



City of Salem, Oregon  
Community Development Department  
Planning Division

Permit Application Center  
Phone: 503-588-6213  
Fax: 503-588-6005  
[www.cityofsalem.net/planning](http://www.cityofsalem.net/planning)  
 @Salem Planning

## Application Form: Tree Conservation Plan Adjustment

Applicant Name: Thomas Kay - The Thomas Kay Company Telephone: (503) 931-4433

*\*If the applicant and/or property owner is a Limited Liability Company (LLC), please also provide a list of all members of the LLC with your land use application.*

Applicant Mailing Address: 3170 Link Ct. S Salem, OR 97302

Site Address: 575 Salem Heights Avenue S

Proposed Use or Type of Development: S.F. Residential Subdivision Lot Size (sq. ft.): 2.88 Acres

Original TCP Case No. TCP 19-07 Associated Subdivision/Partition Case No. \_\_\_\_\_

### ---- ADJUSTMENT REQUEST ----

Total number of trees on subject property **prior** to development: 129

Number of trees to be removed under original Tree Conservation Plan: 75

Number of additional trees to be removed under all previously-approved TCP Adjustments: 0

Number of trees to be removed under **this** TCP Adjustment: 9

**Total** number of trees to be removed: 84 **Total** number of trees to be retained: 45

Percent of original trees retained after this adjustment: 34.8 %

Description of trees to be removed (species and size [dbh]):

|                            |                            |                               |
|----------------------------|----------------------------|-------------------------------|
| <u>#20347 - 18" Cherry</u> | <u>#30049 - 10" Maple</u>  | <u>#30015 - 30" Cherry</u>    |
| <u>#30013 - 10" Cherry</u> | <u>#30060 - 12" Cherry</u> | <u>#30036 - 12" White Oak</u> |
| <u>#30014 - 10" Cherry</u> | <u>#30061 - 12" Maple</u>  | <u>#30048 - 13" Apple</u>     |

Reason for Adjustment (attach additional pages if needed):

The Applicant has indicated that the trees identified above were severely damaged during the recent ice storm and posed a hazard as the reason they were removed.

  
(Signature)

Mark B. Ferris, RLAE  
(Print Name)

4/22/21  
(Date)

## SECTION 2 (To be completed by staff)

Is TCPA ***inconsistent*** with approved TCP (or most recently approved TCPA)? Yes ☐ No ☐

Are more than 5 additional trees to be removed? Yes ☐ No ☐

Are less than 25% of total trees retained? Yes ☐ No ☐

Are riparian trees/native vegetation to be removed? Yes ☐ No ☐

Are significant trees to be removed? Yes ☐ No ☐

If "Yes" is checked for any of the above questions, refer to extended review. Otherwise, review over-the-counter.

Check one of the following:

1. ☐ Adjustment to be reviewed over-the-counter.
2. ☐ Adjustment to be referred to Current Planning for extended review.

## SECTION 3 (To be completed by staff)

**Staff Finding:** Adequate staff review has been completed in order to issue a decision on the proposed Tree Conservation Plan Adjustment. The Urban Planning Administrator or designee hereby elects to: (Check appropriate box.)

- ☐ **Approve** this adjustment to TCP\_\_\_\_\_ pursuant to SRC 808.040. Staff has established that all applicable requirements of SRC Chapter 808, Preservation of Trees and Vegetation, have been met or shall be met by conditions of approval. The applicant shall be subject to the requirements of this decision, which is binding on the property until the issuance of a Notice of Final Completion. Any conditions or replanting requirements imposed by this approval shall be in addition to, and not in lieu of, any other conditions or replanting requirements previously or subsequently required for the original Tree Conservation Plan and any concurrent adjustments made thereto.
- ☐ **Deny** this adjustment to TCP\_\_\_\_\_ pursuant to SRC 808.040. The applicant has failed to demonstrate adequate justification for the removal of trees proposed for removal under this adjustment and/or the applicable requirements of SRC Chapter 808, Preservation of Trees and Vegetation, have not been met.

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**Approval of this Tree Conservation Plan Adjustment shall require compliance with the following conditions as authorized by SRC 808.040(e):**

1. The property owner, developer, and all representatives thereof shall comply with the **conditions attached hereto as Attachment 1.**
2. The property owner, developer, and all representatives thereof shall comply with the following additional condition(s):

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Date of Decision: \_\_\_\_\_

Staff Name: \_\_\_\_\_

Staff Signature: \_\_\_\_\_

**Appeals:** Pursuant to SRC 300.420(e)(1)(C), the decision on a Tree Conservation Plan Adjustment may be appealed, pursuant to SRC 300.1010. Only the applicant or the owner of the subject property have standing to appeal the decision on a Tree Conservation Plan Adjustment. The decision of the Hearings Officer on appeal shall be the final decision of the City.

**Attachment 1:            Additional Conditions of Approval**  
**Attachment 2:            Tree Conservation Plan Adjustment**

## ATTACHMENT 1 ADDITIONAL CONDITIONS OF APPROVAL

The submitted Tree Conservation Plan Adjustment is consistent with the provisions of SRC Chapter 808. The developer, and all representatives thereof, shall comply with all applicable SRC Chapter 808 development standards, and shall comply with the following conditions:

1. No tree designated for removal on the approved Tree Conservation Plan Adjustment shall be removed prior to the Tree Conservation Plan Adjustment approval date.
2. Any changes to the approved Tree Conservation Plan Adjustment must be submitted to the Community Development Department in the form of another Tree Conservation Plan Adjustment application for review and approval.
3. 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 Department and approval has been granted by the Planning Administrator. Failure to preserve trees marked for preservation may result in a civil penalty.
4. Prior to and during any grubbing, grading and construction activities, all trees designated for preservation shall be protected from removal or critical damage. Trees designated for protection shall be clearly marked on-site.
5. All trees and native vegetation designated for preservation 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 high-visibility silt fence, or its equivalent. No grubbing, grading, construction, vehicle parking, or storage/disposal of materials/fill shall be allowed inside the protective fencing. Protection measures shall continue until the issuance of a Notice of Final Completion for the single family or two family dwelling.
6. Each lot or parcel within the development proposal shall comply with the tree planting requirements set forth in SRC 808.050.