

# 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 informacion, por favor llame  
503-588-6173*

## ADMINISTRATIVE DECISION FOR TREE CONSERVATION PLAN

**CASE NO.:** TCP19-07  
**AMANDA NO.:** 18-125036-NR  
**DATE OF DECISION :** November 26, 2019  
**PROPERTY LOCATION:** 575 Salem Heights Avenue S  
**APPLICANT:** Tom Kay Co.

### REQUEST

A Tree Conservation Plan in conjunction with Subdivision and Adjustment Case No. 19-02, proposing the preservation of 41.9 percent, out of a total of 129 trees. The subject property is approximately eight acres in size, zoned RS (Single Family Residential), and located at 575 Salem Heights Road SE - 97302 (Marion County Assessor Map and Tax Lot Numbers 083W04AA10400, 10600, 10601, 10700, 10800).

### FINDINGS

The subject property is located at 575 Salem Heights Avenue S (Attachment A). The tree conservation plan (Attachment B) was submitted in conjunction with a subdivision application for the subject property (SUB-ADJ19-02).

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. There are no significant trees proposed for removal and no heritage trees, or riparian corridor trees or vegetation located on the property.

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

SRC 808.035(d) establishes the following approval criteria for tree conservation plans:

- (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 reasonably 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; therefore, the preservation requirements of SRC 808.035(d)(1) are not applicable to the 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 eight significant trees located on the subject property. The applicant is proposing to remove five are significant oaks which the applicant has identified for removal based on their location within either the future building envelopes of lots (applicable to two of the five significant oaks) or adjacent to required street and/or sidewalk improvements (applicable to three of the five significant oaks).

(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 present on the subject property; therefore, the preservation requirements of SRC 808.035(d)(3) are not applicable to the 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 reasonably necessary to accommodate the proposed development shall be designated for removal.

**Finding:** The applicant submitted a tree conservation plan indicating 129 total trees existing on the property, the proposed tree conservation plan identifies 54 trees (41.9%) for preservation and 75 trees (58.1%) for removal. Of the 75 trees proposed for removal, five are significant oaks which the applicant has identified for removal based on their location within either the future building envelopes of lots (applicable to two of the five significant oaks) or adjacent to required street and/or sidewalk improvements (applicable to three of the five significant oaks).

The proposed tree conservation plan preserves 41.9 percent of the existing trees on the property, therefore exceeding the minimum 25 percent preservation requirement under SRC Chapter 808. In addition, though five of the nine existing significant oaks on the property are proposed to be removed, their removal is necessary because of no reasonable design alternatives that would enable their preservation. The tree conservation plan is being reviewed and, if approved, will be binding on the lots until final occupancy is granted for the construction of dwelling units on the lots.

In addition to the trees located on the subject property, there are also nine trees located within the existing right-of-way on the north side of Salem Heights Avenue S, including four significant oaks. Pursuant to the tree preservation ordinance (SRC Chapter 808), tree conservation plans are required to identify and preserve the minimum required number of trees on the property. Because the nine trees located within the existing right-of-way of Salem Heights Avenue are not located on the property, they are not subject to the provisions of SRC Chapter 808 and are not counted toward the total number of trees on the site. These trees are instead considered trees on City owned property and subject to the provisions of SRC Chapter 86. Based on the current under-improved width of Salem Heights Avenue, the four (two significant oaks) of the nine existing trees within the right-of-way will likely need to be removed to accommodate the required widening, sidewalk installation, and grading associated with the improvement of Salem Heights.

As noted, trees labeled as 20006- 20009, 20011- 2014, 20040, 20041, 10008 - 10011, 10013 – 10015 in Attachment C of SUB-ADJ19-02 will be future street trees and are conditioned for preservation as part of the subdivision decision. Any proposal for removal of additional street trees will be required to obtain a permit for removal pursuant to SRC 86.090.

### 3. SRC Chapter 808 Planting Requirements

SRC Chapter 808.050 establishes tree planting requirements for 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:

**Table 808-1**

Lot Size	Required Trees
Up to and including 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.

### **DECISION**

The proposed Tree Conservation Plan is consistent with the provisions of SRC Chapter 808. The Tree Conservation Plan is hereby **APPROVED**, subject to SRC Chapter 808 and the following conditions, adopted pursuant to SRC 808.050(e)(2):

**Condition 1:** All trees designated for retention under the tree conservation plan shall be marked and protected during construction. 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. Tree protection measures shall remain in place until the issuance of Notice of Final Completion for the Single Family dwelling or Two Family dwelling.

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

**Condition 3:** The applicant shall obtain all required grading and erosion control permits if tree removal results in ground disturbance.

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 partition of the subject property. No tree designated for removal on the approved Tree Conservation Plan shall be removed or critically damaged prior to the Tree Conservation Plan approval date.



---

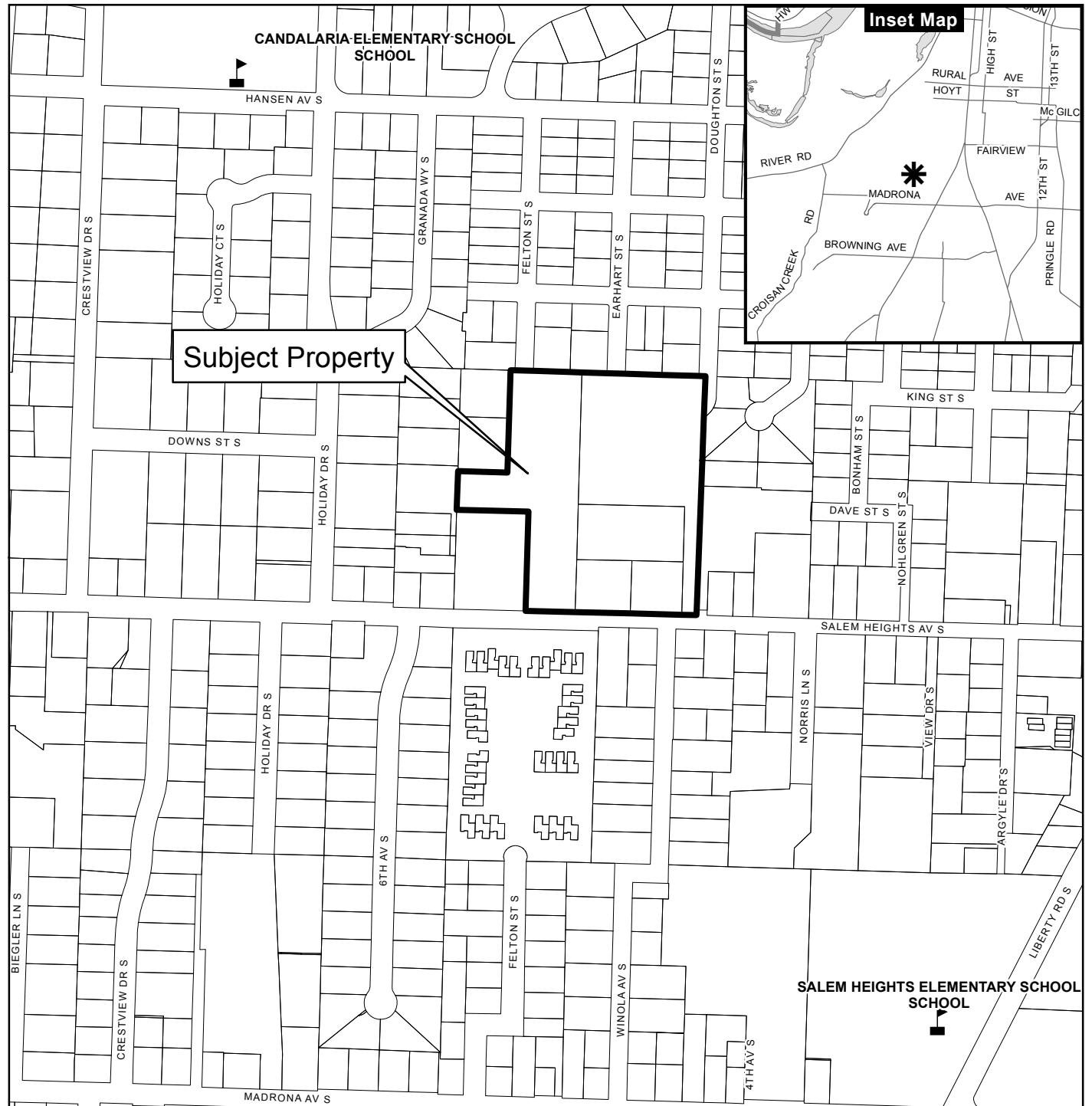
Olivia Glantz, Planner III  
Planning Administrator Designee

Attachments:   A. Vicinity Map  
                      B. Approved Tree Conservation Plan

cc:     Alan Kessler, GIS

# Vicinity Map

## 575 Salem Heights Avenue S



### Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

Parks

**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

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.

0 100 200 400 Feet





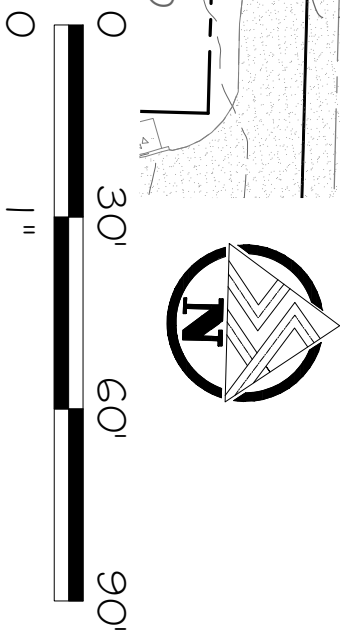






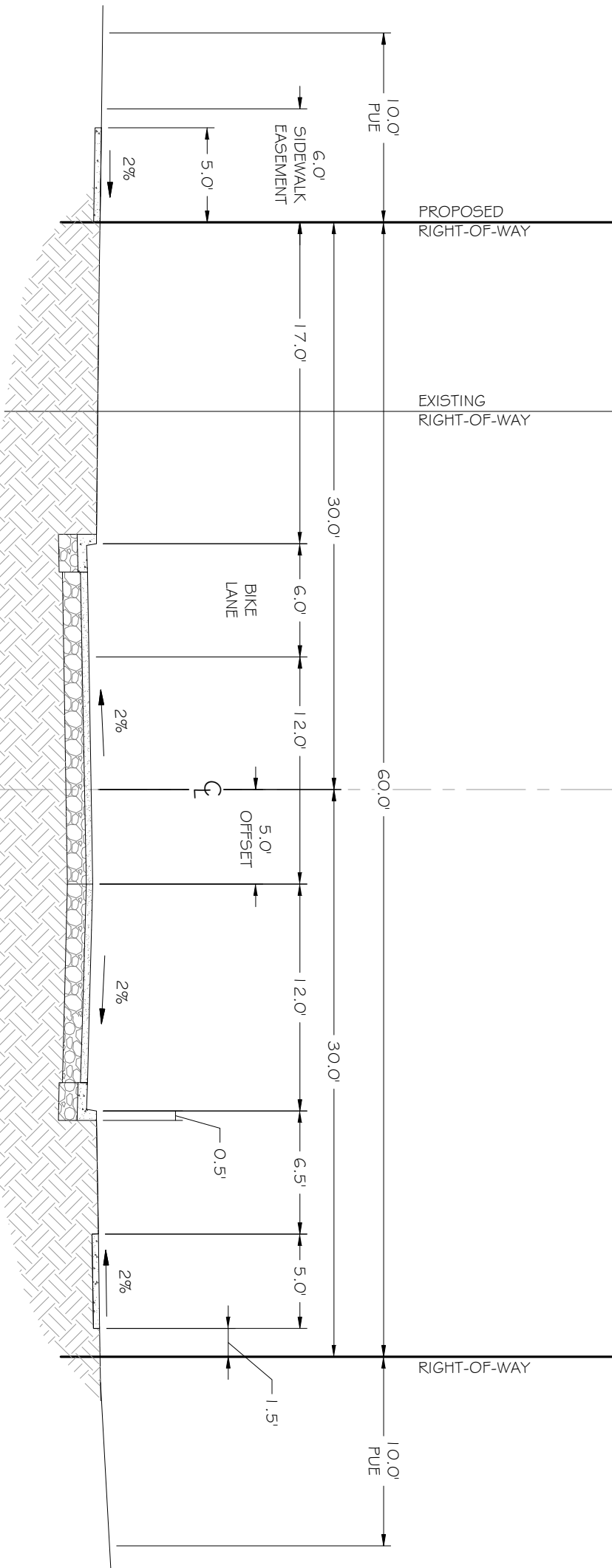
① ALTERNATE FLAG LOT GRADING PLAN

SCALE: 1" = 30'



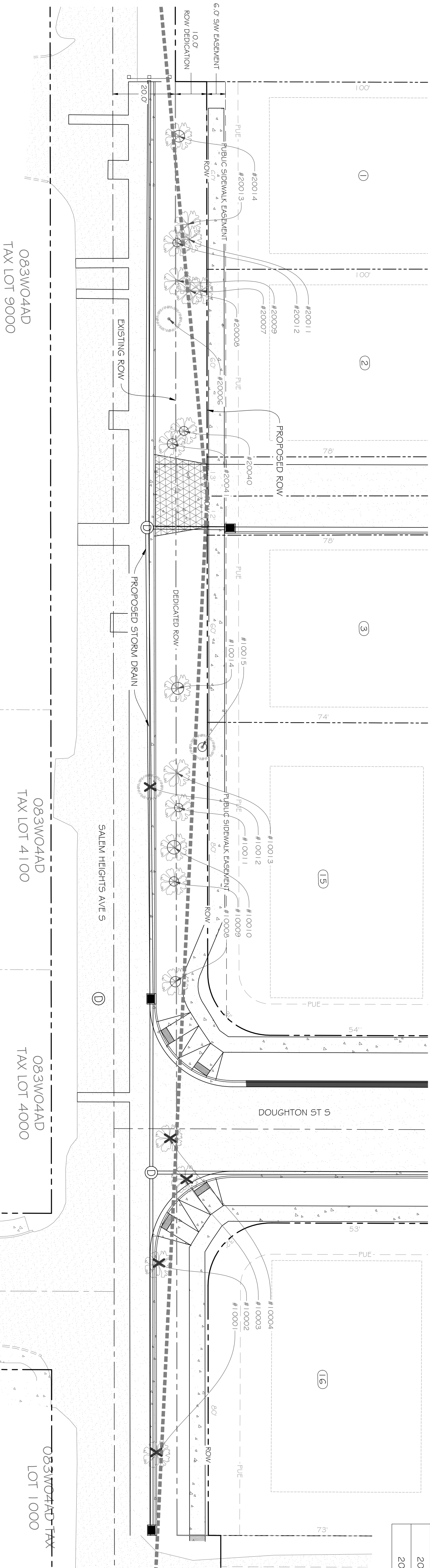
② ALTERNATE COLLECTOR TYPICAL SECTION

SCALE: NOT TO SCALE



CITY TREES WITHIN THE CURRENT RIGHT-OF-WAY	
POINT NO.	DESCRIPTION
10001	DTR 32 WHITE OAK
10002	DTR 32 WHITE OAK
10004	DTR 15 12 8 LOCUS 3 TRUNKS
10006	DTR 28 MAPLE
10009	DTR 24 WHITE OAK
10010	ETR 40 DOUGLAS FIR
10012	ETR 12 DOUGLAS FIR
20006	ETR 22 FIR
20041	DTR 27 WHITEOAK

CITY TREES WITHIN THE RIGHT-OF-WAY DEDICATION	
POINT NO.	DESCRIPTION
10003	DTR 15 LOCUS
10011	DTR 20 WHITE OAK
10013	DTR 22 WHITE OAK
10014	ETR 35 DOUGLAS FIR
10015	ETR 22 DOUGLAS FIR
20007	DTR 14 WHITEOAK
20008	DTR 14 WHITEOAK
20009	DTR 20 WHITEOAK
20011	DTR 10 WHITEOAK
20012	DTR 20 WHITEOAK
20013	DTR 15 WHITEOAK
20014	DTR 33 WHITEOAK
20040	DTR 23 WHITEOAK



083W04AD  
TAX LOT 9000

083W04AD  
TAX LOT 4100

083W04AD  
TAX LOT 4000

083W04AD-TAX  
LOT 1000

ALTERNATIVE #2  
ALT COLLECTOR PLAN VIEW

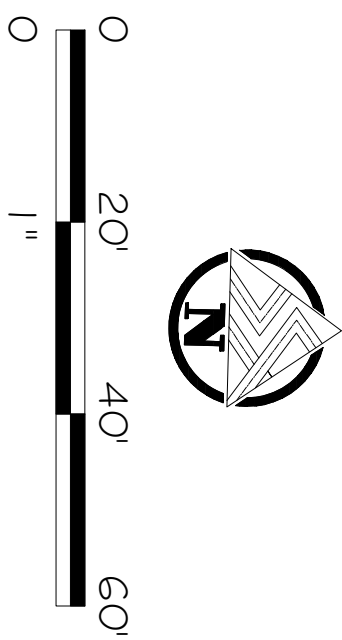
SCALE: 1" = 20'

TREE TYPE, DIAMETER IN INCHES, SPECIES  
DTR = DECIDUOUS TREE  
ETR = EVERGREEN TREE

**TREE LEGEND**

- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED
- TREE IDENTIFICATION

DIAMETER OF TREE TRUNK



REVISIONS		DATE	BY
NO.	DESCRIPTION		
1	SUBMITTED TO COS	5/7/19	MF