

MAIRIN'S VIEWPOINT SUBDIVISION
Type III Tree Variance Application

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Applicant:

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Site and Project Description

The project site lies entirely within tax lot 400. Tax lot 400 is approximately 60,679 square feet and gently slopes to the west, away from Bluff Road. The buildable portion of the site is bordered by Bluff Road to the east, SE Olson Street to the north, and the future Dreamcatcher Avenue to the west.

The site currently has an approved land-use application for a 6-lot subdivision which will begin construction soon. Unfortunately, due to the location of trees within the proposed lots, the public improvements required, the poor health of many onsite trees, and the presence of nuisance tree species, the applicant is unable to meet the tree preservation requirements as required in the approved Mairin's Viewpoint Subdivision Application. It is for this reason that the applicant is seeking a Type III Tree Variance for the project site.

On the following pages the applicant seeks to address the applicable Sandy Development Code sections in reference to the Type III Tree Variance.

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.*
- 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.*
- 4. If possible, at least two of the required trees per acre must be of conifer species.*
- 5. Trees within the required protected setback areas may be counted towards the tree retention standard if they meet these requirements.*

Response: The parcel size of the subject property dictates that four (4) trees should be preserved with the development of the property. While there is an existing cluster of trees on the west half of the project site, many of the trees are not healthy enough to be deemed viable candidates for preservation. The three (3) trees proposed for preservation are in fair health and were deemed not to be blow-down hazards. Only one (1) of the proposed trees slated for preservation is a coniferous species, however, the applicant proposes to plant two (2) additional, native conifers should this application be approved. There are no required setback areas within the project boundary.

B. Tree Protection Area: *Except as otherwise determined by the Planning Director, all tree protection measures set forth in this section shall be instituted prior to any development activities and removed only after completion of all construction activity. Tree protection measures are required for land disturbing activities including but not limited to tree removal, clearing, grading, excavation, or demolition work.*

- 1. Trees identified for retention shall be marked with yellow flagging tape and protected by protective barrier fencing placed no less than 10 horizontal feet from the outside edge of the trunk.*
- 2. Required fencing shall be a minimum of six feet tall supported with metal posts placed no farther than ten feet apart installed flush with the initial undisturbed grade.*
- 3. No construction activity shall occur within the tree protection zone, including, but not limited to dumping or storage of materials such as building supplies, soil, waste items, equipment, or parked vehicles.*

Response: The trees slated for preservation onsite shall be marked with the yellow flagging, and appropriate fencing provided around the trees pursuant to this section. The applicant has worked with the project arborist to modify the root protection zones of the three (3) trees being preserved, to accommodate both public and private improvements - refer to the Arborist Report and Tree Preservation Exhibit included with this application. The project arborist shall be onsite to witness construction activities near protected trees, as needed, during construction.

C. Inspection. *The applicant shall not proceed with any tree removal or construction activity, except erosion control measures, until the City has inspected and approved the installation of tree protection measures. Within 15 days of the date of accepting an application for a Type I permit, the city shall complete an onsite inspection of proposed activities and issue or deny the permit. Within 15 days of issuing a Type II or Type III permit, the city shall complete an onsite inspection of proposed activities. For ongoing forest operations, the permit holder shall notify the city by phone or in writing 24 hours prior to subsequent tree removal. The city may conduct an onsite re-inspection of permit conditions at this time.*

Response: The applicant is aware of this requirement and will make the proper arrangements with the city for inspection of tree protection measures prior to the removal of onsite trees and the commencement of construction.

17.102.60 TREE REPLANTING REQUIREMENTS

- 1. All areas with exposed soils resulting from tree removal shall be replanted with a ground cover of native species within 30 days of harvest during the active growing season, or by June 1st of the following spring.*
- 2. 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.*
- 3. Removal of hazard trees as defined shall be replanted with two native trees of quality nursery stock for every tree removed.*
- 4. Tree Removal allowed within the FSH Overlay District shall be replanted with two native trees of quality nursery stock for every tree removed.*
- 5. Tree Removal not associated with a development plan must be replanted following the Provisions of OAR Chapter 629, Division 610, Section 020-060*

Response: Tree removal will happen prior to commencing construction on the approved Mairin's Viewpoint Subdivision. Proper BMP's will be provided throughout construction activities to minimize erosion, and final replanting and soil stabilization will be done upon completion of project improvements and site grading. The final soil stabilization will occur pursuant to this section. The applicant proposes to replant two (2) trees to mitigate the fourth and final tree required for preservation from the approved Mairin's Viewpoint Subdivision Application. No FSH exists on the project site, nor will any tree removal occur that is not associated with the approved tree removal plan.

17.102.70 VARIANCES

Under a Type III review process, the Planning Commission may allow newly-planted trees to substitute for retained trees if:

- 1. The substitution is at a ratio of at least two-to-one (i.e., at least two native quality nursery grown trees will be planted for every protected tree that is removed); and*
- 2. The substitution more nearly meets the intent of this ordinance due to:*
 - a. The location of the existing and proposed new trees, or*
 - b. The physical condition of the existing trees or their compatibility with the existing soil and climate conditions; or*
 - c. An undue hardship is caused by the requirement for retention of existing trees.*
 - d. Tree removal is necessary to protect a scenic view corridor.*

Response: The applicant seeks to replant two (2) native conifers to mitigate for the final tree required for preservation with the Mairin's Viewpoint Subdivision. The location of many of the healthy trees within the lots of the Mairin's Viewpoint Subdivision make them too burdensome for home construction to be viable for preservation. In addition, many of the trees located in ideal positions within the lots are not healthy enough to be candidates for preservation. The proposed location of the mitigation trees will minimize the impact to access of the proposed, private rear-yard drain system, and the building envelope of Lot 4. No tree removal is occurring to protect a scenic view corridor.