

# 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 CONSERVATION PLAN: TCP23-10**

**APPLICATION NO.: 23-116920-NR**

**NOTICE OF DECISION DATE:** October 19, 2023

**SUMMARY:** A Tree Conservation Plan in conjunction with a Partition (Case No. PAR23-07).

**REQUEST:** A Tree Conservation Plan in conjunction with a Partition (Case No. PAR23-07) proposing the preservation of zero trees, or zero percent, out of a total of one tree on the property. The subject property is zoned RS (Single Family Residential) and located at 2195 Vaughn Ave NE (Marion County Assessor's Map and Tax Lot number 072W19BB / 2600).

**APPLICANT:** Laura Laroque, Udell Engineering on behalf of Jensen Consulting and Development

**LOCATION:** 2195 Vaughn Ave NE, Salem OR 97305

**CRITERIA:** Salem Revised Code (SRC) Chapter 808.035.

**FINDINGS:** The findings are in the attached Decision dated October 19, 2023.

**DECISION:** The **Planning Administrator APPROVED** TCP23-10 subject to the following conditions of approval:

**Condition 1:** At the time of building permits for Parcel 2, the applicant shall install a level 2 240-volt residential electric vehicle charging station.

**Condition 2:** 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 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](mailto: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 **5:00 p.m., Monday, November 3, 2023**. 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. TCP23-10	)	
2195 VAUGHN AVE NE	)	OCTOBER 19, 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 Partition (Case No. PAR23-07) proposing the preservation of zero trees, or zero percent, out of a total of one tree on the property. The subject property is zoned RS (Single Family Residential) and located at 2195 Vaughn Ave NE (Marion County Assessor's Map and Tax Lot number 072W19BB / 2600).

### PROCEDURAL FINDINGS

1. On August 18, 2023, an application for a Tree Conservation Plan was submitted for property located at 2195 Vaughn Ave NE (**Attachment A**).
2. The Tree Conservation Plan (**Attachment B**) was submitted in conjunction with a new partition application for the subject property (Case No. PAR23-07).
3. After additional requested information was provided by the applicant, the application was deemed complete on September 28, 2023.

### SUBSTANTIVE FINDINGS

#### 1. Proposal

The tree conservation plan identifies a total of one tree above 10 inches diameter-at-breast-height (DBH) on the property, with zero trees identified for preservation and one proposed for removal (**Attachment B**), which was identified as a significant tree. There are no heritage trees, or riparian corridor trees or vegetation located on the property.

#### 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 116920.

## **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, the preservation requirements of SRC 808.035(d)(1) are not applicable to the tree conservation plan.

***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:** A 30-inches in diameter Conifer tree is proposed for removal due to the impact of development on the critical root zone of proposed for Parcel 2. There are no reasonable design alternatives as Parcel 1 contains an existing single-family dwelling and the critical root zone reduces the buildable area to 834 square feet; therefore, the tree needs to be removed for the development of a dwelling.

***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 the requirements of SRC 808.035(d)(3).

***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 one tree on the property, which is designated for removal. Because the tree conservation plan removes more than 30 percent of the existing trees on the subject property, mitigation is required and addressed below. This criterion is applicable.

***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 more than 30 percent of the trees will be removed; therefore, this criterion is applicable.

***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:** A 30-inches in diameter Conifer tree is proposed for removal due to the impact of development on the critical root zone of proposed for Parcel 2. There are no reasonable design alternatives as Parcel 1 contains an existing single-family dwelling and the critical root zone reduces the buildable area to 834 square feet; therefore, the tree needs to be removed for the development of a dwelling.

## **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. One middle housing dwelling unit or accessory dwelling unit shall be provided within the development for each tree removed. Any dwelling unit provided pursuant to this subsection is required in addition to the density requirements otherwise applicable in the zone. The lot(s) within the development that will be developed with the middle housing dwelling unit(s) or accessory dwelling unit(s) shall be specified in the conditions of the associated land division approval.

**Finding:** The applicant is not proposing to increase residential density as a mitigation measure.

- (2) Solar power off-set. One 25-year 3-kilowatt solar array shall be provided for each tree removed. The lot(s) where the solar array(s) will be located shall be specified in the conditions of the associated land division approval.

**Finding:** The applicant not proposing solar array on any dwelling units.

- (3) Electric vehicle charging. One level 2 240-volt residential electric vehicle charging station shall be provided for each tree removed. The lot(s) where the charging stations will be located shall be specified in the conditions of the associated land division approval.

**Finding:** The applicant has proposed electric vehicle charging stations for the unit proposed on Parcel 2. Therefore, the following condition applies:

**Condition 1:** At the time of building permits for Parcel 2, the applicant shall install a level 2 240-volt residential electric vehicle charging station.

- (4) Open space lot. One or more lots within the development shall be designated as an open space lot planted at a minimum density of two trees for each tree removed. The replanted trees shall be of either a shade or evergreen variety with a minimum caliper of 1.5 inches. The lot(s) within the development that will be designated as an open space lot shall be specified in the conditions of the associated land division approval and shall be perpetually operated and maintained by a homeowners' association.

**Finding:** The applicant has not proposed Open Space Lot(s).

## 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:** There are no tree designated for preservation, therefore protection measures are not applicable.

## 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:** At the time of building permits, each lot shall meet the tree planting requirements identified in Table 808-1.10

## **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:** At the time of building permits for Parcel 2, the applicant shall install a level 2 240-volt residential electric vehicle charging station.
- Condition 2:** Each lot or parcel within the development proposal shall comply with the tree planting requirements set forth in SRC 808.050.



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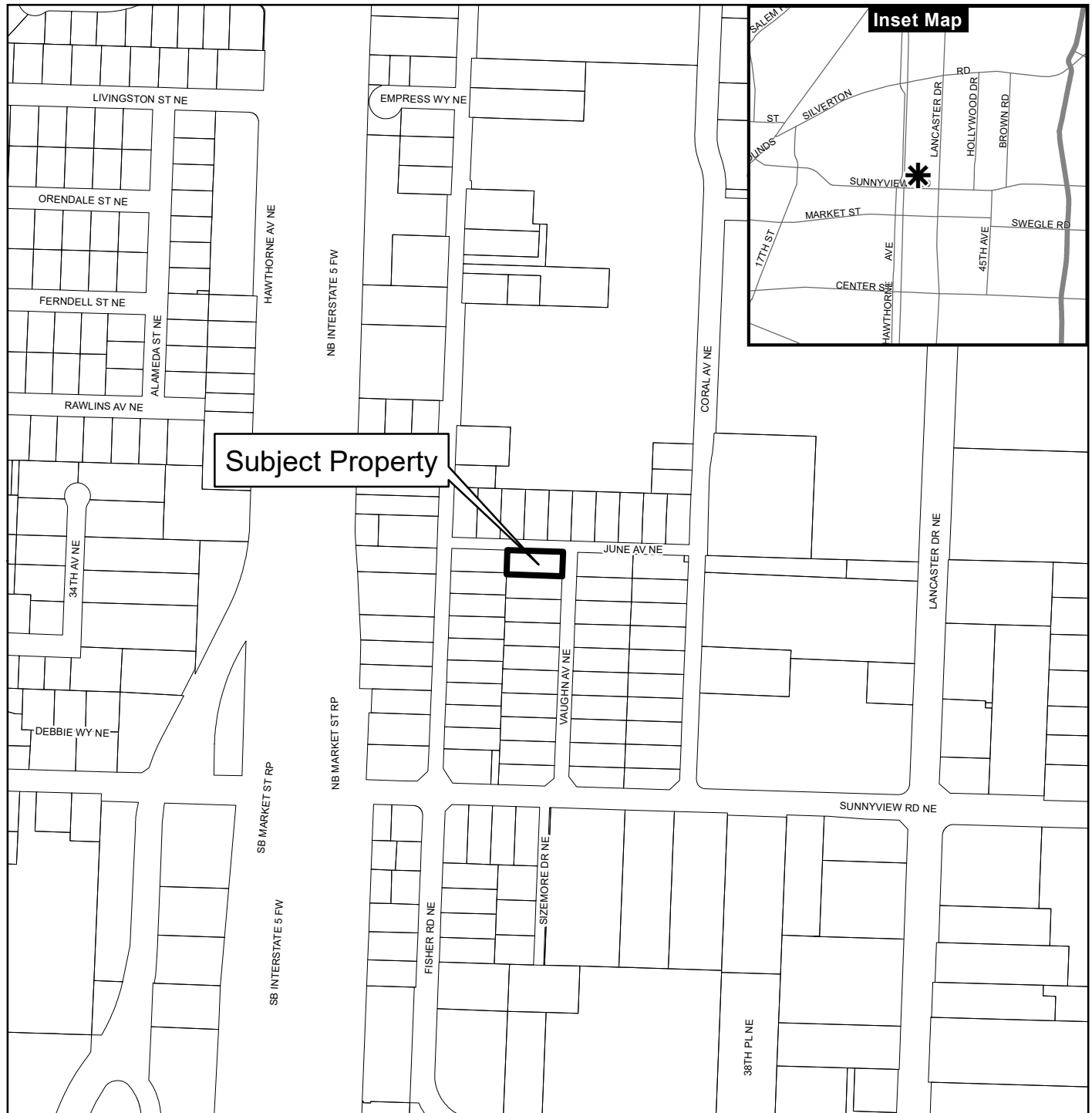
Olivia Dias, Current Planning Manager, on behalf of,  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

Attachments:

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

# Vicinity Map

## 2195 Vaughn Avenue NE



### Legend

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

Parks

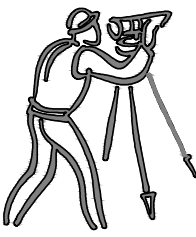
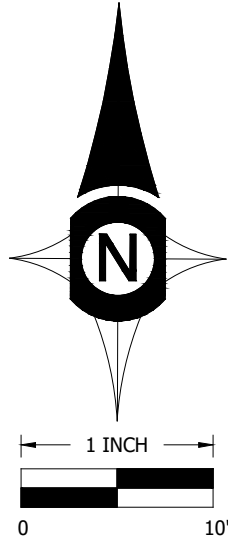
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Community Development Dept.

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LAND SURVEYING, LLC  
63 EAST ASH ST.  
LEBANON, OREGON 97355  
(541) 451-5125 PH.  
(541) 451-1366 FAX

TREE MITIGATION PLAN  
TENTATIVE PARTITION MAP  
MAP 7S-2W-19BB  
TAX LOT 2600  
MARION COUNTY, OREGON

DATE:  
AUGUST 17, 2023  
PROJECT:  
22-332 JENSEN VAUGHN AVE  
DRAWN BY:  
MLM  
CHECKED BY:  
BSV

