

Tree Removal Permit

Submittal Date:

March 2025

Submitted To:

City of Salem Planning

Project Location:

Marion Co. Tax Lot 072W32D002400

Applicant(s):

Studio 3 Architecture

Applicant's Land Use
Representative:

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Section 1: Findings Applicable to a Tree Removal Permit

Chapter 808 – Preservation of Trees and Vegetation

Section 808.001 – Purpose

The purpose of this chapter is to provide for the protection of heritage trees, significant trees, and trees and native vegetation in riparian corridors, as natural resources for the City, and to increase tree canopy over time by requiring tree preservation and planting of trees in all areas of the City.

Section 808.030 – Tree and Vegetation Removal Permits

(a) *Applicability.*

- (1) Except as provided in subsection (a)(2) of this section, no trees or native vegetation protected under SRC 808.015, SRC 808.020, or SRC 808.025 shall be removed unless a tree and vegetation removal permit has been issued pursuant to this section.

Applicant's Findings: *The project includes the removal of one significant tree, triggering the applicability of this section.*

- (2) Exceptions. A tree and vegetation removal permit is not required for the removal of trees or native vegetation protected under SRC 808.015, SRC 808.020, or SRC 808.025 when the removal is:
 - (A) Necessary for maintenance of a vision clearance area, as required in SRC chapter 805;
 - (B) Required by the City or a public utility for the installation, maintenance, or repair of roads or utilities, including water lines, sewer lines, gas lines, electric lines, and telecommunications lines. This exception does not apply to new development or construction in a riparian corridor;
 - (C) Removal of a City tree, as defined under SRC 86.010, that is subject to the requirements of SRC chapter 86;
 - (D) Necessary for continued maintenance of existing landscaping. For the purposes of this exception, the term "existing landscaping" means an area within a riparian corridor which was adorned or improved through the planting of flowers and trees, contouring the land, or other similar activity prior to June 21, 2000;
 - (E) Necessary for the installation, maintenance, or repair of public irrigation systems, stormwater detention areas, pumping stations, erosion control and soil stabilization features, and pollution reduction facilities. Maintenance includes the cleaning of existing drainage facilities and trash removal;

- (F) Removal of invasive non-native or nuisance vegetation in riparian corridors;
- (G) Necessary for public trail or public park development and maintenance;
- (H) Necessary to conduct flood mitigation;
- (I) Necessary to effect emergency actions which must be undertaken immediately, or for which there is insufficient time for full compliance with this chapter, when it is necessary to prevent an imminent threat to public health or safety, prevent imminent danger to public or private property, or prevent an imminent threat of serious environmental degradation. Trees subject to emergency removal must present an immediate danger of collapse. For purposes of this subsection, the term "immediate danger of collapse" means that the tree is already leaning, with the surrounding soil heaving, and there is a significant likelihood that the tree will topple or otherwise fall and cause damage. The person undertaking emergency action shall notify the Planning Administrator within one working day following the commencement of the emergency activity. If the Planning Administrator determines that the action or part of the action taken is beyond the scope of allowed emergency action, enforcement action may be taken;
- (J) Removal of a hazardous tree pursuant to an order issued by the City;
- (K) A commercial timber harvest conducted in accordance with the Oregon Forest Practices Act, ORS 527.610—527.992, on property enrolled in a forest property tax assessment program, and which is not being converted to a non-forestland use. Properties from which trees have been harvested under the Oregon Forest Practices Act may not be partitioned, subdivided, developed as a planned unit development, or developed for commercial uses or activities for a period of five years following the completion of the timber harvest;
- (L) Associated with mining operations conducted in accordance with an existing operating permit approved by the Oregon Department of Geology and Mineral Industries under Oregon Mining Claim law, ORS 517.750—517.955;
- (M) Necessary as part of a restoration activity within a riparian corridor undertaken pursuant to an equivalent permit issued by the Oregon Division of State Lands and/or the United States Corps of Engineers; provided, however, that the permittee must

- provide, prior to the removal, a copy of the permit and all required monitoring reports to the Planning Administrator;
- (N) Removal of trees on a lot or parcel 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square feet or greater, and the removal does not result in:
- (i) Removal of more than five trees or 15 percent of the trees, whichever is greater, within a single calendar year;
 - (ii) Removal of more than 50 percent of the trees within any five consecutive calendar years; and
 - (iii) Removal of heritage trees, significant trees, and trees in riparian corridors;
- (O) Undertaken pursuant to a tree conservation plan, 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, approved under SRC 808.035;
- (P) Undertaken pursuant to a tree conservation plan adjustment granted under SRC 808.040; or
- (Q) Undertaken pursuant to a tree variance granted under SRC 808.045.

Applicant's Findings: *The tree removal does not meet any of the exceptions listed above; therefore, the applicant is applying for a tree removal permit consolidated with this application submittal.*

- (b) *Procedure type.* A tree and vegetation removal permit is processed as a Type I procedure under SRC chapter 300.

Applicant's Findings: *The applicant understands that the tree removal permit will be processed using the type I procedures outlined in SRC chapter 300.*

- (c) *Submittal requirements.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a tree and vegetation removal permit shall include the following:

- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) Site topography shown at two-foot contour intervals;
 - (C) The location of any existing structures on the site;
 - (D) The type, size, and location of trees and native vegetation to be preserved or removed;

- (E) The locations and descriptions of staking or other protective devices to be installed for trees and native vegetation to be preserved; and
- (F) The site plan may contain a grid or clear delineation of phases that depict separate areas where the work is to be performed.

Applicant's Findings: *A site plan has been provided with this submittal package including the applicable information above to review the application. This is met.*

- (2) In addition to the information required by subsection (c)(1) of this section, an application for tree or native vegetation removal connected with restoration activity in a riparian corridor shall include:
 - (A) A delineation of the boundaries of the riparian corridor on the site plan;
 - (B) A conceptual tree and vegetation planting or replanting plan;
 - (C) A completed wetland delineation or determination, if applicable;
 - (D) A grading plan, if grading is planned or anticipated;
 - (E) A verification from the Department of Public Works that erosion control measures will be initiated, if required; and
 - (F) A monitoring and maintenance plan, if required by Oregon Division of State Lands or the United States Corps of Engineers.
- (3) Waiver of submittal requirements for certain restoration activities in riparian corridors. The Planning Administrator may waive the requirement to submit all or part of the information required by subsections (c)(1) and (2) of this section for a restoration activity in a riparian corridor that affects less than one-quarter acre and does not require a permit from the Oregon Division of State Lands or United States Corps of Engineers.

Applicant's Findings: *The tree proposed for removal is not within a riparian area; therefore, (2) and (3) above are not applicable.*

- (d) *Approval criteria.* An application for a tree and vegetation removal permit shall be granted if one or more of the following criteria are met:
 - (5) *Removal of significant tree in connection with the construction of a development other than single family, two family, three family, four family, or cottage cluster.* The removal of the significant tree is necessary for the construction of a development other than single family, two family, three family, four family, or cottage cluster and:
 - (A) Without approval of the tree removal permit the proposed development cannot otherwise meet the applicable development standards of the UDC without a variance or adjustment.

Applicant's Findings: Without approval of the tree removal permit the proposed development would require an alternative method for green stormwater infrastructure. With the existing site constraints, the proposed green stormwater facility is in the best possible location for a stormwater facility that meets the requirements of Public Works. This criterion is met.

(B) There are no reasonable design alternatives that would enable preservation of the tree. In determining whether there are no reasonable design alternatives, the following factors, which include but are not limited to the following, shall be considered:

- (i) *Streets.* The removal is necessary due to:
 - (a) The location and alignment of existing streets extended to the boundary of the subject property;
 - (b) The planned alignment of a street identified in the Salem Transportation System Plan (TSP);
 - (c) 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;
 - (d) Any relocation of the proposed street resulting in lots that do not meet lot standards;
 - (e) A required boundary street improvement.
- (ii) *Utilities.* The removal is necessary due to existing or proposed utilities that cannot be relocated to an alternative location.
- (iii) *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.

Applicant's Findings: The subject property has site constraints, including wetlands, existing utility infrastructure within easements, and a drainage ditch. Therefore, only a portion of the site is developable. The applicant has already reduced the number of gas pumps on the site from eight pumps to six pumps, reduced the size of the convenient store, and reduced the off-street parking area. The fueling area needs adequate pavement for maneuverability of vehicles around and to the fuel pumps. An existing public sanitary sewer main is located under this tree, the tree is older and is more likely to have roots growing into the City main, which could cause blockages

and other damage to the main which would require costly repairs to a public main. Additionally, the proposed green stormwater infrastructure is located within the root zone of the tree proposed for removal and is unable to be relocated. The applicant has designed the project in the best possible way for the use of the developable area of the subject property and there are no reasonable design alternatives that would enable the preservation of the tree; therefore, this criterion is met.

(e) Conditions of approval.

- (1) Conditions may be imposed on the approval of a tree and vegetation removal permit to ensure compliance with the approval criteria.

Applicant's Findings: *The applicant understands that conditions may be impacted to ensure compliance with the approval criteria.*

- (2) In addition to the conditions imposed under subsection (e)(1) of this section, tree and vegetation removal permits for the removal of trees or native vegetation in connection with a restoration activity within a riparian corridor shall include the following condition:

- (A) Trees and native vegetation removed shall be replaced in compliance with the tree and native vegetation replacement standards set forth in SRC 808.055.

Applicant's Findings: *The tree proposed for removal is not located within a riparian corridor; therefore, the additional condition listed above is not applicable for this application.*