

# 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 informacion, por favor llame  
503-588-6173*

## DECISION OF THE PLANNING ADMINSTRATOR

HISTORIC DESIGN REVIEW CASE NO.: HIS17-45

APPLICATION NO. : 17-121953-DR

NOTICE OF DECISION DATE: NOVEMBER 21, 2017

**SUMMARY:** A proposal to remove 16 dying black walnut trees and replant 16 Oregon White Oak trees on the south campus of the Oregon State Hospital.

**REQUEST:** Minor Historic Design Review of a proposal to remove 16 dying black walnut trees and replant 16 Oregon White Oak trees on the south campus of the Oregon State Hospital, within the Oregon State Hospital National Register Historic District, on property within the PH (Public and Private Health Service) District, and located at 2600 Center Street NE (Marion County Assessors Map and Tax Lot Number: 073W25 00700.

**APPLICANT:** R & R Tree Service for State of Oregon, DAS

**LOCATION:** 2600 Center St NE

**CRITERIA:** Salem Revised Code (SRC) Chapter 230.060 (q)

**FINDINGS:** The findings are in the attached Decision dated November 21, 2017

**DECISION:** The Planning Administrator **APPROVED** Historic Design Review HIS17-45 subject to the following condition of approval:

**Condition 1.** The proposed new Oregon White Oak replacement trees shall be planted five feet (5') outside the Public Works Setback toward the interior of the property, as defined by the City of Salem Public Works Department for 24th Street NE and Center Street NE.

*This Decision becomes effective on **December 7, 2017**. No work associated with this Decision shall start prior to this date unless expressly authorized by a separate permit, land use decision, or provision of the Salem Revised Code (SRC).*

The rights granted by the attached decision must be exercised, or an extension granted, by **December 7, 2019**, or this approval shall be null and void.

Application Deemed Complete:	<u>November 20, 2017</u>
Notice of Decision Mailing Date:	<u>November 21, 2017</u>
Decision Effective Date:	<u>December 7, 2017</u>
State Mandate Date:	<u>March 21, 2018</u>

Case Manager: Kimberli Fitzgerald, [kfitzgerald@cityofsalem.net](mailto:kfitzgerald@cityofsalem.net); 503.540.2397

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 Salem 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.

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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503-588-6173*

**BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM**

**HISTORIC DESIGN REVIEW CASE NO. HIS17-45  
DECISION**

**IN THE MATTER OF APPROVAL OF ) MINOR HISTORIC DESIGN REVIEW  
HISTORIC DESIGN REVIEW )  
CASE NO. HIS17-45 )  
2600 CENTER STREET NE ) November 21, 2017**

In the matter of the application for a Minor Historic Design Review submitted by Jannai Cornet, R & R Tree Service, on behalf of the State of Oregon, Department of Administrative Services. The Planning Administrator, 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 16 dying black walnut trees and replant 16 Oregon White Oak trees on the south campus of the Oregon State Hospital.

**REQUEST:** Minor Historic Design Review of a proposal to remove 16 dying black walnut trees and replant 16 Oregon White Oak trees on the south campus of the Oregon State Hospital, within the Oregon State Hospital National Register Historic District, on property within the PH (Public and Private Health Service) District, and located at 2600 Center Street NE (Marion County Assessors Map and Tax Lot Number: 073W25 00700.

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

**DECISION**

Based upon the application materials deemed complete on November 20, 2017 and the findings as presented in this report, the application for HIS17-45 is **APPROVED** with the following **CONDITION**:

**Condition 1.** The proposed new Oregon White Oak replacement trees shall be planted five feet (5') outside the Public Works Setback toward the interior of the property, as defined by the City of Salem Public Works Department for 24th Street NE and Center Street NE.

**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

**Finding:** The applicant proposes to remove sixteen (16) dying trees adjacent to 25<sup>th</sup> Street NE and two (2) on the property's interior (one tree is west of Bobolink Way and the other is north of Greenway Drive). The applicant is proposing to replace the trees with Oregon White Oak trees at the same general location (**Attachment B**). The Black Walnuts are contributing site features on the south campus within the Oregon State Hospital District; therefore, staff determined that the following standards from SRC Chapter 230 are applicable to this project:

### ***Criteria: 230.060. Standards for Historic Contributing Buildings in Public Historic Districts and Individually Listed Public Historic Resources.***

**230.060. (q) Site Features.** *Replacement or alteration of site features of a historic contributing building and individually listed public historic resources that are identified as significant features on the historic resource inventory, 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.*

**(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 proposes to replace the existing dying Black Walnut trees (*Juglans nigra*) with a 1 ½" to 2" caliper Oregon White Oak (*Quercus garryana*). Since the Black Walnut is susceptible to disease, it is recommended that a different species be used in replanting. Both species are deciduous trees with oval growth profiles. Oregon White Oaks are native to the Willamette Valley and would have been prevalent in the landscape and readily available during the period of significance thereby meeting this standard. The City has designated Oregon White Oaks as significant trees under SRC Chapter 808.005, which would afford the replacement tree regulatory protection from removal once it reaches a diameter of 24 inches.

**(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:** The applicant proposes to plant the replacement Oregon White Oak trees in the same location as the existing Black Walnut trees. However, the Public Works Department has recommended that the proposed new trees be planted five (5) feet outside the Public Works

Special Setback, toward the interior of the property in order to better ensure the long term survival of the new trees through any future redevelopment. This slightly new location will be substantially in the same approximate location as the existing trees and as the replacement trees grow to mature size, they will provide a similar appearance and position in the landscape as the original Black Walnut trees. Staff finds that the proposal satisfies this standard provided the applicant meets the requirements as identified by the Public Works Department through the following recommended CONDITION:

**Condition 1:** The proposed new Oregon White Oak replacement trees shall be planted five feet (5') outside the Public Works Setback toward the interior of the property, as defined by the City of Salem Public Works Department for 24th Street NE and Center Street NE.

### **3. City Department Comments**

#### **Planning Division**

The Planning Division reviewed the proposal and indicated that since the applicant has demonstrated that they are requesting approval to remove less than 15% of the trees on the site (approximately 1.3% -or a total of sixteen (16) of the one thousand two hundred and fifty (1250) trees on the site), the applicant's proposal is consistent with the provisions of SRC 808.

#### **Parks Division**

The City Forester within the City of Salem Parks Division reviewed the proposal and concurs with the Arborist's recommendation to remove the fourteen dying black walnut trees. The City Forester further agrees that the proposal to plant Oregon White Oaks to replace the black walnut trees will be acceptable within the locations proposed for replanting.

#### **Public Works Department**

The Public Works Department recommends that the proposed new trees be planted five (5) feet outside the Public Works Special Setback, toward the interior of the property in order to ensure the long term survival of the new trees through any future redevelopment of the property and the adjacent right of way.

### **SUMMARY FINDINGS**

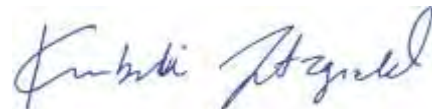
The Black Walnut trees proposed for removal are historic contributing site features within the Oregon State Hospital District, and likely were planted during the period of significance (1883-1958) for the District. In 2014 Terrence P. Flanagan, of Teragan & Associates evaluated the Black Walnut trees throughout the Oregon State Hospital property, and noted that all trees were experiencing various amounts of branch dieback that are indicative of Thousand Cankers Disease (TCD). As noted by the applicant, ISA certified arborist Robert Cornett

completed a site visit in August 2017, and recommend that 16 trees be removed because they are in advance decline as a result of TCD and pose an unreasonable risk to the public, due to the potential of falling branches (**Attachment B**). The removal of the dying trees does not materially alter or destroy the character defining aspects or integrity of the supporting historic landscape of the South Campus, since the proposed replacement trees will be of a similar size and appearance and within substantially the same location. Provided the new trees are planted in compliance with Public Works requirements, the new trees will grow to maturity and will serve to retain the feel of the park like setting of the campus. Therefore, staff finds that the proposal meets the applicable standards within SRC 230.060(q).

### DECISION

Based upon the application materials deemed complete on November 20, 2017 and the findings as presented in this report, the application for HIS17-45 is **APPROVED** with the following **CONDITION**:

**Condition 1.** The proposed new Oregon White Oak replacement trees shall be planted five feet (5') outside the Public Works Setback toward the interior of the property, as defined by the City of Salem Public Works Department for 24th Street NE and Center Street NE.



Kimberli Fitzgerald, AICP  
Historic Preservation Officer  
Planning Administrator Designee

Attachments: A. Vicinity Map  
B. Applicant's Submittal Materials

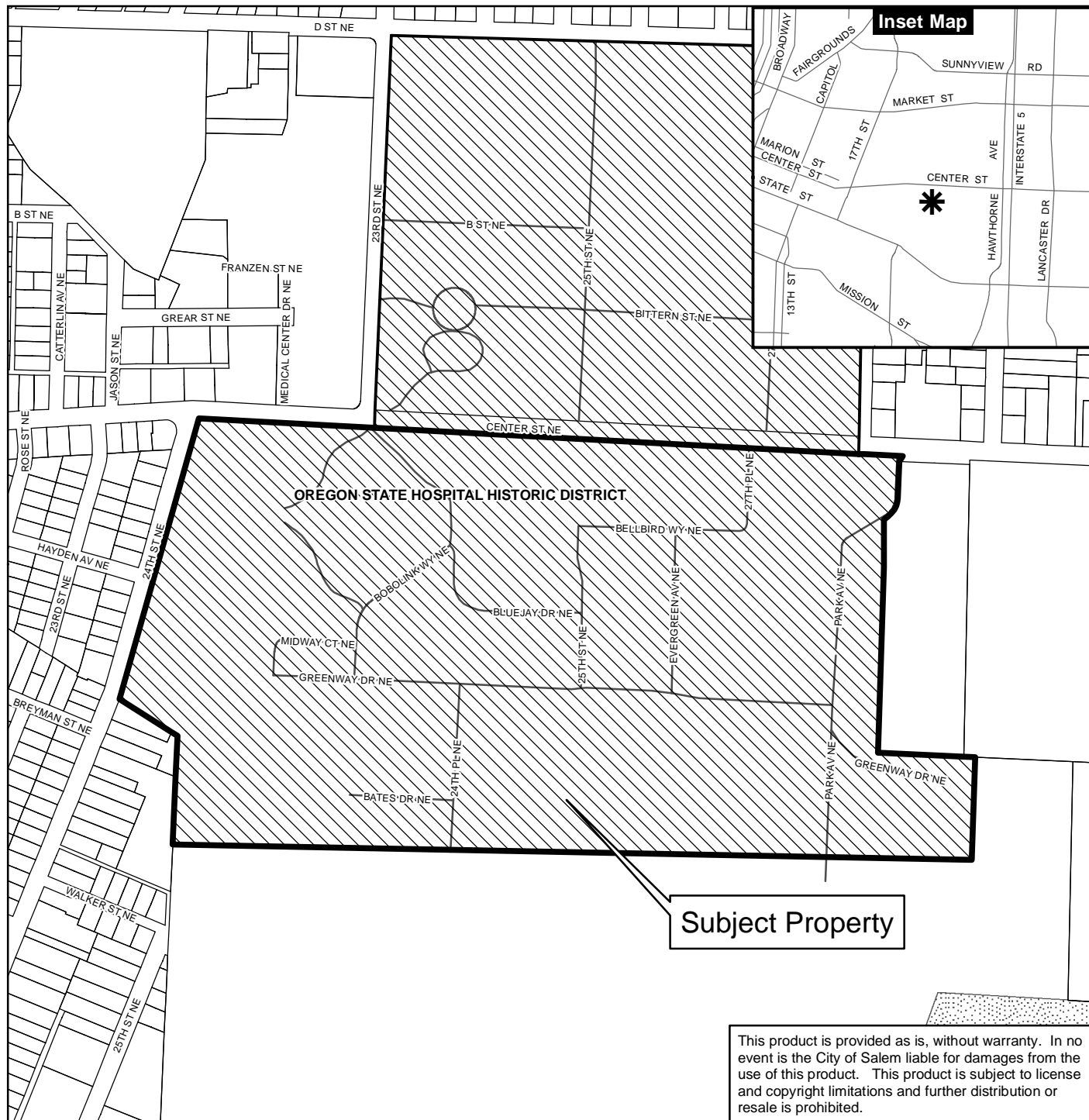
Application Deemed Complete: November 20, 2017  
Notice of Decision Mailing Date: November 21, 2017  
Decision Effective Date: December 7, 2017  
State Mandate Date: March 21, 2018

*This Decision becomes effective on **December 7, 2017**. No work associated with this Decision shall start prior to this date unless expressly authorized by a separate permit, land use decision, or provision of the Salem Revised Code (SRC).*

The rights granted by the attached decision must be exercised, or an extension granted, by **December 7, 2019**, or this approval shall be null and void.

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., Wednesday, December 6, 2017**. 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.

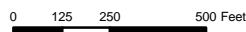
# Vicinity Map 2600 Center Street NE



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**Legend**

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





**Historic Alteration Review Worksheet**Site Address: 2600 Center St NEResource Status: Contributing  Non- Contributing  Individual Landmark Type of Work Activity Proposed: Major  Minor Chose One: Commercial District  Individual Resource  Public District   
Residential District  Sign **Replacement, Alteration, Restoration or Addition of:****Architectural Feature:**

- Awning
- Door
- Exterior Trim, Lintel
- Other architectural feature
- Roof/Cornice
- Masonry/Siding
- Storefront
- Window(s) Number of windows: \_\_\_\_\_

**Landscape Feature:**

- Fence
- Streetscape
- Other Site feature (describe)  
Tree removals

**New:**

- Addition
- Accessory Structure
- Sign
- Mural
- Accessibility Ramp
- Energy Improvements
- Mechanical Equipment
- Primary Structure

Will the proposed alteration be visible from any public right-of-way?  Yes  NoProject's Existing Material: diseased/dying trees Project's New Material: replanting new healthy trees**Project Description**

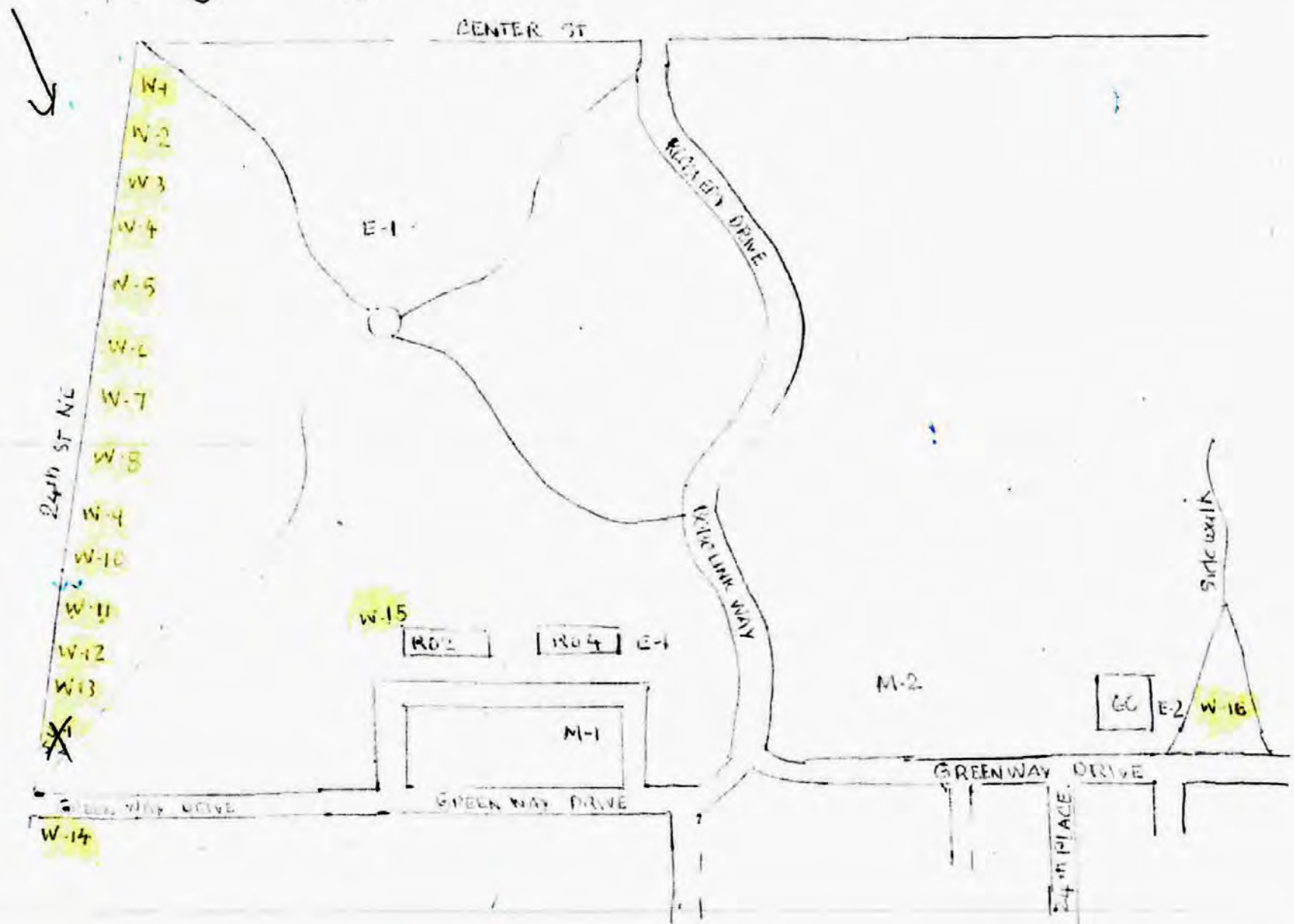
Briefly provide an overview of the type of work proposed. Describe how it meets the applicable design criteria in SRC Chapter 230. Please attach any additional information (i.e., product specification sheets) that will help staff and the HLC clearly understand the proposed work:

See attached letter dated September 20, 2017 to the City of the Salem

\_\_\_\_\_  
Signature of Applicant\_\_\_\_\_  
Date Submitted/Signed

City of Salem Permit Application Center – 555 Liberty Street SE / Room 320 – Salem, OR 97301 / (503) 588-6213

16 Walnuts proposed for removal  
(highlighted in yellow)





**Legend**

**A-H Hospital Buildings**  
 (A) Main Entry  
 (B) Kirkbide  
 (C) Downtown  
 (D) Trans / Neuro Housing + Mail  
 (E) Medical Clinic  
 (F) PSR Housing + Mail  
 (G) ABC Housing + Mail  
 (H) Warehouse + Food Service / CUP  
 (J) Greenhouse

**R Residential Buildings**

**S Support Buildings**

**T Treatment & Transitional Buildings**

**Room Number**  
 Building Number  
 Smoke Zone  
 Floor Level  
 Room Number

**A1-101**



September 20, 2017

City of Salem  
Jan Staszewski, Urban Forester  
Gary Bradley, Urban Forester  
1460 20<sup>th</sup> St SE, Bldg 14  
Salem, OR 97302

Re: *Oregon State Hospital tree removals*

The Oregon State Hospital recently contacted our company with concerns regarding the deteriorating health of several black walnuts trees on their south campus. During a site visit on August 17, 2017 by ISA certified arborist Robert Cornett, he recommended that 16 of the trees should be removed because they are in advance decline and pose an unreasonable risk to the public. The trees are marked as W-1 through W-16 on the attached sketch site map.

On October 15, 2014 Terry Flanagan, an ISA board certified master arborist provided a memorandum which provided an assessment of the black walnut trees on the Oregon State Hospital north campus. At that time he recommended 14 trees to be removed ASAP due to Thousand Cankers Disease (TCD). Those trees were approved by the city to be removed in a "Notice of Decision" dated February 11, 2015. The trees were removed in March of 2015. The applicant for that project was Tom Barrows for the State of Oregon, Department of Administrative Services. The Oregon State Hospital will be the applicant for the removal of the new proposal to remove trees on the south campus.



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The Oregon State Hospital proposes to plant replacement Oregon white oak as it did previously after removing the diseased trees in 2015.

In summary the current condition of the trees are continuing to deteriorate and there is no recourse or remedy known as this time. The trees should be removed as soon as possible to eliminate the potential of the TCD to spread to adjacent trees.

I believe next steps would be to request a Minor Historic Design Review to remove the trees. Is there paperwork for me to start this process or will the city?

Please feel free to contact me should have any questions or require any additional information.

*(sent via email)*

Sincerely,

Jannai Cornett

ISA Certified Arborist PN-6745A

Teragan  
& Associates, Inc.  
Arboricultural Consultants

MEMORANDUM

**DATE:** October 15, 2014

**TO:** Tom Barrows,  
State of Oregon: Department of Administrative Services

**FROM:** Terrence P. Flanagan, ISA Board Certified Master Arborist  
#PN-120B1ME and Todd Prager, ISA Certified Arborist #WE-6723A

**RE:** Assessment and Recommendations for the Black Walnuts at the Oregon  
State Hospital, Salem

**Summary**

This report includes an assessment and recommendations for 23 black walnuts (*Juglans nigra*) at the Oregon State Hospital at 2600 Center Street NE, Salem, Oregon. 14 of the trees are recommended for removal because they are in advanced decline and/or pose an unreasonable risk to the public. The remaining nine trees are recommended for retention and pruning to remove deadwood as soon as possible.

**Background**

The State of Oregon, Department of Administrative Services is currently managing the Oregon State Hospital property. The portion of the property bound by 23rd Street, D Street, Park Street, and Center Street includes 56 black walnut trees that are either within or in close proximity to the public right of way (see site sketch in Attachment I provided by client).

All of the trees are experiencing various amounts of branch dieback that is indicative of Thousand Cankers Disease (TCD). We were told by the client that the Oregon Department of Forestry has positively identified TCD on a black walnut that is on an adjacent property to the south of Center Street.

TCD is caused by the fungus *Gecosmithia morbida* and spread by the walnut twig beetle (*Pityophthorus juglandis*). Symptoms include flagging of leaves and branch dieback. Cankers form and coalesce around the entrance and emergence holes of the

walnut twig beetle, which eventually girdle the branches. There are currently no control methods available for infected trees.<sup>1</sup>

Based on the branch dieback of the subject trees along with the positive identification of TCD on a nearby tree, we have reason to believe the subject trees are infected with TCD. However, we have not conducted any lab testing to confirm our assumptions since it was not part of our assignment.

Our assignment does include the following:

1. Conduct a visual assessment from the ground of the condition and structure of the black walnuts identified as requiring additional analysis (labeled "skip" in Attachment 1).
2. Provide recommendations as to which trees should be retained and which should be removed based on our assessment.

The management timeframe for our assessment is two years because the property may either be sold after two years or the trees may be reassessed after two years if the property is not sold.

The primary reasons for not removing all of the potentially TCD infected trees at this time include:

- The environmental and aesthetic benefits provided by the trees in the short term; and
- The removal of dead branches that may be infected with TCD will remove overwintering walnut twig beetles that carry the disease to other parts of the tree and nearby trees.

#### **Findings and Recommendations**

Nine of the trees we assessed (trees 1, 2, 15, 19, 20, 22, 24, 36, and 37) have an adequate distribution of live foliage allowing them to be retained during the two year time frame. These trees should be crown cleaned by removing all dead wood that is greater than or equal to 1-inch diameter in accordance with ANSI A300 pruning standards and Z133.1 safety standards. At no time shall climbing spurs be used to access any part of the trees that are to be pruned. It would be preferable to complete the pruning as soon as possible to remove deadwood in which walnut twig beetles may be overwintering.

The following trees are recommended for removal. These trees shall be removed prior to March 1, 2015 to reduce the number of walnut twig beetles in the area that could attack other trees:

- Trees 10, 17, and 18 should be removed because the removal of dead leaders on their south sides would result in unbalanced crowns hanging over D Street. Also, based on the amount of current dieback in these trees, they are

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<sup>1</sup>Graves, Andrew D., et al. *Thousand Cankers Disease and the Walnut Twig Beetle in California*. University of California Statewide Integrated Pest Management Program, May 2010. Web. 10 Oct. 2014. <http://www.ipm.ucdavis.edu/EXOTIC/thousandcankers.html>

likely to experience additional significant decline over the two year time frame. These factors present an unreasonable risk to the travelling public.

- Tree 23 should be removed because it has already lost a significant portion of its lower canopy, and when the dieback in the upper canopy is removed it will be aesthetically undesirable and may not have sufficient foliage to sustain growth.
- Trees 47 through 56 should be removed because they are in advanced stages of decline and present an unreasonable risk to the travelling public along Center Street. The advanced decline in these trees may partially be in response to root damage when Center Street was widened in the recent past, and thus their conditions are not likely to improve.

A complete inventory of the assessed trees is provided in Attachment 2.

#### Conclusions

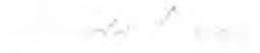
Of the 23 trees included in our assessment, 14 are recommended for removal because they are in advanced decline and/or pose an unreasonable risk to the public. They should be removed prior to March 1, 2015 to reduce the number of walnut twig beetles in the area that could attack other trees. The remaining nine trees are recommended for retention and pruning as soon as possible to remove deadwood in which walnut twig beetles may be overwintering.

Please contact us if you have questions, concerns, or need any additional information.

Sincerely,



Terrence P. Flanagan  
ISA Board Certified Master Arborist (PS-0120BM11)  
ISA Qualified Tree Risk Assessor  
Member, American Society of Consulting Arborists

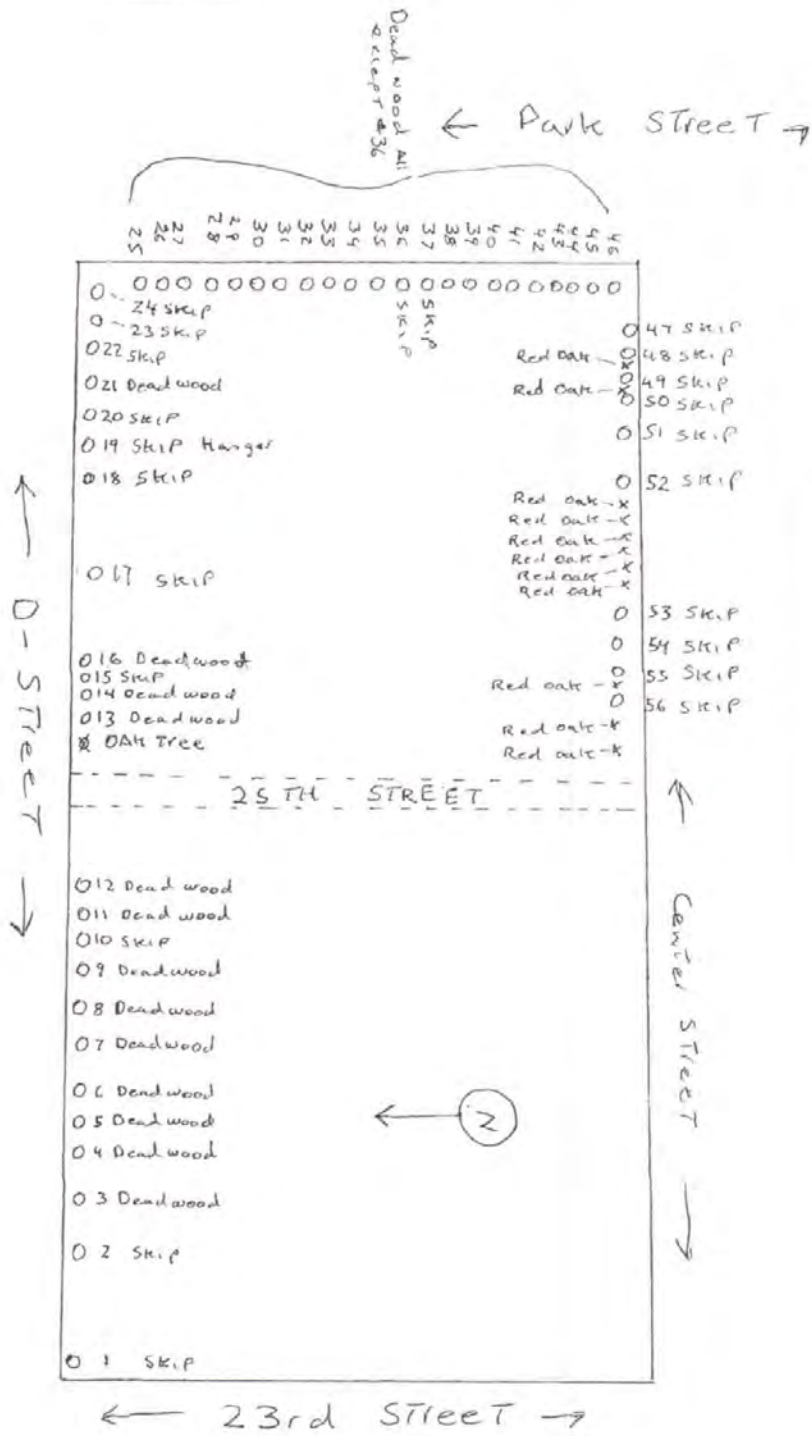


Todd Prager, AICP  
ISA Certified Arborist (311-67231)  
ISA Qualified Tree Risk Assessor

Attachment 1: Site Sketch Provided by Client  
Attachment 2: Tree Inventory



Attachment 1



Attachment 2

TREE NO.	COMMON NAME	BOTANICAL NAME	TREATMENT RECOMMENDATION	COMMENTS
1	black walnut	<i>Juglans nigra</i>	remove deadwood $\geq 1"$	adequate distribution of live foliage
2	black walnut	<i>Juglans nigra</i>	remove deadwood $\geq 1"$	adequate distribution of live foliage
10	black walnut	<i>Juglans nigra</i>	remove entire tree	removal of dead leaders on south side would result in unbalanced crowns over D Street, based on the amount of current dieback it is likely to experience additional significant decline over the next two years frame
15	black walnut	<i>Juglans nigra</i>	remove deadwood $\geq 1"$	adequate distribution of live foliage
17	black walnut	<i>Juglans nigra</i>	remove entire tree	removal of dead leaders on south side would result in unbalanced crowns over D Street, based on the amount of current dieback it is likely to experience additional significant decline over the next two years frame
18	black walnut	<i>Juglans nigra</i>	remove entire tree	removal of dead leaders on south side would result in unbalanced crowns over D Street, based on the amount of current dieback it is likely to experience additional significant decline over the next two years frame
19	black walnut	<i>Juglans nigra</i>	remove deadwood $\geq 1"$	adequate distribution of live foliage
20	black walnut	<i>Juglans nigra</i>	remove deadwood $\geq 1"$	adequate distribution of live foliage
22	black walnut	<i>Juglans nigra</i>	remove deadwood $\geq 1"$	adequate distribution of live foliage
23	black walnut	<i>Juglans nigra</i>	remove entire tree	lost a significant portion of lower canopy, may not have sufficient foliage to sustain growth
24	black walnut	<i>Juglans nigra</i>	remove deadwood $\geq 1"$	adequate distribution of live foliage
36	black walnut	<i>Juglans nigra</i>	remove deadwood $\geq 1"$	stump sprout with old stump rotting away, no visible signs of significant structural defects indicating probable failure in the short term
37	black walnut	<i>Juglans nigra</i>	remove deadwood $\geq 1"$	stump sprout with old stump rotting away, no visible signs of significant structural defects indicating probable failure in the short term
47	black walnut	<i>Juglans nigra</i>	remove entire tree	advanced decline may partially be in response to root damage when Center Street was widened
48	black walnut	<i>Juglans nigra</i>	remove entire tree	advanced decline may partially be in response to root damage when Center Street was widened
49	black walnut	<i>Juglans nigra</i>	remove entire tree	advanced decline may partially be in response to root damage when Center Street was widened
50	black walnut	<i>Juglans nigra</i>	remove entire tree	advanced decline may partially be in response to root damage when Center Street was widened
51	black walnut	<i>Juglans nigra</i>	remove entire tree	advanced decline may partially be in response to root damage when Center Street was widened
52	black walnut	<i>Juglans nigra</i>	remove entire tree	advanced decline may partially be in response to root damage when Center Street was widened
53	black walnut	<i>Juglans nigra</i>	remove entire tree	advanced decline may partially be in response to root damage when Center Street was widened

TREE NO.	COMMON NAME	BOTANICAL NAME	TREATMENT RECOMMENDATION	COMMENTS
54	black walnut	<i>Juglans nigra</i>	remove entire tree	advanced decline may partially be in response to root damage when Center Street was widened
55	black walnut	<i>Juglans nigra</i>	remove entire tree	advanced decline may partially be in response to root damage when Center Street was widened
56	black walnut	<i>Juglans nigra</i>	remove entire tree	advanced decline may partially be in response to root damage when Center Street was widened