

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: TCP23-03

APPLICATION NO.: 23-103478-PLN

NOTICE OF DECISION DATE: June 8, 2023

REQUEST: A Tree Conservation Plan in conjunction with a Tentative Partition and Class 2 Adjustment (Case No. PAR-ADJ23-03) proposing the preservation of 6 trees, or 66 percent, out of a total of 9 trees on the property. The subject property is .28 acres in size, zoned RS (Single Family Residential), and located at 4151 Gardner Road SE (Marion County Assessor's Map and Tax Lot number 083W10BA / 8100).

APPLICANT: Karl Goertzen

LOCATION: 4151 Gardner Road SE

CRITERIA: Salem Revised Code (SRC) Chapter 808.035.

FINDINGS: The findings are in the attached Decision dated June 8, 2023.

DECISION: The **Planning Administrator APPROVED** TCP23-03 subject to the following conditions of approval:

- Condition 1:** Prior to any ground disturbing activities, all trees designated for preservation shall have protective ground silt fencing encompassing 100-percent of their critical root zones, unless the following has been submitted and reviewed:
- Plans submitted indicating area of each critical root zone where ground disturbing activities shall occur. This cannot exceed 30-percent of each trees critical root zone.
 - An arborist report is submitted documenting that the disturbance of the critical root zone will not compromise the long-term health or stability of the tree. Recommendations provided by an arborist report shall be incorporated in any plans submitted, prior to work commencing.
- Condition 2:** Each lot or parcel within the development proposal shall comply with the tree planting requirements set forth in SRC 808.050.
- Condition 3:** 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.

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 division 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.

Approval of a Tree Conservation Plan application does not expire.

Case Manager: Olivia Dias, Current Planning Manager, ODias@cityofsalem.net, 503-540-2343

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 **Friday, June 23, 2023 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 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)	FINDINGS & ORDER
TREE CONSERVATION PLAN)	
CASE NO. TCP23-03)	
4151 GARDNER ROAD SE)	JUNE 8, 2023

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

REQUEST

A Tree Conservation Plan in conjunction with a Tentative Partition and Class 2 Adjustment (Case No. PAR-ADJ23-03) proposing the preservation of 6 trees, or 66 percent, out of a total of 9 trees on the property. The subject property is .28 acres in size, zoned RS (Single Family Residential), and located at 4151 Gardner Road SE (Marion County Assessor's Map and Tax Lot number 083W10BA / 8100).

PROCEDURAL FINDINGS

1. On January 31, 2023, an application for a Tree Conservation Plan was submitted for property located at 4151 Gardner Road SE (**Attachment A**).
2. The Tree Conservation Plan (**Attachment B**) was submitted in conjunction with a Tentative Partition and Class 2 Adjustment for the subject property (Case No. PAR-ADJ23-03).
3. The application was deemed complete on May 12, 2023.

SUBSTANTIVE FINDINGS

1. Proposal

The tree conservation plan identifies a total of 9 trees above 10 inches diameter-at-breast-height (dbh) on the property, with 6 trees identified for preservation and 3 proposed for removal (**Attachment B**). There are no heritage trees or riparian corridor trees or vegetation located on the property. There are two significant trees, a 48-inch diameter pine and a 36-inch diameter maple, proposed for removal.

2. Applicability

A tree conservation plan is required in conjunction with any development proposal for the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.

3. Summary of Record

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: 23 103478.

DECISION CRITERIA FINDINGS

4. Analysis of Tree Conservation Plan Approval Criteria

Salem Revised Code (SRC) 808.035(d) provides that an application for a Tree Conservation Plan shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 808.035(d)(1)(A): No heritage trees are designated for removal;

Finding: There are no heritage trees located on the subject property; therefore, this criterion is not applicable.

SRC 808.035(d)(1)(B): No significant trees are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees;

Finding: There are two significant trees located on the subject property that are proposed for removal, a 48-inches in diameter Pine and a 36-inches in diameter Maple. Significant trees may be removed provided there are no reasonable design alternatives, as listed in SRC 808.035(d)(2).

The applicant has altered the driveway design in order to attempt the preservation of the 48-inch dbh Pine tree and has provided written findings indicating there are no reasonable design alternatives as Parcel 1 contains an existing single-family dwelling with an existing driveway and approved parking area on the northern property boundary; therefore, the 48-inch pine needs to be removed for the location of the new driveway access for Parcel 2. The 36-inch dbh Maple tree is proposed for removal due to tree health.

The tree conservation plan complies with this criterion.

SRC 808.035(d)(1)(C): 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: There are no riparian areas located on the subject property, therefore no riparian trees or vegetation are proposed for removal. The tree conservation plan complies with this requirement.

SRC 808.035(d)(1)(D): Not less than 30 percent of all trees located on the property are designated for preservation, unless there are no reasonable design alternatives that would enable preservation of such trees;

Finding: The tree conservation plan identifies a total of 9 trees on the property, with 3 trees for designated for removal and 6 trees to be preserved for a preservation rate of 66 percent.

The tree conservation plan preserves more than 30 percent of the existing trees on the subject property; therefore, tree conservation plan complies with this requirement.

SRC 808.035(d)(1)(E): When less than 30 percent of all trees located on the property are designated for preservation, the mitigation measures required under SRC 808.035(e) are met.

Finding: The tree conservation plan identifies a total of 9 trees on the property, with 3 trees for designated for removal and 6 trees to be preserved for a preservation rate of 66 percent.

The tree conservation plan preserves more than 30 percent of the existing trees on the subject property; therefore, tree conservation plan complies with this requirement.

SRC 808.035(d)(2): When an approval criterion in this subsection requires a determination that there are no reasonable design alternatives that would enable preservation of a tree(s), the following factors, which include but are not limited to SRC808.035(2)(A-D).

Finding: There are two significant trees located on the subject property that are proposed for removal, a 48-inches in diameter Pine and a 36-inches in diameter Maple. Significant trees may be removed provided there are no reasonable design alternatives, as listed in SRC 808.035(d)(2).

The applicant has altered the driveway design in order to attempt the preservation of the 48-inch dbh Pine tree and has provided written findings indicating there are no reasonable design alternatives as Parcel 1 contains an existing single-family dwelling with an existing driveway and approved parking area on the northern property boundary; therefore, the 48-inch pine needs to be removed for the location of the new driveway access for Parcel 2. The 36-inch dbh Maple tree is proposed for removal due to tree health.

The tree conservation plan complies with this requirement.

5. SRC 808.035(e) Mitigation Measures

When less than 30 percent of all trees located on a property are designated for preservation under a tree conservation plan, any combination of one or more of the following mitigation measures shall be provided for each tree removed in excess of 70 percent.

- (1) Residential density increase.
- (2) Solar power off-set.
- (3) Electric vehicle charging.
- (4) Open space lot.

Finding: The tree conservation plan identifies more than 30 percent of the trees will be preserved; therefore, this requirement is not applicable.

6. SRC 808.046 Protection Measures During Construction

Pursuant to SRC 808.046 all trees or native vegetation are required to be preserved or protected under the UDC during construction. All trees or native vegetation shall be protected during construction with the installation of an above ground silt fence encompass 100 percent of the critical root zone of the tree or the perimeter of the native vegetation. Protection measures are required to remain until issuance of notice of final completion for dwelling unit(s) on the lot, or issuance of certificate of occupancy in all other cases.

Finding: With the condition below, this criterion is met:

- Condition 1:** Prior to any ground disturbing activities, all trees designated for preservation shall have protective ground silt fencing encompassing 100-percent of their critical root zones, unless the following has been submitted and reviewed:
- Plans submitted indicating area of each critical root zone where ground disturbing activities shall occur. This cannot exceed 30-percent of each trees critical root zone.
 - An arborist report is submitted documenting that the disturbance of the critical root zone will not compromise the long-term health or stability of the tree. Recommendations provided by an arborist report shall be incorporated in any plans submitted, prior to work commencing.

7. SRC 808.050 Tree Planting Requirements

SRC Chapter 808.050 establishes tree planting requirements for lots or parcels to be used for Single-Family or Two-Family, three family, four family or cottage cluster 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
Less than 4,000 square feet	1
4,000 to 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.

Finding: Parcel 1 is retaining six trees which meets the requirement in table 808-1. Parcel 2 will not have any trees, will meet table 808-1 with the condition below:

Condition 2: Each lot or parcel within the development proposal shall comply with the tree planting requirements set forth in SRC 808.050.

IT IS HEREBY ORDERED

The proposed Tree Conservation Plan is consistent with the provisions of SRC Chapter 808 and is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions of approval:

- Condition 1:** Prior to any ground disturbing activities, all trees designated for preservation shall have protective ground silt fencing encompassing 100-percent of their critical root zones, unless the following has been submitted and reviewed:
- Plans submitted indicating area of each critical root zone where ground disturbing activities shall occur. This cannot exceed 30-percent of each trees critical root zone.
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Olivia Dias, Current Planning Manager,
on behalf of, Lisa Anderson-Ogilvie, AICP
Planning Administrator

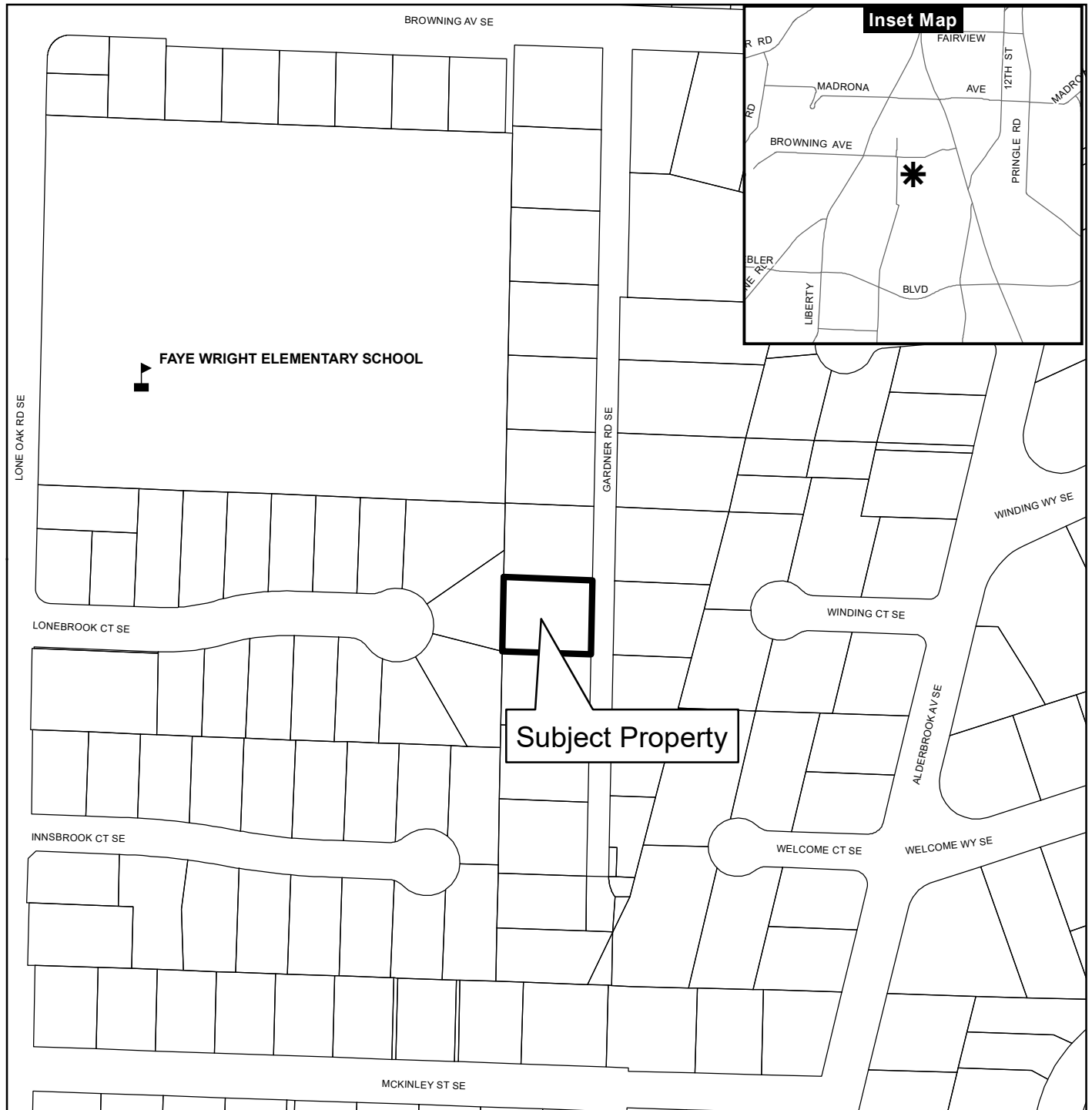
Prepared by Shelby Guizar, Administrative Analyst

Attachments:

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

Vicinity Map

4151 Gardner Road SE



Legend

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

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

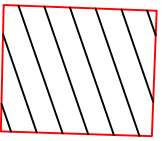
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0 100 200 400 Feet

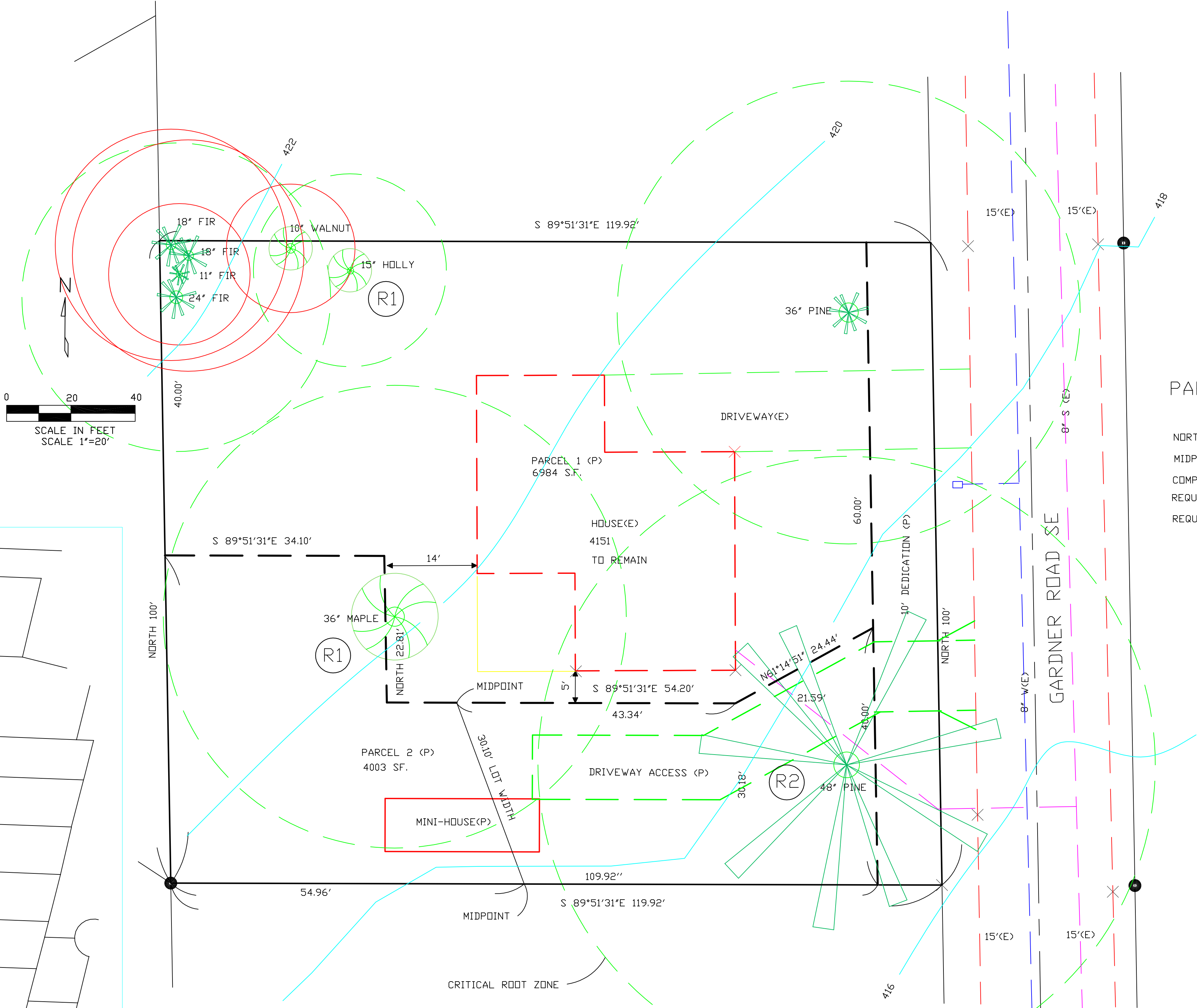




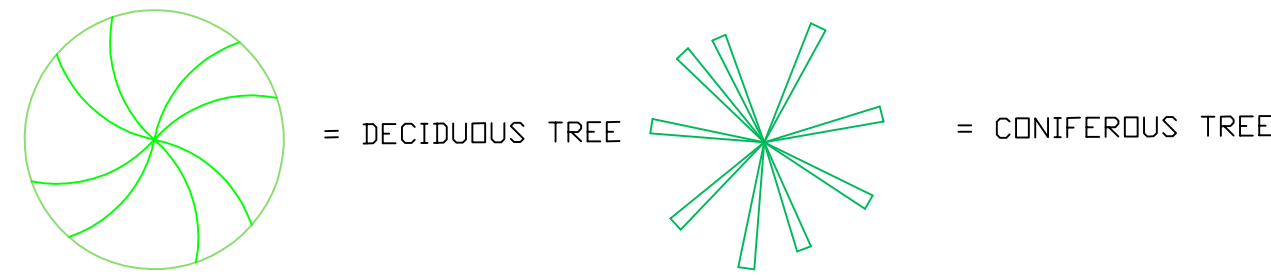
VICINITY MAP



PROJECT LOCATION



TREE INVENTORY:



(R1) TREE ALREADY REMOVED

(R2) TREE PROPOSED TO BE REMOVED

TOTAL TREE GRATER THAN 10" DBH = 9
TOTAL TREE GRATER THAN 10" DBH TO BE REMOVED = 0
TOTAL TREE GRATER THAN 10" DBH TO BE SAVED = 7

PARCEL WIDTH CALCULATION

NORTH LINE LENGTH = 24.44 + 54.20 + 22.81 + 34.10 = 135.55'
MIDPOINT NORT LINE = 135.55 / 2 = 67.78'
COMPUTED LOT WIDTH - PARCEL 2 = 30.10' (SEE DRAWING)
REQUIRED MINIMUM LOT WIDTH = 40'
REQUEST ADJUSTMENT OF 25% (CLASS II ADJUSTMENT)

NOTES & LEGEND:

(E) = EXISTING FEATURE
(P) = PROPOSED FEATURE
----- = EXISTING OBJECT

OWNERS:
BRENDAN MCMULLEN
P.O. BOX 3245
SALEM, OR 97302

TREE PLAN
4151 GARNDER ROAD SE
TAX LOT 083W10BA 08100
SALEM, OR 97302

KARL D. GOERTZEN
4753 FIR DELL DRIVE SE
SALEM, OREGON 97302
PH. 503.378.0952
E-mail:KGoertz@comcast.net

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Karl D. Goertz
SEPTEMBER 23, 1977
KARL D. 1195
EXPIRES: 6-30-2023

DESIGNED BY: KDG
DRAWN BY: KDG
DATE: JAN 2023
REV. NO.
SHEET