

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: TCPA22-08

APPLICATION NO.: 22-112657-NR

NOTICE OF DECISION DATE: August 3, 2022

SUMMARY: A third Tree Conservation Plan Adjustment (TCPA) to Tree Conservation Plan Case No. 19-07.

REQUEST: A third Tree Conservation Plan Adjustment (TCPA) to Tree Conservation Plan Case No. 19-07, which originally proposed the preservation of 41.9 percent, out of a total of 129 trees. The proposed TCPA will reduce the preservation to 27.9% by removing an additional six trees. 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: The Thomas Kay Co.

LOCATION: 575 Salem Heights Rd SE

CRITERIA: Salem Revised Code (SRC) Chapter 808.040.

FINDINGS: The findings are in the attached Decision dated August 3, 2022.

DECISION: The **Planning Administrator APPROVED** TCPA22-08 subject to the following conditions of approval:

- Condition 1:** 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 2:** 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 3:** 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 4:** 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 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 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: Liz Olmstead, Planner III, lolmstead@cityofsalem.net, 503-540-2363

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 **5:00 p.m., Thursday, August 18, 2022**. 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

DECISION

IN THE MATTER OF APPROVAL OF) FACTS & FINDINGS
TREE CONSERVATION PLAN)
ADJUSTMENT CASE NO. TCPA22-08)
575 SALEM HEIGHTS AVE S) AUGUST 3, 2022

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 third Tree Conservation Plan Adjustment (TCPA) to Tree Conservation Plan Case No. 19-07, which originally proposed the preservation of 41.9 percent, out of a total of 129 trees. The proposed TCPA will reduce the preservation to 27.9% by removing an additional six trees. 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 June 17, 2022, an application for a Tree Conservation Plan Adjustment was submitted for property located at 575 Salem Heights Ave S (**Attachment A**).
2. On November 26, 2022, 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).
4. On August 19, 2021, a Tree Conservation Plan Adjustment, Case No. TCPA21-14, was approved for the subject property. The adjustment was to recognize the removal of three additional trees, resulting in 42 identified for preservation and 87 identified for removal (32.6 percent trees to remain).

SUBSTANTIVE FINDINGS

1. Proposal

The original Tree Conservation Plan Case No. TCP19-07 was approved for the property in conjunction with Subdivision Case No. SUB-ADJ19-02. Since then, two applications for

Tree Conservation Plan Adjustments, TCPA06-2A and TCPA11-05, were approved to modify the tree conservation plan to accommodate development.

Prior to requesting this Tree Conservation Plan Adjustment, four trees originally designated for preservation throughout the subdivision were removed without an amendment to the Tree Conservation Plan. As such, this application amends TCP19-07 to retroactively allow for the removal of the four missing trees and approval to remove an additional two trees.

The tree conservation plan adjustment will reduce the preservation to 27.9 percent by removing an additional six 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
TCPA22-08	Aug. 2, 2022	36	27.9%	93	72%	129

The following list identifies the specific size, species, and locations where the trees have been removed:

- 26" Douglas Fir - Lot 15
- 11" Douglas Fir – 3288 Felton Street S (Lot 30)
- 16" Elm – Right-of-way north of Lot 7
- 12" White Oak - Lot 25

The following list identifies the specific size, species, and locations of the trees proposed to be removed:

- 14" Cherry – 3297 Felton Street S (Lot 8)
- 14" Maple – 3364 Doughton Street S (Lot 210)

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. Summary of Record

The following items are submitted to the record: 1) All materials and evidence submitted by the applicant, including any applicable professional studies; and 2) All materials, evidence, and comments from City Departments and public agencies. The application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. To view the materials without registering, you may use the search function and enter the permit number listed here: 22 112657.

DECISION CRITERIA FINDINGS

4. **Analysis of Tree Conservation Plan Adjustment Approval Criteria:**

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

SRC 808.040(d)(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 has indicated that four trees were removed due to redirection of utilities and ice storm damage and two additional trees will be removed due to redirection of utilities and site topography constraints.

Because unpermitted removal of these trees was not anticipated, an adjustment is necessary to correct the number of trees currently preserved by the original tree conservation plan. Staff finds this criterion satisfied.

SRC 808.040(d)(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: The proposed tree conservation plan adjustment does not propose removal of significant trees. This criterion is not applicable.

SRC 808.040(d)(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; therefore, no riparian trees or native vegetation will be removed from the site. This criterion is not applicable.

SRC 808.040(d)(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: 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 adjustments and this proposed adjustment, a total of nine additional trees will have been removed, increasing the number of trees removed to 93 trees. With a total of 129 trees preserved throughout the subject property, a preservation rate of approximately 72 percent is maintained, and found in compliance with this criterion.

5. 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:

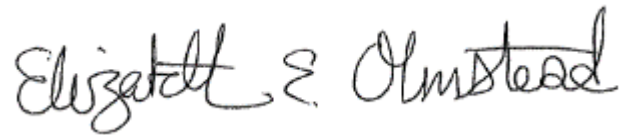
Condition 1: Any changes to the approved Tree Conservation Plan Adjustment must be submitted to the Community Development Department in the form of another Tree Conservation Plan Adjustment application for review and approval.

Condition 2: 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 3: 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 4: 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.



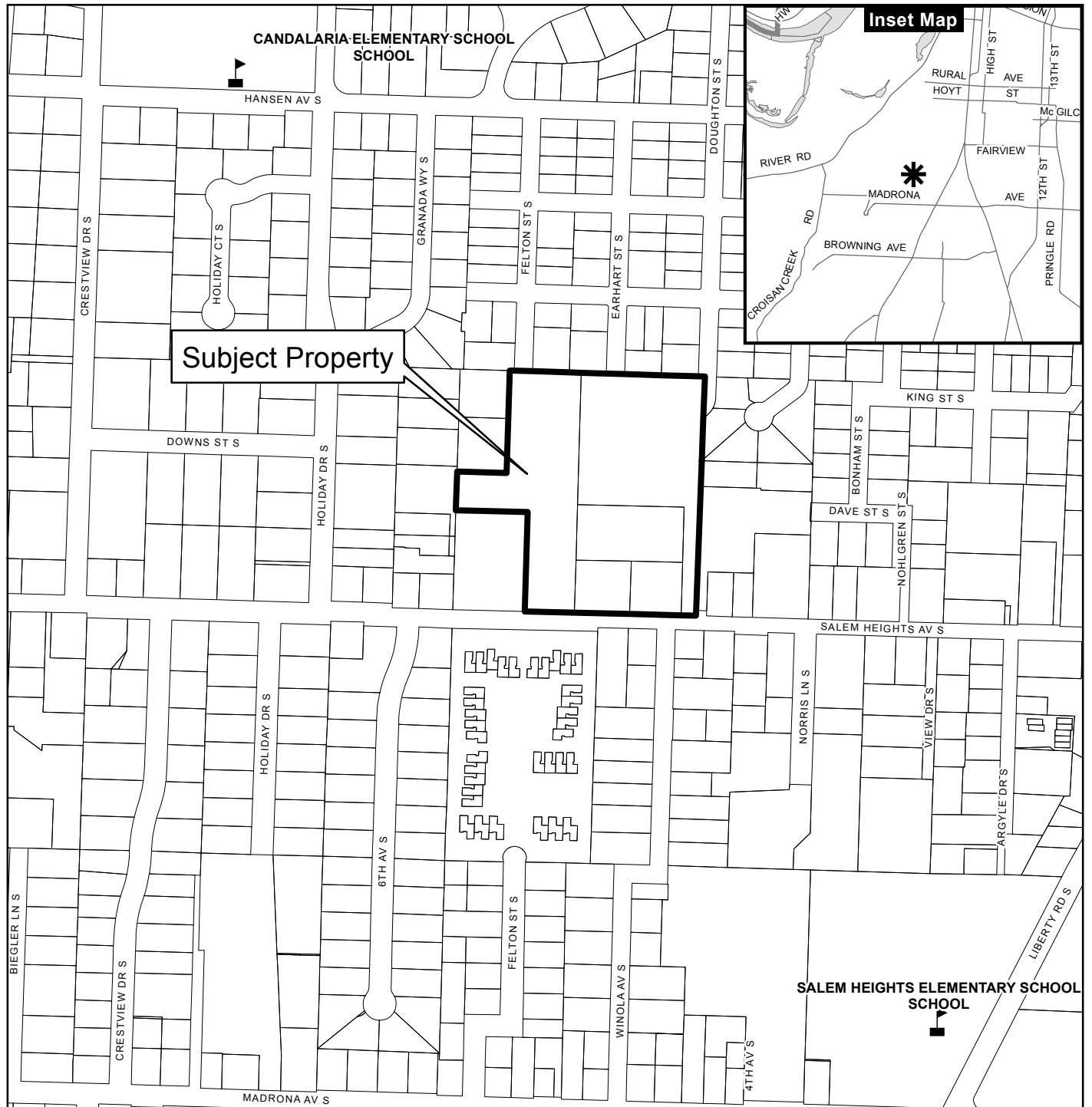
Liz Olmstead, Planner III, on behalf of,
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments:

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

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



IN DATA	129
	87
	42
PRELIMINARY	32.5
	9
STANDARD	5
PRELIMINARY	4
OVER 2-4"	44.4

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
20025	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	24	F	N
20057	33	F	N
20058	24	F	N
20071	12	F	Y
20072	27	F	Y
20073	13	F	Y
20074	29	F	Y
20075	30	F	Y
20076	10	W	Y
20077	26	F	Y
20078	21	F	Y
20079	28	F	Y
20080	26	F	Y
20081	20	F	Y
20082	12	F	Y
20083	35	F	Y
20084	14	F	Y
20085	21	F	Y
20086	17	F	Y
20087	12	F	Y
20088	23	F	Y
20089	18	W	Y
20091	17	F	Y
20092	16	W	Y
20093	12	F	Y
20097	27	W	Y
20098	15	WN	N
20099	10	CH	N
20100	11	CH	N
20102	11	CH	Y
20103	14	CH	Y
20107	12	CH	N
20108	16	WN	N
20111	10	CH	N
20114	14	CH	N

TREE TYPES

A=APPLE
CE=CEDAR
CH=CHERRY
CW=COTTONWOOD
D=DOUGLAS-FIR
F=FLUM
F=FRM
H=HAWTHORNE
H=HOLLY

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	15	WN	N
20329	12	FRM	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	DI	Y
20339	11	M	N
20340	15	W	N
20341	26	W	Y
20342	15	CH	Y
20343	11	DI	N
20344	18	W	N
20345	10	W	Y
20346	18	W	Y
20347	18	CH	N
20348	13	CH	N
20349	16	DI	N
20350	14	CH	N
20351	12	HN	N
20352	14	HN	N
20353	10	CH	N
20354	15	DI	N
20355	30	CH	N
20356	11	HN	Y
20357	10	HN	N
20358	14	M	Y
20359	10	HN	N
20360	12	HN	N
20361	14	M	N
20362	12	W	N
20363	12	FRM	N
20364	16	W	N
20365	12	W	F
20366	12	W	N
20367	11	W	N
20368	13	A	N
20369	10	M	N
20370	10	CH	N
20371	14	W	N
20372	14	W	N
20373	18	W	N
20374	12	W	N
20375	12	W	N
20376	12	W	N
20377	12	W	N
20378	12	W	N
20379	12	W	N
20380	12	W	N
20381	12	W	N
20382	12	W	N
20383	12	W	N
20384	12	W	N
20385	12	W	N
20386	12	W	N
20387	12	W	N
20388	12	W	N
20389	12	W	N
20390	12	W	N
20391	12	W	N
20392	12	W	N
20393	12	W	N
20394	12	W	N
20395	12	W	N
20396	12	W	N
20397	12	W	N
20398	12	W	N
20399	12	W	N
20400	12	W	N

Additional Trees Removed Previous Submittal TCPA21-07
Additional Trees Removed Current Submittal

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 END

PROPOSED CATCH BASIN

EXISTING CATCH BASIN

MANHOLE GRADE

EXISTING GROUND

EVERGREEN TREE

DECIDUOUS TREE

DRIVEWAY INFRASTRUCTURE

TIFF WITHIN RIGHT-OF-WAY

TREE TO BE REMOVED

(4) Trees in pink for TCPA