



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING & PLANNING 541-917-7550

Site Plan Review – Tree Felling

Checklist and Review Criteria

INFORMATION AND INSTRUCTIONS:

- See fee schedule for filing fee (*subject to change every July 1*): staff will contact you for payment after submittal.
 - Concurrent with a Development Proposal
 - Not Concurrent with a Development Proposal
- All plans and drawings must be to scale, and review criteria responses should be provided as specified in this checklist.
- Email all materials to cd.customerservice@cityofalbany.net. Please call 541-917-7550 if you need assistance.
- Depending on the complexity of the project, paper copies of the application may be required.
- Before submitting your application, please check the following list to verify you are not missing essential information. An incomplete application will delay the review process.

SITE PLAN REVIEW – TREE FELLING CHECKLIST

- PLANNING APPLICATION FORM WITH AUTHORIZING SIGNATURES.**
- SUPPLEMENTAL APPLICATION INFORMATION.** (see below)
- REVIEW CRITERIA.** (see below)
- SITE PLAN AND TREE INVENTORY.** (see below)

SITE PLAN REVIEW – TREE FELLING OVERVIEW

ALBANY DEVELOPMENT CODE SECTIONS 9.205-9.206

Trees of significant size represent a visual and aesthetic resource to the community. Trees provide benefits including shading, reduction in excess stormwater runoff, erosion control, and wildlife habitat. These standards are intended to balance the preservation of significant trees as a benefit to the community with the individual right to use and enjoy property.

When Tree Felling Approval is Required: In any zoning district to fell five or more trees that have a trunk that is larger than 25 inches in circumference when measured 54 inches from the base of the tree and that are located on a property (or properties under single ownership) that are larger than 20,000 square feet in area.

Definitions: For the purposes of this application, these definitions apply:

1. Critical Root Zone: The area around a tree where roots are critical to a tree's survival. For the purposes of this section, the critical root zone is estimate and expressed as a circle around the center of a tree's trunk, where the radius is calculated by adding one foot for every one inch of trunk diameter plus the tree trunk's radius, and where all tree measurements are consistent with those for establishing Tree Circumference. For example, a tree with a Tree Circumference of 6.5 feet would have a trunk radius of 1.0 feet and diameter of 25 inches. The critical root zone would be a circle with a radius of 26 feet (1ft + (25 in * 1ft/in)) from the center of the tree's trunk and have a total diameter of 52 feet.
2. Fell: To remove or sever a tree or the intentional use of any procedure the natural result of which is to cause the death or substantial destruction of the tree. Fell does not in any context include normal pruning of trees.
3. Tree: A living, standing, woody plant.

- 4. **Tree Circumference:** The circumference of a tree is measured at 4-1/2 feet above mean ground level from the base of the trunk. To obtain the circumference of a tree with multiple trunks, add the individual trunk circumferences, which are greater than 6 inches in circumference.

Exemptions: The following activities are exempt from Site Plan Review under this section. Notwithstanding the foregoing, all tree felling activities located within Significant Natural Resource Overlay districts must meet the applicable requirements of Article 6:

- 1. The action of any City official or of any public utility necessary to remove or alleviate an immediate danger to life or property; to restore utility service, or to reopen a public street to traffic.
- 2. Felling of any tree that is defined as a nuisance under the Albany Municipal Code.
- 3. Any felling necessary to maintain streets or public or private utilities within a public right-of-way or utility easement, provided the Tree Commission or City Forester approved the proposed tree felling.
- 4. Felling of trees planted as Christmas trees.
- 5. Felling of trees on property under a Forest Stewardship Plan approved by the Oregon Department of Forestry.

A **pre-application meeting** is held for all applications, unless the Director determines one is not necessary. The meeting provides for an exchange of information about Development Code and Comprehensive Plan requirements and provides technical and design assistance to the applicant.

The Director acts as the review body for a Tree Felling application (Type I-L procedure) unless it is filed with a concurrent application that has a higher review level. In that case all concurrent applications are reviewed together at the highest level. Notice of the application is sent to neighbors, residents, and neighborhood associations, if applicable, within a 300-foot boundary of the subject properties where the trees are located. The Director may increase the notice area. Written comments from affected parties are considered when making the decision.

Oregon statutes require that land use decisions be made within 120 days from the date the application is deemed complete. However, unless the project is complex, or a large number of applications have been submitted for review before your application is submitted, the City typically is able to issue a decision within a shorter time.

Persons with standing may appeal the City’s decision filing a notice of intent to appeal to the State Land Use Board of Appeals (LUBA) not later than 21 days after the date of the decision is mailed. In order to be able to appeal to LUBA, an affected party must have raised an issue in writing before the date given in the notice of filing.

Note: Some properties may have covenants or restrictions, which are private contracts between neighboring landowners. These frequently relate to density, minimum setbacks, or size and heights of structures. While these covenants and restrictions do not constitute a criterion for a City land use decision, they may raise a significant issue with regard to the City’s land use criteria. It is the responsibility of the applicant to investigate private covenants or restrictions.

SUPPLEMENTAL APPLICATION INFORMATION

Describe in detail, here or on a separate sheet of paper, the proposed tree felling project. Include the total number of existing regulated trees on the site, and of those, the total number proposed for removal:

Which type of situation is applicable to this request: ADC 9.205 (1), (2), (3) or 9.206? _____

Size of the subject properties: _____

Does the site contain any existing structures, private wells, septic tanks, drain fields? _____

If yes, describe: _____

(Show the location of these features on the accompanying site plan, and if they are to be removed.)

Current use of the subject property: _____

Existing uses and zoning of properties adjacent to the site (including across the street, if applicable):

Current Uses

Zoning

North: _____

South: _____

East: _____

West: _____

Is there a phasing plan? _____ **If yes**, describe here and show the phase lines on the site plan:

To assess whether the City will need additional information and/or whether you must obtain additional permits or applications from other agencies or departments, please answer the following questions.

Will the tree removal:

- a. Require removal or demolition of any existing structure(s)? Yes _____ No _____
- b. Affect historic structures or historically significant features? Yes _____ No _____
- c. Be located within a 100-year floodplain? Yes _____ No _____
- d. Be located within the designated Willamette Greenway? Yes _____ No _____
- e. Affect an identified wetland? Yes _____ No _____
- f. Require a Major or Minor Variance from a development standard? Yes _____ No _____
- g. Involve fill or removal of contaminated soils or hazardous material? Yes _____ No _____
- h. Involve grading/fill: within the 100-year floodplain or a watercourse, as shown on the City’s Drainage Master Plan; over an existing public storm drain, sanitary sewer or waterline; or more than 50 cubic yards in areas that have an average slope of 12% or greater? Yes _____ No _____
- i. Involve land that has a current average slope of 12% to 25%? Yes _____ No _____
- j. Involve removal of other vegetation? Yes _____ No _____

If you answered yes to any of the above, contact the Planning Division before submitting your application.

TREE FELLING REVIEW CRITERIA (ADC 9.205)

Requests for tree felling will be approved if the review body finds that the application meets all of the criteria applicable to this application either outright or with conditions that bring the proposal into compliance with the criteria.

This application either falls under Situation A, B, and/or C as outlined below. Identify which is applicable to your situation, and on a separate sheet of paper, prepare a detailed written response using factual statements (called findings of fact) to explain how the proposed tree felling complies with each of the review criteria that are applicable to this application. Each criterion must have at least one finding of fact and conclusion statement.

Situation A: The Community Development Director shall approve a Site Plan Review for tree felling when the applicant demonstrates that the felling of the tree(s) is warranted because of the condition of the tree(s) with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular safety. The Director, in consultation with the City Arborist, may also grant an exception to any of the tree cutting standards for industrial development on industrially zoned land. The Director may require the applicant to provide a Certified Arborist’s report.

Situation B: For property where a Site Plan Review, Conditional Use, or land division application has been approved or is currently under review for development of the property, the Community Development Director shall approve a Site Plan Review for tree felling when the applicant demonstrates that all of the following review criteria are met:

1. It is necessary to fell tree(s) in order to construct proposed improvements in accordance with an approved Site Plan Review or Conditional Use review, or to otherwise utilize the applicant’s property in a manner consistent with its zoning, this Code, applicable plans adopted by the City Council, or a logging permit issued by the Oregon Department of Forestry.
2. The proposed felling is consistent with City ordinances including tree regulations in the Albany Municipal Code, and the proposed felling does not negatively impact the environmental quality of the area, including but not limited to: the protection of nearby trees and windbreaks; wildlife; erosion; soil retention and stability; volume of surface runoff and water quality of streams; scenic quality, and geological sites.

3. The uniqueness, size, maturity, structure, and historic value of the trees have been considered and all other options for tree preservation have been exhausted. The Director may require that trees determined to be unique in species, size, maturity, structure, or historic value, are preserved.
4. Tree felling in Significant Natural Resource Overlay Districts meets the applicable requirements in Article 6.

Situation C: For property where tree felling is proposed and there is no approved or concurrent Site Plan Review, Conditional Use, or land division application for development of the property, the Community Development Director shall approve a Site Plan Review application for tree felling when the applicant demonstrates that all the review criteria above in Situation B are met, and the following criteria are met:

1. Trees shall be retained in significantly large areas and dense stands so as to ensure against wind throw.
2. Wooded areas that will likely provide an attractive on-site amenity to occupants of future developments shall be retained.
3. Wooded areas associated with natural drainage ways and water areas will be maintained to preserve riparian habitat and minimize erosion. The wooded area to be retained shall be at least 10 feet in width or as required elsewhere in this Code.
4. Wooded areas along ridges and hilltops will be retained for their scenic and wildlife value.
5. Tree felling on developable areas will be avoided to retain the wooded character of future building sites and so preserve housing and design options for future City residents.
6. Wooded areas along property lines shall be retained at a minimum width of 10 feet to provide buffers from adjacent properties.
7. The plan for tree felling shall be consistent with the preservation of the site's future development potential and zoning.

The Director may attach conditions to the approval to the tree felling review to ensure that replacement of trees and landscape or otherwise reduce the effects of the felling and may require an improvement assurance to ensure that all conditions are met.

CLEAR AND OBJECTIVE TREE FELLING REVIEW CRITERIA ASSOCIATED WITH THE DEVELOPMENT OF HOUSING (ADC 9.206)

For property where a building permit, Site Plan Review, subdivision, or partition application has been approved or is currently under review for the development of housing on a property, the applicant proposing the felling of trees may choose to meet the criteria in Section 9.206 rather than the criteria in Section 9.205. A Site Plan Review application for tree felling subject to the criteria in Section 9.206 will be processed as a Type I decision. The Community Development Director, City Forester, or his/her designee shall approve the Site Plan Review application when the applicant demonstrates that all of the following review criteria are met:

- (1) The critical root zone of each tree to be felled is no more than five feet from proposed roads, driveways, utilities, and required site improvements of 10 feet from proposed residential building pads.
- (2) The proposed felling is consistent with other applicable sections of the Development Code (such as Article 6, Significant Natural Resource Overlay Districts) and City ordinances, including tree regulations in the Albany Municipal Code.

Trees that do not meet the criterion (1) shall be preserved (see AMC 7.98.215 for recommended methods for protecting residual trees).

SITE AND TREE INVENTORY PLAN REQUIREMENTS

The map must include all of the following.

- Existing address (if any), section, township, range, and legal description sufficient to define the location and boundaries of the proposed tree felling site.
- Names and addresses of the owner(s), developer(s), surveyor, and engineer, as applicable.
- Date map was drafted and north arrow.

- Scale of map. (Use 1 inch = 20 feet, unless otherwise approved by Planning staff. For parcels over 100 acres, use 1 inch = 100 feet.) Map must be clearly readable and measurable and fully dimensioned.
- Total land area of the entire site.
- Show the location of all existing structures, infrastructure, property lines, public and private easements, existing contours, and if applicable, proposed grading.
- If there is a concurrent development plan, in addition, show all proposed structures, public and private easements, and proposed contours after grading.*
- Tree Location/Identification.** For each tree on the property that has a trunk larger than 25 inches in circumference: assign it an identification number, and show its location on the property, trunk dimension, species, drip line of its canopy and the square footage of the canopy. (For a tree with multiple trunks, to arrive at total trunk circumference, add together the individual trunks that have a circumference larger than six inches.)
Optional: You may find it helpful to provide the inventory information in table form.

Example:

| Tree ID Number | Species | Trunk circumference* | Canopy (sq. ft.) | Retain/Remove |
|----------------|------------------|----------------------|------------------|---------------|
| 1 | Cottonwood | 12 | 400 | Remove |
| 2 | Oregon White Oak | 15 | 600 | Retain |

* Measured 4.5 feet above mean ground level of the tree.

- Identify any “significant” trees located on the site. A significant tree is a tree with a trunk diameter of 25 inches or greater, measured four and one-half feet above the base of the tree.
 - Identify which trees are proposed for removal. (It is assumed all others will remain.)
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