

## FINDINGS OF FACT and FINAL ORDER TYPE I REVIEW

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<b>DATE:</b>	December 6, 2024
<b>FILE NO.:</b>	24-066 TREE
<b>PROPOSAL:</b>	Remove 2 trees adjacent to MH Space #26
<b>APPLICABLE CRITERIA:</b>	Section 17.102, Urban Forestry.
<b>PROJECT NAME:</b>	Hood Chalet (Hazard Tree Removal - Space #26)
<b>APPLICANT/OWNER:</b>	Vicki Velmere on behalf of Richard Delaney
<b>ADDRESS:</b>	17655 Bluff Road, Mobile Home Space #26
<b>ZONING:</b>	High Density Residential (R-3)
<b>STAFF:</b>	Patrick Depa, Senior Planner

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### **BACKGROUND:**

Hood Chalet Mobile Home Estates has existed in the City of Sandy since the 1960's. The property is approximately 14.1 acres in size and contains 82 home sites. Hood Chalet Mobile Home Estates had previously received notice from the City of Sandy regarding unpermitted tree removal that occurred at the park. The City subsequently requested a GPS map and corresponding tree inventory accurately detailing the quantity, species, size, and condition of the trees on site.

In April of 2023, a tree survey was done by Teragan & Associates. A large portion of the site is made up of a flat area where the majority of the mobile homes are located along with a bunch of sporadically spaced trees. The remainder of the site consists of a very steep sloped hill where no mobile homes are located and 570 trees with a DBH<sup>1</sup> of six inches or greater live.

Hood Chalet management hired Beez Treez Arborist to visit the site to assess the hazardous trees they were told were leaning over the home on Mobile Home Space #26. The arborist observed and agreed that the trees do present a hazard to the home because they are located on the adjacent sloped hillside where their roots are exposed. The Hood Chalet management is being proactive this year going into winter due to the half dozen trees that came down last winter during an ice storm.

### **EXHIBITS:**

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

- A. Land Use Application with Beez Treez Report
- B. Teragan & Associates Tree Inventory
- C. Pictures

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<sup>1</sup> DBH: Diameter of trees at 54 inches above ground.

**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policies of the Sandy Comprehensive Plan are not directly applicable to this application because relevant code sections do not cite specific policies as criteria for evaluating the proposal.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. The site has a Plan Map designation of HDR, High Density Residential, and a Zoning Map designation of R-3, High Density Residential.
3. 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.
4. 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. **Tree removal or native vegetation removal without permit authorization may result in a fine as specified in Section 17.06.80.**
5. The applicant proposes to remove two (2) hazardous trees from Mobile Home Space # 26 in accordance with the submitted pictures (Exhibit C). The attached pictures confirm the hazardous nature of the trees.
6. **Mobile Home Space #26 is located directly adjacent to the hill on site that contains an abundance of large mature trees (see figures 1 and 2).**

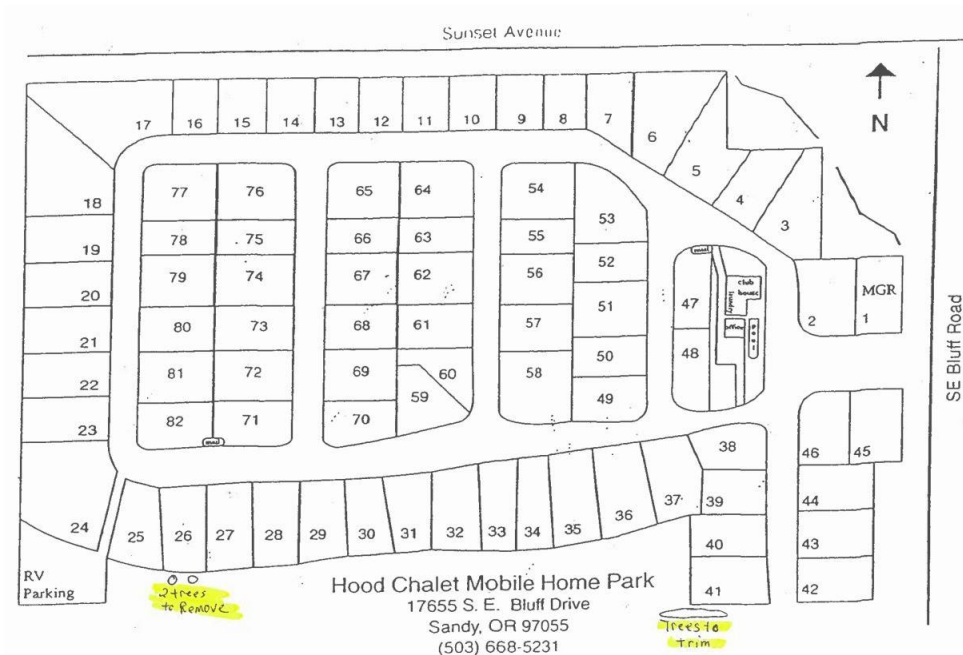


Figure 1: Site lay out

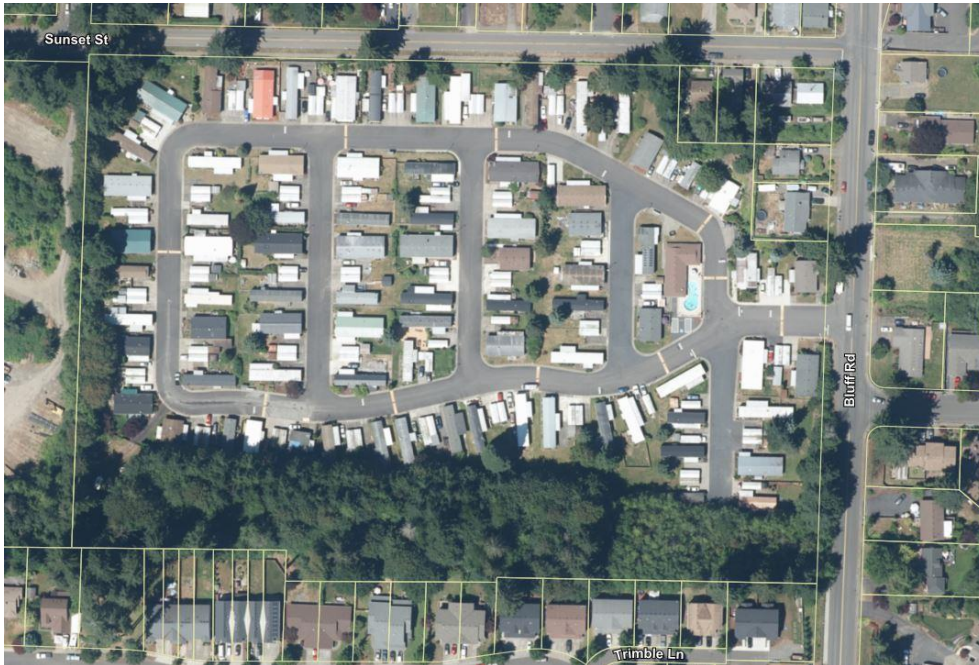


Figure 2: Aerial view of site

7. 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.
8. 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 14.1 acres and, therefore, requires retention of 42 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. The applicant submitted a tree inventory from Teragan and Associates in 2023, which staff has included in the file (Exhibit B). The tree inventory included all trees 6-inches DBH or greater and concluded the site had 570 trees. With removal of the two (2) requested hazardous trees, the site will continue to retain at least three (3) trees per acre.
9. 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.**
10. 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) hazardous trees from Mobile Home Space #26 in Hood Chalet Estates was determined to comply with the standards of Section 17.102, Urban Forestry and is hereby **approved with conditions**.

### **CONDITIONS OF APPROVAL:**

1. The trees removed shall be limited to the two (2) hazardous trees as indicated on the submitted Tree Plan located at Mobile Home Space #26.
2. 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.
3. Future tree removal in Hood Chalet Estates shall require additional permit approvals. Tree removal without permit authorization may result in a fine as specified in Section 17.06.80.
4. 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.
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 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.
6. Activity within the right-of-way (e.g., staging, etc.) requires a separate right-of-way permit through the Public Works Department.



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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.