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503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

TREE REMOVAL PERMIT: TRP25-19

APPLICATION NO.: 25-110921-PLN

NOTICE OF DECISION DATE: June 11, 2025

REQUEST: A Tree Removal Permit to remove one Cedar tree with a diameter at breast height (dbh) of approximately 42 inches on the basis that it affects the otherwise lawful repair, alteration or replacement of an existing structure. The property is zoned RS (Single-Family Residential) and located at 4638 Squire Court NE (Marion County Assessor's Map and Tax Lot Number: 072W19DA / 900).

APPLICANT: Michael McDaniel

LOCATION: 4638 Squire Court NE

CRITERIA: Salem Revised Code (SRC) Chapter 808.030.

FINDINGS: The findings are in the attached Decision dated June 11, 2025.

DECISION: The Planning Administrator **APPROVED** TRP25-19 based upon the application materials and the findings as presented in this report.

Approval of a Tree Removal Permit application does not expire.

This decision is final; there is no local appeal process. Any person with standing may appeal this decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301-1283, not later than 21 days after the decision date. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The following items are submitted to the record: 1) All materials and evidence submitted by the applicant, including any applicable professional studies; and 2) All materials, evidence, and comments from City Departments and public agencies. The application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 25 110921.

Case Manager: Quincy Miller, Planner I, QMiller@cityofsalem.net, (503) 584-4676

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF)	FINDINGS & ORDER
TREE REMOVAL PERMIT)	
CASE NO. TRP25-19)	
4638 SQUIRE COURT NE)	JUNE 11, 2025

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

REQUEST

A Tree Removal Permit to remove one Cedar tree with a diameter at breast height (dbh) of approximately 42 inches on the basis that it affects the otherwise lawful repair, alteration or replacement of an existing structure. The property is zoned RS (Single-Family Residential) and located at 4638 Squire Court NE (Marion County Assessor's Map and Tax Lot Number: 072W19DA / 900). A location map identifying the subject property is included as **Attachment A**.

PROCEDURAL FINDINGS

- On May 24, 2025, an application for a Tree Removal Permit was submitted for property located at 4638 Squire Court NE.
- After additional requested information was provided by the applicant, the application was deemed complete on June 10, 2025.

SUBSTANTIVE FINDINGS

1. Proposal

The applicant is requesting to remove one Cedar tree with a dbh greater than 30 inches on the basis that it is affecting the otherwise lawful repair, alteration, or replacement of an existing structure.

2. Applicability

Heritage Trees, Significant Trees, and trees and native vegetation within Riparian Corridors are protected within the City of Salem within SRC Chapter 808. Per SRC 808.005, a Significant Tree is defined as:

- (a) A rare, threatened, or endangered tree of any size, as defined or designated under state or federal law and included in the tree and vegetation technical manual;
- (b) An Oregon White Oak (*Quercus garryana*) with a dbh of 20 inches or greater; and
- (c) Any other tree with a dbh of 30 inches or greater, but excluding:
 - (1) Tree of Heaven (*Ailanthus altissima*);
 - (2) Empress tree (*Paulownia tomentosa*);
 - (3) Black cottonwood (*Populus trichocarpa*); and

(4) Black locust (*Robinia pseudoacacia*)

Per SRC 808.015: "No person shall remove a Significant Tree, unless the removal is undertaken pursuant to a Tree and Vegetation Removal Permit issued under SRC 808.030, undertaken pursuant to a Tree Conservation Plan approved under SRC 808.035, or undertaken pursuant to a Tree Variance granted under SRC 808.045."

DECISION CRITERIA FINDINGS

3. Analysis of Tree Removal Permit Approval Criteria

SRC 808.030(d)(2) Repair, alteration, or replacement of existing structures. The tree or native vegetation removal is necessary to effect the otherwise lawful repair, alteration, or replacement of an existing structure, the footprint of the repairs, altered, or replacement structure is not enlarged, and no additional riparian corridor area is disturbed beyond that essential to the repair, alteration, or replacement of the existing structure.

Finding: The applicant provided a report from a MSC Engineers (**Attachment B**) and photographs showing the tree and structural impacts.

According to the engineer's report, the approximately 42 inch dbh tree is located approximately five feet from the structure of the single-family dwelling. Several roots ranging in size from half an inch to six inches in diameter were observed adjacent to the crack in the building's foundation. Per the engineer, the crack in the foundation is wider at the top than at the bottom, which indicates the foundation is being lifted by the roots of the tree. The engineer concluded that the cracks observed on the foundation most likely came from the roots of the tree, and that further damage to the foundation would be likely if the tree remains.

Therefore, due to the proximity of the tree to the structure, and the engineer's analysis that the cracks in the foundation are due to the tree roots and will not abate without intervention, the tree shall be removed in its entirety.

IT IS HEREBY ORDERED

The proposed Tree Removal Permit is consistent with the provisions of SRC Chapter 808 and is hereby **APPROVED**.

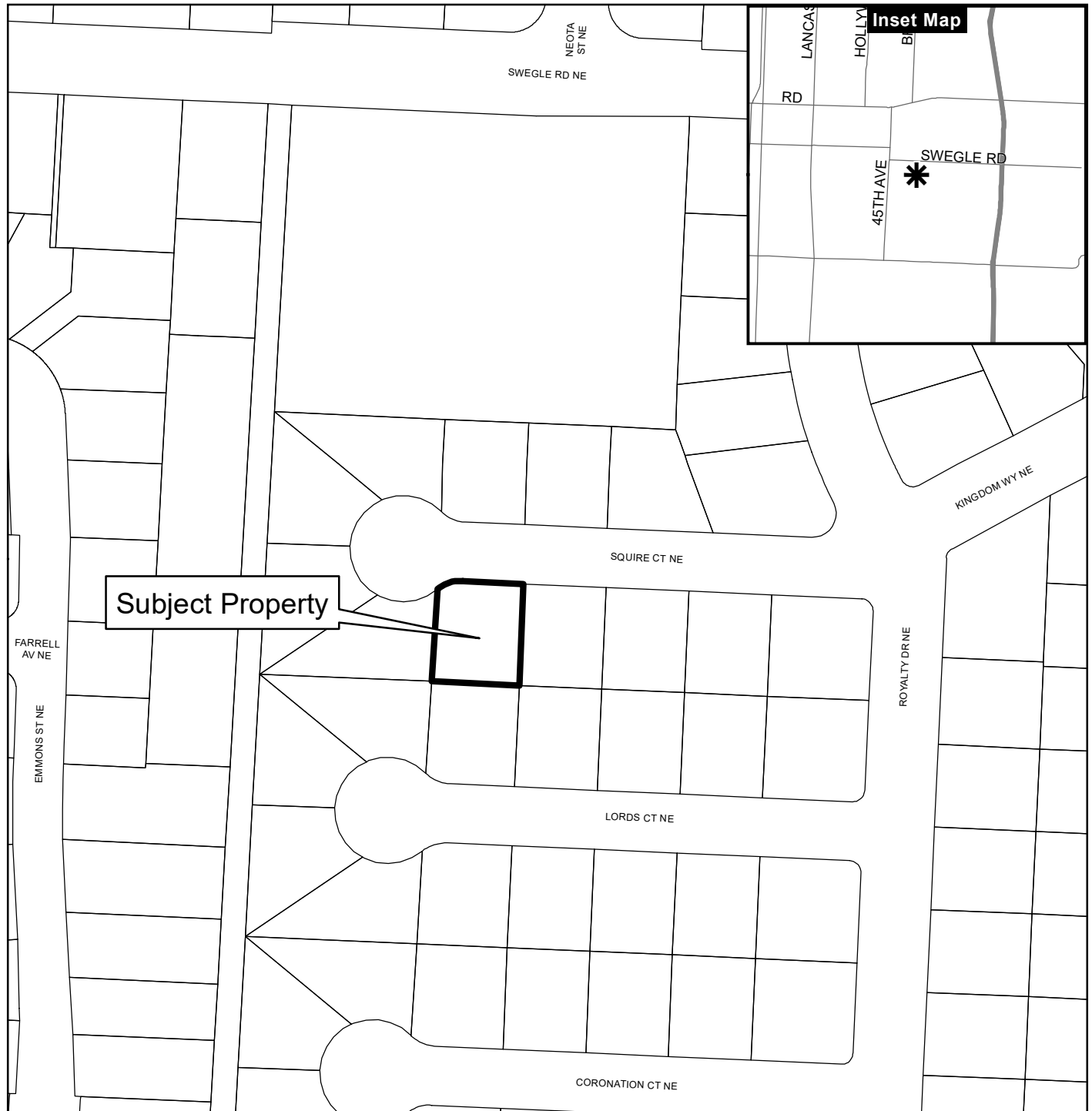


Quincy Miller, Planner I, on behalf of,
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments:

- A. Vicinity Map
- B. Engineer's Report

Vicinity Map 4638 Squire Court NE



Legend

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

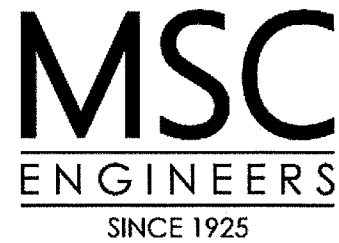
- Parks

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March 28, 2024

Michael McDaniel
4638 Squire Court NE
Salem, OR 97301

Re: McDaniel Residence Tree Removal
Significant Tree Removal Application
Structural Engineer Observation Report

Michael,

On Monday March 25th, Doug Meltzer with MSC Engineers, Inc. conducted a site visit to your personal residence located at 4638 Squire Court NE to observe and assess the reported damage to the concrete perimeter stem wall and footing near a significant Deodar Cedar. The intent of this observation report is to convey our finding as a structural engineer assessing the present day impact of the tree roots upon the physical foundation of the residence as supplemental evidence to the Arborist report.

The residence is a single family wood framed single story residence built in 1976 in close proximity to a 42" +/- inch diameter cedar tree approximately 5 feet from the rear continuous concrete perimeter footing. The owner had hand excavated a 20" deep hole in front of a "V" shaped crack in the concrete stem wall and footing exposing at least (6) feeder roots ranging from 1/2" to 6" inch diameter bisects the earth under the footing aligned with the base of this crack. Several large feeder roots exist in front of and below the footing.

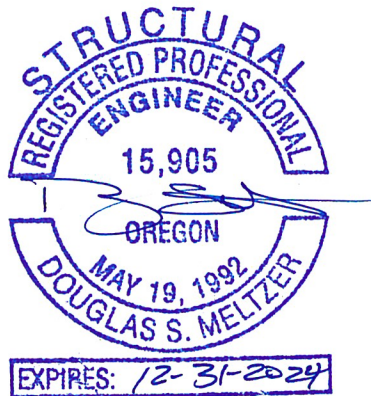
The crack extends the full 12" height of the concrete stem wall before closing atop the footing. The crack is wider at the top than the bottom indicative of a lifting force or arching effect over a more rigid support than the native soils, hence the root structure below the footing. The cracks are approximately 1.75mm at the top narrowing to 0.2mm at the footing. The cracks are not fresh but it is not possible to determine an exact age, likely decades in the making. This portends the future will induce further movement. The vertical displacement is less than 0.1mm at this time so the structural stability of the footing is sound but soon will incur discernable displacement that will result in cracks in

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interior and exterior finishes. No comparable cracks were observed elsewhere on the perimeter of the foundation. It seems fairly conclusive the roots are, and certainly will, contribute to the cracking and displacement of the foundation.

We defer to the expertise of the Arborist whether "the hazard or danger can reasonably be alleviated by treatment or pruning" or poses "imminent danger to private property: as stipulated in City of Salem Code of Ordinances Chapter 808. Our report is limited to the confirmation that the tree roots have incurred damage to the foundation of the home and can reasonably be expected to exacerbate this issue in the near future.



Sincerely,

Douglas S. Meltzer, PE, SE
MSC Engineers, Inc.

Enclosure: Photographs

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