

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

## ADMINISTRATIVE DECISION FOR TREE CONSERVATION PLAN ADJUSTMENT

**CASE NO.:** TCPA21-07  
**AMANDA NO.:** 21-107585-NR  
**DATE OF DECISION:** April 29, 2021  
**PROPERTY LOCATION:** 575 Salem Heights Avenue S  
**APPLICANT:** Thomas Kay

### REQUEST

A Tree Conservation Plan Adjustment (TCPA) to Tree Conservation Plan Case No. 19-02, which originally proposed the preservation of 41.9 percent, out of a total of 129 trees. The proposed TCPA will reduce the preservation to 34.8% by removing an additional nine 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 tree designated for removal is located at 575 Salem Heights Avenue S, which is being developed for SUB-ADJ19-02 (**Attachment A**). On November 26, 2019, Tree Conservation Plan, Case No. TCP19-07, was approved for the subject property in conjunction with Subdivision and Adjustment Case No. SUB-ADJ19-02. The original tree conservation plan and identified a total of 129 trees on the property, with 54 trees identified for preservation and 75 trees identified for removal (41.9 percent of trees to remain).

In April of 2021, staff was notified that multiple trees have been removed which were slated for preservation under TCP19-07. The request is to recognize the removal of nine additional tree resulting in the preservation of 34.8 percent of trees on site. No additional significant trees, heritage trees, or riparian corridor trees/vegetation have been removed from on the property.

#### 1. Analysis of Tree Conservation Plan Adjustment Approval Criteria:

- (1) **There are special conditions that could not have been anticipated at the time the tree conservation plan was submitted that create unreasonable hardships or practical difficulties which can be most effectively relieved by an adjustment to the tree conservation plan.**

**Finding:** The applicant removed nine trees previously designated for preservation in TCP19-07 without a Tree Conservation Plan Adjustment. The applicant, in their findings (see **Attachment C**), had indicated that the trees were severely damaged during the ice storm and posed a hazard. The application for TCPA is to remedy the removal without adjustment. With removal of the tree, the original subdivision

will remain with more than 25% of the total amount of trees on site being preserved, this criterion is satisfied.

This tree conservation plan adjustment results in 45 trees designated for preservation (34.8%) and 84 trees being designated for removal. As conditioned above Lots 9, 10, 11, 12, 22 and 23 will be required to plant an additional tree at 2-inch caliper in addition to those trees required by SRC 808.050. Three trees were removed from Lot 17 which would require a total of two trees on an approximately 6,000 square foot lot. To ensure the trees planted will survive the three additional trees shall be planted on neighboring lots. Therefore, an additional three trees at 2-inch caliper shall be planted on Lot 16, 17 and 18 in addition to those trees required by SRC 808.050. To provide mitigation and replanting for the preserved trees that were removed, staff has imposed the following condition of approval:

**Condition 1:** Lots 9-13, 16-18, 22 and 23 shall contain **one additional tree of 2-inch caliper** shall be planted at the time of dwelling permit in addition to required trees under SRC 808.050 for each of the trees removed.

**(2) When the Tree Conservation Plan Adjustment proposes the removal of a significant tree, there are no reasonable design alternatives that would enable preservation of the tree.**

**Finding:** No significant trees are being proposed for removal with this application. This criterion is not applicable to the proposed tree conservation plan adjustment.

**(3) When the Tree Conservation Plan Adjustment proposes the removal of a tree or native vegetation within a riparian corridor, there are no reasonable design alternatives that would enable preservation of the tree or native vegetation.**

**Finding:** There are no riparian corridors located on the subject property. This criterion is not applicable to the proposed tree conservation plan adjustment.

**(4) When the Tree Conservation Plan Adjustment proposes to reduce the number of trees preserved in the original tree conservation plan below 25 percent, only those trees reasonably necessary to accommodate the proposed development are designated for removal.**

**Finding:** As identified in the above table, the total amount of trees preserved is above 25 percent (i.e. 34.8% preserved). This criterion is not applicable to the proposed tree conservation plan adjustment.

## **2. SRC Chapter 808 Planting Requirements**

SRC 808.050 establishes tree planting requirements for lots or parcels to be used for the construction of single-family dwelling units or duplex dwelling units in development proposals for subdivisions, partitions, and replats. The specific number of trees that must be provided on each lot is based upon the requirements of SRC Table 808-1, as shown below:

Table 808-1: Tree Planting Requirements	
Lot or Parcel Size	Minimum Trees Required
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

## **DECISION**

The proposed Tree Conservation Plan Adjustment is consistent with the provisions of SRC Chapter 808 and is hereby **APPROVED** subject to the following conditions of approval:

- Condition 1:** Lots 9-13, 16-18, 22 and 23 shall contain **one additional tree of 2-inch caliper** shall be planted at the time of dwelling permit in addition to required trees under SRC 808.050 for each of the trees removed.
- Condition 2:** Any changes to the approved Tree Conservation Plan Adjustment must be submitted to the Community Development Department in the form of a new Tree Conservation Plan Adjustment application for review and approval.
- Condition 3:** No tree designated for preservation under the approved Tree Conservation Plan Adjustment may be removed or critically damaged unless and until a new Tree Conservation Plan Adjustment application is submitted and approved by the Planning Administrator.
- Condition 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. Required tree protection measures during construction 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.
- Condition 5:** Adherence to the Tree Conservation Plan Adjustment is required at the time of building permit application. All trees designated for preservation under the Tree Conservation Plan Adjustment shall be protected, as required above, until issuance of a Notice of Final Completion for each affected parcel/lot.



Olivia Dias, Current Planning Manager,  
on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

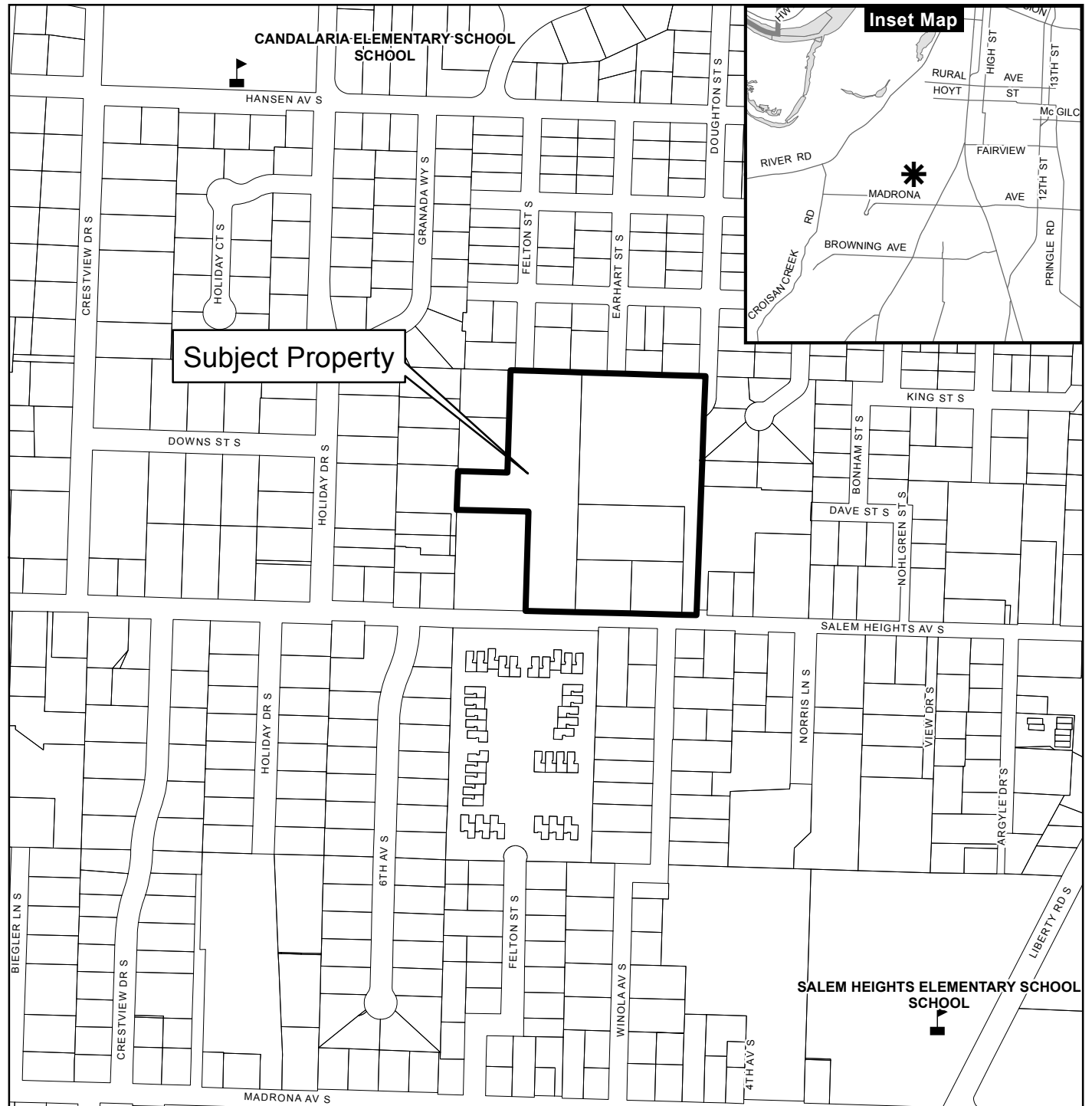
Attachments: A. Vicinity Map  
B. Site Plan  
C. Applicant's Findings

This decision is final unless written appeal from the applicant or the owner of the subject property is filed with the City of Salem Planning Division Room 305, 555 Liberty Street SE Salem OR 97301 no later than **Friday, May 7, 2021 by 5:00 p.m.** The appeal must state where the decision failed to conform to the approval criteria for a tree conservation plan adjustment (SRC Chapter 808). The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action or refer the matter to staff for additional information. Approval of a tree conservation plan adjustment application does not expire.



# Vicinity Map

## 575 Salem Heights Avenue S



### Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

Parks

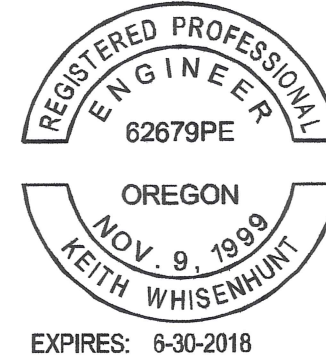
**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

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







WREN HEIGHTS  
SUBDIVISION

SALEM, OREGON

THOMAS KAY  
COMPANY

SALEM, OREGON

NO.	REVISIONS	DATE	BY
	DESCRIPTION		

PROJECT NO.	15126
HORIZ DATUM	NAD83 (2011)
VERT DATUM	NVD 1988
HORIZ SCALE	AS SHOWN
VERT SCALE	AS SHOWN
DESIGN	KW
DRAWN	JM
CHECKED	
APPROVED	

REVISED  
TREE  
CONSERVATION  
PLAN

4/22/21

C-1.15

ID	DBH	TYPE	SAVE
10005	30	L	N
10006	30	L	N
10007	24	W	N
10015	22	D	Y
10017	14	D	N
10018	24	D	N
10019	24	D	N
10020	30	D	N
10022	36	M	N
10023	26	D	Y
20001	17	W	N
20002	30	F	N
20003	22	F	N
20004	23	F	N
20005	23	MD	N
20010	16	W	N
20035	10	W	N
20036	11	W	N
20037	15	W	N
20038	10	W	N
20043	17	W	N
20044	27	W	N
20045	21	W	N
20046	10	F	N
20047	26	W	N
20048	12	W	N
20049	21	W	N
20050	14	W	N
20051	27	W	N
20054	16	W	N
20056	28	F	N
20057	33	F	N
20058	22	F	Y
20271	12	F	Y
20272	27	F	Y
20273	13	F	Y
20274	29	F	Y
20275	30	F	Y
20276	10	W	Y
20277	36	F	Y
20278	21	F	Y
20279	20	F	Y
20280	26	F	Y
20281	20	F	Y
20282	15	F	Y
20283	35	F	Y
20284	14	F	Y
20285	21	F	Y
20286	17	F	Y
20287	12	F	Y
20288	33	F	Y
20290	16	W	Y
20291	17	F	Y
20292	18	W	Y
20293	12	F	Y
20297	27	W	Y
20298	15	WN	N
20299	10	CH	N
20300	11	CH	N
20302	11	CH	Y
20306	14	CH	Y
20307	12	CH	N
20308	16	WN	N
20311	10	CH	N
20314	14	CH	N

ID	DBH	TYPE	SAVE
20315	11	D	Y
20316	10	CH	N
20317	10	W	N
20318	16	CH	N
20319	10	H	N
20320	17	WN	N
20322	16	E	Y
20323	11	PL	Y
20325	10	CH	N
20326	30	W	N
20327	10	PL	N
20328	19	WN	N
20329	12	HN	N
20330	40	W	Y
20331	25	W	Y
20332	21	W	Y
20333	17	M	N
20334	10	W	N
20335	10	CH	Y
20336	10	W	N
20337	13	M	N
20338	12	D	Y
20339	11	M	N
20340	15	W	Y
20341	26	W	Y
20342	15	CH	Y
20343	11	D	N
20344	10	W	Y
20345	10	W	Y
20346	18	W	Y
20347	18	CH	N
20348	13	CH	N
20349	16	CH	N
30001	14	CH	N
30003	12	HN	N
30006	14	HN	N
30013	10	CH	N
30014	10	CH	N
30015	30	CH	N
30018	11	HN	Y
30021	10	HN	N
30022	14	M	Y
30023	10	HN	N
30026	12	HN	N
30032	14	M	N
30036	12	W	N
30037	12	HN	N
30044	10	W	N
30045	12	W	Y
30046	12	W	N
30047	11	W	N
30048	13	A	N
30049	10	M	N
30050	10	CH	N
30051	14	W	N
30052	14	W	N
30053	18	W	N
30054	14	W	N
30055	12	W	N
30056	12	W	N
30057	18	W	N
30058	12	W	Y
30059	14	W	N
30060	12	CH	N
30061	12	M	N

Additional Trees Removed

TREE TYPES

A=APPLE  
CE=CEDAR  
CH=CHERRY  
CW=COTTONWOOD  
D=DOUGLAS FIR  
E=ELM  
F=FIR  
H=HAZEL  
HO=HOLLY

HN=HAWTHORNE  
L=LOCUST  
M=MAPLE  
MD=MADRONE  
P=PINE  
PL=PLUM  
W=WHITE OAK  
WN=WALNUT

LEGEND

PROPOSED PCC

PROPOSED AC

EXISTING PCC

EXISTING AC

REMOVE EXISTING PAVEMENT

PROPOSED WATER

EXISTING WATER

PROPOSED SANITARY SEWER

PROPOSED STORM SEWER

SANITARY SEWER CLEANOUT

EXISTING SANITARY SEWER

EXISTING STORM SEWER

PROPOSED WATER METER

PROPOSED FIRE HYDRANT

PROPOSED WATER VALVE

PROPOSED BLOW-OFF VALVE

PROPOSED WATER METER

EXISTING WATER METER

EXISTING WATER VALVE

EXISTING FIRE HYDRANT

HOSE BIB

PROPOSED CATCH BASIN

EXISTING CATCH BASIN

FINISH GRADE

EXISTING GROUND

EVERGREEN TREE

DECIDUOUS TREE

STORMWATER INFRASTRUCTURE

TREE WITHIN RIGHT-OF-WAY

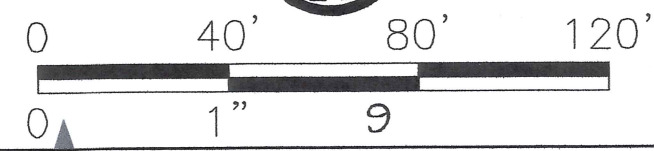
TREE TO BE REMOVED

TREE CONSERVATION DATA

TOTAL TREES ≥ 10" DBH - 129  
TREES TO BE REMOVED - 84  
TREES TO BE PRESERVED - 45  
PERCENTAGE OF TREES TO BE PRESERVED - 34.8

TOTAL WHITE OAKS OVER 24" - 9  
WHITE OAKS OVER 24" TO BE REMOVED - 5  
WHITE OAKS OVER 24" TO BE PRESERVED - 4  
PERCENTAGE OF WHITE OAKS OVER 24" TO BE PRESERVED - 44.4

ALTERNATE FLAG LOT GRADING PLAN  
SCALE: 1" = 40'







**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)