

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



Si necesita ayuda para comprender esta información, por favor llame 503-588-6173

DECISION OF THE PLANNING ADMINISTRATOR

TREE CONSERVATION PLAN: TCP25-03

APPLICATION NO.: 24-117854-PLN

NOTICE OF DECISION DATE: February 5, 2025

SUMMARY: A Tree Conservation Plan in conjunction with a Tentative Partition Plan proposing the preservation of one tree, or 33 percent, of the three total trees on the property.

REQUEST: A Tree Conservation Plan in conjunction with a Tentative Partition Plan (Case No. PAR-ADJ24-12) proposing the preservation of one tree, or 33 percent, of the three total trees on the property. The subject property is approximately 0.27 acres in size, zoned RS (Single Family Residential) and located at 3200 Pheasant Avenue SE (Marion County Assessor's Map and Tax Lot Number 083W03AA/ 3100).

APPLICANT: Barker Surveying on behalf of Jayrn Montgomery

LOCATION: 3200 Pheasant Avenue SE, Salem OR 97302

CRITERIA: Salem Revised Code (SRC) Chapter 808.035.

FINDINGS: The findings are in the attached Decision dated February 5, 2025.

DECISION: The **Planning Administrator APPROVED** TCP25-03 subject to the following conditions of approval:

- Condition 1:** No tree designated for preservation may be removed or critically damaged unless and until a Tree Conservation Plan Adjustment application is submitted to the Community Development Planning and Department and approval has been granted by the Planning Administrator. Failure to preserve trees marked for preservation may result in a civil penalty.
- Condition 2:** 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 division of the subject property. Prior to the effective date of the Tree Conservation Plan, no tree shall be removed or critically damaged.

Approval of a Tree Conservation Plan application does not expire.

Case Manager: Jacob Brown, Planner II, JRBrown@cityofsalem.net, 503-540-2347

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, February 20, 2025, by 5:00 p.m.** The appeal must state where the decision failed to conform to the approval criteria in SRC Chapter 808. 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 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.

<http://www.cityofsalem.net/planning>

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF)	FINDINGS & ORDER
TREE CONSERVATION PLAN)	
CASE NO. TCP25-03)	
3200 PHEASANT AVE SE)	FEBRUARY 5, 2025

In the matter of the application for a Tree Conservation Plan, the Planning Administrator, having received and reviewed the evidence and application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

A Tree Conservation Plan in conjunction with a Tentative Partition Plan (Case No. PAR-ADJ24-12) proposing the preservation of one tree, or 33 percent, of the three total trees on the property. The subject property is approximately 0.27 acres in size, zoned RS (Single Family Residential) and located at 3200 Pheasant Avenue SE (Marion County Assessor's Map and Tax Lot Number 083W03AA/ 3100).

PROCEDURAL FINDINGS

1. On August 21, 2024, an application for a Tree Conservation Plan was submitted for property located at the 3200 Pheasant Avenue SE (**Attachment A**).
2. The Tree Conservation Plan (**Attachment B**) was submitted in conjunction with a new Tentative Partition Plan application for the subject property (Case No. PAR-ADJ24-12).
3. After approval of PAR-ADJ24-12 on January 15, 2025, the application was deemed complete.

SUBSTANTIVE FINDINGS

1. Proposal

The tree conservation plan identifies a total of three trees above 10 inches diameter-at-breast-height (dbh) on the property, with one tree identified for preservation and two proposed for removal (**Attachment B**). There is one significant 38-inch cedar proposed for preservation. There are no heritage trees or riparian corridor trees or vegetation located on the property.

2. Applicability

A tree conservation plan is required in conjunction with any development proposal for the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.

3. Summary of Record

The application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. To view the materials without registering, you may use the search function and enter the permit number listed here: 24 117854.

DECISION CRITERIA FINDINGS

4. Analysis of Tree Conservation Plan Approval Criteria

Salem Revised Code (SRC) 808.035(d) provides that an application for a Tree Conservation Plan shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 808.035(d)(1)(A): 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.

SRC 808.035(d)(1)(B): No significant trees are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees;

Finding: There is one 38-inch dbh significant tree located on the subject property which the applicant has proposed to preserve; therefore, the preservation requirements of SRC 808.035(d)(2) are met.

SRC 808.035(d)(1)(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.

Finding: There are no riparian areas located on the subject property, therefore no riparian trees or vegetation are proposed for removal. The tree conservation plan complies with the requirements of SRC 808.035(d)(3).

SRC 808.035(d)(1)(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;

Finding: The tree conservation plan identifies a total of three trees on the property with two trees for designated for removal and one significant tree to be preserved, for a preservation rate of 33 percent.

Because the tree conservation plan preserves more than 30 percent of the existing trees on the subject property, the tree conservation plan complies with the requirements of SRC 808.035(d)(4).

SRC 808.035(d)(1)(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.

Finding: As more than 30 percent of all the trees located on the property are designated for preservation, the mitigation measures required under SRC 808.035(e) are not applicable.

5. SRC 808.046 Protection Measures During Construction

Pursuant to SRC 808.046 all trees or native vegetation are required to be preserved or protected under the UDC during construction. All trees or native vegetation shall be protected during construction with the installation of an above ground silt fence encompass 100 percent of the critical root zone of the tree or the perimeter of the native vegetation. Protection measures are required to remain until issuance of notice of final completion for dwelling unit(s) on the lot, or issuance of certificate of occupancy in all other cases.

Finding: There is one tree designated for preservation; therefore, protection measures are applicable. The following condition applies:

Condition 1: No tree designated for preservation may be removed or critically damaged unless and until a Tree Conservation Plan Adjustment application is submitted to the Community Development Planning and Department and approval has been granted by the Planning Administrator. Failure to preserve trees marked for preservation may result in a civil penalty.

6. SRC 808.050 Tree Planting Requirements

SRC Chapter 808.050 establishes tree planting requirements for lots or parcels to be used for Single-Family or Two-Family, three family, four family or cottage cluster 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
Less than 4,000 square feet	1
4,000 to 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.

Finding: At the time of building permits, each lot shall meet the tree planting requirements identified in Table 808-1.

Condition 2: Each lot or parcel within the development proposal shall comply with the tree planting requirements set forth in SRC 808.050.

IT IS HEREBY ORDERED

The proposed Tree Conservation Plan is consistent with the provisions of SRC Chapter 808 and is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions of approval:

- Condition 1:** No tree designated for preservation may be removed or critically damaged unless and until a Tree Conservation Plan Adjustment application is submitted to the Community Development Planning and Department and approval has been granted by the Planning Administrator. Failure to preserve trees marked for preservation may result in a civil penalty.
- Condition 2:** Each lot or parcel within the development proposal shall comply with the tree planting requirements set forth in SRC 808.050.



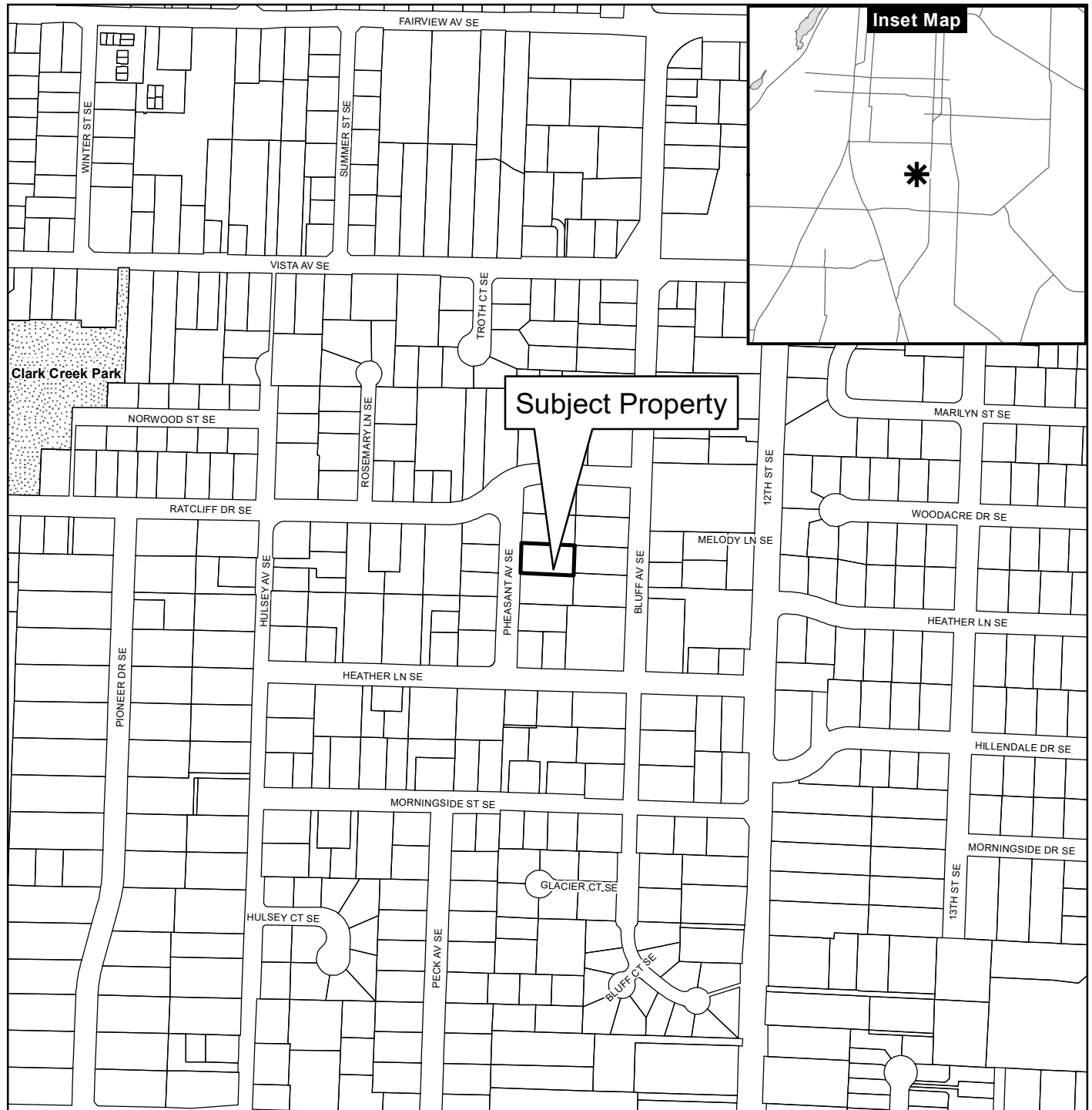
Jacob Brown, Planner II, on behalf of,
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments:

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

Vicinity Map

3200 Pheasant Avenue SE



Legend

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

0 100 200 400 Feet



CITY OF Salem
AT YOUR SERVICE
Community Planning and Development

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

