

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
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*Si necesita ayuda para comprender esta información, por favor llame
503-588-6173*

PLANNING ADMINISTRATOR DECISION FOR TREE CONSERVATION PLAN

CASE NO.: TCP20-10
AMANDA NO.: 20-118277-NR
DATE OF DECISION: April 8, 2021
PROPERTY LOCATION: 5871 Liberty Road S
APPLICANT: Harrison Industries LLC

REQUEST

A Tree Conservation Plan in conjunction with the Subdivision, Urban Growth Preliminary Declaration and Adjustment (Case No. SUB-UGA-ADJ20-05) proposing the preservation of three trees, or 43 percent, out of a total of seven trees identified within the area developed for Single-Family. The subject property is approximately 16 acres in size, zoned RM-II (Multiple Family Residential) and located at 5871 Liberty Road S (Marion County Assessor's Map and Tax Lot number 083W16C/ 0600).

FINDINGS

The subject property is located at 5871 Liberty Road S (**Attachment A**). The Tree Conservation Plan (**Attachment B**) was submitted in conjunction with a subdivision application for the subject property, Case No. SUB-UGA-ADJ20-05.

The Tree Conservation Plan (TCP) identifies a total of 28 trees above 10 inches diameter-at-breast-height (dbh) for the entire property. However, findings provided with the corresponding subdivision decision identify only seven trees within the specific portions of the property approved for single-family development. Of these seven trees, four trees are identified for removal and three trees are identified for preservation.

There are no heritage trees, or riparian corridor trees or vegetation located on the property. There are ten significant trees identified on the property, with two proposed for removal.

1. Analysis of Tree Conservation Plan Approval Criteria:

(1) No heritage trees are designated for removal.

Finding: There are no heritage trees located on the subject property; therefore, the preservation requirements of SRC 808.035(d)(1) are not applicable to the tree conservation plan.

(2) No significant trees are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees.

Finding: The proposed Tree Conservation Plan identifies ten significant trees located on the subject property; however, a TCP is only required in conjunction with development of single family or two family uses. The associated Subdivision Decision (SUB-UGA-ADJ20-05) indicates that the applicant has designated Lot 1 and Lot 35 for future Multiple Family Residential development. As such, SUB-UGA-ADJ20-05 placed the following condition on the property:

Condition – Trees on Lot 1 and Lot 35 are not authorized to be removed, shall be preserved and are not part of TCP20-10. Any removal of trees on Lot 1 or Lot 35 shall be through a separate TCP (as part of future division) or a separate land use application.

In addition, the plan indicates a 28" Oak within the existing right-of-way of Liberty Road, designated for removal. However, the TCP does not cover trees within the public right-of-way, and SUB-UGA-ADJ20-05 applied the following condition:

Condition – The existing Oak tree located within the right-of-way of Liberty Road shall be preserved unless approval is granted under SRC 86.

With the above subdivision conditions, only four significant trees are identified within the are proposed for Single-Family development, with two designated for preservation and two for removal.

The two significant trees designated for removal are 26" Oak Trees, located within the future right-of-way of Rise Street. Staff determined with the subdivision review that the proposed Rise Street provides a street stub abutting Marion County Tax Lot Number 083W16C / 101 in an alignment that accommodates future extension through the neighboring property, satisfying a local street connection required by previous Comprehensive Plan Change and Zone Change application CPC/ZC19-03. As such, SUB-UGA-ADJ20-05 authorized the removal of the two 26" Oaks based on the lot configuration and street location construction.

The two significant trees proposed for removal satisfy the criteria of SRC 808.035(d)(2) because there are no reasonable design alternatives available that would allow for the retention of these trees, as described above.

- (3) No trees or native vegetation in a riparian corridor are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees or native vegetation.

Finding: There is no proposed removal within the riparian corridor on the subject property; therefore, the preservation requirements of SRC 808.035(d)(3) are met.

- (4) Not less than 25 percent of all trees located on the property are designated for preservation; provided, however, if less than 25 percent of all trees located on the property are designated for preservation, only those trees reasonably necessary to accommodate the proposed development shall be designated for removal.

Finding: The applicant submitted a tree conservation plan in conjunction with the proposed subdivision identifying a total of 28 trees, ten of which are significant Oaks. However, the

plan has been conditioned to exclude any trees on Lot 1 or Lot 35, which are proposed for Multiple Family Residential development and are not subject to this TCP application.

The tree conservation plan for the remainder of the subdivision subject to single-family development, and excluding an existing right-of-way Oak Tree, identifies a total of seven trees, with four trees designated for removal and three trees to be preserved for a preservation rate of approximately 43 percent. The conditions placed on the property under SUB-UGA-ADJ20-05 will be conditioned on this application to ensure consistency between the two applications. Therefore, the following conditions apply:

- Condition 1:** Removal of a 28" Walnut tree in the future right-of-way of Liberty Street, two 26" Oak trees within the right-of-way of Rise Street and a 12" Fir tree within the building footprint on Lot 20 is authorized.
- Condition 2:** The preservation of two 24" Oak trees on Lot 20 and an 18" Oak tree on Lot 2 within the area developed for Single Family. All trees on Lot 1 and 35 will be preserved until future development reviews and approves the removal.
- Condition 3:** The conditions of SUB-UGA-ADJ20-05 shall be complied with during all construction activities.

Because the tree conservation plan preserves more than 25 percent of the existing trees on the subject properties, the tree conservation plan complies with the requirements of SRC 808.035(d)(4).

2. SRC Chapter 808 Planting Requirements

SRC Chapter 808.050 establishes tree planting requirements for lots or parcels to be used for Single-Family or Two-Family uses. The specific number of trees that must be provided on each lot is based upon the requirements of Table 808-1, as shown below:

Table 808-1

Lot Size	Required Trees
Up to and including 6,000 square feet	2
6,001 to 7,000 square feet	3
7,001 to 8,000 square feet	4
8,001 to 9,000 square feet	5
Above 9,000 square feet	6

In the event there are insufficient existing trees on a lot or parcel to meet the requirements of Table 808-1, the deficiency shall be made up by planting trees that are at least 1.5 inches in caliper.

DECISION

The proposed Tree Conservation Plan is consistent with the provisions of SRC Chapter 808. The Tree Conservation Plan is hereby APPROVED, subject to SRC Chapter 808 and the following conditions, adopted pursuant to SRC 808.050(e)(2):

- Condition 1:** Removal of a 28" Walnut tree in the future right-of-way of Liberty Street, two 26" Oak trees within the right-of-way of Rise Street and a 12" Fir tree within the building footprint on Lot 20 is authorized.
- Condition 2:** The preservation of two 24" Oak trees on Lot 20 and an 18" Oak tree on Lot 2 within the area developed for Single Family. All trees on Lot 1 and 35 will be preserved until future development reviews and approves the removal.
- Condition 3:** The conditions of SUB-UGA-ADJ20-05 shall be complied with during all construction activities.
- Condition 4:** All trees designated for retention under the tree conservation plan shall be marked and protected during construction. Any heritage tree or significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence or its equivalent. Tree protection measures shall remain in place until the issuance of Notice of Final Completion for the Single-Family dwelling or Two-Family dwelling.
- Condition 5:** Each lot or parcel within the development proposal shall comply with the tree planting requirements set forth in SRC 808.050.

The applicant, and all representatives thereof, shall comply with all applicable development standards of SRC Chapter 808. The approved Tree Conservation Plan is on file with the City of Salem and is binding on the lots created by the subdivision of the subject property. No tree designated for removal on the approved Tree Conservation Plan shall be removed or critically damaged prior to the Tree Conservation Plan approval date.



Jamie Donaldson, Planner II, on behalf of,
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments:

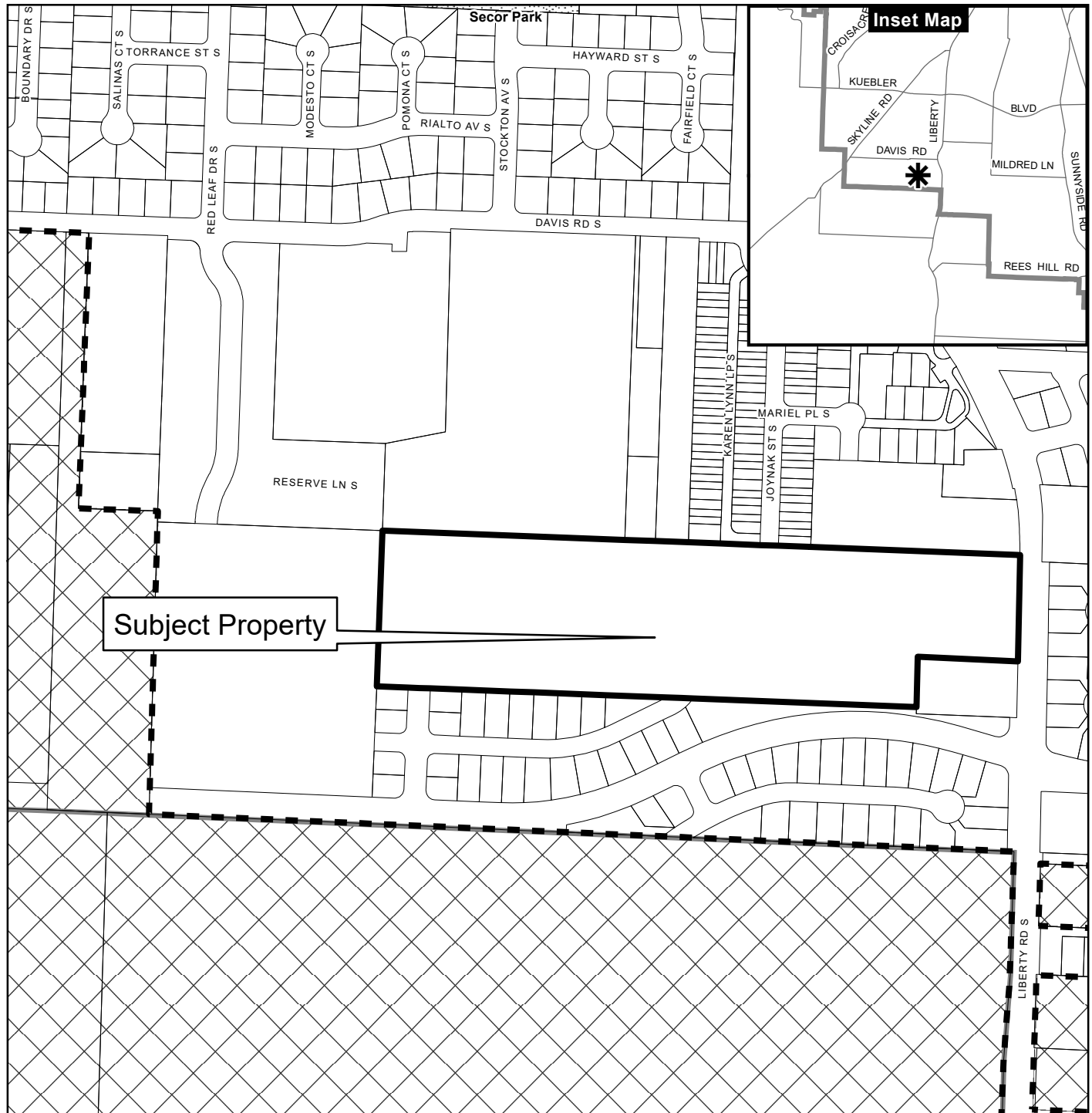
- A. Vicinity Map
- B. Approved Tree Conservation Plan

This decision is final unless written appeal from the applicant or the owner of the subject property is filed with the City of Salem Planning Division Room 305, 555 Liberty Street SE Salem OR 97301 no later than **Friday, April 23, 2021 by 5:00 p.m.** The appeal must state where the decision failed to conform to the approval criteria for a tree conservation plan adjustment (SRC Chapter 808). The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action or refer the matter to staff for additional information. Approval of a tree conservation plan adjustment application does not expire.

cc: Alan Kessler, GIS

Vicinity Map

5871 Liberty Road S



Legend

- Taxlots
- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Schools

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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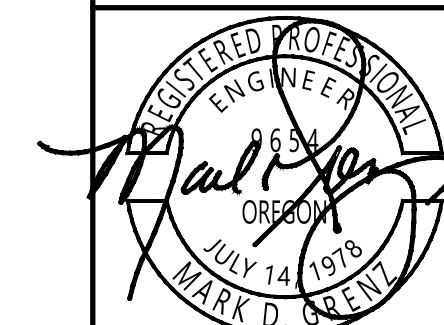
**LIBERTY ROAD
SUBDIVISION**

NO CHANGES, MODIFICATIONS
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WITHOUT WRITTEN
AUTHORIZATION FROM THE
DESIGN ENGINEER.

DIMENSIONS & NOTES TAKE
PRECEDENCE OVER
GRAPHICAL REPRESENTATION.

6727p P2021R

Design: M.D.G.
Drawn: P.H.S.
Checked: M.D.G.
Date: JAN. 2020
Scale: AS SHOWN
As-Built: ----



EXPIRES: 06-30-2021

JOB # 6727

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Oak to be preserved per condition 11
of SUB-UGA-ADJ20-05 Decision -
not included in TCP20-10

- All trees on Lot 1 to be preserved per condition 12 of SUB-UGA-ADJ20-05 Decision
- Lot 1 not included in TCP20-10

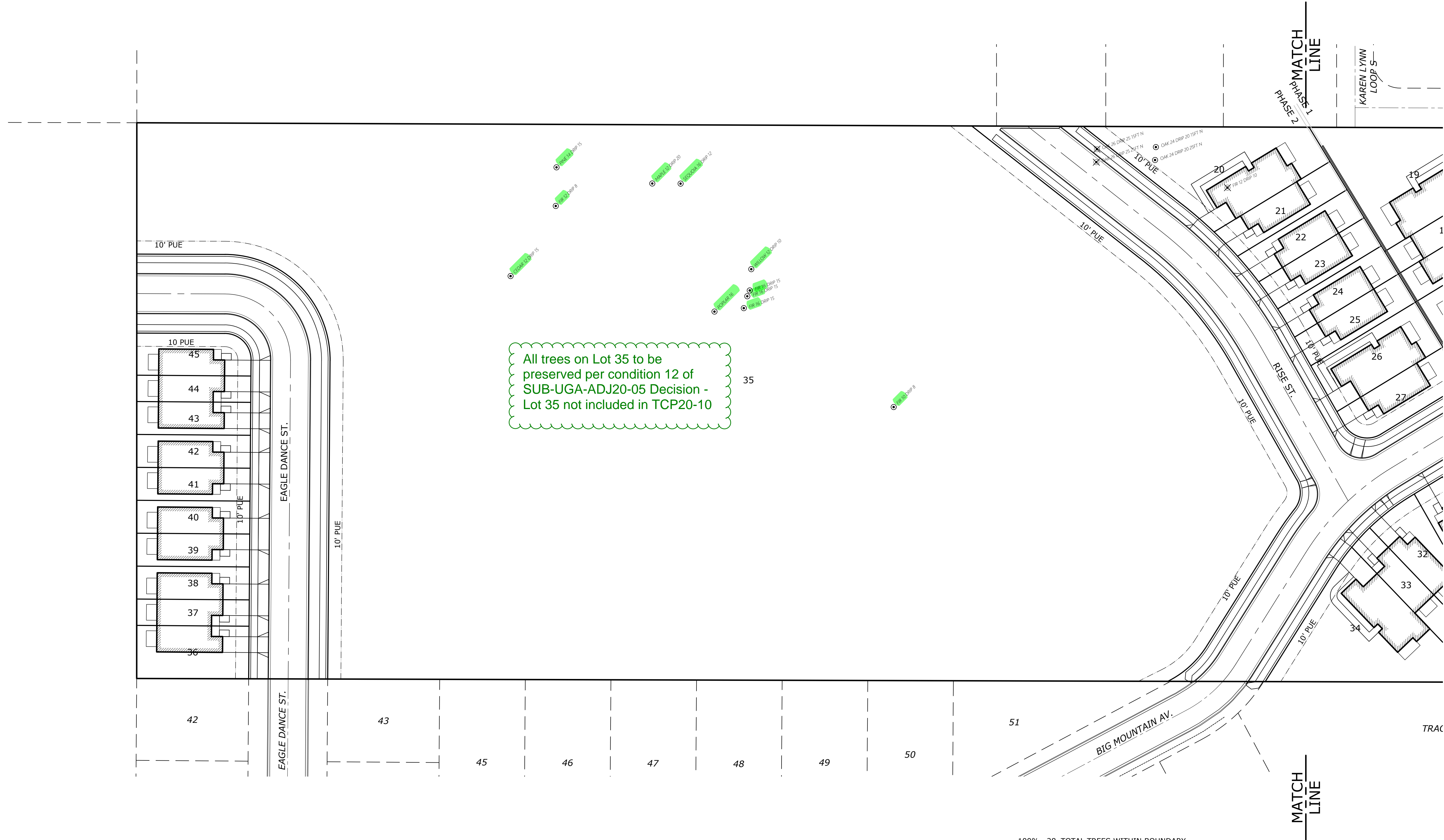
- ⊗ = EXISTING TREE WHICH MAY BE REMOVED.
- ⊙ = EXISTING TREE TO REMAIN.

7 Total Trees within Single-Family
Development Boundary

4 Trees to be Removed

3 Trees to be Preserved

42.8% persevered



100% 28 TOTAL TREES WITHIN BOUNDARY.
36% 18 TREES TO REMAIN.

⊗ = EXISTING TREE WHICH MAY BE REMOVED.
⊙ = EXISTING TREE TO REMAIN.

SEE SHEET
P103

TREE CONSERVATION
PLAN

LIBERTY ROAD
SUBDIVISION

NO CHANGES, MODIFICATIONS
OR REVISIONS TO THIS PLAN
MADE WITHOUT THE WRITTEN
AUTHORIZATION FROM THE
DESIGN ENGINEER.
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Design: M.D.G.
Drawn: P.H.S.
Checked: M.D.G.
Date: JAN. 2020
Scale: AS SHOWN
As-Built: ----



EXPIRES: 06-30-2021

JOB # 6727

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