



COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division
P.O. Box 490
333 Broadalbin Street SW
Albany, OR 97321
Phone 541-917-7550
Fax 541-791-0150
www.cityofalbany.net

Site Plan Review - Tree Felling

Application Supplement

Checklist & 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 eplans@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)
- TREE PRESERVATION PLAN** (see below)

SITE PLAN REVIEW - TREE FELLING OVERVIEW

ALBANY DEVELOPMENT CODE SECTIONS 9.205-9.208

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: or the purposes of this application, these definitions apply:

1. Fell: To remove or sever a tree or the intentional use of any procedure the natural result of which is to causes the death or substantial destruction of the tree. Fell does not in any context include normal pruning of trees.
2. Tree: A living, standing, woody plant.
3. 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:

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. Felling necessary to maintain streets or 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 IL 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 100 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 9.208 (1), (2) or (3)? _____

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):

	<u>Current Uses</u>	<u>Zoning</u>
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 Variance or Adjustment 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 vegetation or trees? Yes ____ No ____

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

TREE FELLING REVIEW CRITERIA (ADC 9.208)

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 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, the Community Development Director or City Forester 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 State standards and City ordinances, and 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 has not been approved as part of a Site Plan Review, Conditional Use, or Land Division application, the Community Development Director shall approve a site plan review application for tree felling, if 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 ensure the 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.

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.)

TREE PRESERVATION PLAN FOR REMAINING TREES [ADC 9.208(5)]

Precautions shall be made to protect the residual trees and tree roots from damaging agents during and after the removal process. **In addition to the above plans**, using the following tree protection specifications to the maximum extent feasible, provide a plan that shows how the remaining existing trees will be protected.

1. Within the drip line of any protected existing tree, there shall be no cut or fill over a four-inch depth unless a qualified arborist or forester has evaluated and approved the disturbance.
2. Prior to and during construction, an orange fence shall be erected around all protected existing trees that is a minimum of 4 feet tall, secured with metal T-posts, no closer than 6 feet from the trunk or within the drip line, whichever is greater. There shall be no storage or movement of equipment, material, debris or fill within the fenced tree protection zone. [Ord. 5764, 12/1/11]
3. During the construction stage of development, the applicant shall prevent the cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil or any other material harmful to the life of a tree within the drip line of any protected tree or group of trees.
4. No damaging attachment, wires, signs or permits may be fastened to any protected tree.
5. Large property areas containing protected trees and separated from construction or land clearing areas, road rights-of-way and utility easements may be "ribboned off," rather than erecting protective fencing around each tree as required in subsection (5)(b) above. This may be accomplished by placing metal t-post stakes a maximum of 50 feet apart and tying ribbon or rope from stake-to-stake along the outside perimeters of such areas being cleared.
6. The installation of utilities, irrigation lines or any underground fixture requiring excavation deeper than 6 inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of 24 inches. The auger distance is established from the face of the tree (outer bark) and is scaled from tree diameter at breast height as described in the table below.

Tree Diameter at Breast Height (inches)	Auger Distance from Face of Tree (feet)
8-9	5
10-14	10
15-19	12
Over 19	15

Additional plans. The following may not apply to every site. If an item does apply, show the information on the proposed site plan map and check the box. Write "NA" in the box if the item does not apply to this proposal, and attach a short explanation.

- Label and show the width, direction, and flow of all watercourses on the site.
- Label and show areas within the 100-year floodplain and other areas subject to inundation or storm water overflow, with approximate high-water elevation. State the base flood elevation (BFE); label and show the floodplain boundary on the map.
- Label and show the boundaries of all jurisdictional wetlands. Sources: Plate 6 of the Comprehensive Plan, the National Wetland Inventory, and Local Wetland Inventory maps. Land not on these maps still may contain wetlands.
- Label and show the locations of all natural features, such as rock outcroppings, marshes, wooded areas, and trees that are 8 inches in diameter measured 54 inches above the tree base.