

**FINDINGS OF FACT and FINAL ORDER
TYPE I REVIEW**

DATE: November 7, 2024

FILE NO.: 24-058 TREE

PROJECT NAME: Idleman Park Subdivision Hazard Trees

APPLICANT/OWNER: Vanport International (Ryan Hatch)

LEGAL DESCRIPTION: Lot 4 of Idleman Park Subdivision

SITUS ADDRESS: 39247 Hood Street

PROPOSAL: Remove four hazard trees in compliance with the requirements of Chapter 17.102, Urban Forestry and the land use decision for Idleman Park subdivision.

EXHIBITS:

Applicant's Submittals

- A. Land Use Application
- B. Arborist Report from Todd Prager and Associates dated October 8, 2024
- C. Recorded Tree Protection Covenant

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policies of the Sandy Comprehensive Plan are not directly applicable to this application because relevant code sections do not cite specific policies as criteria for evaluating the proposal.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. 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 subject lot is less than one acre; however, the hazard trees were contained in a recorded tree protection covenant (Exhibit C). Therefore, the proposal must be processed as a land use application to determine compliance with provisions for removal of the trees and subsequent tree mitigation.
3. The application was submitted on October 22, 2024. Because the subject trees were declared a hazard by an arborist, the Development Services Director allowed the property owner to remove the trees prior to issuance of this findings of fact and final order in accordance with Section 17.102.20 (B)(2).

4. The applicant submitted an arborist report (Exhibit B) from Todd Prager and Associates, dated October 8, 2024, containing observations and a recommendation. The arborist, Rick Till, observed five dead Douglas-firs that presented a hazard or danger to person or property and determined the hazard/danger could not be alleviated by treatment or pruning. Three of the dead trees appeared to exceed 120-feet in height, one dead tree appeared to be approximately 50-feet in height, and one dead tree was less than 20 feet in height due to a past stem failure. Staff believes the dead tree that had a past stem failure was a tree that was noticed by staff during a July 2023 site visit associated with File No. 23-007 TREE. Mr. Till recommended that tree removal should be performed to remove the hazardous/dangerous trees.
5. A majority of the retention trees in the existing tree covenant from 2016 have fallen, have been removed, or are in poor health. The applicant has failed to submit sufficient documentation on what trees remain and how the trees that are now gone will be mitigated for. **Therefore, prior to any construction on Lots 4 – 6 of the Idleman Park subdivision, the applicant shall submit a comprehensive arborist report and revised tree covenant for those three lots, including mitigation tree plans. The City shall review the arborist report and the revised tree covenant prior to recording. Violation of this provision will result in a fine.**

DECISION:

The application for removal of four hazard trees from Lot 4 of the Idleman Park subdivision is hereby **approved** as modified by the conditions listed below.

CONDITIONS OF APPROVAL:

A. Prior to construction on Lots 4 – 6:

1. Prior to any construction on Lots 4 – 6 of the Idleman Park subdivision, the applicant shall submit a comprehensive arborist report and revised tree covenant for those three lots, including mitigation tree plans. The City shall review the arborist report and the revised tree covenant prior to recording. Violation of this provision will result in a fine.

B. 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.
2. 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.



Kelly O'Neill Jr.
Development Services Director

RIGHT OF APPEAL

A decision on a land use proposal or permit may be appealed to the City Council by an affected party 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.