

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: TCP23-11

APPLICATION NO.: 23-121228-PLN

NOTICE OF DECISION DATE: November 13, 2023

SUMMARY: A Tree Conservation Plan in conjunction with a Partition (Case No. PAR-VUL23-06).

REQUEST: A Tree Conservation Plan in conjunction with a Partition (Case No. PAR-VUL23-06) for the preservation of 88 trees on two parcels. The subject property is a total 4.7-acres in size, zoned RA (Residential Agriculture) and located at 848 Mildred Lane SE (Marion County Assessor's Map and Tax Lot Numbers 083W15DC / 601, 701, 1600, 1400, 1200).

APPLICANT: Gerald Horner, Willamette Engineering, Inc., on behalf of the owners, John and Megan Osborn.

LOCATION: 848 Mildred Lane SE, Salem, OR 97306

CRITERIA: Salem Revised Code (SRC) Chapter 808.035.

FINDINGS: The findings are in the attached Decision dated November 13, 2023.

DECISION: The **Planning Administrator APPROVED** TCP23-11 subject to the following conditions of approval:

Condition 1: 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: Peter Domine, Planner II, pdomine@cityofsalem.net, 503-540-2311

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., Tuesday, November 28, 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. TCP23-11)	
848 MILDRED LN SE)	November 13, 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. PAR-VUL23-06) for the preservation of 88 trees on two parcels. The subject property is a total 4.7-acres in size, zoned RA (Residential Agriculture) and located at 848 Mildred Ln SE (Marion County Assessor's Map and Tax Lot Numbers 083W15DC / 601, 701, 1600, 1400, 1200).

PROCEDURAL FINDINGS

1. On October 24, 2023, an application for a Tree Conservation Plan was submitted for property located at 848 Mildred Ln SE (**Attachment A**).
2. The Tree Conservation Plan (**Attachment B**) was submitted in conjunction with a new partition application for the subject property (Case No. PAR-VUL23-06).

SUBSTANTIVE FINDINGS

1. Proposal

The tree conservation plan identifies a total of 88 trees 10-inches or greater in diameter-at-breast-height (dbh) on the property, with no trees proposed for removal (**Attachment B**). There are five significant trees including four cedars 30 to 46-inches dbh, and one Oregon White Oak 22-inches dbh. 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 121228.

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)(A) 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: There are five significant trees on the subject property, four Cedars 30 to 40-inches dbh and one Oregon White Oak 22-inches dbh. No significant trees are proposed for removal; therefore, this criterion is met.

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, the preservation requirements of SRC 808.035(d)(1)(C).

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: There are 88 trees on the subject property, all of which are proposed for preservation; therefore, this criterion is not 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: There are 88 trees on the subject property, all of which are proposed for preservation; 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) shall be considered in making such determination.

Finding: No trees are proposed for removal; therefore, this criterion is not applicable.

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 remove trees that would result in less than 30 percent of all trees preserved on the property; therefore, this criterion is not applicable.

- (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 is not proposing to remove trees that would result in less than 30 percent of all trees preserved on the property; therefore, this criterion is not applicable.

- (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 is not proposing to remove trees that would result in less than 30 percent of all trees preserved on the property; therefore, this criterion is not applicable.

- (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 is not proposing to remove trees that would result in less than 30 percent of all trees preserved on the property; therefore, this criterion is not applicable.

5. SRC 808.046 Protection Measures During Construction

Pursuant to SRC 808.046, any trees or native vegetation required to be preserved or protected under the UDC shall be protected during construction with the installation of an above ground silt fence which shall encompass 100 percent of the critical root zone of the tree or the perimeter of the native vegetation; within the area protected by the above ground silt fence, the tree's trunk, roots, branches, and soil shall be protected to ensure the health and stability of the tree; and there shall be no grading, placement of fill, storage of building materials, or parking of vehicles.

Notwithstanding SRC 808.046(a)(2), up to a maximum of 30 percent of the critical root zone of a tree may be disturbed in order to accommodate development of the property when a report from an arborist is submitted documenting that such disturbance will not compromise the long-term health and stability of the tree and all recommendations included in the report to minimize any impacts to the tree are followed. Fences, patios, landscaping and irrigation, and accessory and similar structures that do not require a building permit, may be placed or constructed within the critical root zone of a tree. 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: All trees preserved under the Tree Conservation Plan shall be protected during construction, as provided in SRC 808.046.

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

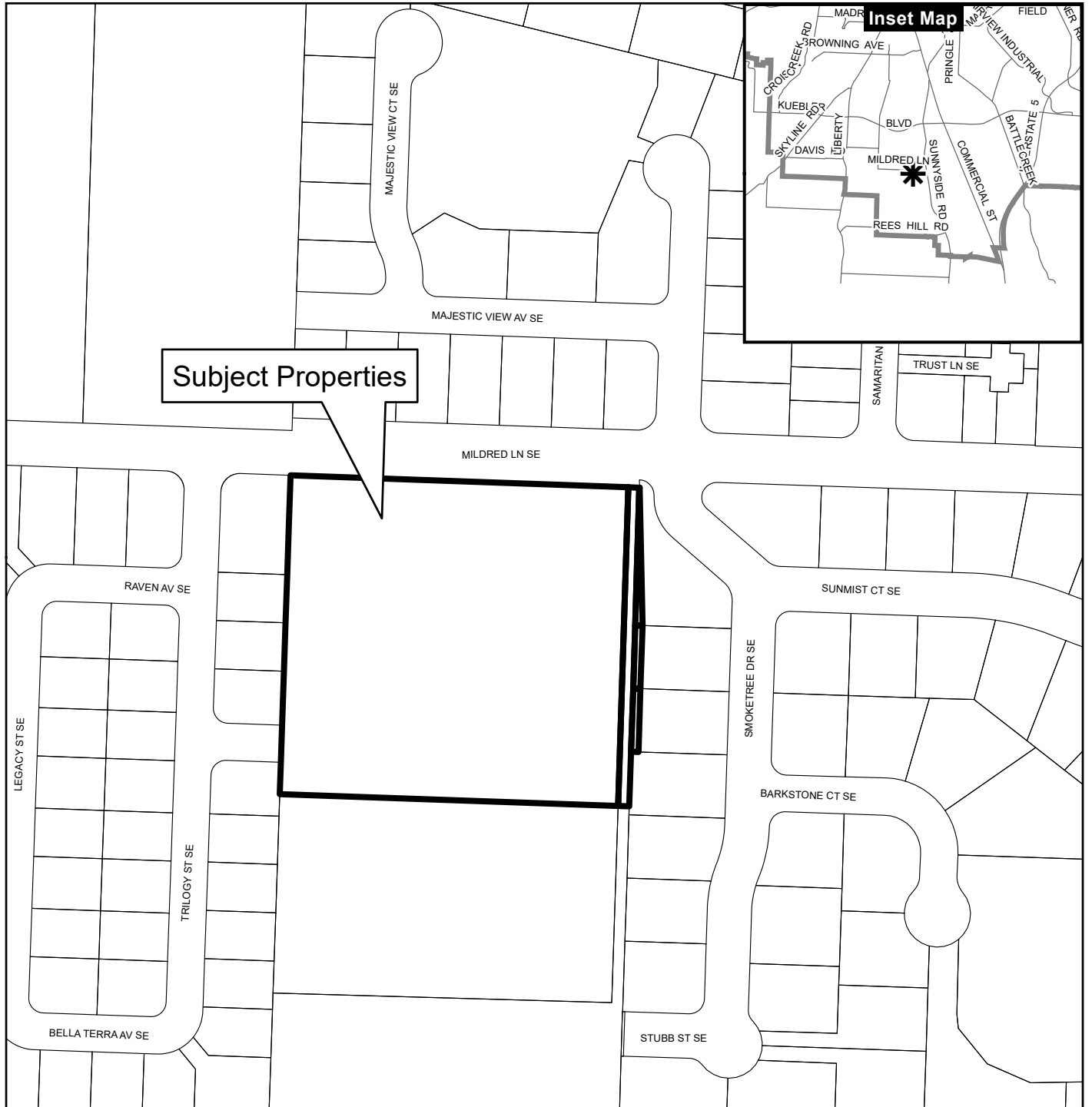


Peter Domine, Planner II, on behalf of,
Lisa Anderson-Ogilvie, AICP
Planning Administrator







Attachments:

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

Vicinity Map 848 Mildred Ln SE



Legend

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

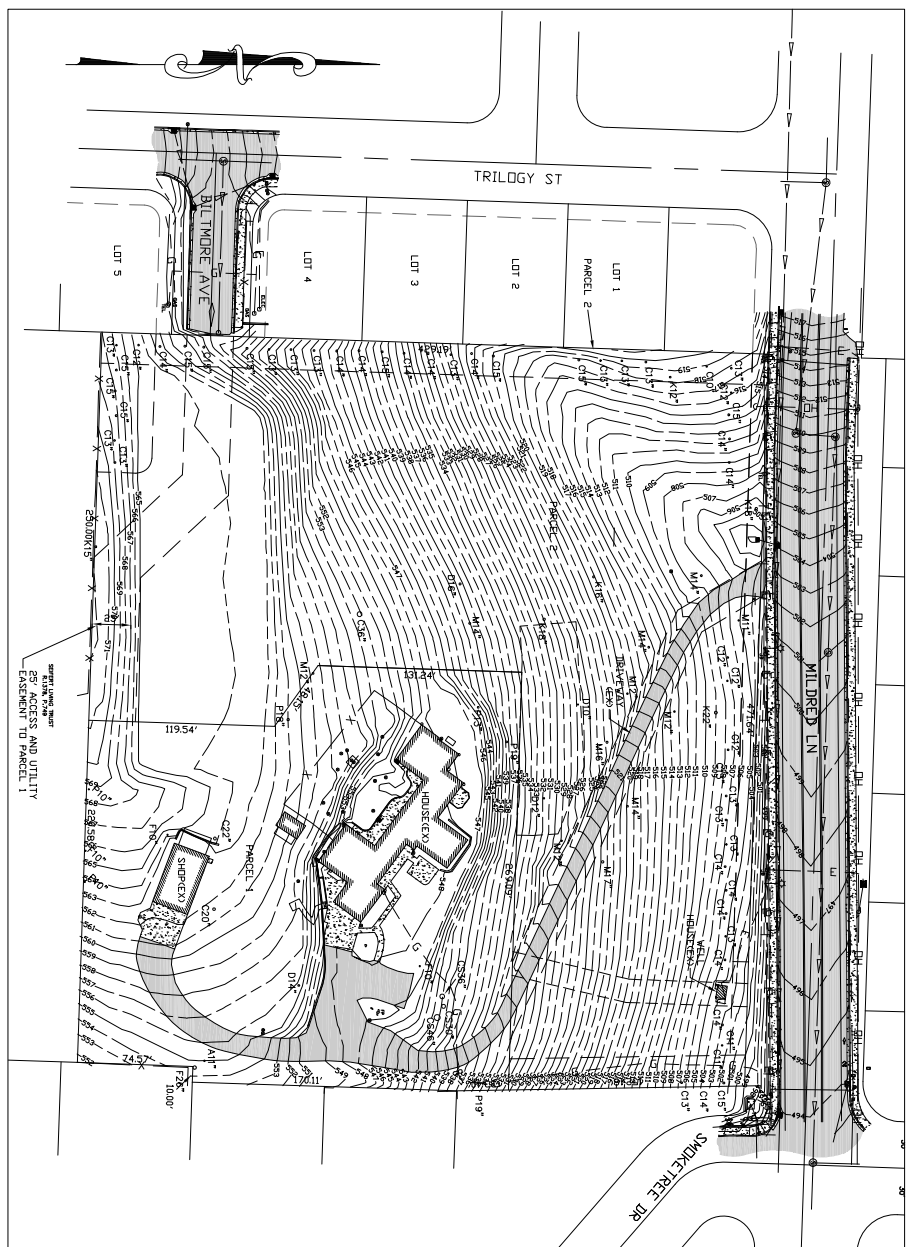
 Parks

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





TREE PRESERVATION NUMBERS

EXISTING TREE INVENTORY SITE TREES	- 94
NOT INCLUDING SIGNIFICANT TREES	- 4
SIGNIFICANT TREES (30' AND LARGER)	- 4
SIGNIFICANT TREES (15' AND LARGER)	- 98
TOTAL SITE TREES INCLUDING SIGNIFICANT TREES	- 98
SITE TREES TO BE REMOVED	- 0 (0.00%)
SIGNIFICANT TREES TO BE REMOVED	- 0 (0.00%)
TOTAL TREES TO BE REMOVED	- 0 (0.00%)
TOTAL REMAINING TREES	- 98
TOTAL TREE COUNT	- 98
PERCENT TO REMAIN	- 100%
PERCENT TO BE REMOVED	- 0.00%

TREE PRESERVATION PLAN

SCALE: 1"=40'

DEVELOPER/OWNER

JOHN & MEGAN OSBORN
848 MILDRED LN NE
SALEM, OR 97306

TREE LEGEND

- A - APPLE
- C - CEDAR
- D - DECIDUOUS
- F - FIR
- H - HEMLOCK
- M - MAPLE
- P - PINE
- X - INDICATES TREE TO BE REMOVED

TREE REPLANTING

NO ADDITIONAL TREES ARE
REQUIRED OR PLANNED



REV.	DATE	BY	DESCRIPTION
0	06-15-23	GPH	ISSUED FOR PLAN CHECK
1	07-11-23	GPH	REDUCED PARTITION TO 2 PARCELS

OSBORN PARTITION

848 MILDRED LANE SE
SALEM, OR 97306

TREE PRESERVATION PLAN

ENGINEER:
WILLAMETTE ENGINEERING INC.
P.O. BOX 9032
SALEM, OREGON 97305
PH: 503-304-0905
JER.WILLENGR@JUNO.COM