

Sec. 808.035. - Tree conservation plans.

(d) Approval criteria.

(1) An application for a tree conservation plan shall be granted if the following criteria are met:

(A) No heritage trees are designated for removal.

(B) No significant trees are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees. **Two of the 3 trees onsite and proposed to be removed in order to fit the middle housing project. Setbacks and zoning requirements that force the new buildings to be along the street, is not maximizing the site. In order to maintain 3 units on each site, the buildings are placed close to the setbacks where the trees are located.**

(C) 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. **NA**

(D) Not less than 30 percent of all trees located on the property are designated for preservation, unless there are no reasonable design alternatives that would enable preservation of such trees. **Two of the three trees on site are proposed to be removed as there are no alternative designs that can accommodate them. The grading presents a challenge and a retaining wall is needed to level the site for the new middle housing project.**

(E) When less than 30 percent of all trees located on the property are designated for preservation, the mitigation measures required under SRC [808.035\(e\)](#) are met. **Mitigation measures will be taken if <30% of all trees located on the property are designated for preservation.**

(2) When an approval criterion in this subsection requires a determination that there are no reasonable design alternatives that would enable preservation of a tree(s), the following factors, which include but are not limited to the following, shall be considered in making such determination:

(A) *Streets*. The removal is necessary due to:

(i) The location and alignment of existing streets extended to the boundary of the subject property;

(ii) The planned alignment of a street identified in the Salem Transportation System Plan (TSP);

(iii) A street required to meet connectivity standards, to serve property where a flag lot accessway is not possible, or where a cul-de-sac would exceed maximum allowed length;

(iv) Any relocation of the proposed street resulting in lots that do not meet lot standards;

(v) A required boundary street improvement.

(B) *Utilities*. The removal is necessary due to existing or proposed utilities that cannot be relocated to an alternative location.

(C) *Site topography*. The removal is necessary due to the topography of site which will require severe grading in the critical root zone of the tree in order to comply with maximum street or intersection grades, fire department access requirements, or Fair Housing Act or ADA accessibility standards. **Two of the trees is in an area of mass grading in order to make the development work.**

(D) *Dwelling unit density*. The removal is necessary in order to meet a minimum dwelling unit density of 5.5 dwelling units per acre. In consideration of this factor:

(i) Not more than 15 percent of the proposed dwelling units within the development shall be required to be designated for middle housing in order to meet density requirements and demonstrate there are no reasonable design alternatives enabling preservation of a tree(s); and

(ii) The following may be excluded from the total site area for purposes of calculating density:

(aa) Riparian corridors, provided the riparian corridor is not graded or developed;

(bb) Areas of the site with slopes exceeding 25 percent, provided such areas are not graded or developed; and

(cc) Open space that will preserve significant natural features, provided the perpetual maintenance and operation of the open space is provided by a home owners' association.