



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | Building and Planning 541-917-7550

Staff Report

Site Plan Review for Tree Felling

File: SP-15-24

May 10, 2024

Summary

The proposal is an application for Site Plan Review - Tree Felling for felling of 27 trees greater than 25 inches in circumference on a single unit of land that is greater than 20,000 square feet. Tree felling is proposed in association with site improvements for a Cottage Cluster Development. Cottage Cluster Developments are an outright permitted use within the RS-10 zoning district with approval of associated development permits. The subject property is located at 914 North Albany Road (Attachment A).

Application Information

Type of Application:	The application is for a Site Plan Review for tree felling of 27 trees greater than 25 inches in circumference on a single lot that is greater than 20,000 square feet.
Review Body:	Staff (Type I Review)
Applicant:	Brad and Carla Wilson; 37544 Freitag Road NE; Albany, OR 97322
Land Use Planner:	Laura LaRoque; Udell Engineering & Land Surveying, LLC, 63 E. Ash St, Lebanon, OR 97355
Address/Location:	914 North Albany Road, Albany, OR 97321
Map/Tax Lot:	Benton County Assessor: 11S-04W-01AB Tax Lot 2201
Zoning:	Residential Single Dwelling District (RS-10)
Comprehensive Plan:	Residential Low Density
Overlay Districts:	None
Total Land Area:	1.00 acre

Staff Analysis

The Albany Development Code (ADC) includes the following clear and objective criteria for tree felling associated with the development of housing which must be met for these applications to be approved. Code criteria are written in ***bold italics*** and are followed by findings and conclusions.

Clear and Objective Criteria for Tree Felling Associated with the Development of Housing (ADC 9.206)

Tentative Plat Review Criteria. Approval of a tentative subdivision or partition plat will be granted if the review body finds that the applicant has met all of the following criteria which apply to the development:

Criterion (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.

Findings of Fact

- 1.1 According to ADC 9.204, Site Plan Review approval is required for the felling of 5 or more trees larger than 25 inches in circumference (approximately 8 inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet in any zone.
- 1.2 According to ADC 9.205, the review criteria under ADC 9.205 or ADC 9.206, replace the Site Plan Review criteria found in ADC 2.450 and 2.455 for the purpose of reviewing tree felling.
- 1.3 According to 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.
- 1.4 Building permits for a cottage cluster development are currently under review by the City of Albany. According to ADC 3.050, cottage cluster development is an outright use in the RS-10 zoning district.
- 1.5 The Conceptual Tree Felling Plan shows the locations of all on-site trees along with their species and size as well as the location of proposed development (Attachment C).
- 1.6 As shown in the Conceptual Tree Felling Plan, it is necessary to remove 27 trees (greater than 25 inches in circumference) on the subject site to construct the proposed residential (cottage cluster) development and associated site and utility improvements efficiently and safely. If not removed, the trees would be severely impacted during development and if retained, would prevent the proposed development on the subject property.

Conclusions

- 1.1 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.
- 1.2 Building permits for a cottage cluster development are currently under review by the City of Albany. According to ADC 3.050, cottage cluster development is an outright use in the RS-10 zoning district.
- 1.3 This criterion is met with the following condition.

Condition

1. In the event proposed development does not take place, the trees proposed for removal on the Conceptual Tree Felling Plan shall not be removed without separate approval for tree felling not associated with development, using criteria listed in ADC 9.205(3).

Criterion (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.

Findings of Fact

- 2.1 Findings pertaining to ADC 9.204 and 9.205 are included above in Criterion 1 and included herein by reference.
- 2.2 Tree regulations are found in Chapter 7.98 of the Albany Municipal Code. The applicable sections are as follows:
- a. AMC 7.98.030(6): Unless removal is expressly authorized by a land use action or approval issued by the City of Albany, it shall be unlawful to remove any tree larger than or equal to 6.5 feet in circumference (approximately 25 inches in diameter), public or private, within the City of Albany city limits without first making application to the City of Albany and obtaining a permit or as otherwise authorized by this code.
 - b. AMC 7.98.40(2): A permit shall be obtained from the City Forester, applying criteria contained in AMC 7.98.180, for the removal of individual trees equal to or greater than six and one-half feet in circumference on all property within the city limits of the City of Albany.
 - c. AMC 7.98.100(2): Additional tree removal permits are not required for any trees that have been authorized for removal in an approved site plan review processed in accordance with the Albany Development Code.
 - d. AMC 7.98.120: The Parks, Recreation, and Tree Advisory Commission may designate certain trees as “heritage trees” within the City with the consent of the owner(s) of record. The purpose of the heritage tree designation is to recognize, foster appreciation of, and protect trees having significance to the community. The Parks, Recreation, and Tree Advisory Commission shall have the authority to determine, select, and identify such trees that qualify as heritage trees. Once a tree is designated as a heritage tree, it will remain so unless it becomes necessary to classify it as a dangerous tree and removed as such. Heritage trees may not be removed without the express consent of the Parks, Recreation, and Tree Advisory Commission.
 - e. AMC 7.98.205: Permit application fees for removal permits shall be established by Council resolution.
 - f. AMC 7.98.215: When removing trees under a permit or site plan approval, precautions shall be made to protect residual trees and tree roots from damaging agents during and after the removal process. The following tree protection specifications should be followed to the maximum extent feasible for all projects with protected existing trees:
 - 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 four feet tall, secured with metal T-posts, no closer than six 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.
 - 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 (2) of this section. 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.

Auger Distances for Installation of Utilities	
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

- 2.3 Per AMC 7.98.030(6), AMC 7.98.404(2), AMC 7.98.100(2), and ADC 9.204, this Site Plan Review – Tree Felling application was submitted for review and approval.
- 2.4 There are no heritage trees on the subject property, therefore, the provisions of AMC 7.98.120 are not applicable.
- 2.5 In accordance with AMC 7.98.205, the paid application fee was based on the adopted fee schedule.
- 2.6 The provisions of AMC 7.98.215 are reviewed in association with an Erosion Prevention and Sediment Control (EPSC) plan, which will be reviewed and approved by the Public Works Department prior to on-site work.
- 2.7 All applicable City Ordinances to tree felling have been adopted as regulations in the Albany Development and Albany Municipal Code.
- 2.8 The property does not have any natural resource overlays regulated by Albany Development Code Article 6.

Conclusions

- 2.1 The proposed tree felling is consistent with other applicable sections of the Albany Development Code and City ordinances, including tree regulations in the Albany Municipal Code.
- 2.2 This criterion is met.

Overall Conclusion

As proposed and conditioned, the Site Plan Review for Tree Felling application under planning file SP-15-24 meets all applicable review criteria as outlined in this report.

Condition

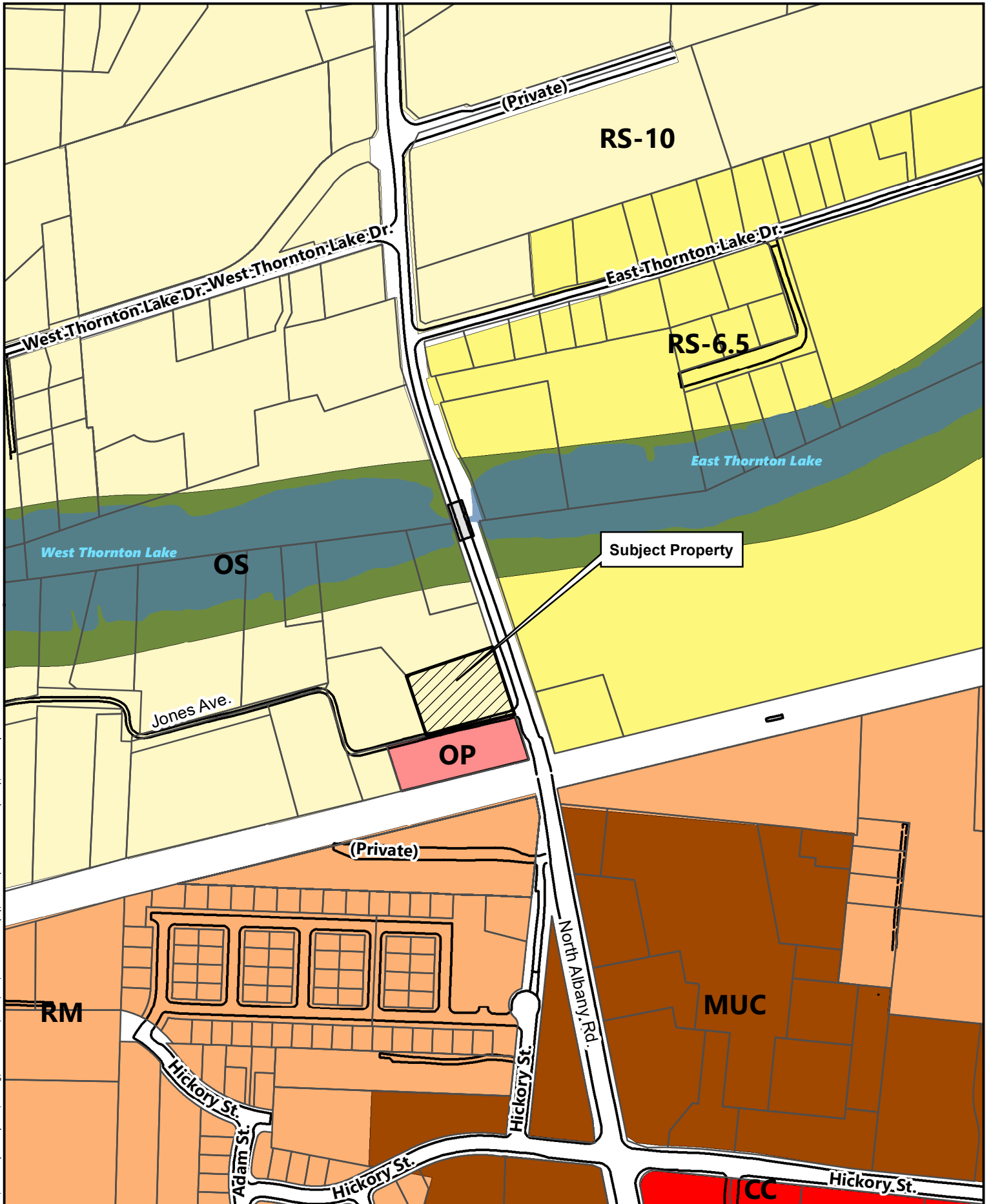
- 1. In the event proposed development does not take place, the trees proposed for removal on the Conceptual Tree Felling Plan shall not be removed without separate approval for tree felling not associated with development, using criteria listed in ADC 9.205(3).

Attachments

- A Location Map
- B Applicant's Narrative
- C Tree Felling Plan

Acronyms

- ADC Albany Development Code
- AMC Albany Municipal Code
- RS-10 Residential Single Unit Zoning District
- SP Site Plan Review File Designation



G:\Community Development\Planning\Land Use Cases\2020s\2024\Site Plan Review (SP)\SP-15-24 (914 NW North Albany Road)\Location Map.mxd



914 North Albany Road NW

Date: 4/25/2024 Map Source: City of Albany

Location Map

SITE PLAN REVIEW TREE FELLING

Submitted to: City of Albany; Planning Division
P.O. Box 490, Albany, Oregon 97321

Property Owners: Brad and Carla Wilson
37544 Freitag Road NE, Albany, Oregon 97322
wbradwilson@comcast.net; (541) 936-0676

Applicant's Representatives: Udell Engineering and Land Surveying, LLC
63 E. Ash Street, Lebanon, OR 97355
Laura LaRoque, Land Use Planner
laura@udelleng.com; (541) 990-8661

Site Location: 914 North Albany Road NW, Albany, OR 97321-1324

Benton County Assessor's Map No.: 11S-04W-01AB Tax Lot 2201

Site Size: ±1.00-acre

Existing Land Use: Single Dwelling Residential

Zone Designation: Residential Single Dwelling Unit Residential (RS-10)

Comprehensive Plan Designation: Residential Low Density

Surrounding Zoning: North: Residential Single Dwelling Unit Residential (RS-10)
East: Residential Single Dwelling Unit Residential (RS-6.5)
South: Office Professional (OP)
West: Residential Single Dwelling Unit Residential (RS-10)

I. Executive Summary

The proposal is an application for Site Plan Review - Tree Felling for felling of 29 trees greater than 25 inches in circumference on a single unit of land that is greater than 20,000 square feet. Tree felling is proposed in association with site improvements for a Cluster Development. Cluster Development is an outright permitted use within the RS-10 zoning district with approval of associated development permits.

II. Site Plan Review – Tree Felling Decision Criteria (ADC 9.206)

According to 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 the review criteria can be met.



22-249 Wilson
914 North Albany Road NW
SITE PLAN REVIEW APPLICATION

January 4, 2024
Page 1 of 5

Section 9.206 of the ADC includes the following review criteria, which must be met for this application to be approved. Development code criteria are written in **bold** followed by findings, conclusions, and conditions of approval, where conditions are necessary to meet the review criteria.

Criterion 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, or 10 feet from proposed residential building pads.

Findings and Conclusions

1. According to ADC 9.204, Site Plan Review approval is required for the felling of five or more trees larger than 25 inches in circumference (approximately eight inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet in any zone.
2. According to ADC 9.205, the review criteria under ADC 9.205 or ADC 9.206, replace the Site Plan Review criteria found in ADC 2.450 and 2.455 for the purpose of reviewing tree felling.
3. According to 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.
4. A building permit for a cluster development is currently under review by the City of Albany. According to ADC 3.050, cluster development is an outright use in the RS-10 zoning district.
5. The Conceptual Tree Felling Plan shows the locations of all on-site trees along with their species and size as well as the location of proposed development.
6. As shown in the Conceptual Tree Felling Plan, it is necessary to remove twenty-seven trees (greater than 25 inches in circumference) on the subject site to construct the proposed residential (cluster) development and associated site and utility improvements efficiently and safely. If not removed, the trees would be severely impacted during development and if retained, would prevent the proposed development on the subject property.
7. In the event proposed development does not take place, the trees proposed for removal on the Conceptual Tree Felling Plan shall not be removed without separate approval for tree felling not associated with development, using criteria listed in ADC 9.205(3).

Criterion 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.

Findings of Fact

8. The applicable Albany Development Code sections are as follows:

- a. ADC Table 1.100-1 which includes the below table sections:

Application/Action	Procedure Type	Decision Body	Pre-App. conference required	Neighborhood Mtg. Required	Applicable Sections
Tree Removal	I-L	CDD	Yes*	No	9.204, 9.205

- i. *Unless waived by the Community Development Director (CCD)

9. The Type I procedure type for a tree removal per ADC 9.205 is missing from ADC Table 1.100-1. Despite this oversight, City staff will process the submitted application pursuant ADC 9.206 and the Type I review procedure listed in Article 1 of the Albany Development Code, which include issuance of a notice of decision by the Community Development Director.
10. In accordance with ADC Table 1.100-1, a pre-application meeting was held on August 16, 2023, to discuss the development proposal and associated tree felling (see PR-32-23).
11. Per ADC Table 1.100-1, a neighborhood meeting was not required or conducted in association with this request.
12. Findings pertaining to ADC 9.204 and 9.205 are included above in Criterion 1 and included herein by reference.
13. Tree regulations are found in Chapter 7.98 of the Albany Municipal Code. The applicable sections are as follows:
 - a. AMC 7.98.030(6): Unless removal is expressly authorized by a land use action or approval issued by the City of Albany, it shall be unlawful to remove any tree larger than or equal to 6.5 feet in circumference (approximately 25 inches in diameter), public or private, within the City of Albany city limits without first making application to the City of Albany and obtaining a permit or as otherwise authorized by this code
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Heritage trees may not be removed without the express consent of the Parks, Recreation, and Tree Advisory Commission.

- e. AMC 7.98.205: Permit application fees for removal permits shall be established by Council resolution.
- f. AMC 7.98.215: When removing trees under a permit or site plan approval, precautions shall be made to protect residual trees and tree roots from damaging agents during and after the removal process. The following tree protection specifications should be followed to the maximum extent feasible for all projects with protected existing trees:
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 - 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 (2) of this section. 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 six 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.

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Over 19	15

14. Per AMC 7.98.030(6), AMC 7.98.404(2), AMC 7.98.100(2), and ADC 9.204, this Site Plan Review – Tree Felling application was submitted for review and approval.
15. There are no heritage trees on the subject property, therefore, the provisions of AMC 7.98.120 are not applicable.
16. In accordance with AMC 7.98.205, the paid application fee was based on the adopted fee schedule.
17. The provisions of AMC 7.98.215 are reviewed in association with an Erosion Prevention and Sediment Control (EPSC) plan, which will be reviewed and approved by the Public Works Department prior to on-site work.
18. All applicable City Ordinances to tree felling have been adopted as regulations in the Albany Development and Albany Municipal Code.

III. Overall Conclusion

As proposed, the application for Site Plan Review – Tree Felling satisfies all applicable review criteria as outlined in this report.

IV. Attachments

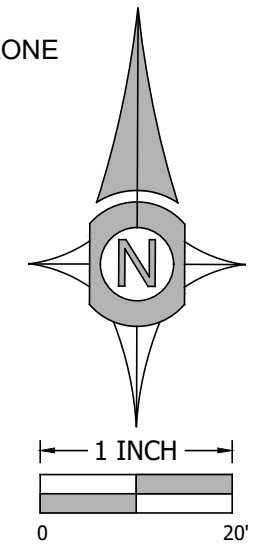
- A. Conceptual Tree Felling Plan



Tree ID Number	Species	Trunk Circumference (in)	Canopy (sq ft)	Retain/remove	Significant
1	CONIFER	151	8.7	Remove	Yes
2	CONIFER	38	1.4	Retain	No
3	DECIDUOUS	19	2.2	Retain	No
4	DECIDUOUS	25	2.2	Remove	No
5	PINE	94	4.9	Remove	Yes
6	DECIDUOUS	38	1.4	Remove	No
7	DECIDUOUS	38	2.2	Remove	No
8	FIR	50	9.6	Remove	No
9	CONIFER	75	8.7	Remove	No
10	CONIFER	113	8.7	Remove	Yes
11	CONIFER	38	1.4	Remove	No
12	CONIFER	57	2.2	Remove	No
13	CONIFER	75	2.2	Remove	No
14	CONIFER	57	2.2	Remove	No
15	CONIFER	38	2.2	Remove	No
16	CONIFER	50	2.2	Remove	No
17	CONIFER	50	2.2	Remove	No
18	DECIDUOUS	75	4.9	Remove	No
19	CONIFER	57	3.1	Remove	No
20	CONIFER	57	4.9	Remove	No
21	CONIFER	63	4.9	Remove	No
22	DECIDUOUS	38	1.4	Remove	No
23	CONIFER	75	3.1	Remove	No
24	CONIFER	75	3.1	Remove	No
25	DECIDUOUS	38	2.2	Remove	No
26	CONIFER	38	3.1	Remove	No
27	CONIFER	38	3.1	Remove	No
28	CONIFER	38	4.9	Remove	No
29	CONIFER	151	4.9	Remove	Yes

TREE LEGEND

- EXISTING DECIDUOUS TREE TO REMAIN
- EXISTING EVERGREEN TREE TO REMAIN
- EXISTING TREE TO BE REMOVED
- CRITICAL ROOT ZONE



PLAN REVISIONS	DATE

CLIENT:
 INTEGRITY INVESTMENTS, LLC
 C/O: BRAD WILSON
 37544 FREITAG LN NE
 ALBANY, OR 97322
 (541) 936-0676
 WBRADWILSON@COMCAST.NET

UDELL ENGINEERING AND LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON 97355
 (541) 451-5125 PH.
 (541) 451-1366 FAX

CONCEPTUAL TREE FELLING PLAN
 WILSON N. ALBANY RD
 914 NORTH ALBANY RD NW
 ALBANY, OR 97321

DATE: FEBRUARY 19, 2024
 PROJECT: 22-249 WILSON NORTH ALBANY
 DRAWN BY: NDJ
 CHECKED BY: RSV

**REVIEW COPY
 NOT FOR
 CONSTRUCTION**

Sheet **C103**
 SCALE: SEE BARSCALE