

FOR MEETING OF: January 17, 2019
AGENDA ITEM: 3.b

TO: HISTORIC LANDMARK COMMISSION

**FROM: LISA ANDERSON-OGILVIE, AICP
DEPUTY COMMUNITY DEVELOPMENT DIRECTOR AND PLANNING
ADMINISTRATOR**

**SUBJECT: APPEAL OF HISTORIC PRESERVATION OFFICER DECISION ON
HISTORIC DESIGN REVIEW CASE NO. HIS 18-33 FOR REMOVAL OF
TWO TREES LOCATED AT 1724 CHEMEKETA STREET NE WITHIN
THE COURT/CHEMEKETA NATIONAL REGISTER DISTRICT**

ISSUE

Should the Historic Landmark Commission affirm or reverse the November 15, 2018 denial for Historic Design Review Case No. HIS18-33, a proposal to remove two trees located in the front of historic contributing residence, the Stone House (William R. Leach House) c1908? The residence is located within the Court Street-Chemeketa Street National Register Historic District, on property zoned RD (Duplex Residential), and located at 1724 Chemeketa St NE, (Marion County Assessors Map and Tax Lot number: 073W26AC01500).

RECOMMENDATION

Staff recommends that the Historic Landmarks Commission AFFIRM the November 15, 2018 decision, denying Historic Design Review Case No. HIS18-33, a proposal to remove two trees located in the front of historic contributing residence, the Stone (William R. Leach House).

SUMMARY AND BACKGROUND

The applicant submitted Historic Design Review application materials on October 12, 2018. The application was deemed complete on November 2, 2018.

The Historic Preservation Officer, a Planning Administrator designee, issued a Type I Notice of Decision denying the original proposal to remove the two trees on November 15, 2018 per SRC 300.420 to the applicant, property owner, the NEN neighborhood Association and all property owners of record within 250 of the proposed work area (**Attachment A**).

An appeal of the decision was filed by Forrest Nelson on November 30, 2018. (**Attachment B**). The subject property is located within the Northeast Neighbors Neighborhood Association (NEN). Notification of the public hearing was sent to the neighborhood association, and surrounding property owners within 250 feet of the

property pursuant to Salem Revised Code (SRC) requirements on December 27, 2018. Notice of public hearing was also posted on the subject property. As of the date of this staff report, Justin Emerson Kidd has submitted written testimony (**Attachment G**).

FACTS AND FINDINGS

Staff has summarized the appeal issues identified by Mr. Nelson and provided responses below. For his full statement, please refer to Attachment B.

Appeal Issues

1. *The residence is registered as the Stone House as the primary name. Using any other name is confusing and incorrect even a secondary name is used. The Historical Plaque that is mounted on the house and that was approved by the City of Salem Historic Preservation office years ago has the name Stone House. The 1910 date on the photo (Attachment B) is incorrect, it appears to be from the '70's to '80's.*

Staff Response: The plaque on the house was issued by the Oregon State Historic Preservation Office (SHPO) as part of the Special Assessment Program. The Oregon SHPO administers the National Register Program in Oregon and has a process whereby names can be amended within listed Historic Districts. The Oregon State Historic Preservation Office has the historic contributing resource located at 1724 Chemeketa Street NE listed as the "Leach, William R. House," with the alternative or common name as the "Stone House" (**Attachment C**). The City of Salem does not have authority to amend or alter the official historic name of any resources within a National Register District. The photo (Attachment B from the original Decision) was taken in 1984 as part of the historic inventory that was completed for this neighborhood. 1910 refers to their estimated construction date for the resource, not the date of the photo.

2. *Mr. Nelson was given verbal approval from many City of Salem Departments, including Heritage Tree, Planning and Historic preservation and was told, "your trees, your problem. Do whatever you want with them."*

Staff Response: In January 2018, the City's Historic Preservation Officer provided Mr. Nelson with both a verbal and written explanation of the historic design review process required to remove the trees on his property (**Attachment D**). SRC 230.095(d) would allow removal of the trees if they constituted an imminent and serious threat to public safety. Otherwise, site features replacement requires Minor historic design review approval. Specifically, since the removal of the trees would destroy these features, the burden of proof is upon the applicant to demonstrate that they are currently adversely impact the primary resource. At this time the City also confirmed that the Planning Division would not require a tree removal permit. Public Works confirmed that the trees

are located on his property and not within the right of way, therefore the City (Public Works) did not have authority to remove them.

3. *The age of the trees are most likely far from being correct. If the trees are closer to 50 or 60 years of age, does that make them under age for the Heritage designation?*

Staff Response: The City acknowledges that there is no historical documentation confirming the precise age of the trees. A resource must be a minimum of 50 years old to qualify for designation, therefore, even if the trees are only 50 years of age, their removal would still be subject to local historic design review under SRC 230. The trees were documented as part of the 1984 historic inventory and the 1985 National Register nomination, and therefore are considered a contributing site feature to the historic resource and the surrounding District.

4. *I have demonstrated that the trees are dangerous to the structure. Why pay for an engineer or another arborist to point out the same obvious facts that I have already provided.*

Staff Response: SRC 230 allows the replacement of contributing site features unless this replacement would alter or destroy these features. In this case, it is not feasible to replace the sequoia trees. However, should it be demonstrated that the trees (the contributing site features) are destroying the primary resource on the site, their replacement is allowed. Since the original Decision was issued, the applicant has submitted additional photographs of the site further confirming that the tree roots appear to be adversely affecting the hardscape surrounding the house indicated by the sloping of the walkway adjacent to the house. While water runoff directed toward the house may eventually cause damage to the foundation no additional evidence has been submitted demonstrating a clear existing adverse effect to the structure. Staff has requested that the applicant obtain either an assessment from a structural engineer which states that the trees are adversely affecting the Stone (William R. Leach) House or an assessment from a registered arborist demonstrating that the trees are unhealthy and a danger to persons and property. A removal estimate has been provided by J&J Tree Removal which indicates that the trees are a "trip hazard" and that they have outgrown the safe area for a tree (**Attachment E**). The Urban Forester has acknowledged in an updated Memo that he concurs with this assessment and believes that the trees will eventually become a threat to the structure as they grow larger (**Attachment F**).

5. *I agree to replant the species suggested and plant two trees in proximity of the existing but cannot promise when.*

Staff Response: Should the HLC allow the replacement of the trees, the Urban Forester has recommended that the trees be replaced with the "Miss Grace"

(*Metasequoia Glyptostrobooides*), a dawn redwood that is a dwarf species from the same general sequoia family which will reach just 10' in height at maturity with a 3' spread. In order to ensure that the general context of the site is preserved with trees flanking either side of the front facade of the resource, it is recommended that the trees be replanted in a timely fashion. Therefore, should the HLC choose to approve HIS18-33, staff recommends the HLC adopt the following CONDITION:

Condition 1: The applicant shall replace each existing Sequoia tree with a "Miss Grace" (*Metasequoia Glyptostrobooides*) that is at least 2" caliper in size within six months of the removal of the existing Sequoia trees.

ALTERNATIVES

According to the Urban Forester, these trees are currently both healthy, and will continue to grow. Approximately 15% of the crown of the tree at the northeast corner has been removed, and the Urban Forester has noted that while the limbs will not grow back, the tree will not die as a result. While evidence has been submitted that the tree roots are adversely affecting the hardscape surrounding the primary resource, no evidence has been submitted demonstrating that the trees are hazardous or that they are currently harming the foundation or the structural integrity of the building itself. The Historic Landmarks Commission may take one of the following actions:

I. AFFIRM the November 15, 2018 decision for HIS18-33.

In order to comply with SRC 230.025(l) the applicant has the burden of proof to demonstrate that the proposal to remove character defining site features is currently necessary because the primary significant resource on the site is being adversely impacted by these site features. At such time that the applicant can demonstrate that the trees are a hazard to persons or property or that removal of the trees is necessary to ensure preservation of the Stone (William R. Leach) House, this burden would be met and it would be possible to receive historic design review approval for their removal. Should the HLC choose to affirm the November 15, 2018 decision for HIS18-33, the current proposal to remove the trees would be denied. In order to receive approval for the removal of the trees, the applicant would need to submit a new historic design review application that includes either an assessment from a structural engineer which states that the trees are adversely affecting the Stone (William R. Leach) House or an assessment from a registered arborist stating that the trees are a hazard to persons or property.

II. REVERSE the November 15, 2018 decision and APPROVE HIS18-33.

The Historic Landmarks Commission could reverse the November 15, 2018 decision and approve the applicant's request to remove the trees. Additionally, the HLC could add conditions of approval relating to the submittal requirements and the replacement trees. For example:

Condition 1: The applicant shall replace each existing Sequoia tree with a “Miss Grace” (*Metasequoia Glyptostrobooides*) that is at least 1.5” caliper (20 gallon tree) in size within six months of the removal of the existing Sequoia trees.

Prepared by Kimberli Fitzgerald, Historic Preservation Officer

Application Deemed Complete Date: November 2, 2018

State Mandated Decision Date: March 2, 2019

- Attachment:
- A. Decision for Case HIS18-33
 - B. Forrest Nelson Appeal
 - C. Oregon Historic Sites Database Record and Inventory Form
 - D. Fitzgerald email, January 29, 2018
 - E. J&J Tree Removal estimate
 - F. Urban Forester Memo, January 7, 2019
 - G. Justin Emerson Kidd, January 6, 2019 email

*Si necesita ayuda para comprender esta informacion, por favor llame
503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

MINOR HISTORIC DESIGN REVIEW CASE NO.: HIS18-33

APPLICATION NO.: 18-120856-DR

NOTICE OF DECISION DATE: NOVEMBER 15, 2018

SUMMARY: A proposal to remove two trees located in front of historic contributing residence William R. Leach House (c1908).

REQUEST: Minor Historic Design Review of a proposal to remove two trees located in the front of historic contributing residence William R. Leach House (c1908). The residence is located within the Court Street-Chemeketa Street National Register Historic District, on property zoned RD (Duplex Residential), and located at 1724 Chemeketa St NE, (Marion County Assessors Map and Tax Lot number: 073W26AC01500).

OWNER / APPLICANT: Forrest Nelson

LOCATION: 1724 Chemeketa St NE / 97301

CRITERIA: Salem Revised Code (SRC) Chapter SRC 230.025 Standards for Historic Contributing Buildings and Features within Residential Historic Districts

FINDINGS: The findings are in the attached Decision dated November 15, 2018.

DECISION: The Historic Preservation Officer, (a Planning Administrator Designee), **DENIED** Historic Design Review Case No. HIS18-33 based upon the application materials deemed complete on November 2, 2018 and the findings presented in this report.

Application Deemed Complete: November 2, 2018
 Notice of Decision Mailing Date: November 15, 2018
 Decision Effective Date: December 1, 2018
 State Mandate Date: March 2, 2019

Case Manager: Kimberli Fitzgerald, kfitzgerald@cityofsalem.net; 503.540.2397

This decision is final unless written appeal from an aggrieved party 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., November 30, 2018**. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 230. The appeal must be filed in duplicate with the City of Salem Planning Division. 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 Historic Landmarks Commission will review the appeal at a public hearing. After the hearing, the Historic Landmarks

NOTICE OF DECISION

PLANNING DIVISION
 555 LIBERTY ST. SE, RM 305
 SALEM, OREGON 97301
 PHONE: 503-588-6173
 FAX: 503-588-6005

CITY OF Salem
AT YOUR SERVICE

Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

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*Si necesita ayuda para comprender esta informacion, por favor llame
503-588-6173*

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

**HISTORIC DESIGN REVIEW CASE NO. HIS18-33
DECISION**

**IN THE MATTER OF APPROVAL OF) MINOR HISTORIC DESIGN REVIEW
HISTORIC DESIGN REVIEW)
CASE NO. HIS18-33)
1724 CHEMEKETA STREET NE) NOVEMBER 15, 2018**

In the matter of the application for a Minor Historic Design Review submitted by Forrest Nelson, the Historic Preservation Officer, a Planning Administrator designee, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

SUMMARY: A proposal to remove two trees located in front of historic contributing residence William R. Leach House (c1908).

REQUEST: Minor Historic Design Review of a proposal to remove two trees located in the front of historic contributing residence William R. Leach House (c1908). The residence is located within the Court Street-Chemeketa Street National Register Historic District, on property zoned RD (Duplex Residential), and located at 1724 Chemeketa St NE, (Marion County Assessors Map and Tax Lot number: 073W26AC01500).

A vicinity map illustrating the location of the property is attached hereto, and made a part of this decision (**Attachment A**).

DECISION

DENIED based upon the application materials deemed complete on November 2, 2018 and the findings as presented in this report.

FINDINGS

1. Minor Historic Design Review Applicability

SRC230.020(f) requires Historic Design Review approval for any alterations to historic resources as those terms and procedures are defined in SRC 230. The Planning Administrator shall render a decision supported by findings that explain conformance or lack thereof with relevant design standards, state the facts relied upon in rendering the decision, and explain justification for the decision.

2. Analysis of Minor Historic Design Review Approval Criteria

Summary and Background: The applicant proposes to remove two sequoia trees on the northern portion of the tax lot. In January of 2018 the applicant originally contacted the City of Salem to determine what the process is for removal of the trees. Staff responded by clarifying that the removal would require historic design review approval. Staff confirmed that if the trees were determined to be dangerous, then per SRC 230.095(d) removal would be allowed without design review approval. The applicant contacted staff again on March 22, 2018 and staff reconfirmed the process required and sent the appropriate forms. On Friday, October 12, 2018 the applicant was asked to stop work on the removal of the sequoia tree on the northeast corner of his property. Removal of these sequoias requires historic design approval because the William R. Leach House and surrounding site defined by the tax lot is a historic contributing resource within the Court Street-Chemeketa Street National Register Historic District. Additionally, any alterations to the building and site must be reviewed by the State Historic Preservation Office (SHPO) to ensure that the work is in accordance with the adopted historic preservation plan for this property because the property is on Special Assessment.

The two trees are located within the boundaries of the tax lot for the William R. Leach House house, a historic contributing resource within the Court Street-Chemeketa Street District. The two sequoia trees proposed for removal are documented in photos as part of the 1984 historic inventory and the 1985 National Register nomination for the Court Street-Chemeketa Street District (**Attachment B**). The trees are approximately 100 years old, and were planted during the period of significance for the District (1860-1937). The trees are notable on this block for their size and species, and contribute to context of both the individual William Leach House as well as the overall District which has tree lined streets throughout.

One tree is located at the northwestern corner (currently severely trimmed) and the other is located at the northeastern corner. Both trees are approximately 100 years old, 120 feet in height and have a circumference of 120 inches. Due to their size and scale, the applicant has noted that these trees are beginning to adversely impact the sidewalk adjacent to the house (**Attachment C**).

According to the Urban Forester, these trees are both healthy, and will continue to grow. Approximately 15% of the crown of the tree at the northeast corner has been removed, and the Urban Forester has noted that while the limbs will not grow back, the tree will not die as a result (**Attachment D**). While evidence has been submitted that the tree roots are adversely affecting the hardscape surrounding the William Leach House, no evidence has been submitted demonstrating that the trees are hazardous or that they are currently harming the foundation or the structural integrity of the William Leach House itself. Staff determined that the following standards from SRC Chapter 230 are applicable to this project:

230.025. Standards for Historic Contributing Buildings and Features within Residential Historic Districts.

*(I) **Site Features.** Replacement or alteration of site features of a historic contributing building that are identified as significant features on the historic resource inventory for the district,*

including, but not limited to, driveways, sidewalks, gardens, significant trees, or geological features is allowed, unless the replacement or alteration would materially alter or destroy the features.

Finding: The two sequoia trees proposed for removal and replacement are located at the northern end of the site. While evidence has been submitted that the tree roots are adversely affecting the hardscape surrounding the William Leach House, no evidence has been submitted demonstrating that the trees are hazardous or that they are currently harming the foundation or the structural integrity of the William Leach House itself. Staff finds that removal and replacement of these trees will destroy these features and therefore the applicant's proposal does not meet this standard.

Staff recognizes that this species of tree is not generally appropriate for an urban residential neighborhood. The size and scale of these trees and their associated roots are beginning to adversely affect the hardscape of the William R. Leach House house and surrounding site, and the trees will continue to grow larger. If the applicant can demonstrate that the trees are a hazard to persons or property or that removal of the trees is necessary to ensure preservation of the William Leach House, it would be possible to receive historic design review approval for their removal. In order to receive approval for the removal of the trees, the applicant would need to submit a new historic design review application that includes either an assessment from a structural engineer which states that the trees are adversely affecting the William Leach House or an assessment from a registered professional arborist stating that the trees are unhealthy or unsound and therefore a hazard to persons or property. Though this information was requested of the applicant, he declined to submit it, rendering it impossible for staff to approve the tree removal request.

(1) Materials. *Materials shall duplicate, to the greatest degree possible, the appearance and physical qualities of the original materials. Example: Rhododendron hedge planted during the period of significance is replanted with heritage varieties available during the period of significance.*

Finding: The applicant has not submitted a specific proposal to replace the existing trees with new trees duplicating the appearance and physical qualities of the original, therefore staff finds that this standard has not been met.

Should the applicant meet the burden of proof demonstrating the need to remove and replace the trees, the replacement trees should not be of the same exact species as the existing trees but shall be a species more appropriate for an urban residential neighborhood. The Urban Forester has noted that should the trees need to be replaced, the trees should fit the area available, so as not to repeat the same problem. The "Miss Grace" (*Metasequoia Glyptostrobooides*), is a dawn redwood that is a dwarf species from the same general sequoia family. This type of tree will reach just 10' high at maturity with a 3' spread. Staff finds that the replacement of the sequoia trees with a species that is within the same family as the sequoia, is a compatible alternative that would be more appropriate in size and scale at maturity.

(2) Design. *The design shall reproduce, to the greatest extent possible, the appearance of the original site feature. Example: If the site contains a Lord and Schryver garden, the replacements shall be allowed provided the original design and location of plantings of the historical garden are retained.*

Finding: While evidence has been submitted that the tree roots are adversely affecting the hardscape surrounding the William Leach House, no evidence has been submitted demonstrating that the trees are hazardous or that they are currently harming the foundation or the structural integrity of the William Leach House itself. Further, the applicant has not submitted a proposal to replace the trees that would reproduce to the greatest extent possible the appearance of these trees and therefore staff finds that this standard has not been met.

However, should the applicant meet the burden of proof demonstrating the need to remove and replace the trees, staff finds that the replacement trees should be planted in the same general location as the existing trees, flanking either side of the front façade of the William R. Leach House. Replanting in this location with a species such as the “Miss Grace” shall reproduce to the greatest extent possible, the appearance of these site features. While the young replacement trees will be significantly smaller in size when planted, once they have had an opportunity to grow to maturity, their appearance will replicate that of the mature trees found throughout the Court Street-Chemeketa Street Historic District, while not adversely impacting the house or any character defining features of the site.

SUMMARY FINDINGS

It has not been demonstrated that the two sequoia trees are materially altering or destroying the historic character defining aspects or integrity of the William R. Leach House. However, the existing Sequoia trees will continue to grow in size, and while the trees are a significant component of the historic context of both the site and the overall district, this species is not appropriate for an urban residential neighborhood. At the time the applicant can substantiate and document the adverse effect of the tree growth upon the William R. Leach House and meet the applicable design standards in SRC 230.025(l), the removal and replacement of the trees could be allowed. The new trees would grow to maturity and serve to retain the feel of the tree lined streets within this area of the Court Street-Chemeketa Street Historic District mitigating the loss of the existing Sequoias.

DECISION

Based upon the application materials deemed complete on November 2, 2018 and the findings as presented in this report, the application for HIS18-33 is **DENIED**.



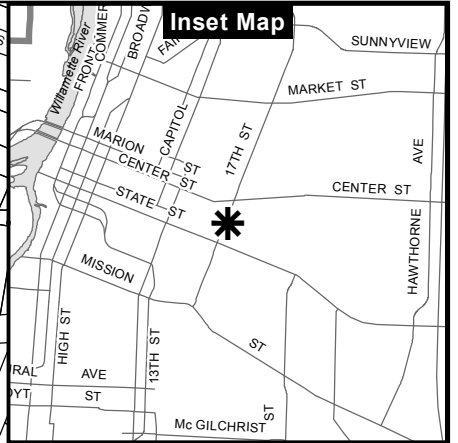
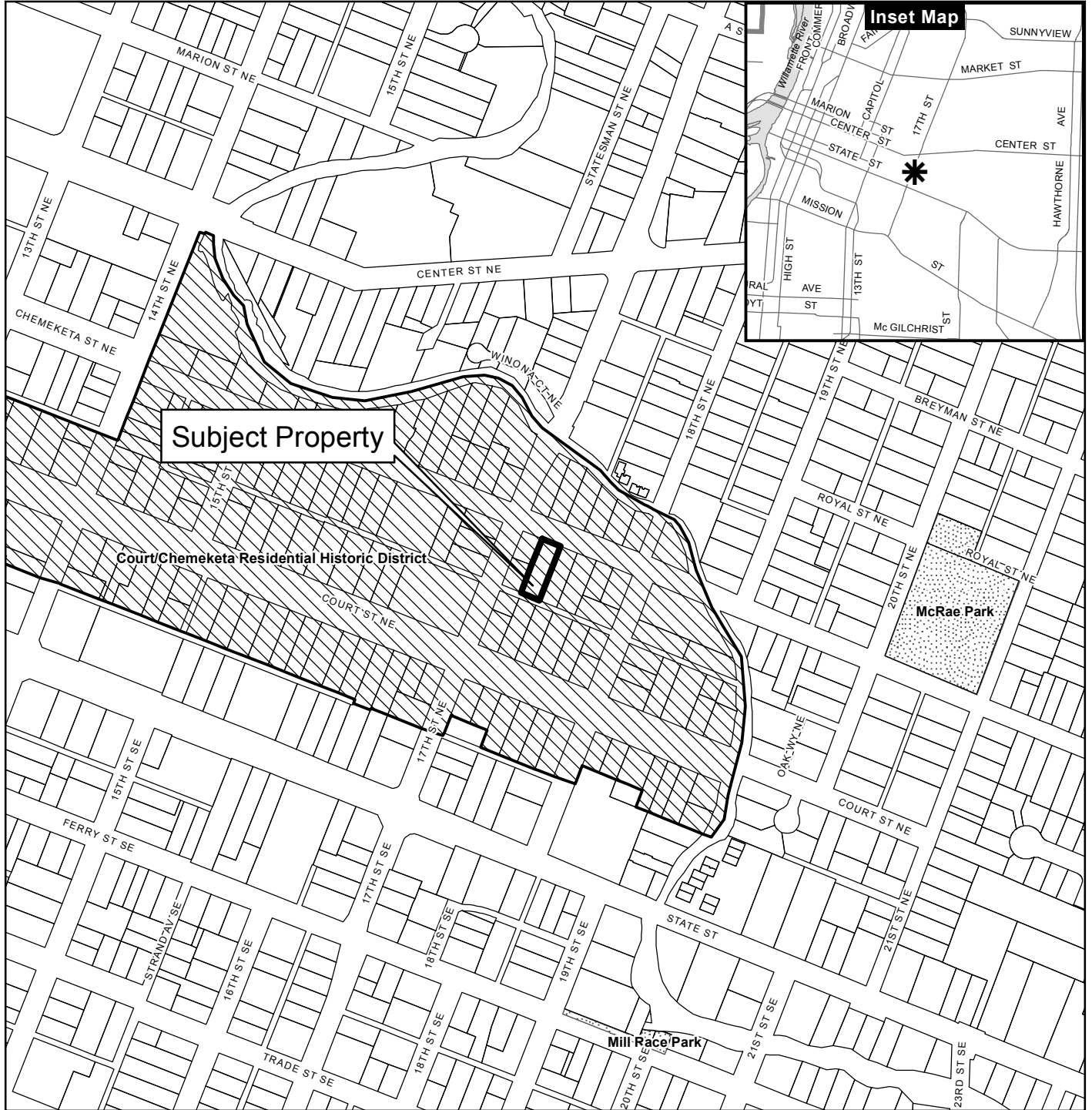
Kimberli Fitzgerald, AICP
Historic Preservation Officer
Planning Administrator Designee

- Attachments: A. Vicinity Map
B. National Register Nomination/State of Oregon Inventory of Historic Properties and City of Salem, *An Inventory of Historic Places*, Feb. 1984 – photos of 1724 Chemeketa
C. Applicant's Submittal Materials
D. Urban Forester Memo








Application Deemed Complete: November 2, 2018
Notice of Decision Mailing Date: November 15, 2018
Decision Effective Date: December 1, 2018
State Mandate Date: March 2, 2019

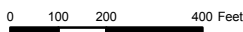
This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, OR 97301, no later than **5:00 p.m., Tuesday, November 30, 2018**. The appeal must state where the decision failed to conform to the provisions of the historic preservation ordinance (SRC Chapter 230). The appeal must be filed in duplicate with the City of Salem Planning Division. 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 Historic Landmarks Commission will review the appeal at a public hearing. After the hearing, the Historic Landmarks Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

Vicinity Map 1724 Chemeketa St NE



Legend

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



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HIS18-33
1724 Chemeketa Street NE



PHOTO 44 OF 63

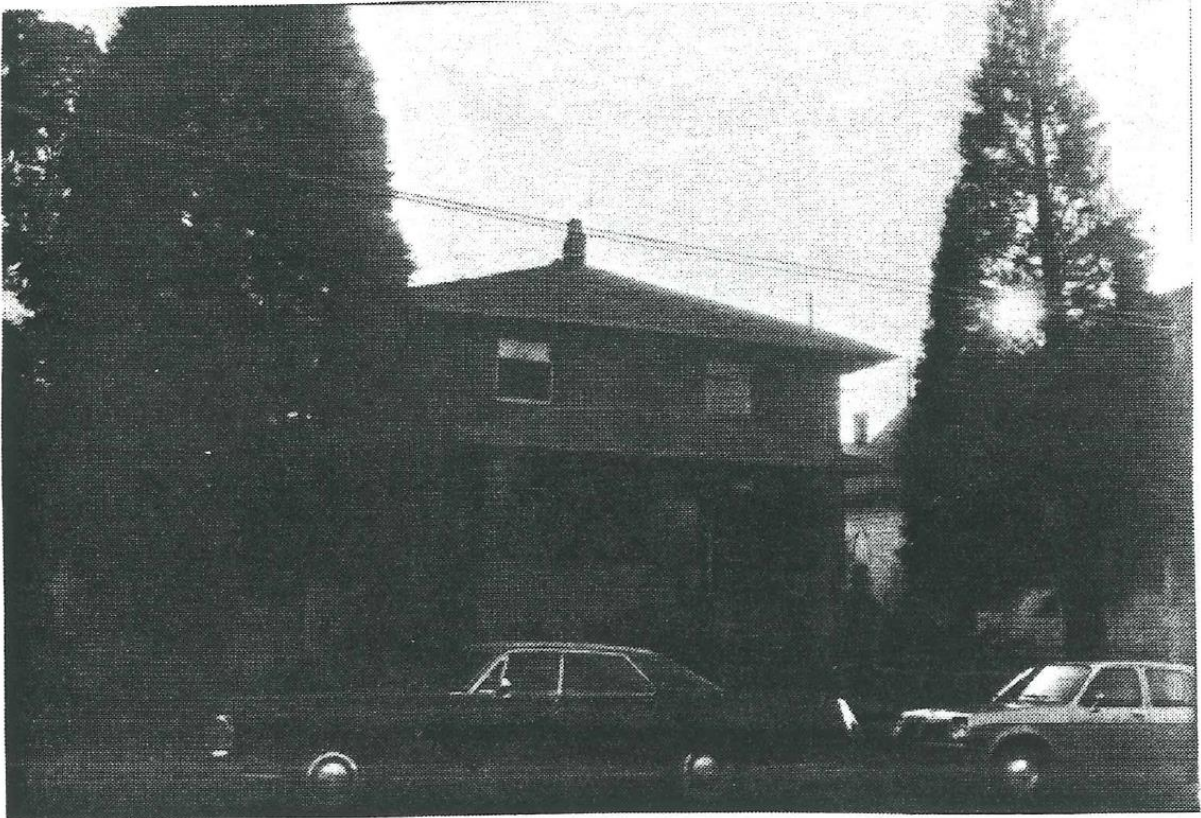
COURT-CHEMEKETA RESIDENTIAL HISTORIC DISTRICT
Salem, Marion County, Oregon

Subject: Residence #86, 1724 Chemeketa ST NE, view
looking south. Fall, 1985.

Credit & Negative: Dick Mathews, 1525 Chemeketa ST NE,
Salem, Oregon 97301.

HIS18-33
1724 Chemeketa Street NE

1724 Chemeketa NE
1910



Case No. HIS18-33

Historic Alteration Review - General Resource Worksheet

Site Address: 1724 Chewabuck St NE Resource Status: Contributing
 Individual Landmark Non- Contributing

Type of Work Activity Proposed

Major Minor

Replacement, Alteration, Restoration or Addition of:

Architectural Feature:

- Deck
- Door
- Exterior Trim
- Porch
- Roof
- Siding
- Window(s) Number of windows: _____
- Other architectural feature (describe) _____

Remove traces

Landscape Feature:

- Fence
- Retaining wall
- Other Site feature
- Streetscape

New Construction:

- Addition
- New Accessory Structure
- Sign
- Awning

Will the proposed alteration be visible from any public right-of-way? YES NO

Project's Existing Material: _____ Project's New Material: _____

Project Description

Briefly provide an overview of the type of work proposed. Describe how it meets the applicable design criteria in SRC Chapter 230. Please attach any additional information (i.e., product specification sheets) that will help Staff and the HLC clearly understand the proposed work:

Jessie Nelson
Signature of Applicant

10/12/18
Date Submitted/Signed





Sally Long

From: vegas208@aol.com
Sent: Wednesday, October 17, 2018 1:40 PM
To: Kimberli Fitzgerald; Sally Long
Subject: Re: HIS18-33; 1724 Chemeketa St NE / Forrest Nelson / Sequoiadendron Giganteum / Stone House

Hello and sorry for the delay. I haven't had the time to obtain the documents requested and am providing this information hoping that it is adequate.

Hopefully this information clears up the situation and enables everyone to understand why the trees must go without further ado.

The Giant Sequoia trees threaten the survivability of the house which is a Sears Modern Home plan #52 Ornamental Concrete Block made with the Wizard Block Machine offered in the 1908 Sears Catalog along with the blueprints. It is probably the oldest Sears Modern Home of that specific design and type of construction in the world.

The sidewalk that I installed next to the foundation to prevent water getting into the basement has already moved several inches in the relatively short period of time since it was installed. It doesn't require an engineer or an arborist to write a report to document that, anyone can go and see it for themselves. Of course, the slow motion demolition will eventually destroy all the improvements from the work, time and money that has already been completed and provided which makes it even more sad.

I have provided two pictures found on the internet of what the trees will eventually become if not removed, please share these with everyone that is reviewing or interested. There is no question of how big they will get and no question of the impending destruction of The Stone House, or any structure within that area including the next door neighbors. People need to understand the simple facts that **there is no need to go into other, studies, reports or opinions**. I suggest to anyone that disagrees with this simple understanding of the Sequoiadendron Giganteum growth over time to step up and buy my property. They and their future generations can stand by and watch the slow but definite demolition of the Stone House and be responsible for it; I will not be that person.

The Stone House is what I have cared for and treasured for many years now and continue to fight for its survival. But now with forces fighting me every step of the way, I tire and it becomes more expensive to see it through every day. To some others it is merely a process to work through and give the neighbors an emotional net to feel good about it somehow and still would not change the outcome. I will never feel good about it as I love the trees too but also love the house and the house must win this battle; which clearly means the trees have to go and why discuss it more; I have been discussing it for more than 5 years! Anyone that doesn't approve of the tree removal is handing down a death wish for the Historic Stone House.

Previously, I understood clearly that I had permission from several City of Salem government agencies to take the trees down after emailing and talking to many people in most every department including yours. Due to the work stoppage, I have been financially damaged and emotionally drained with this exercise and have paid what I consider blackmail money in order to get written approval and I await the official decision.

Please forward this to the anyone interested including the concerned neighbors as my statement as owner and caretaker. You might want to notify the Public Works department as well that it is unlikely the trees will be removed before they replace the sidewalks due to this additional delay and the extra costs that I am now faced with.

Thank you,


Forrest Nelson





MEMO

TO: Kimberli Fitzgerald
Community Development - Planning

FROM: Jan Staszewski 
Public Works

DATE: November 1, 2018

SUBJECT: Sequoia Trees at 1724 Chemeketa St NE

The two Sequoia (*Sequoiadendron giganteum*) at 1724 Chemeketa St NE are still fairly young at a hundred years old with a height of approximately 120' tall and 6' in diameter. They will continue to grow to nearly twice their current size. As the trees expand they will continue to take up additional ground space around each tree and continue to lift both the soil and the hardscape.

While it is possible to move the trees to another location the cost most likely exceed the value of the property on which they sit. In addition, the size of the excavation needed salvage enough roots exceeds the area that is free of structures. I would speculate that the diameter of the root ball would exceed twenty feet. There are dwarf Sequoias, but from the literature, they are a slower growing variety rather than smaller growing trees.

Any replacement tree would need to fit the area available, so as not to repeat the same problem. One example is the *Metasequoia glyptostroboides* "Miss Grace" which is a dawn redwood from the same general sequoia family, but is a dwarf species, that is 10' in height at maturity with a 3' spread.

Attachments:

A. Photo of *Metasequoia glyptostroboides* "Miss Grace"

cc: File HIS18-33

Attachment A:

Metasequoia glyptostroboides 'Miss Grace' at the Flora Wonder Arboretum, Gaston, OR. (Photo courtesy Buchholz & Buchholz Nursery, conifersociety.org)



November 30, 2018

Minor Historic Design Review Case No : HIS 18-33

Stone House - 1724 Chemeketa St NE, Salem OR 97301

Owners response to the Notice of Decision dated November 15, 2018

Summary provided is incorrect. Residence is registered as the Stone House as the primary name. Using any other name is confusing and incorrect even if you use a secondary name. The Historical Plaque that is mounted on the house and that was approved by the City of Salem Historic Preservation office years ago has the name Stone House.

Aside from the fact that I was given verbal approval from many City of Salem Departments over the many years that I have been working on the tree removal coordination, I am faced with spending more time and more blackmail money to continue this ridiculous discussion of my trees that I love but am still faced with having to remove them. There is no doubt they will eventually be removed, the only question is how long will it take the liberal political establishment to recognize it and how much additional money will have to be spent? This only became an issue after the Statesman Journal wrote an article about it. However before and after that time, I made calls to many of the City of Salem departments including Heritage Tree, Planning and Historic preservation and was told, "your trees, your problem. Do whatever you want with them," and "no we won't help you". I have phone logs as evidence.

Owner responses below to the review that you provided.

(Page 2 Summary and background) Staff confirmed removal would be allowed if dangerous. Eventual destruction of a historic property is dangerous in any reasonable persons opinion. Your arborist was provided a report, I didn't get a specific response from the City of Salem arborist but did get a verbal approval from other officials, however refusing to give me written approval due to my refusal to pay for an unnecessary review that would only wastes time, my money and taxpayers money. Based on that I proceeded to remove limbs on the one tree. My neighbor that has threatened legal action was also told that she was told by your department that I had permission and was told that before I was.

(Page 2, paragraph 3)

The age of the trees mentioned are most likely far from being correct and you have no evidence of when they were planted that you have provided. CA.gov website says "the giant sequoia is more likely to grow about two feet per year throughout its first fifty to one hundred years." Considering the current height is estimated at 90' to 120' and by using that formula, that would say that they are closer to fifty to sixty years old. Does that make them underage for the Heritage designation?

(Page 2 paragraph 4)

How can an anyone not find them dangerous to an historic structure considering there are some that you can drive a car through and are nearly as wide as Chemeketa St?

(page 3 paragraph 2)

I have demonstrated that the trees are dangerous to the structure. It seems that you maybe will believe it if I pay someone else to say it. Please see my emails and pictures provided carefully that were presented earlier on. Why pay for an engineer or another arborist to point out the same obvious facts that I have already provided.

(Page 3 paragraph 5)

I was only asked recently and after submitting for review if I would replant an appropriate species in place of the two removed. I replied that I had no problem planting a couple trees. With the added expenses you burden me with; money to pay for all continued delays and fees of this review process is an unfair burden and may be a factor in completing said work. I agree to replant the species suggested and plant two trees in proximity of the existing but cannot promise when. However, I would do so because I think its necessary and not due to your request. Every hoop I jump through to satisfy the City of Salem, new requirements magically appear making this more costly, more tiring, more unfair and more upsetting. What other surprises do you have in store?

(Page 4 paragraph 2)

It is called the Stone House, please correct your paperwork as it was incorrectly referred to be something else on multiple times throughout your report.

I have provided evidence, again look closely at the pictures and emails I provided earlier. Go to the site and look at the swelling ground next to the house (as Jan and Kimberli did), no one can ignore the facts. Look up giant sequoias on Wikipedia and be amazed at how enormace the trees can and will grow. Look at the facts.

(Page 4 paragraph 4)

I have demonstrated that the two sequoias will eventually destroy the Stone House. How much of the structure should be damaged before realizing the danger? Should we wait until a portion of the house is demolished before realizing it? Waiting until the trees are 200' tall and 15', 20' or 30' in diameter with a root ball of 30' pushing into the basement? Waiting until the cost exceeds the value of the home and property? Do these questions really need to be asked?

(Page 5)

Of course you require another blackmail fee for the review the appeal but no fee amount is mentioned. You should be paying me for my time.

(Attachment B)

Your photo shows the home with address above and a date of 1910. Notice the cars that are not of that era, they appear to be 70's to 80's.

(Attachment D)

Memo from Jan Staszewski. "They will continue to grow to nearly twice their current size." Actually see my pictures provided that show evidence of growth of closer to four times the existing diameter.

Discussion of moving the trees is beyond comprehension.
The suggested tree species as a replacement are acceptable.

I request the all knowing, all seeing historic commission to stop and consider the existing evidence provided and not only approve of the removal but demand it to protect the historic Stone House and provide funding for that work. You are there to protect the historic homes correct? In this case your agenda so far is contrary to that.

Sincerely,

Forrest Nelson

Kirsten Straus

From: vegas208@aol.com
Sent: Tuesday, December 04, 2018 1:28 PM
To: Kirsten Straus; Joy.Sears@state.or.us
Subject: Fwd: 1724 Chemeketa St NE, Salem OR 97301 / Forrest Nelson
Attachments: 35259.jpeg

Follow Up Flag: Follow up
Flag Status: Flagged

Kirsten,

Please add this picture and description below to my file for the review appeal that I submitted payment for.

Forrest Nelson

-----Original Message-----

From: vegas208 <vegas208@aol.com>
To: kfitzgerald <kfitzgerald@cityofsalem.net>; Joy.Sears <Joy.Sears@state.or.us>
Sent: Tue, Oct 23, 2018 1:48 pm
Subject: 1724 Chemeketa St NE, Salem OR 97301 / Forrest Nelson

In this picture you can see the level above the sidewalk is in a level position. Showing that the slope of the sidewalk is slanted drastically towards the foundation.



Received from Forrest Nelson on
December 4, 2018

APPEAL HIS18-33

Kirsten Straus

From: vegas208@aol.com
Sent: Wednesday, December 05, 2018 7:01 AM
To: Kirsten Straus
Subject: Stone House / 1724 Chemeketa St NE / Appeal of Denied Decision / paid for unnecessary review and appeal.
Attachments: 35271.jpeg; 35265.jpeg; 35264.jpeg; 35268.jpeg
Follow Up Flag: Follow up
Flag Status: Flagged

Morning Kirsten,

Please add these pictures and email to my appeal along including the following description.

"This sidewalk is between the Sequoia and the house foundation. The sidewalk butting up against the foundation is moving drastically and now slopes in the opposite direction from the time it was installed in the last ten or so years. The roots of the Sequoia are pushing it and will be going into the foundation soon at this rate, if not already doing so; and no, I will not spend the money to dig up my yard or tear drywall off the wall in the basement to look. That is totally unnecessary and absurd to consider."

Thank you,

Forrest Nelson

Please confirm with email..



Received from Forrest
Nelson on December 5, 2018
APPEAL of HIS18-33



Received from Forrest
Nelson on December 5, 2018
APPEAL of HIS18-33



Received from Forrest
Nelson on December 5, 2018
APPEAL of HIS18-33

Oregon Historic Site Record

LOCATION AND PROPERTY NAME			
address:	1724 Chemeketa St NE Salem, Marion County	historic name:	Leach, William R, House
assoc addresses:		current/other names:	Stone House
location descr:		block/lot/tax lot:	
		twshp/rng/sect/qtr sect:	7S 3W 26
PROPERTY CHARACTERISTICS			
resource type:	Building	height (stories):	2.0
elig evaluation:	eligible/contributing	total elig resources:	
prim constr date:	c.1908	NR Status:	Listed in Historic District
	second date:	date indiv listed:	
primary orig use:	Single Dwelling	orig use comments:	
second orig use:		prim style comments:	
primary style:	Craftsman	sec style comments:	
secondary style:		siding comments:	
primary siding:	Concrete: Other/Undefined	architect:	
secondary siding:	Cast Stone	builder:	
plan type:			
comments/notes:			
GROUPINGS / ASSOCIATIONS			
Survey/Grouping Included In:	Type of Grouping	Date Listed	Date Compiled
Court Street-Chemeketa Street Historic District	Listed Historic District	08/26/1987	1987
SHPO INFORMATION FOR THIS PROPERTY			
NR date listed:	N/A	Special Assessment	106 Project(s):
ILS survey date:		Status	None
RLS survey date:		Term	Federal Tax
		End Yr	Project(s):
		Active	None
		1st Term	
		2022	
ARCHITECTURAL / PROPERTY DESCRIPTION			
<i>(Includes expanded description of the building/property, setting, significant landscape features, outbuildings and alterations)</i>			
Refer to scanned documents links.			
HISTORY			
<i>(Chronological, descriptive history of the property from its construction through at least the historic period - preferably to the present)</i>			
Refer to scanned documents links.			
RESEARCH INFORMATION			
Title Records	Census Records	Property Tax Records	Local Histories
Sanborn Maps	Biographical Sources	SHPO Files	Interviews
Obituaries	Newspapers	State Archives	Historic Photographs
City Directories	Building Permits	State Library	
Local Library:		University Library:	
Historical Society:		Other Respository:	
Bibliography:			

STATE OF OREGON INVENTORY
OF HISTORIC PROPERTIES
State Historic Preservation Office
Oregon State Parks, Salem, OR 97310



County Marion
Theme 8d 6b
Name
(Common) _____
(Historic) William R. Leach Residence
Address 1724 Chemeketa, 84400-210
Queen Anne's Addition
B2 FrL4, L5
Present Owner Marion F. James
Address _____
Original Use Residence
Date of Construction 1910

Physical description of property and statement of historical significance:

1724 Chemeketa is made of stone, is square, faces north, is two stories. The roof is a shallow midwestern pyramid; there is a central chimney, large solid windows on the second floor.

The wide two-bay front porch with stone columns has a hipped roof and doesn't quite cover the entire front. The color is grey.

The above property was sold by C.B. and Mary Stone to William R. Leach in 1911 for \$4,500 (Vol. 121, page 431). Mr. Stone had acquired Lot 5 in 1907 from O.E. Krausse and Lots 3 and 4 from Mr. Dugan the same year. The Leach's resold the property in 1919 to A.P. Graham for \$4,000 (Vol. 148, page 154) and over the years it has changed hands several times. Specifically, in 1923 to John L. Tucker, in 1943 to Mayme and Milton and Stella Hill, in 1961 to Paul and Anne Weber, in 1964 to Thomasine Ballweber, in 1972 to Harriett DeSeranno, and again to Robert and Marion James, the present owners. There is a possibility that it was used as a "halfway house" at one time in the late 1960's. It is presently for sale again.

continue on back if necessary

Recorded by Toni Salzmann Date 2/5/81

Sources consulted (continue on back if necessary): Title Company Records
Salem City Directories

Please enclose map. Township 7 N 3 E
S W Section 26

A/1725C/15/221C

6456

OREGON INVENTORY OF HISTORIC PROPERTIES
HISTORIC RESOURCE SURVEY FORM

HIST. NAME: _____ DATE OF CONSTRUCTION: _____
COMMON NAME: _____ ORIGINAL USE: _____

86 Ornamental Concrete Block House (c. 1908) USE:
1724 Chemeketa Street, NE; Assessor's Map 26AC 7-3W; Tax Lot 84400-210
Owner: Carl E. Robins, 485 23rd Street, SE, Salem, OR 97301

Primary _____ TAX LOT: _____ BLDG. STRUC. DIST. SITE USE: _____
ADDITION: _____ THEME: _____
BLOCK: _____ LOT: _____ QUAD: _____

PLAN TYPE/SHAPE: _____ NO. OF STORIES: _____
FOUNDATION MATERIAL: _____ BASEMENT (Y/N): _____
ROOF FORM & MATERIALS: _____
WALL CONSTRUCTION: _____ STRUCTURAL FRAME: _____
PRIMARY WINDOW TYPE: _____
EXTERIOR SURFACING MATERIALS: _____
DECORATIVE FEATURES: _____
OTHER: _____
CONDITION: EXCELLENT GOOD FAIR DETERIORATED MOVED _____ (DATE)

EXTERIOR ALTERATIONS/ADDITIONS (DATED): _____

NOTEWORTHY LANDSCAPE FEATURES: _____

Description and Cultural Data: Probably built by Clark B. Stone, a cement worker, this is the only example in the District (and one of very few in Salem) of a structure built of ornamental concrete block, a popular material for foundations, garages, and sometimes entire houses in post-Victorian American building. In 1908, the Sears, Roebuck catalogue devoted 8 pages to advertising the machines for making decorative concrete blocks and described such blocks as a cheap, quick, and practical building material (J. Randall Cotton, "Ornamental Concrete Block Houses," The Old-House Journal, October 1984, pp. 165, 180-183). The machines could stamp the blocks in a variety of patterns, and C. B. Stone built this house with blocks simulating ashlar masonry. (The rear, south, wall is of wood construction.) The house is a two-story American Foursquare with a low-profile hipped roof extending in wide eaves. A hipped-roofed north-facing front porch extends nearly full width. The porch roof is supported by three concrete block piers, which rise from a block balustrade. The large, mostly double-hung windows are in the spirit of the generally simple detailing and massing of the structure. A central chimney rises from the top of the main roof. C. B. and Mary Stone, who in May 1907 had purchased the cottage one lot to the east, bought this lot in October 1907 from O. E. Krausse, the developer of Queen Anne Addition. C. B. Stone, listed in the 1909-1910 City Directory as living next door and identified as a "cement worker," probably built the concrete block house, perhaps on speculation. He and his wife seem not to have lived in it, and in 1911 they sold it to William R. Leach for \$4500.

SOURCES: _____

NEGATIVE NO.: _____ RECORDED BY: _____
SLIDE NO.: _____ DATE: _____

SHPO INVENTORY NO.: 459

Kimberli Fitzgerald

From: Kimberli Fitzgerald
Sent: Monday, January 29, 2018 12:07 PM
To: vegas208
Subject: RE: Trees

I'd rather not have you subject to our enforcement process/fines as a result of this. If there is a life/safety issue here then our code does not prevent you from removing/taking down the resource if it is dangerous - per SRC 230.095(d)- But you would need to notify us (or have the Tree company do so).

I have requested this determination for the property from the SHPO. If you would like action on this more quickly, then you can contact them directly.

Kimberli

From: vegas208 [mailto:vegas208@aol.com]
Sent: Monday, January 29, 2018 10:06 AM
To: Kimberli Fitzgerald <KFitzgerald@cityofsalem.net>
Subject: Re: Trees

Hi Kimberly,

This requirement is absurd. What penalty am I faced with if I proceed without approval?

Thank you,

Forrest Nelson
702-210-7200

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Kimberli Fitzgerald <KFitzgerald@cityofsalem.net>
Date: 1/29/18 07:55 (GMT-08:00)
To: vegas208@aol.com
Subject: Trees

Hi Forrest;

Here's where we stand. The process as I outlined previously is what is required. Since we don't have any definitive evidence one way or another about the date the trees were planted, you'll need to apply for approval to take them out.

That said, if the Oregon SHPO can provide a letter stating that they are not contributing resources to the significance of this District, that would preclude you from having to go through this process. Robert Olquin is the coordinator for the National Register program, and a request to him requesting the SHPO to provide a letter stating whether or not these trees are considered contributing to the Court-Chemeketa District is what is necessary (per the SHPO and the NPS).

1724 Chemeletta St

Attachment E

ESTIMATE / INVOICE

J&J TREE & STUMP REMOVAL LLC.

CCB # 213598

503-585-2443 OR 503-623-9992

PO BOX 5306 SALEM OREGON 97304

JOB WORK ORDERS

TREES - REMOVE 2 Sequoias Fr TRIM _____ SHAPE _____

BRUSH - CHIP _____ LEAVE CHIPS _____ HAUL _____

WOOD - CUT _____ HAUL _____ DONATE _____ #503-588-5627

SHRUBS - REMOVE _____ TRIM _____

STUMPS - GRIND _____ LEAVE DEBRIS _____

COSTS \$ Trees are Trip Hazzard, Foundation,

Falling Limbs, Trees have out grown safe

THANK YOU : **JASON SMITH** area for tree

ACCEPT BID X [Signature]

"PAYMENT DUE UPON COMPLETION"

PLEASE PAY FOREMAN OR MAIL TO

PO BOX 5306 SALEM. OR. 97304



MEMO

TO: Kimberli Fitzgerald, Historic Preservation Officer
Community Development - Planning

FROM: Jan Staszewski, Urban Forester
Public Works

DATE: 1/7/2019

SUBJECT: **Appeal of HIS18-33 for 1724 Chemeketa St NE**

The trees located at 1724 Chemeketa Street are Giant Sequoias. They grow on average 1.5' - 2' per year, and can reach up to 25' - 35' in width. The two trees at the subject property are young and will likely grow larger.

The applicant in this case has submitted photographs of sloping sidewalks, indicating that the growth of the trees is causing the sidewalk to buckle. Water runoff is directed towards the house, rather than away from it, which is likely to eventually damage the foundation.

In addition, the removal estimate provided by J&J Tree Removal, LLC, indicated that the trees are a "trip hazard" and that they have "outgrown [the] safe area for [a] tree." The removal company also cited the foundation and falling limbs as a reason to remove the trees.

I concur with this evidence and believe that these trees are a threat to this structure. The damage to the house is currently minor but as the trees continue increase in size, they will ultimately adversely impact the building located at this address.


Jan Staszewski, Urban Forester
Public Works

Kirsten Straus

From: Kimberli Fitzgerald
Sent: Monday, January 07, 2019 8:00 AM
To: Kirsten Straus
Subject: FW: 18-120856-dr Appeal Comment

Follow Up Flag: Follow up
Flag Status: Flagged

From: Justin Emerson Kidd [mailto:kiddjustin@gmail.com]
Sent: Sunday, January 06, 2019 1:18 PM
To: Kimberli Fitzgerald <KFitzgerald@cityofsalem.net>
Subject: 18-120856-dr Appeal Comment

Hello Kimberly,

I write to submit a comment regarding the appeal of the planning administrator's decision on the oversize trees at 1724 Chemeketa. I live across the alleyway on Court Street, so I see these trees basically every day. City planning generally makes the right choice in these cases, but I think the City erred here. These trees are too big for our neighborhood. They damage the sidewalks and they are unsightly, especially now that one of them has been partially de-limbed. The City should allow the homeowner to replace these oversize trees with smaller trees more suited to our urban environment. Replacing these trees with smaller versions could enhance the historic character of the district, since the current large trees distract from the architecture -- and smaller trees could evoke how the property looked in the past. Further, in their partially de-limbed state, these trees are just plain ugly.

Thank you for your consideration,

Justin Kidd