

NOTICE OF DECISION

PLANNING DIVISION
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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: TRP23-14

APPLICATION NO.: 23-107057-PLN

NOTICE OF DECISION DATE: April 6, 2023

REQUEST: A request to remove of hazardous Oregon White Oak.

APPLICANT: R & R TREE SERVICE INC

LOCATION: 1296 38th Avenue SE

CRITERIA: Salem Revised Code (SRC) Chapter 808.030.

FINDINGS: The findings are in the attached Decision dated April 6, 2023.

DECISION: The **Planning Administrator APPROVED** 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, 1296 38th Avenue, 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: 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>. You may use the search function without registering and enter the permit number listed here: 23 107057.

Case Manager: Lydia Keller, Planner I, lkeller@cityofsalem.net, 503-540-2326

<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. TRP23-14
1296 38th Avenue NE

) FINDINGS & ORDER
)
)
) April 6, 2023

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 removal of one pine tree that is in a hazardous condition and present both a danger to people and property. The property is located at 1296 38th Avenue NE (Marion County Assessor's Map and Tax Lot number 072W19CB/5300). A location map identifying the subject property is included as **Attachment A**.

PROCEDURAL FINDINGS

1. On March 28, 2023, an application for a Tree Removal Permit was submitted for property located at 1296 38 Avenue NE.
2. The application was deemed complete on April 5, 2023.

SUBSTANTIVE FINDINGS

1. Proposal

The has applicant identified a 33-inch Pine which appears to be a hazard to property and people and is requesting to be removed.

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](#), undertaken pursuant to a tree conservation plan approved under SRC [808.035](#), or undertaken pursuant to a tree variance granted under SRC [808.045](#).

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 photos and a written statement from an arborist addressing the condition and location of the tree, which are included as **Attachment C**.

According to the Arborist Statement, the Significant Pine tree proposed for removal is in the northwest corner of 1296 38th Avenue NE. The pine is visibly dead; the tree is no longer green during growing season. The Pine recently had a branch of the tree fall, almost hitting a person walking on the sidewalk. According to the arborist the removal is necessary due to the hazardous condition and location of the tree, which present both a hazard and danger to persons and property. These hazards cannot be alleviated by treatment or pruning. The tree has been deemed a hazard, and an arborist has recommended to remove it.

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.

IT IS HEREBY ORDERED

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



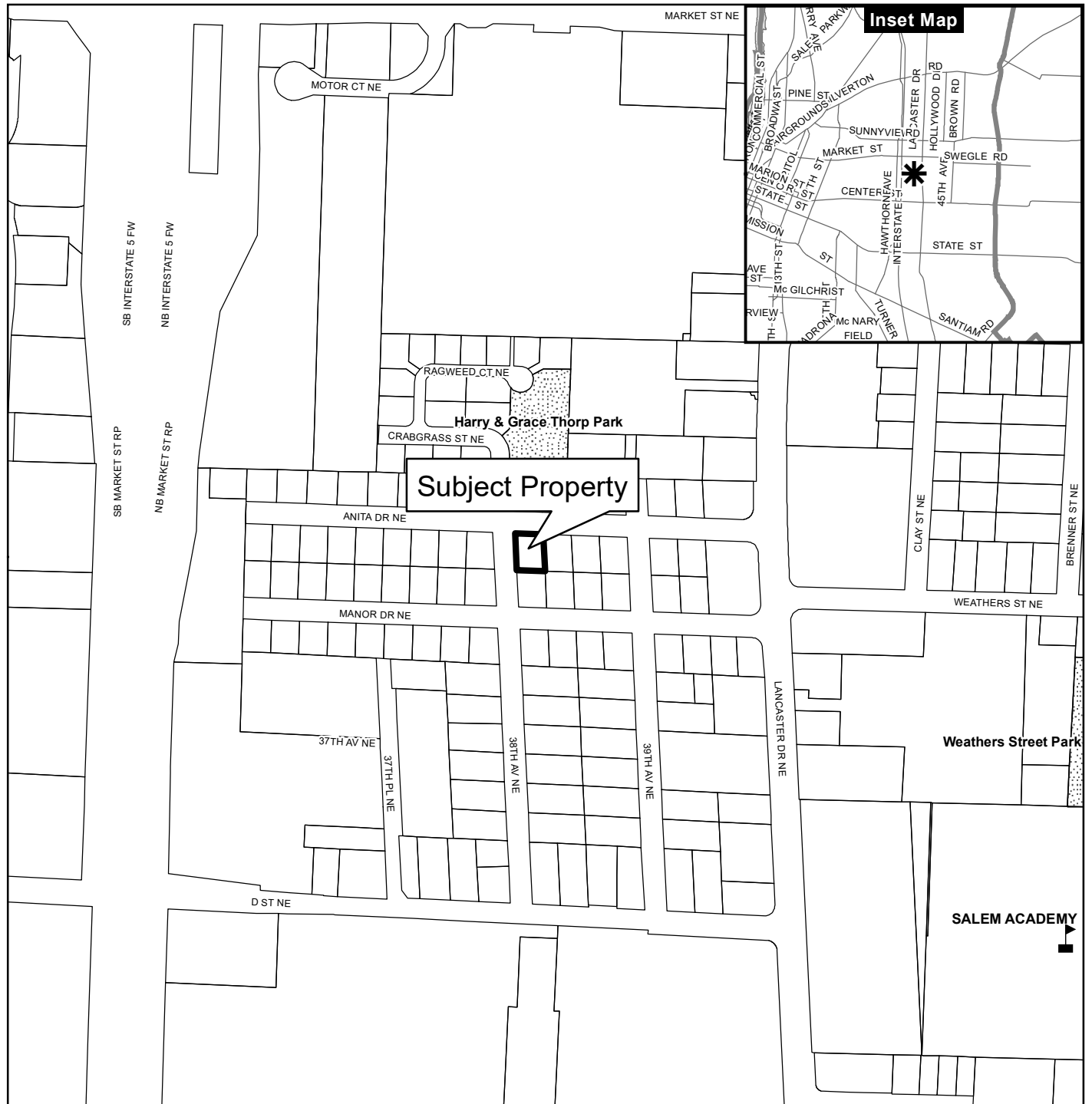
Lydia Keller, Planner I, on behalf of,
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments:

- A. Vicinity Map
- B. Written Statement and Photos

Vicinity Map

1296 38th Avenue NE



Legend

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

0 100 200 400 Feet



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Community Development Dept.

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ARBORIST REPORT

Located at: 1296 38th Ave NE, Salem

Prepared for: Dorothy Brattain (owner) / Bertolucci Management

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

Evaluation performed: March 22, 2023

DESCRIPTION

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

Our company was contacted by Bertolucci Management, on behalf of the owner, Dorothy Brattain, with concerns regarding the hazardous condition of a pine tree located at the front NE corner of the property of 1296 38th Ave NE, Salem.

The tree measures at approximately 33" in diameter and requires a permit from the city of Salem to remove.

The pine tree is dead. Recently a dead portion of the top of the tree fell, barely missing young children on the sidewalk. The tree is located front left side of the yard. See attached location overview and photos.

In my opinion, the removal is necessary due to the hazardous condition and location of the tree, which present both a hazard and danger to persons and property. These hazards cannot be alleviated by treatment or pruning.

I recommend removal of the tree as soon as possible for safety.

LOCATION - Overview



PICTURE 1
Taken 03/22/2023

