

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*

DECISION OF THE PLANNING ADMINISTRATOR

TREE CONSERVATION PLAN ADJUSTMENT: TCPA21-14

APPLICATION NO.: 21-115682-NR

NOTICE OF DECISION DATE: October 26, 2021

REQUEST: A second Tree Conservation Plan Adjustment (TCPA) to Tree Conservation Plan (TCP) Case No. TCP19-07 to remove an additional three trees originally designated for preservation in the Wren Heights Subdivision. The proposed TCPA will reduce the number of preserved trees to 42 out of a total 129 trees, resulting in a 32.6 percent preservation rate across the subdivision. The subject property is approximately 8 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).

APPLICANT: Thomas Kay

LOCATION: 575 Salem Heights Avenue S

CRITERIA: Salem Revised Code (SRC) Chapters 808.040.

FINDINGS: The findings are in the attached Decision dated October 26, 2021.

DECISION: The **Planning Administrator APPROVED** TCPA21-14 subject to the following conditions of approval:

- Condition 1:** At the time of dwelling permits, Lots 9-13, 16-18, 22 and 23 shall plant **one additional tree of 2-inch caliper** for each of the trees removed, in addition to the required trees under SRC 808.050, Table 808-1.
- Condition 2:** Prior to beginning work on any boring and/or trenching on Lot 23, the applicant shall contact the City's Urban Forestry staff at urbanforestry@cityofsalem.net to inform them when work will commence, to ensure the safety of tree #20345.
- Condition 3:** 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.
- Condition 4:** 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.

- Condition 5:** 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 6:** 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.
- Condition 7:** 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 Adjustment is on file with the City of Salem and is binding on the lots created by the division of the subject property. No tree designated for removal on the approved Tree Conservation Plan Adjustment shall be removed or critically damaged prior to the Tree Conservation Plan Adjustment approval date.

Approval of a Tree Conservation Plan Adjustment application does not expire.

Case Manager: Jamie Donaldson, Planner II, jdonaldson@cityofsalem.net, 503-540-2328

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 **Wednesday, November 10, 2021 by 5:00 p.m.** The appeal must state where the decision failed to conform to the approval criteria in SRC Chapter 808. 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.

<http://www.cityofsalem.net/planning>

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM
TREE CONSERVATION PLAN ADJUSTMENT CASE NO. TCPA21-14
DECISION

IN THE MATTER OF APPROVAL OF TREE CONSERVATION PLAN ADJUSTMENT CASE NO. TCPA21-14)	TREE CONSERVATION PLAN
)	ADJUSTMENT
)	
)	
575 SALEM HEIGHTS AVENUE S)	OCTOBER 26, 2021

In the matter of the application for a Tree Conservation Plan Adjustment, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

A second Tree Conservation Plan Adjustment (TCPA) to Tree Conservation Plan (TCP) Case No. TCP19-07 to remove an additional three trees originally designated for preservation in the Wren Heights Subdivision. The proposed TCPA will reduce the number of preserved trees to 42 out of a total 129 trees, resulting in a 32.6 percent preservation rate across the subdivision. The subject property is approximately 8 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).

PROCEDURAL FINDINGS

1. On August 19, 2021, an application for a Tree Conservation Plan Adjustment was submitted for property located at 575 Salem Heights Avenue S (**Attachment A**).
2. On November 26, 2019, a 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).
3. On April 29, 2021, a Tree Conservation Plan Adjustment, Case No. TCPA21-07, was approved for the subject property. The adjustment request was to recognize the removal of nine additional trees, resulting in 45 trees identified for preservation and 84 trees identified for removal (34.9 percent of trees to remain).

SUBSTANTIVE FINDINGS

1. Proposal

The tree conservation plan adjustment will reduce the preservation to 32.6 percent by removing an additional three trees (**Attachment B**). A summary of the total trees identified for preservation and removal under the original tree conservation plan and this adjustment are included in the table below:

Tree Conservation Plan Summary						
Case No.	Approval Date	Trees Preserved	Percentage Preserved	Trees Removed	Percentage Removed	Total Trees on subject property
TCP19-07	Nov. 26, 2019	54	41.9%	75	58.1%	129
TCPA21-07	April 29, 2021	45	34.9%	84	65.1%	129
TCPA21-14	Oct. 25, 2021	42	32.6%	87	67.4%	129

2. Applicability

Except as provided under the following exceptions, no tree or native vegetation designated for preservation in a tree conservation plan shall be removed unless a tree conservation plan adjustment has been approved pursuant to this section.

Exceptions: A tree conservation plan adjustment is not required for:

- A tree that has been removed due to natural causes; provided, however, that evidence must be provided to the Planning Administrator demonstrating the removal was due to natural causes.
- Removal of a hazardous tree, subject to a tree and vegetation removal permit issued under SRC 808.030.
- Removal necessary to effect emergency actions excepted under SRC 808.030(a)(2)(H).

3. Analysis of Tree Conservation Plan Adjustment Approval Criteria:

The approval criteria for a Tree Conservation Plan are found in SRC 808.040(d).

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's written statement, (**Attachment C**), indicates three additional trees have been found necessary to remove due to the routing of utilities through adjacent lots within the Wren Heights Subdivision: a 10" White Oak on Lot 23 (#20344); a 15" White Oak on Lot 27 (#20340); and an 11" Plum tree on Lot 31 (#20323). Because the PGE routing plan was not established during the initial tree conservation plan and removal of these trees was not anticipated, an adjustment is necessary to remove an additional three trees previously designated for preservation. Staff finds this criterion satisfied.

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: The proposed tree conservation plan adjustment does not propose removal of significant trees, which are Oregon White Oaks with a dbh of 24" or greater. However, the applicant originally requested removal of two Oregon White Oaks under 24" dbh on Lot 23 which were previously designated to remain in a mitigation effort for trees removed without a tree conservation plan adjustment. In addition, to provide mitigation and replanting for the preserved

trees that were removed without an adjustment, the following condition was imposed under TCPA 21-07 and is made part of this approval:

Condition 1: At the time of dwelling permits, Lots 9-13, 16-18, 22 and 23 shall plant **one additional tree of 2-inch caliper** for each of the trees removed, in addition to the required trees under SRC 808.050, Table 808-1.

With the above condition in place, the applicant worked with City Staff and PGE to explore other design alternatives that would allow the preservation of both White Oaks on Lot 23. However, as indicated in the applicant's written statement, removal of at least one oak tree on Lot 23, tree #20344, was deemed necessary as the other design alternatives were not viable. Upon further discussion with staff regarding the request to remove both White Oaks on Lot 23, the applicant agreed to preserve one of the two 10" White Oaks on Lot 23, specifically tree #20345, by all means necessary, including boring around the critical root zone. Therefore, as advised by the City's Urban Forester, the following condition applies:

Condition 2: Prior to beginning work on any boring and/or trenching on Lot 23, the applicant shall contact the City's Urban Forestry staff at urbanforestry@cityofsalem.net to inform them when work will commence, to ensure the safety of tree #20345.

With the above conditions in place, the mitigation efforts remain and this criterion is satisfied.

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; therefore, no riparian trees or native vegetation will be removed from the site. This criterion is not applicable.

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: Under the originally approved tree conservation plan, 41.9 percent of the trees on the property were identified for preservation. Under the previous tree conservation plan adjustment and this proposed adjustment, a total of 12 additional trees are proposed for removal, increasing the number of trees removed to 87 trees. With a total of 42 trees preserved throughout the subject property, a preservation rate of approximately 32.6 percent is maintained, and found in compliance with this criterion.

4. 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.

IT IS HEREBY ORDERED

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

- Condition 1:** At the time of dwelling permits, Lots 9-13, 16-18, 22 and 23 shall plant **one additional tree of 2-inch caliper** for each of the trees removed, in addition to the required trees under SRC 808.050, Table 808-1.
- Condition 2:** Prior to beginning work on any boring and/or trenching on Lot 23, the applicant shall contact the City's Urban Forestry staff at urbanforestry@cityofsalem.net to inform them when work will commence, to ensure the safety of tree #20345.
- Condition 3:** 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.
- Condition 4:** 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.
- Condition 5:** 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 6:** 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.
- Condition 7:** Each lot or parcel within the development proposal shall comply with the tree planting requirements set forth in SRC 808.050.



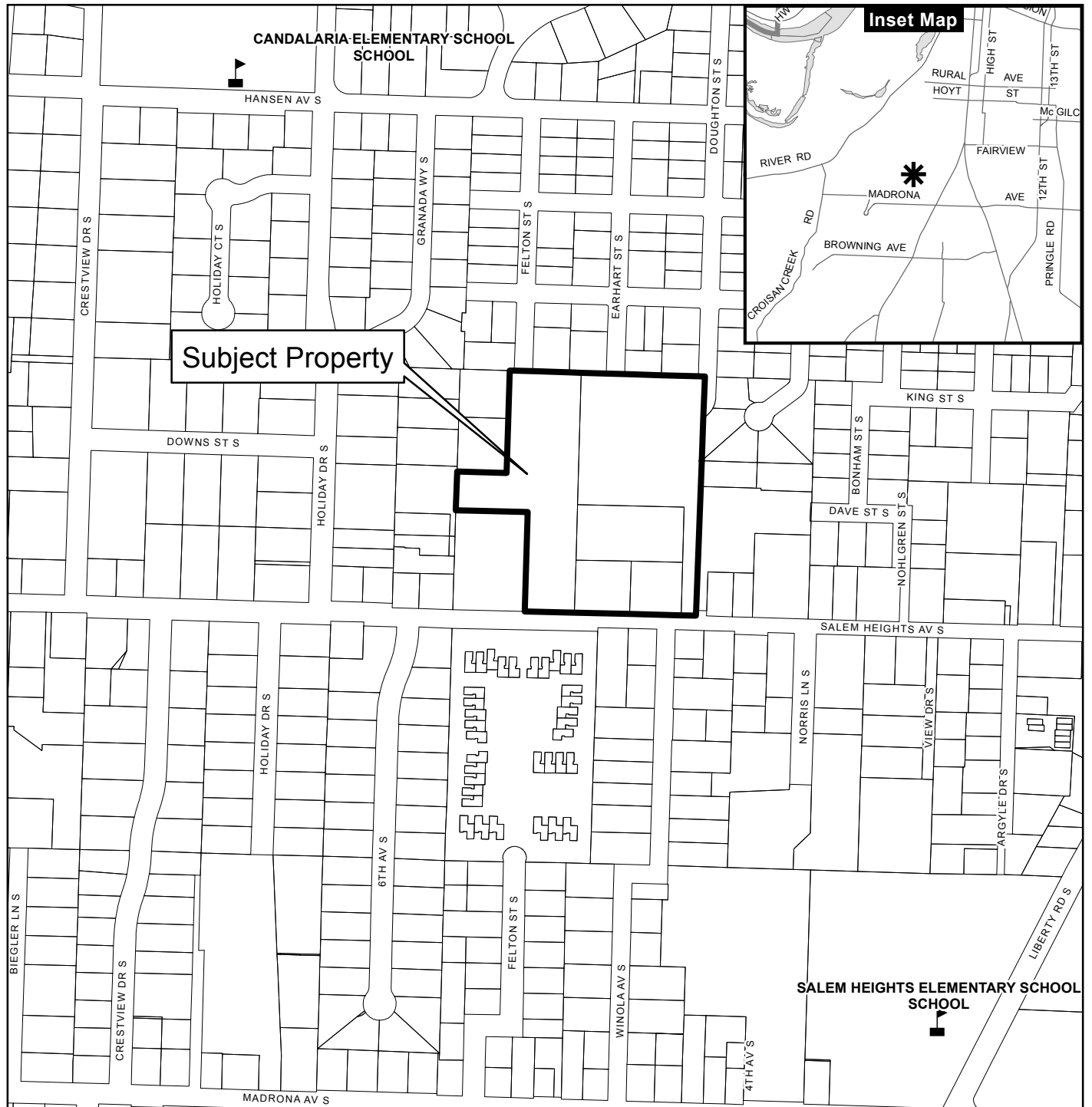
Jamie Donaldson, Planner II, on behalf of,
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments:

- A. Vicinity Map
- B. Approved Tree Conservation Plan
- C. Applicant's Written Statement

Vicinity Map

575 Salem Heights Avenue S



Legend

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

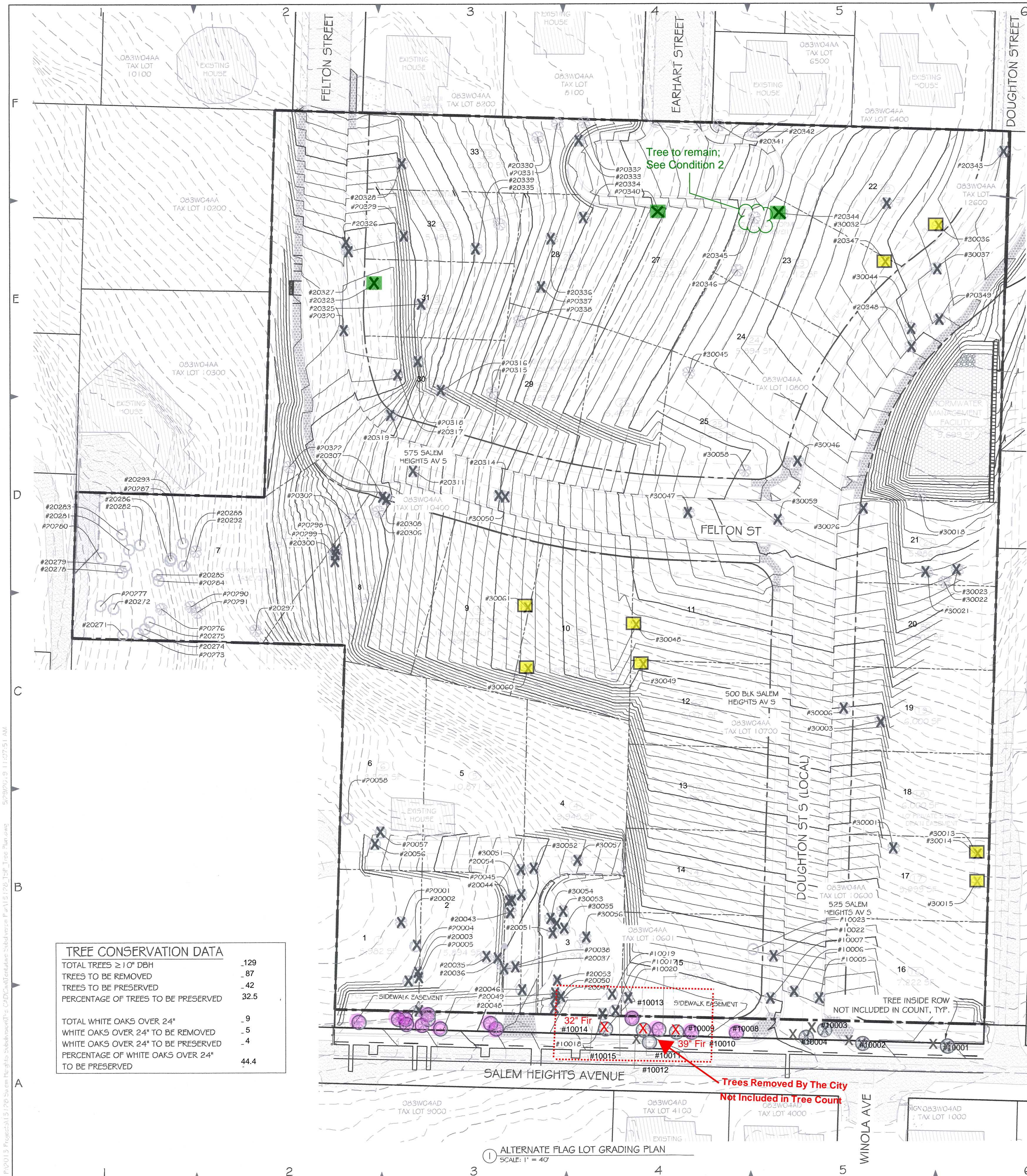
Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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0 100 200 400 Feet





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	28	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	N
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	N
20341	26	W	Y
20342	15	CH	Y
20343	11	D	N
20344	10	W	N
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

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

- Additional Trees Removed Previous Submittal T CPA21-07
- Additional Trees Removed Current Submittal

PROJECT DELIVERY GROUP
Engineers | Land Surveyors | Project Managers

REGISTERED PROFESSIONAL ENGINEER
62679PE
OREGON
NOV. 9, 1999
KEITH WHISENANT
EXPIRES: 6-30-2018
DATE SIGNED:

WREN HEIGHTS SUBDIVISION
SALEM, OREGON

THOMAS KAY COMPANY
SALEM, OREGON

REVISIONS			
NO.	DESCRIPTION	DATE	BY

PROJECT NO: 15128
100% DATE: NAD83 (2011)
VERT DATUM: NVD 1988
HORIZ SCALE: AS SHOWN
VERT SCALE: AS SHOWN
DESIGN: KW
DRAWN: JM
CHECKED:

APPROVED:

SHEET TITLE

REVISED TREE CONSERVATION PLAN
10/01/21
C-1.15

October 1, 2021

Jamie Donaldson
City of Salem
Community Development Department
555 Liberty St., Suite 305
Salem, OR 97301

Re: Wren Heights Tree Conservation Adjustment

Jamie,

Pursuant to your request, the following is provided to address the approval criteria for our proposed adjustment as outlined in Section 808.040(d) – Tree Conservation plan Adjustments:

(d) Approval criteria. A tree conservation plan adjustment shall be approved if the following criteria are met:

(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.

Applicant's Response: Removal of Tree #20340 and #20344 is necessitated by the need to provide power to lots #27 and #28. The routing plan created by PGE is the only alternative as the two alternatives suggested by the city engineer are not feasible. Running power between lot #33 and lot # 32 is not possible as the Applicant has already installed the sanitary sewer in this location. Routing the power between lot #26 and lot #27 would seriously impact these lots due to the easement width required to the point where they are not wide enough to support a viable housing product.

(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.

Applicant's Response: There are no significant trees proposed to be removed as a result of this application. This criterion does not apply.

(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.

Applicant's Response: There are no trees or native vegetation within a riparian corridor located on the subject property. This criterion does not apply.

Hopefully, this addresses your approval criteria, and we respectfully request your approval of our Tree Conservation Plan adjustment.

If you have any further questions, please don't hesitate to give me a call.

Sincerely,

Project Delivery Group, LLC

A handwritten signature in black ink, appearing to read "Mark B. Ferris". The signature is fluid and cursive, with a large initial "M" and a stylized "F".

Mark B. Ferris, RIAE

Dir. Of Planning & Development