

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
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*Si necesita ayuda para comprender esta información, por favor llame
503-588-6173*

PLANNING ADMINISTRATOR DECISION FOR TREE CONSERVATION PLAN

CASE NO.: TCP21-02
AMANDA NO.: 21-105774-NR
DATE OF DECISION: May 3, 2021
PROPERTY LOCATION: 6719 Devon Avenue SE
APPLICANT: HSF Development LLC

REQUEST

A new Tree Conservation Plan in conjunction with a Phased Subdivision (Case No. SUB21-01) proposing the preservation of 18 trees, or 28.8 percent, out of a total of 66 trees on the property. The subject property is approximately 19.89 acres in size, zoned RS (Single Family Residential), and located at 6719 Devon Avenue SE (Marion County Assessor's Map and Tax Lot number 083W22C / 0300).

FINDINGS

The subject property is located at 6719 Devon Avenue SE (**Attachment A**). The tree conservation plan (**Attachment B**) was submitted in conjunction with a new subdivision application for the subject property (Case No. SUB21-01). A previous Tree Conservation Plan (TCP19-10) is no longer valid with the expiration of the previous subdivision application.

The tree conservation plan identifies a total of 66 trees above 10 inches diameter-at-breast-height (dbh) on the property, with 19 trees identified for preservation.

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

1. **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 no significant trees located on the subject property; therefore, the preservation requirements of SRC 808.035(d)(2) are not applicable to the tree conservation plan.

- (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: The Champion Swale waterway is located adjacent to the west edge of the subject property, creating a riparian corridor for portions of the lots at the southwest corner of the subdivision. The tree conservation plan identifies a 20" Cherry tree for removal on Lot 5 that measures within this riparian corridor; no justification for removal of the riparian tree was provided. Upon further discussion with staff, the applicant agreed to preserve the riparian tree, establishing the following condition as part of this approval:

Condition 1: The applicant shall preserve the 20" Cherry tree on Lot 5 as a designated riparian tree.

With the above condition in place, there is no proposed removal within the riparian corridor on the subject property; therefore, the tree conservation plan complies with the requirements of SRC 808.035(d)(3).

- (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 originally submitted a tree conservation plan indicating 54 trees out of a total of 64 identified trees on the subject site would be removed, leaving only 15 percent of the trees for preservation, thus dropping below the minimum 25 percent retention standard in SRC 808.035(d)(4). Staff determined with the subdivision review that an additional six trees originally designated for removal would be re-designated for preservation to maintain the 25 percent retention standard. As such, a version of Condition 11 placed on the property under SUB21-01 will be included on this approval to ensure consistency between the two applications. Therefore, the following condition applies:

Condition 2: The applicant shall preserve all five trees on Lot 65 and a 22" Fir tree on Lot 88.

A recount of the tree conservation plan identified a total of 66 trees on the property, with a total of 19 trees designated for preservation with the above conditions in place. As a result, the tree conservation plan preserves approximately 29 percent of the trees on the subject property and exceeds the minimum tree preservation requirement of 25 percent. Because the tree conservation plan preserves more than 25 percent of the existing trees on the subject properties, the tree conservation plan complies with the requirements of SRC 808.035(d)(4).

2. 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:** The applicant shall preserve the 20” Cherry tree on Lot 5 as a designated riparian tree.
- Condition 2:** The applicant shall preserve all five trees on Lot 65 and a 22” Fir tree on Lot 88.
- Condition 3:** The conditions of SUB21-01 shall be complied with during all construction activities.
- Condition 4:** 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 5:** Each lot or parcel within the development proposal shall comply with the tree planting requirements set forth in SRC 808.050.

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 subdivision 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.



Jamie Donaldson, Planner II, on behalf of,
Lisa Anderson-Ogilvie, AICP
Planning Administrator

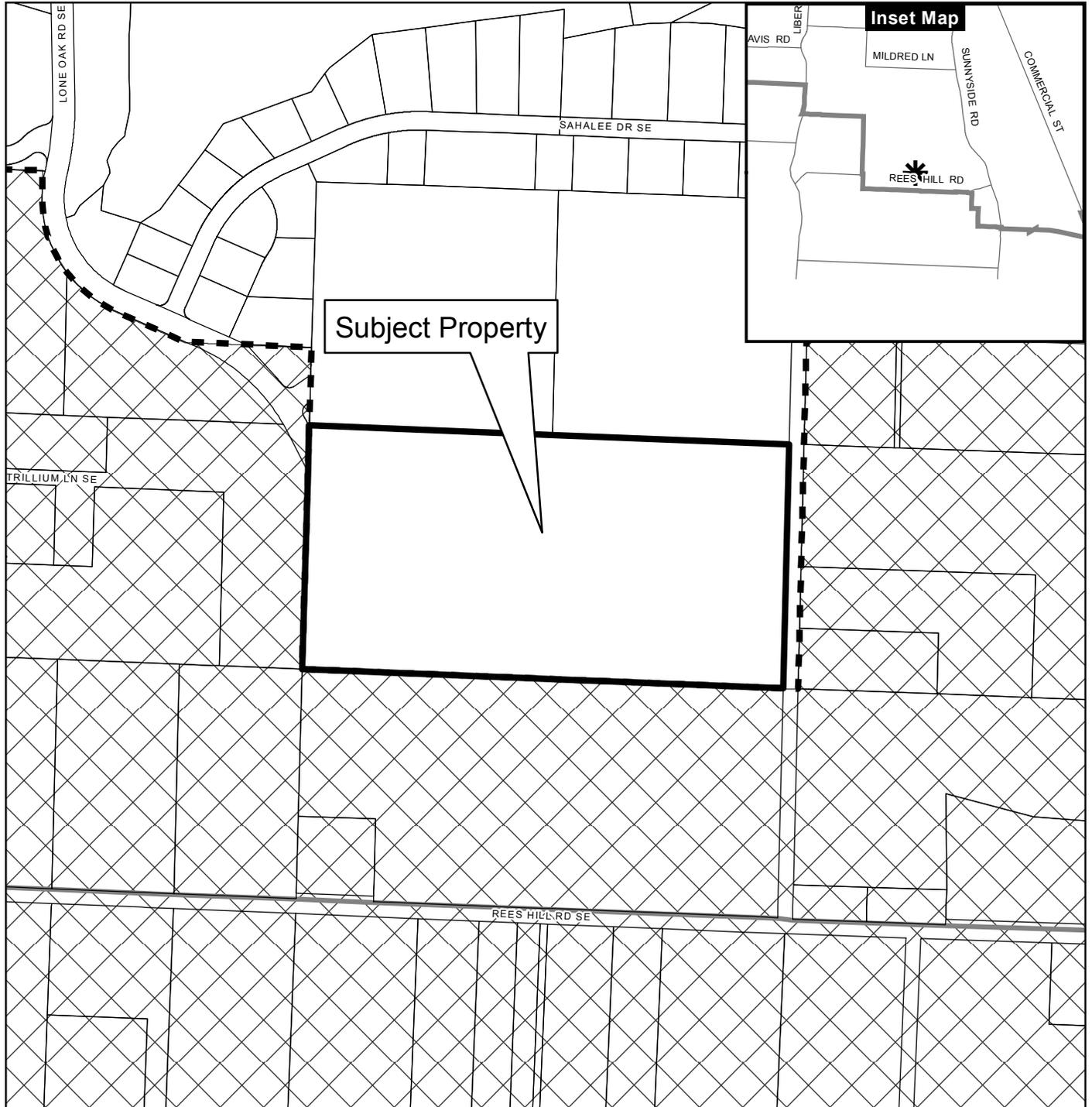
Attachments:

- A. Vicinity Map
- B. Approved Tree Conservation Plan

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 **Monday, May 17, 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.

cc: Alan Kessler, GIS

Vicinity Map 6719 Devon Avenue SE



Legend

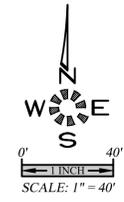
-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools
-  Parks



0 100 200 400 Feet



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66 Total Trees within Boundary
 19 Trees to be Preserved
 47 Trees to be Removed
 28.8% persevered

Riparian tree to be preserved per TCP21-02 Condition 1

Trees to be preserved per TCP21-02 Condition 2



**PRELIMINARY
 TREE CONSERVATION
 PLAN - ONSITE: WEST**

DEVON ESTATES

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER. DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

Design: M.D.G.
 Drawn: P.H.S.
 Checked: M.D.G.
 Date: NOV. 2017
 Scale: AS SHOWN
 As-Built: _____

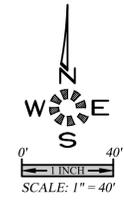


EXPIRES: 06-30-2021

JOB # 6502

P103

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**PRELIMINARY
TREE CONSERVATION
PLAN - ONSITE: EAST**

DEVON ESTATES

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OR REPRODUCTIONS TO BE
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Date: NOV. 2017
Scale: AS SHOWN
As-Built: _____

