

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
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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

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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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).

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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**.



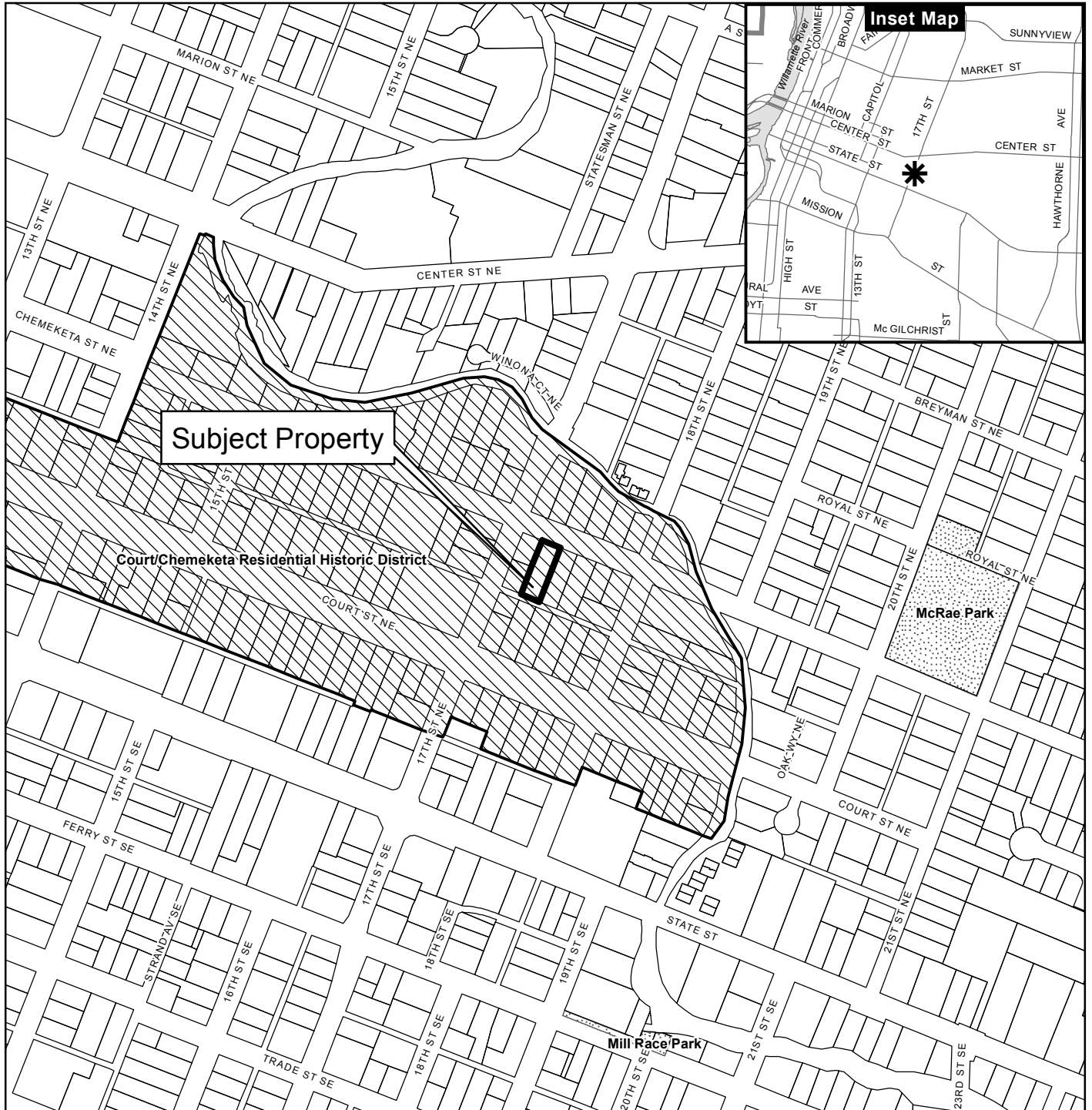
Kimberli Fitzgerald, AICP
Historic Preservation Officer
Planning Administrator Designee

- 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
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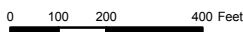
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Vicinity Map 1724 Chemeketa St NE



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

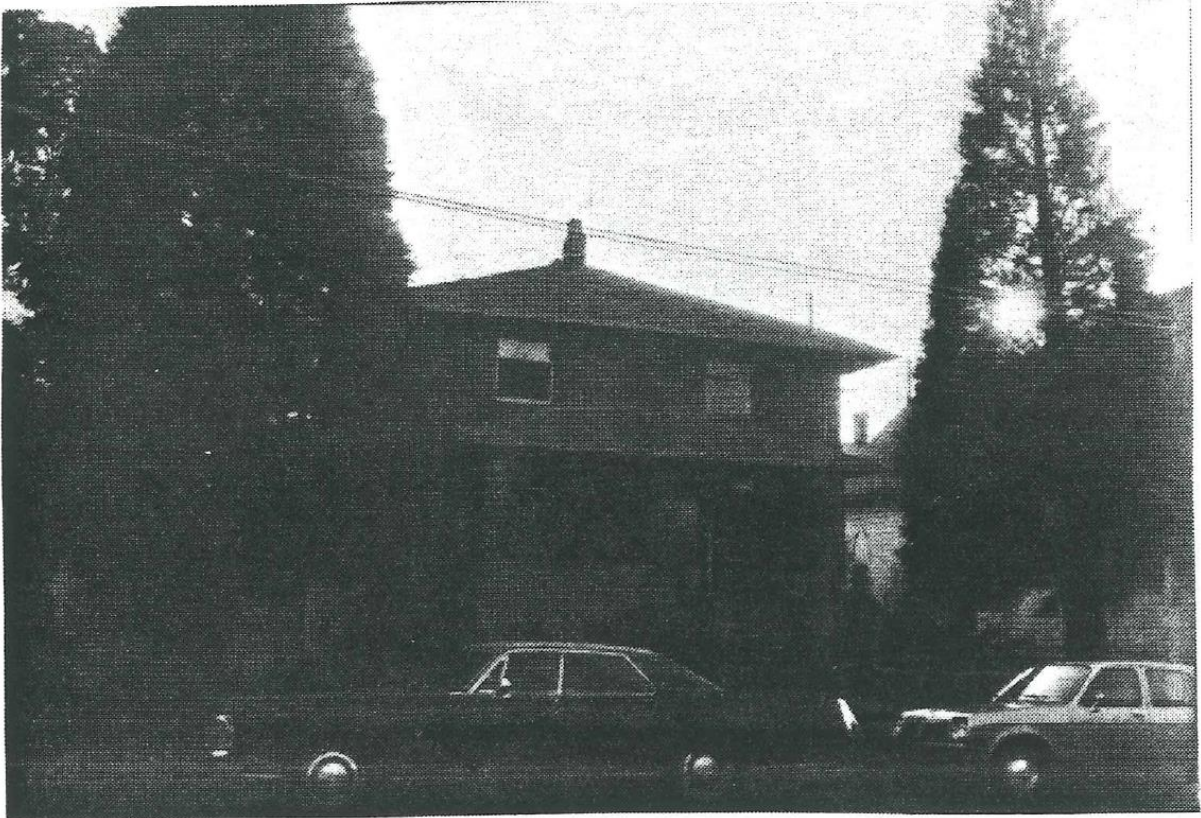
COURT-CHEMEKETA RESIDENTIAL HISTORIC DISTRICT
Salem, Marion County, Oregon

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. HFS10-33

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




© Michael Nichols / National Geographic



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)

