mitigation trees severely decline or die, new mitigation trees shall be planted by the applicant or the property owner.
3. The applicant shall not anchor anything to the mitigation trees, compact the soil under the dripline, or otherwise harm or damage the mitigation trees.
4. 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.
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 the applicant's heirs, personal representatives, successors, and assigns.



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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.