

STAFF REPORT
CITY OF LAKE OSWEGO

PLANNING DIVISION

APPLICANTS/PROPERTY OWNERS

Chomo and Renee Santana

FILE NO.

AP 16-03 (TR 499-16-01808)

LOCATION

12838 Alto Park Road

TAX LOT REFERENCE

Tax Lot 802 of Tax Map 2 1E 4BB

STAFF

Evan Fransted

NEIGHBORHOOD ASSOCIATION

Forest Highlands

ZONING DESIGNATION

R-7.5

COMP. PLAN DESIGNATION

R-7.5

DATE OF REPORT

June 10, 2016

DATE OF HEARING

June 20, 2016

I. APPLICANTS' REQUEST

The applicants are requesting approval to remove a 22-inch black oak tree under a Type II tree removal permit in order to construct a new single-family dwelling and driveway on the site.

II. TENTATIVE STAFF DECISION / REQUEST FOR HEARING AND APPEAL

On May 9, 2016, staff tentatively approved the applicant's request to remove a 22-inch black oak tree as part of a Type II tree removal application (TR 499-16-01808).

On May 23, 2016, Matthew Osborne (owner of 13017 Knaus Road, abutting the rear of the site) filed a request for public hearing in opposition to the application (Exhibit A-1). Pursuant to LOC 55.02.085(3), the Development Review Commission (Commission) shall hold a public hearing on this request.

III. APPLICABLE REGULATIONS

A. City of Lake Oswego Tree Code (LOC Chapter 55)

LOC 55.02.080	Criteria for Issuance of Type II Tree Cutting Permits
LOC 55.02.084	Mitigation Required
LOC 55.02.085	Request for Public Hearing on a Type II Tree Cutting Permit
LOC 55.02.094	Conditions of Approval for Tree Cutting Permits

B. Prior Approvals:

LU 13-0034

IV. FINDINGS

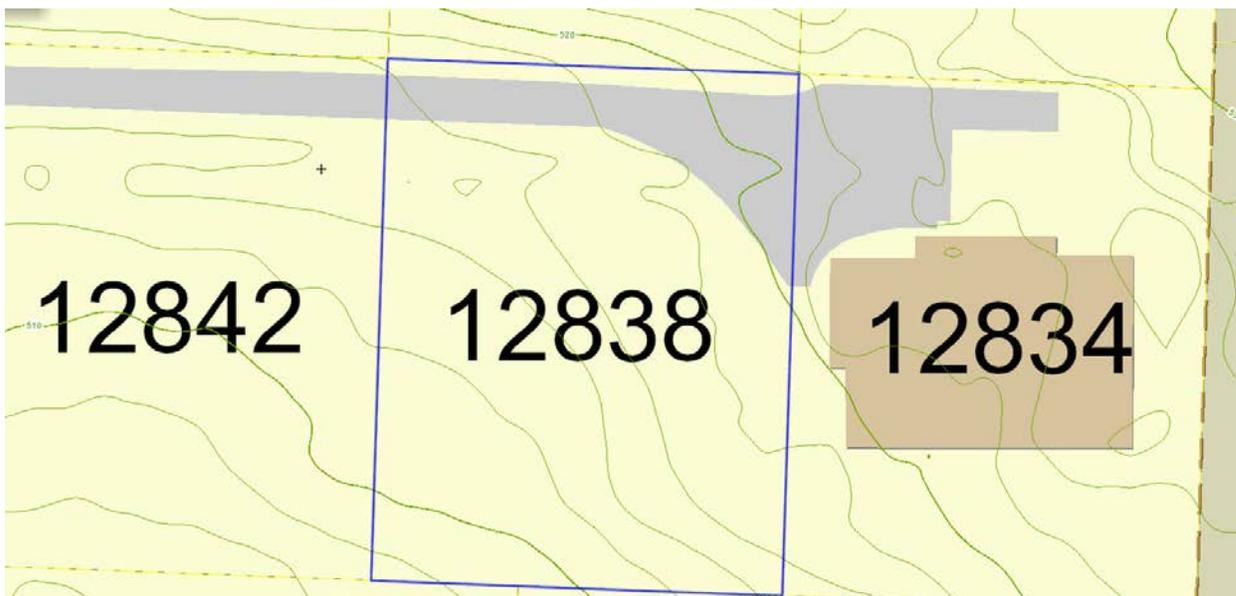
A. Background/Existing Condition

1. The site, a 13,727 square-foot lot, is a flag lot with access on the east side of Alto Park Road via an access lane. The lot is Parcel 2 of a 3-parcel partition approved in January of 2014 (Planning File LU 13-0034). The site is approximately 104 feet wide and 132 feet long.



2. The site is zoned R-7.5. A building permit for a proposed single-family dwelling on this site is currently under review (BP 499-16-01878).

3. The tree removal plan shows that the black oak tree is the only tree on the site with a diameter at breast height of five inches in diameter or greater (Exhibit E-3).
4. The site slopes down from the northeast to southwest with an elevation of 522 feet at the northeast corner to an elevation of 507 feet at the southwest corner property line (see contours, below).



B. Compliance with Criteria for Approval

Type II tree removal applications must comply with the following approval criteria of LOC 55.02.080:

1. *The trees are proposed for removal for landscaping purposes or in order to construct development approved or allowed pursuant to the Lake Oswego Code or other applicable development regulations.*

The tree removal is requested in order to construct one new single-family dwelling and driveway on the site (Exhibit E-2). Single-family dwellings are permitted outright in the R-7.5 zone. As established with the partition approval (Planning File LU 13-0034), the front yard building setback from the access lane to the north is 20 feet for the garage and 10 feet for the dwelling. The side yard setbacks are 10 feet along the east and west property lines. The rear yard setback along the south property line is 25 feet.

The black oak tree is located approximately 8.5 feet from the east property line, just within the required 10-foot side yard setback.

The building permit plans show the new single-family dwelling would be located approximately 10 feet from the east property line (1.5 feet from the oak tree) and 11 feet from the west property line. The building permit for the proposed dwelling is still under review (BP 499-16-01878); however, staff notes that the setbacks and lot coverage for the proposed dwelling comply with the requirements approved by the partition and the R-7.5 zone regulations.

The appellant contends that the removal of the black oak tree is “completely unnecessary and has real ecological impacts.” (Exhibits A-1, G-200).

The close proximity of the black oak tree to the proposed single-family dwelling at the required 10-foot side yard setback demonstrates that the proposed tree removal is in order to construct the allowed single-family dwelling.

Staff finds that the removal of the tree meets the “in order to construct development approved or allowed” criterion.

2. *Removal of the trees will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees, or existing windbreaks; and*

There are no water courses on this site. The property slopes 15 feet from northeast to southwest. The building permit plans shows a 3-foot tall retaining wall near the tree and a stormwater chamber trench in the southwest area of the property. The building permit plans show a sediment fence will be installed to prevent erosion during construction. There are no adjacent trees in close proximity to the subject tree; in fact, the subject tree is the only “tree”¹ on the site. For these reasons, staff finds that the removal of the tree will not have significant negative impacts to erosion, soil stability, or flow of surface waters, or protection of adjacent trees (Exhibit F-2). This criterion is met.

3. *Removal of the trees will not have a significant negative impact on the character, aesthetics, or property values of the neighborhood. The City may grant an exception to this criterion when alternatives to the tree removal have been considered and no reasonable alternative exists to allow the property to be used as permitted in the zone. In making this determination, the City may consider alternative site plans or placement of structures or alternative landscaping designs that would lessen the impact on trees, so long as the alternatives continue to comply with other*

¹ A tree under the Tree Code has a diameter at breast height of five inches in diameter or greater. LOC 55.02.020 Definitions.

provisions of the Lake Oswego Code.

The first alternative under this criterion is that the proposed tree removal will not have a significant negative impact on the character, aesthetics, or property values of the neighborhood.

The site contains no trees, as discussed above. There are large trees located in nearby adjacent properties and in the surrounding neighborhood. The properties to the south and west contains several largest Douglas fir trees. There are several large trees along the street line of Alto Park Road. The 22-inch black oak tree is located on an interior flag lot partially screened from view. The canopy of the oak tree is only visible from Alto Park Road when looking directly down the access lane to lots. The removal of the oak tree would have little impact when looking from Alto Park Road because there is a row of larger canopy Douglas firs behind the oak tree (see photo, below). The canopy of the tree is not visible from Knaus Road to the south.



The negative impact of the tree removal on the character, aesthetics, or property values of the neighborhood would be minimal. Staff finds this criterion is met.

4. *Removal of the tree is not for the sole purpose of providing or enhancing views.*

The applicants state that the removal of the tree is for construction and not for providing or enhancing views. Staff finds that the proposed tree removal plan would not open up desirable views for the dwelling on this property. This criterion is met.

5. *The City shall require the applicant to mitigate for the removal of each tree pursuant to 55.02.084. Such mitigation requirements shall be a condition of approval of the permit.*

If the Commission approves the tree removal application, the applicant is required to plant one mitigation tree on the property. The applicants are proposing to plant one 6-8-foot tall Western red cedar to meet the mitigation requirement. This criterion can be met.

V. RECOMMENDATION

As staff finds that each of the approval criteria of LOC 55.02.080 are met, staff recommends **approval** of the 22-inch black oak tree as part of the Type II tree removal application.

EXHIBITS

A. NOTICE OF INTENT TO APPEAL

A-1 Request for public hearing from Matthew Sutton, received May 23, 2016

B - C. [No current exhibits; reserved for hearing use]

E. GRAPHICS/PLANS

E-1 Tax map
E-2 Existing Features Map
E-3 Tree Removal Plan

F. WRITTEN MATERIALS

F-1 Tree removal application TR 499-16-01808, submitted April 21, 2016

G. LETTERS

Neither for nor Against (G1-99)

None

Support (G100-199)

None

Opposition (G200+)

G-200. Letter from Carre Sutton and Family, received May 3, 2016