

# 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*

## DECISION OF THE PLANNING ADMINISTRATOR

**TREE REMOVAL PERMIT: TRP22-15**

**APPLICATION NO.: 22-110178-NR**

**NOTICE OF DECISION DATE:** May 18, 2022

**REQUEST:** A request to remove two Significant Trees (Cedar).

**APPLICANT:** Gilbert Feibleman

**LOCATION:** 1815 Commercial Street SE

**CRITERIA:** Salem Revised Code (SRC) Chapter 808.030.

**FINDINGS:** The findings are in the attached Decision dated May 18, 2022.

**DECISION:** The **Planning Administrator APPROVED** TRP22-15 based upon the application materials and the findings as presented in this report.

Approval of a Tree Removal permit application does not expire.

This decision is final; there is no local appeal process. Any person with standing may appeal this decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301-1283, not later than 21 days after the decision date. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 22 110178.

Case Manager: Olivia Dias, Current Planning Manager, [odias@cityofsalem.net](mailto:odias@cityofsalem.net), 503-540-2343

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

## BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

### DECISION

IN THE MATTER OF APPROVAL OF  
TREE REMOVAL PERMIT  
CASE NO. TRP22-15  
1815 COMMERCIAL STREET SE

) FINDINGS & ORDER  
)  
)  
) MAY 18, 2022

In the matter of the application for a Tree Removal Permit, 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 request to remove two Significant Tree (33" and 35" DBH Cedar) for property zoned Commercial Office (CO) and within the Superior/Rural Overlay. The subject property is located at 1815 Commercial Street SE (Marion County Assessor's Map and Tax Lot number 073W34BD / 3300). A location map identifying the subject property is included as **Attachment A**.

### PROCEDURAL FINDINGS

1. On May 12, 2022, an application for a Tree Removal Permit was submitted for property located at 1815 Commercial Street SE.
2. The application was deemed complete on May 18, 2022.

### SUBSTANTIVE FINDINGS

#### **1. Proposal**

The plan identifies a total of ten Significant Tree on the property, with eight trees identified for preservation and two proposed for removal. There are no heritage trees, or riparian corridor trees or vegetation located on the property.

The subject property contains a dwelling that is an individually listed local landmark SRC 230.025(l) Site Features the trees proposed for removal are not historically significant and therefore can be removed without any formal historic design review.

Only site features (such as trees) that require historic design review are those site features that are identified as significant features on the historic resource inventory. The noteworthy landscape features do not mention the two deodar cedar trees proposed for removal at the front southeastern corner of the property. The only tree of significance mentioned is the large Japanese lace leaf maple on the northeastern corner of the lot.

#### **2. Applicability**

SRC 808.015 Significant Trees. No person shall remove a significant tree, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030.

## DECISION CRITERIA FINDINGS

### 3. Analysis of Tree Removal Permit Approval Criteria:

**SRC 808.030(d)(1) Hazardous tree:** The condition or location of the tree presents a hazard or danger to persons or property; and the hazard or danger cannot reasonably be alleviated by treatment or pruning, or the tree has a disease of a nature that even with reasonable treatment or pruning is likely to spread to adjacent trees and cause such trees to become hazardous trees.

**Finding:** The applicant provided a written statement and arborist report with photos addressing the condition and location of the tree which is included as **Attachment C**.

According to the written statement and arborist report, the trees have excessive pruning for utility lines and are extremely lopsided. To balance the trees would require removing more than 30% of the crow, thereby considering the tree removed pursuant to SRC 808. The urban forester has reviewed the request and concurs that due to extensive utility clearance requires the trees to be removed.

Staff finds that the Tree Removal Permit application for the removal of one hazardous significant tree is consistent with the provisions of SRC Chapter 808 and the applicable approval criteria.

### ORDER

The proposed Tree Removal Permit is consistent with the provisions of SRC Chapter 808 and is hereby **APPROVED**.



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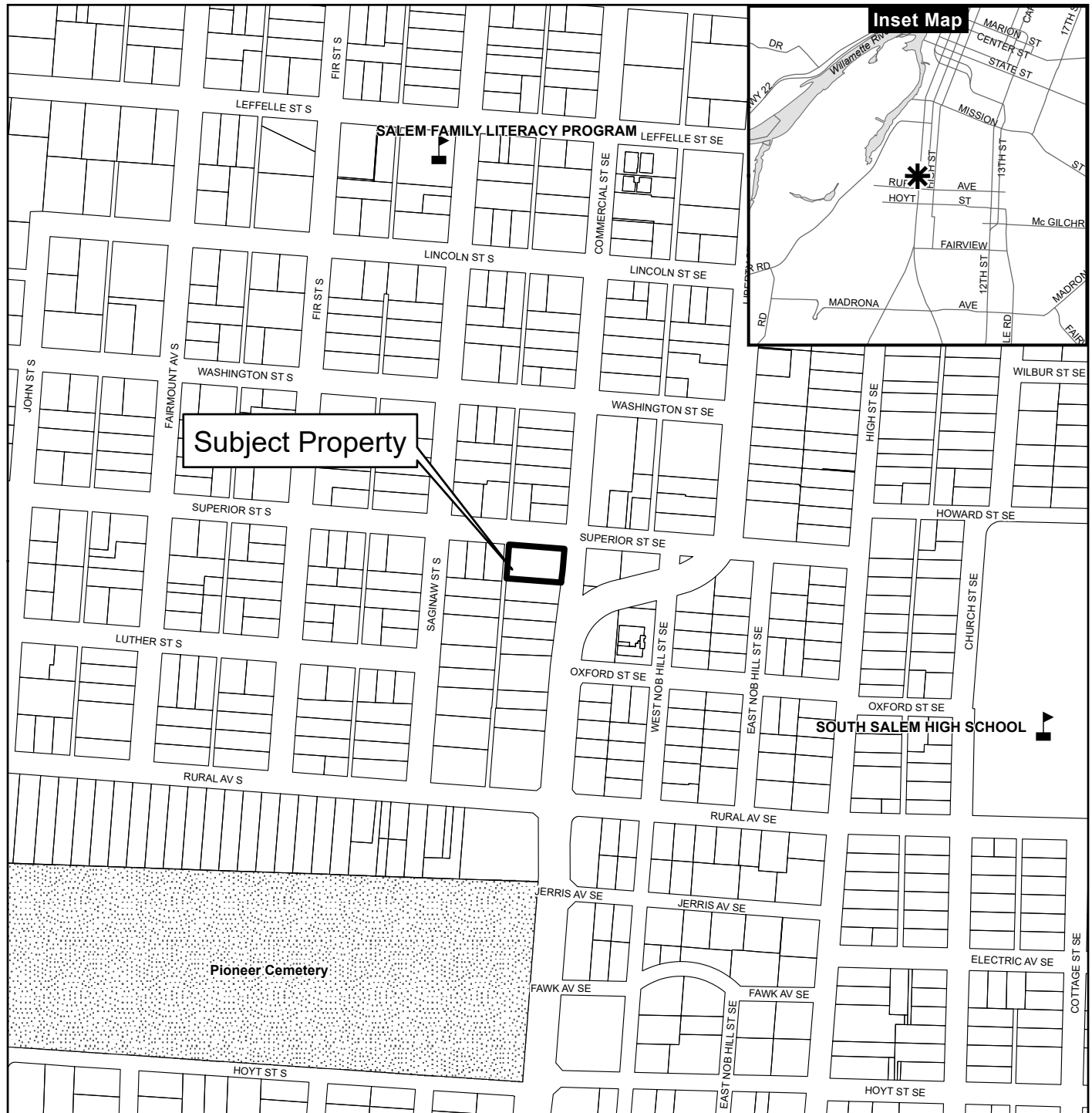
Olivia Dias, Current Planning Manager,  
on behalf of, Lisa Anderson-Ogilvie, AICP  
Planning Administrator

#### Attachments:

- A. Vicinity Map
- B. Approved Tree Removal Permit Plan
- C. Applicant Findings

# Vicinity Map

## 1815 Commercial Street SE



### Legend

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

Parks

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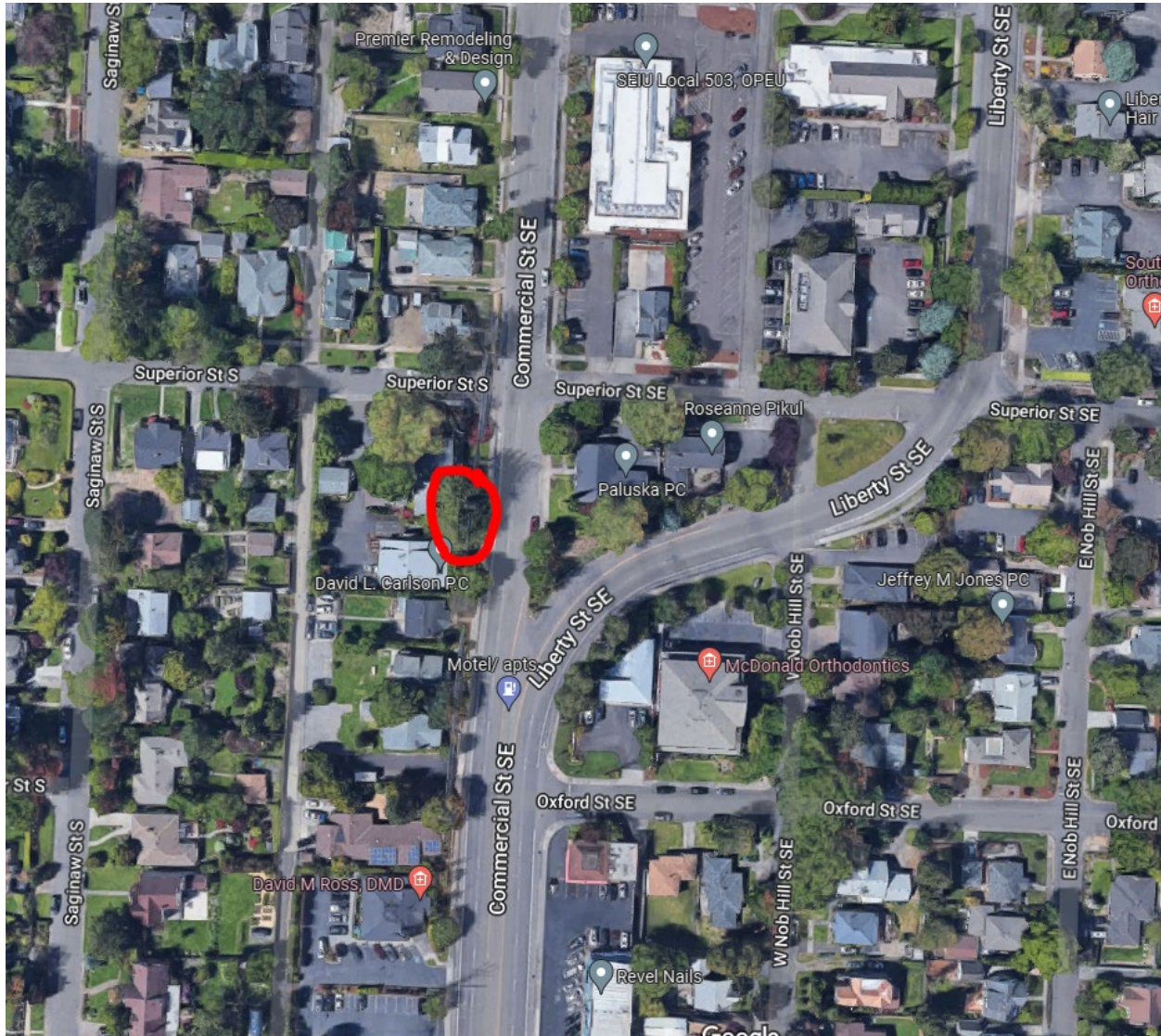
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## LOCATION - Overview





## **ARBORIST REPORT**

*Located at:* 1815 Commercial St SE

*Prepared for:* Gilbert Feibleman

*By:* Robert Cornett, ISA Certified Arborist #PN-6032A

*Evaluation performed:* April 22, 2022

## **DESCRIPTION**

### Hazardous Tree Removal pursuant to SRC 808.030(d)(1).

Our company was contacted by Gilbert Feibleman, property owner at 1815 Commercial St SE in Salem, regarding the hazardous condition of two deodar cedar trees, located in the front southeast corner of the property. The trees are approximately 33" and 35" in diameter and require a permit from the city to remove.

I visited the property on August 30, 2021 and again on April 22, 2022 to assess the health of the trees, and take pictures. After visual inspection, both trees have had excessive utility pruning, leaving the trees extremely lopsided. To balance the trees would require removing most of the foliage. Removing more than 30% of the foliage would also be a reason for removal.

On Tuesday, May 3, I emailed Milan Davis with the City of Salem. His emailed response affirms he would approve the tree removals due to the extreme utility pruning. A screenshot of the email is attached.

In my opinion, both trees present a danger to persons or property and cannot reasonably be alleviated by treatment or pruning. Recommend removal for safety.



**PICTURE**  
*Taken 04/22/2022*

