

MWSH BOONE ROAD PROPERTY LLC

Salem, Oregon

3400 Block of Boone Rd SE

Sec. 808.045. Tree Variance
22-106445-NR

Applicant:

MWSH Boone Road Property LLC

Project:

McKenzie Heights II Apartments / Town Homes

21-121613-ZO

21-121614-RP

21-121616-ZO

21-121618-ZO

22-103391-DR

Submitted:

March 21, 2022

Prepared by:

MWSH Boone Road Property LLC

Tree Variance Sec. 808.045

In response to the updated planning review checklist dated, February 25, 2022, the applicant is requesting a Tree variance under Sec. 808.045.

As a part of this development, it has been determined that a variance allowing to remove trees is needed to complete the land use approval process.

Proposal:

The subject property is about 18.08 acres in size and zoned IC (Industrial Commercial) The applicant is proposing develop this site into 210 multi-family apartment units and 62 Townhomes including roadways, parking and water quality facilities (see attached plan).

The subject property is phase II of a parcel 32.35 acres in size, located on Boone Road (083W13A/Tax Lot 300). The site, Phase II is the southwest corner of tax lot 300, is 18.08 acres in size.

There are 578 (five hundred and seventy-eight) trees located throughout the proposed subdivision, as shown on the tree plan. Trees designated for removal are within the right-of-way, the building envelope or within an area close to the building envelope but have the potential of being damaged during grading and construction. See Site Plan and Existing Conditions / Tree Preservation Plan

There are 27 (twenty-seven) Oregon White Oaks that are significant. Seven (7) of the Oregon White Oaks trees are proposed for preservation.

	<u>REMAIN</u>	<u>REMOVE</u>	<u>TOTAL</u>
WHITE OAK 24">	7	20	27
OTHER TREES	130	421	551
TOTAL TREES	137	441	578

A total of 137 (one-hundred and thirty-seven) trees are designated for preservation, 7 White Oaks and 130 other trees. Therefore, 24% of the trees on site will be preserved.

A tree variance to allow the removal of significant Oregon White Oaks is being requested.

Please review, Revised Existing Conditions and Tree Preservation Plan, Exhibit 61REV02 and Revised Grading Plan Exhibit 66REV02

Criteria

Tree Variance 808.045(d)(1):

- A. *There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance;***

Findings: The subject property is about 18.08 acres in size and zoned IC (Industrial Commercial) The applicant is proposing develop this site into 210 multi-family apartment units and 62 Townhomes including roadways, parking and water quality facilities (see attached plan).

The subject property is phase II of a parcel 32.42 acres in size, located on Boone Road (083W13A/Tax Lot 300). The site, Phase II is the southwest corner of tax lot 300, is 18.08 acres in size.

There are 27 (twenty-seven) Oregon White Oaks that are significant. Seven (7) of the Oregon White Oaks trees are proposed for preservation. Trees designated for removal are within the right-of-way, accessways, graded slopes, the building envelop or within an area close to the building envelope but have the potential of being damaged during grading and construction.

The site has been designed to accommodate a safe and efficient circulation system, adequate parking, open space meeting development standards (SRC 702-020) while taking into consideration topography, stormwater detention, street and pedestrian connections and circulation. As well as accommodating ADA standards per OSSC 2010 , ANSI A117.1 and CHAPTER 11 of the 2010 OSSC. and ORS. requirements. As well as reasonable accommodation under the Section 504 of Fair Housing Act.

In order to develop this site as allowed in the IC zone, the removal of trees could not be avoided and therefore, created a hardship by impacting how the site plan could be laid out. Therefore, the trees on the site that will be removed are located within the proposed building envelopes, accessways, and right-of-way.

- B. *The proposed variance is the minimum necessary to allow the otherwise lawful proposed development or activity.***

Findings: The applicant has adjusted the site design to accommodate ADA accessibility, meeting the SRC 702.020 design standards and Fair Housing objectives and aiding in providing needed multifamily housing. The challenging topography has limited the density for this multifamily site to approx. 15 units per acre. Further limitations will reduce site density even more. Therefore, this proposed variance is the minimum necessary to accommodates extreme topographical and grading challenges allowing the lawful development of the site. The removal of significant trees will only impact the trees within the right-of-way, accessways, graded slopes, the building envelop or within an area close to the building envelope but have the potential of being damaged during grading and construction.

The applicant has provided, detailed drawings, information, and findings to support the approval of this variance. Based on this information we believe the tree variance is justified and request approval.