

# NOTICE OF DECISION

PLANNING DIVISION  
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*Si necesita ayuda para comprender esta informacion, por forvor llame  
503-588-6173*

## ADMINISTRATIVE DECISION FOR TREE CONSERVATION PLAN

**CASE NO.:** TCP 14-11  
**AMANDA NO.:** 14-115462-NR  
**DATE OF DECISION :** November 21, 2014  
**PROPERTY LOCATION:** 4000 to 4200 Blocks of Pringle Road SE / 4300 Block of Battle Creek Road SE  
**APPLICANT:** Eric Olsen, Olsen Design and Development

### REQUEST

A Tree Conservation Plan in conjunction with Fairview Refinement Plan/Partition/Phased Subdivision Case No. FRP-PAR-SUB14-01, proposing the preservation of 100 trees (47.8 percent) out of a total of 209 trees on the property, and the removal of 2 significant oaks. The subject property is approximately 50.8 acres in size, zoned FMU (Fairview Mixed-Use), and located in the 4000 to 4200 Blocks of Pringle Road SE and the 4300 Block of Battle Creek Road SE (Marion County Assessor Map and Tax Lot Numbers: 083W11/200 & portions of 083W02/100 and 083W11/100).

### FINDINGS

The subject property is located in the 4000 to 4200 Blocks of Pringle Road SE and the 4300 Block of Battle Creek Road SE (Attachment 1). The tree conservation plan (Attachment 2) was submitted in conjunction with an application for a proposed Refinement Plan and phased subdivision for approximately 50.8 acres of the former Fairview Training Center site (Case No. FRP-PAR-SUB14-01).

The tree conservation plan identifies a total of 209 trees on the property, with 100 trees identified for preservation and 109 trees identified for removal. There are no heritage trees or riparian corridor trees or native vegetation located on the property. There are 12 significant oaks on the property, two of which are proposed for removal.

#### **1. Tree Conservation Plan Approval Criteria (SRC 808.035(d)):**

SRC 808.035(d) provides that a Tree Conservation Plan shall be granted if the following criteria are met:

- (1) No heritage trees are designated for removal;
- (2) No significant trees are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees;
- (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;
- (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 reasonable necessary to accommodate the proposed development shall be designated for removal.

## **2. 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. This approval criterion is therefore not applicable to the proposed 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:** There are 12 significant trees located on the subject property. The tree conservation plan proposes the preservation of all the significant trees on the property with the exception of two trees located within phase ZB of the phased subdivision near the intersection of proposed Z Street with Battle Creek Road SE.

The written statement provided by the applicant indicates that the removal of these two significant trees is necessary to allow for the development of Z Street and that there are no reasonable design alternatives that would enable preservation of the trees.

The street system within the proposed Fairview Refinement Plan and phased subdivision has been designed to respond to the topography and natural features of the site as required by the Fairview Mixed-Use (FMU) zone and the Fairview Plan, the overall master plan for development of the site. The alignment of Z Street responds to the topography of the site and also facilitates a logical arrangement of lots by generally bisecting the southeastern portion of the property in order to allow for the creation of lots on both sides of the proposed street.

Due to the narrowness of this portion of the property, shifting the alignment of Z Street to the north or to the south to avoid the significant trees would require a reconfiguration of the lots within this portion of the subdivision and change the location of where Z Street intersects with Battle Creek Road.

Because there are no reasonable design alternatives that would enable preservation of these trees, their removal conforms to this approval criterion. The tree conservation plan still preserves 10 of the 12 significant trees on the property, and only proposes the removal of those significant trees reasonably necessary to accommodate the proposed development. This criterion is met.

### **(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 are no riparian corridors located on the subject property. There are therefore no riparian corridor trees or native vegetation present on the site. This approval criterion is not applicable to the proposed tree conservation plan.

### **(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 reasonable necessary to accommodate the proposed development shall be designated for removal.**

**Finding:** The tree conservation plan is divided into seven areas. A summary of the total number of trees, including the number of trees proposed for preservation and removal, in each of the seven areas is included in the table below.

<b>Tree Conservation Plan Summary</b>			
<b>Tree Plan Area</b>	<b>Total Trees in Area</b>	<b>Trees Preserved</b>	<b>Trees Removed</b>
<b>Area 1</b>	64	56	8
<b>Area 2</b>	53	7	46
<b>Area 3</b>	22	19	3
<b>Area 4</b>	14	8	6
<b>Area 5</b>	1	1	0
<b>Area 6</b>	55	9	46
<b>Area 7</b>	0	0	0
<b>Total:</b>	<b>209</b>	<b>100 (47.8%)</b>	<b>109 (52.2%)</b>

The tree conservation plan identifies a total of 209 trees on the subject property, with 100 of the trees designated for preservation and 109 of the trees designated for removal. As a result, the tree conservation plan preserves 47.8 percent of the trees on the property and therefore conforms to the minimum tree preservation requirement of 25 percent.

Because the tree conservation plan preserves 47.8 percent of the existing trees on the subject property, this criterion is met.

### 3. SRC Chapter 808 Tree Planting Requirements

SRC Chapter 808.050 establishes tree planting requirements for development proposals for the creation of 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:

<b>Table 808-1 (Tree Planting Requirements)</b>	
<b>Lot or Parcel Size</b>	<b>Minimum Trees Required</b>
6,000 ft. <sup>2</sup> or less	2
6,001 ft. <sup>2</sup> to 7,000 ft. <sup>2</sup>	3
7,001 ft. <sup>2</sup> to 8,000 ft. <sup>2</sup>	4
8,001 ft. <sup>2</sup> to 9,000 ft. <sup>2</sup>	5
Greater than 9,000 ft. <sup>2</sup>	6

Because the subject property is located within the FMU zone, it must be developed pursuant to the requirements of an adopted refinement plan. Pursuant to SRC 530.030, refinement plans must establish specific standards governing development within the refinement plan area. The standards established in a refinement plan may supplement or supersede City standards.

Section 6 of the refinement plan establishes specific standards for development within the refinement plan area. Under Section 6, a specific exemption from the tree planting requirements of SRC 808.050 is allowed if lot coverage maximums exceed 55 percent.

In the event there are insufficient existing trees on a lot, and the lot must meet the tree planting 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 and is hereby **APPROVED** subject to the following conditions of approval:

1. All trees and native vegetation designated for preservation under the tree conservation plan shall be marked and protected during construction. Required protection measures shall consist of protective fencing placed under the canopy of the tree. No grubbing, grading, construction, vehicle parking, or storage/disposal of materials/fill shall be allowed inside the protective fencing. 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. Protection measures shall continue until the issuance of a Notice of Final Completion for the Single Family dwelling or Two Family dwelling.
2. No tree designated for preservation under the approved Tree Conservation Plan may be removed or critically damaged without the approval of a Tree Conservation Plan Adjustment.
3. Adherence to the Tree Conservation Plan is required at the time of building permit application. All trees identified for preservation under the Tree Conservation Plan shall be protected, as required above, until issuance of a Notice of Final Completion for each affected lot.



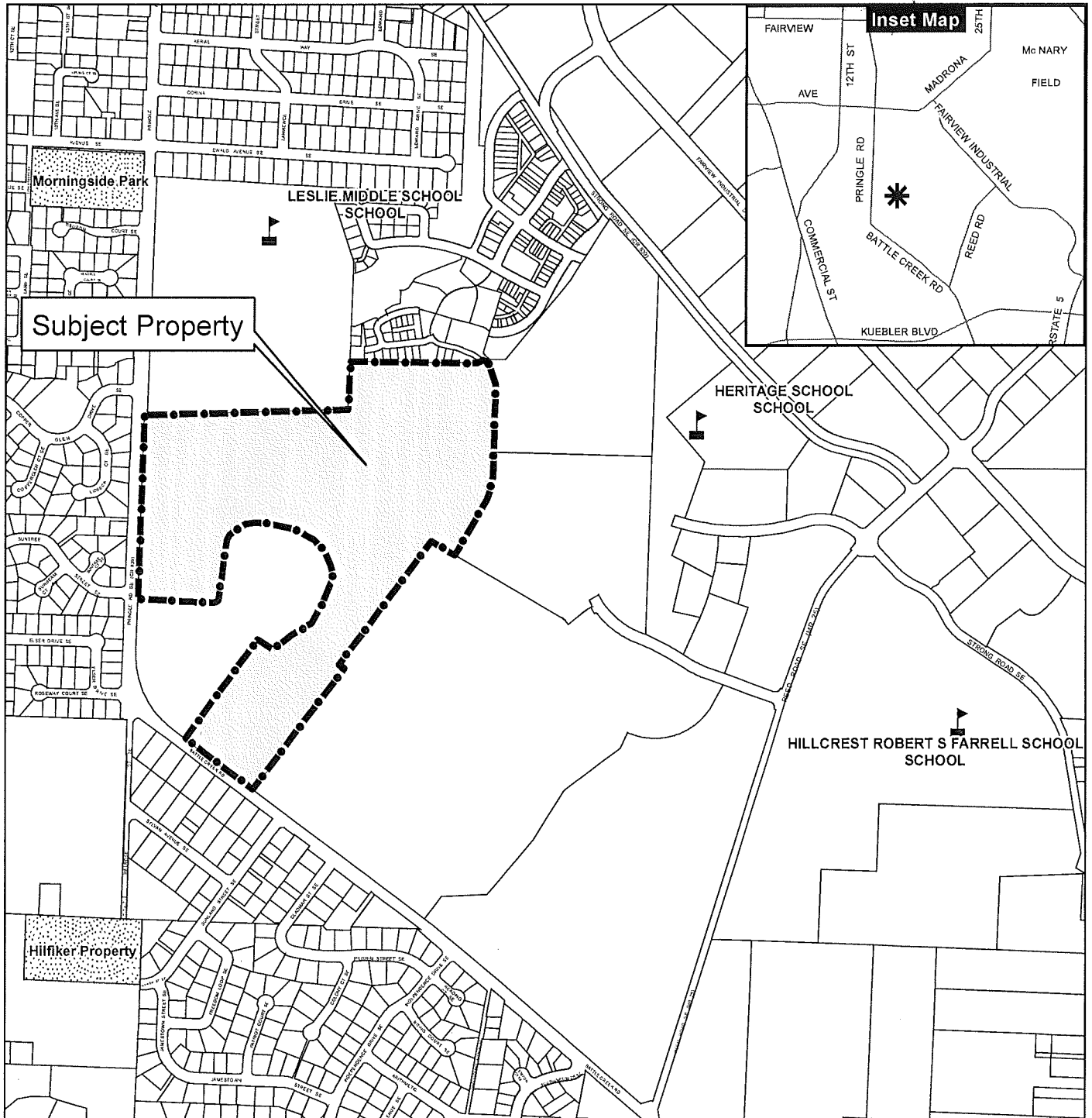
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Bryce Bishop, Planner II  
Urban Planning Administrator Designee

- Attachments: 1. Vicinity Map  
2. Approved Tree Conservation Plan

# Vicinity Map

## 4000 to 4100 Blocks of Pringle Road SE / 4300 Block of Battle Creek Road SE



**Legend**

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

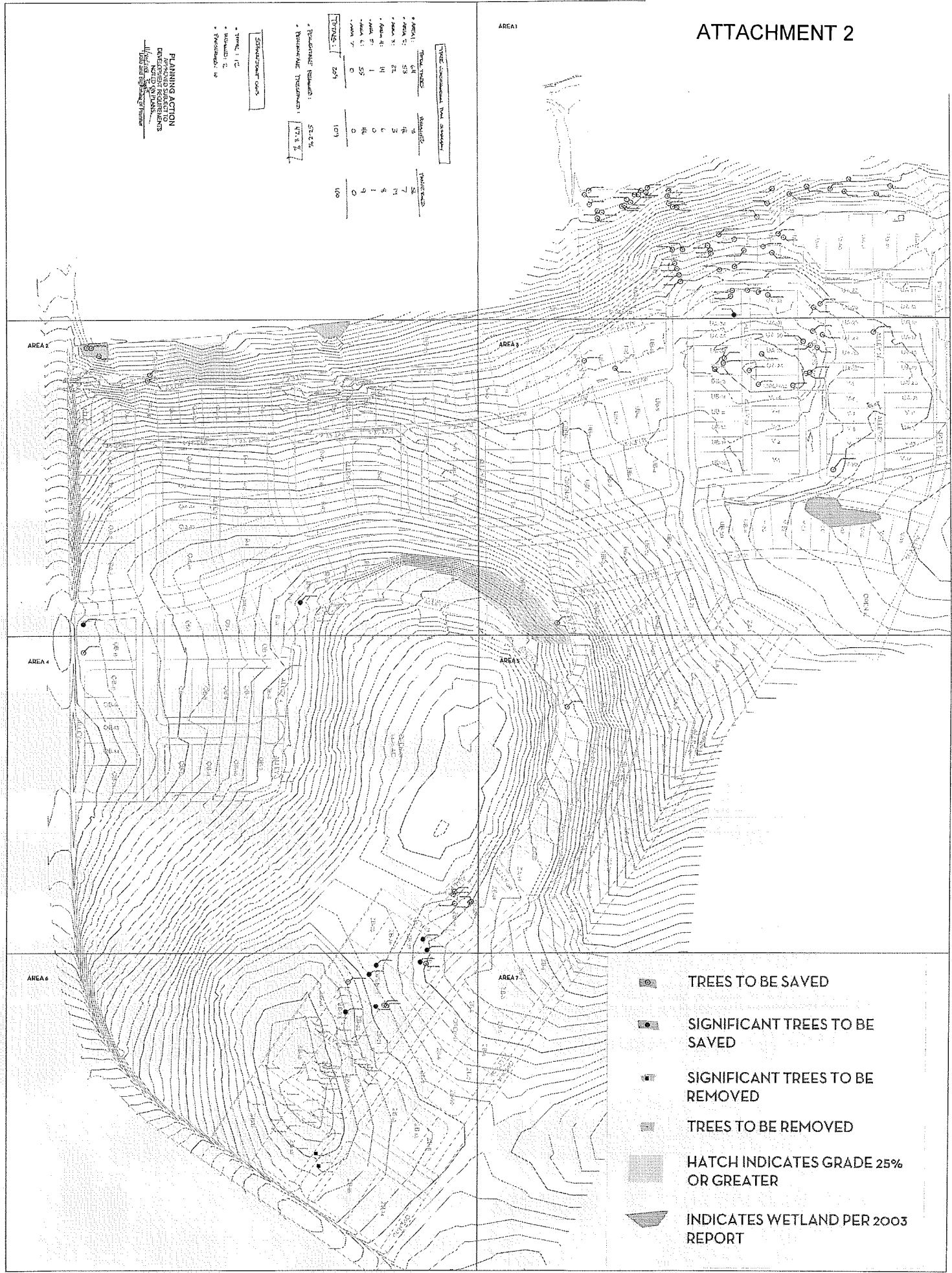
0 100 200 400 Feet



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Community Development Dept.

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# ATTACHMENT 2



TREE INVENTORY AND STATUS

TREE STATUS	QUANTITY	PERCENTAGE
TOTAL TREES	107	100
Trees to be Saved	57	52.3%
Trees to be Removed	50	46.7%

**STANDARD TREE CODES**

- Tree 1: C
- Tree 2: L
- Tree 3: W

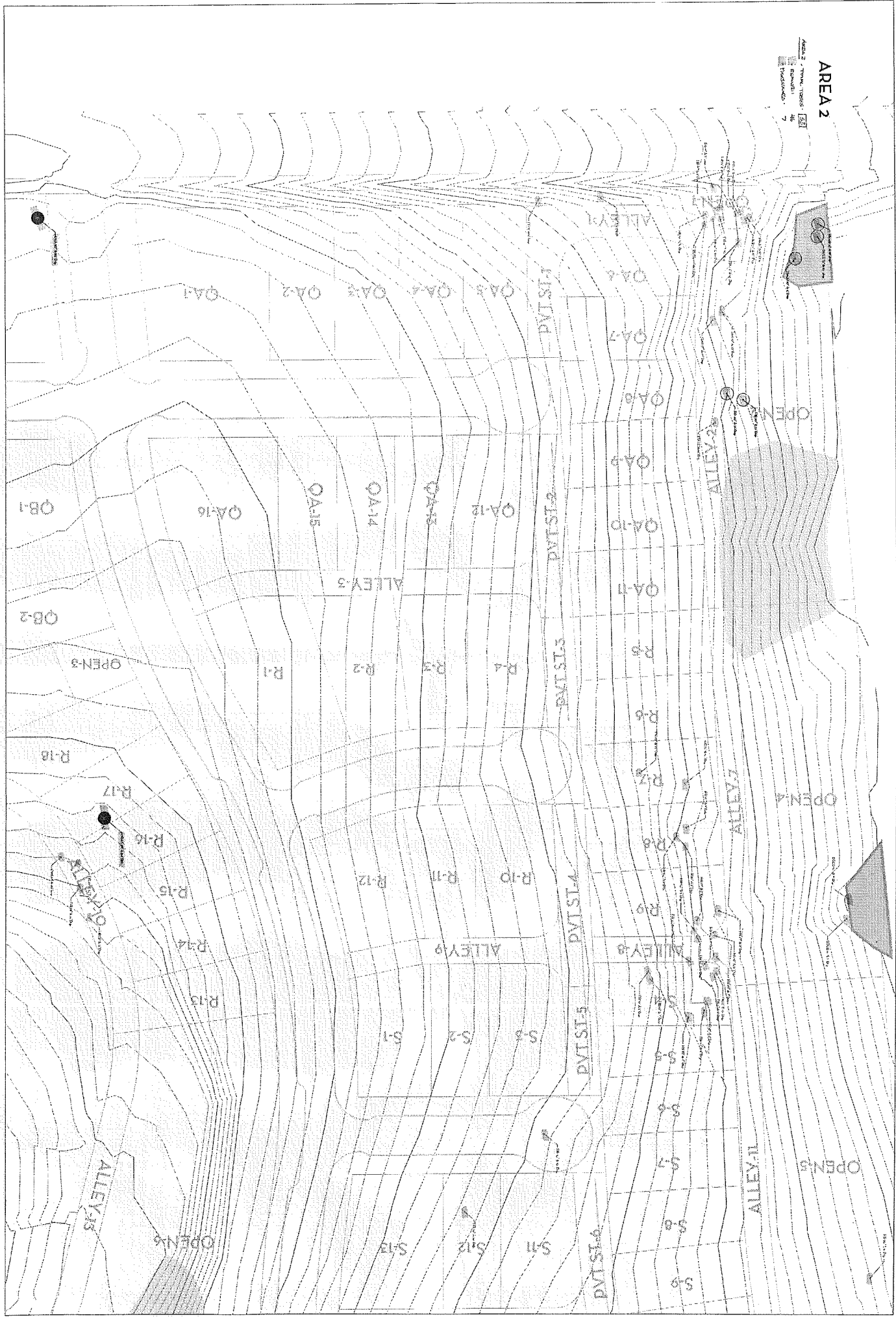
**PLANNING ACTION**  
 DEVELOPMENT REQUIREMENTS  
 - Tree 1: C  
 - Tree 2: L  
 - Tree 3: W

- TREES TO BE SAVED
- SIGNIFICANT TREES TO BE SAVED
- SIGNIFICANT TREES TO BE REMOVED
- TREES TO BE REMOVED
- HATCH INDICATES GRADE 25% OR GREATER
- INDICATES WETLAND PER 2003 REPORT



AREA 2

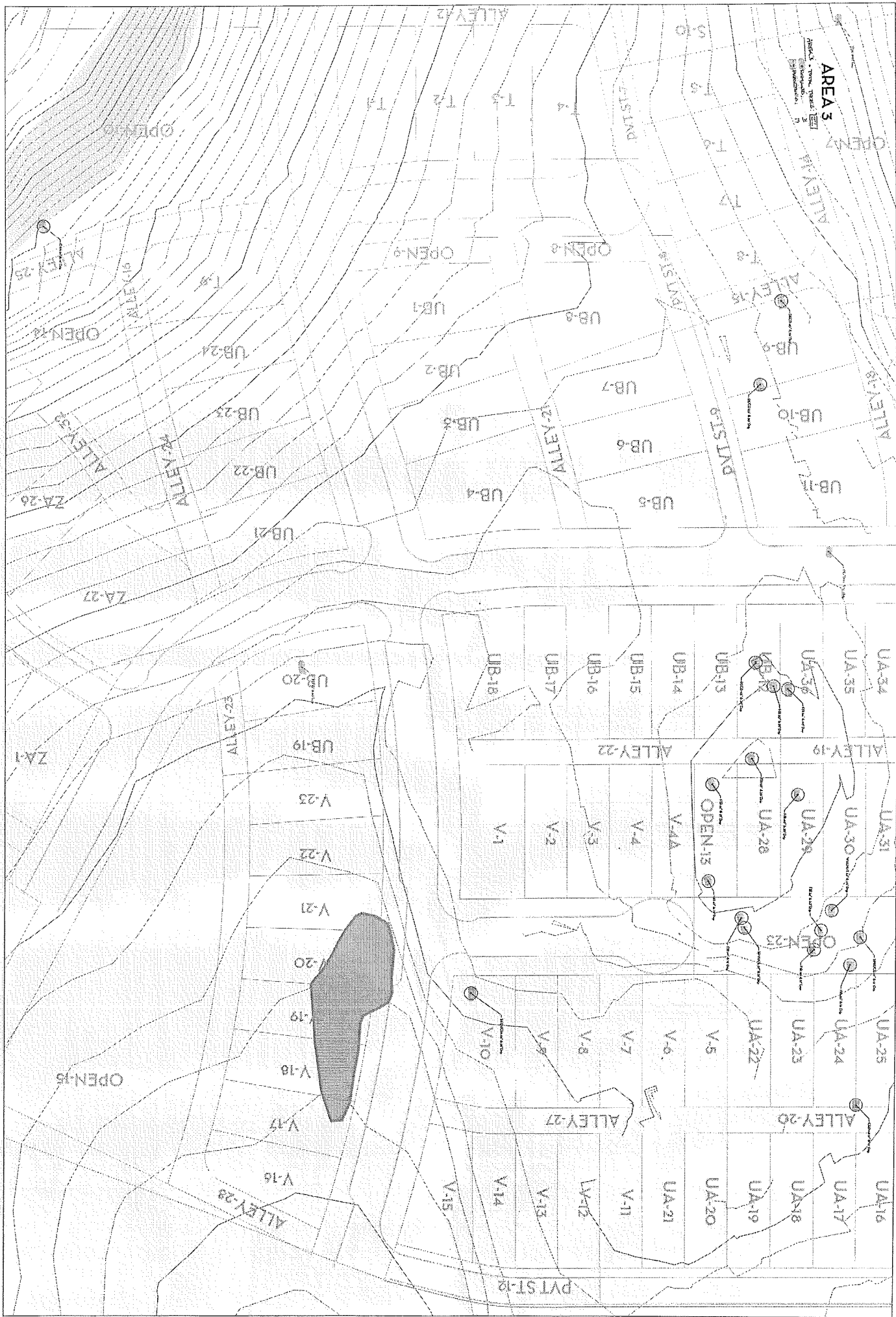
Area 2 - Town, 1988  
Scale: 1" = 200'  
Elevation: 10'  
Topographic

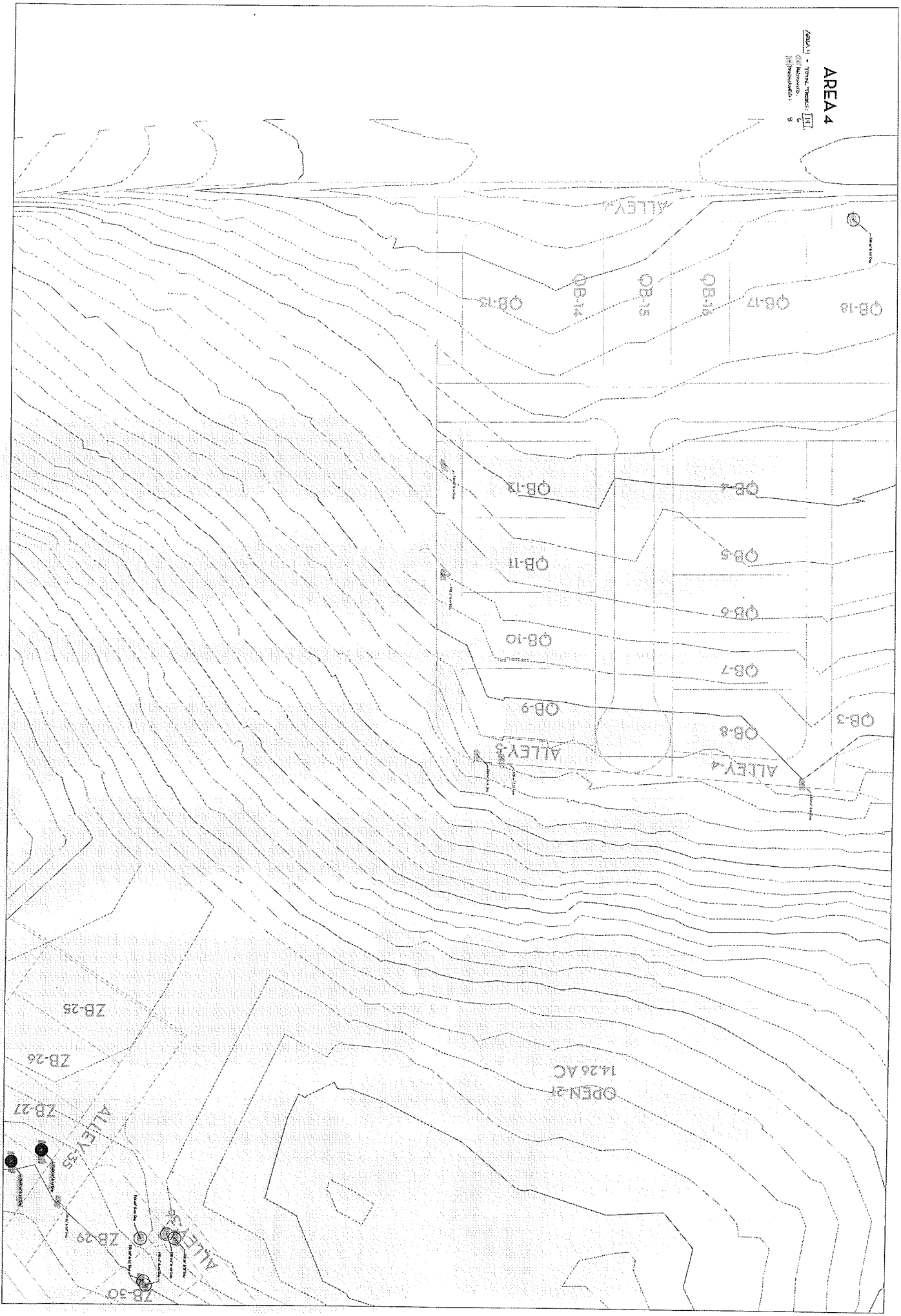




AREA 3

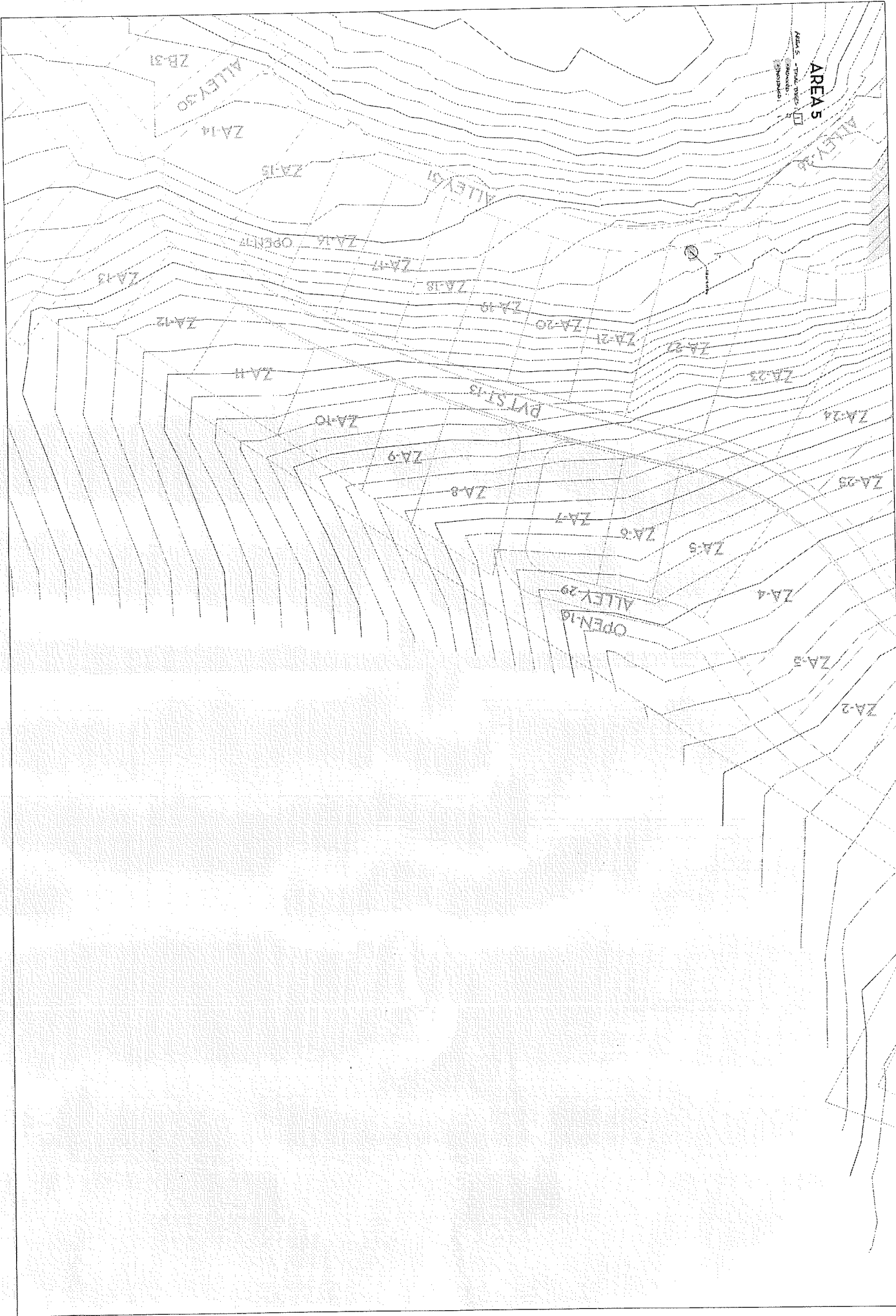
Map 3, Town of...  
Subdivision...  
D





AREA 5  
- 7000 ft. -  
- 6000 ft. -  
- 5000 ft. -

AREA 5



AREA 6

Area 6 - 1974, 1980, 1981  
1:50,000  
1:50,000  
1:50,000

