

MWSH BOONE ROAD PROPERTY LLC

Salem, Oregon

3400 Block of Boone Rd SE

22 106445 00 NR

Sec. 808.045. Tree variances

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

Revised:

April 14, 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 212 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 envelop or within an area close to the building envelope but have the potential of being damaged during grading and construction. See Sheet Site 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">	6	21	27
OTHER TREES	129	422	551
TOTAL TREES	135	443	578

A total of 135 (one-hundred and thirty-seven) trees are designated for preservation. Therefore, 23% of the trees on site will be preserved.

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

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 212 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. Six (6) of the Oregon White Oaks trees are proposed for preservation. Trees designated for removal are within the right-of-way, accessways, 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 the standards all while taking into consideration topography, stormwater detention, and street connections.

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.

Each significant tree designated for removal is identified on the Revised Grading plan 66REV03 and Revised Open Space and Tree Preservation Plan 61REV03 as follows:

Tree #1: a 24" White Oak – Is located near the southerly boundary of the site, in an area that requires substantial grading with the potential of damaging the tree during grading and construction. Prohibiting the preservation of this tree.

Tree #2: a 48" White Oak – Is located within the pedestrian accessway that services building #6, between building #6 and the parking lot. Its location prohibits preservation of this tree.

Tree #3: a 66" White Oak – Is located within the parking lot that services building #7 of this site. Its location prohibits preservation of this tree.

Tree #4: a 40" White Oak – Is located near the northerly boundary of the site. this trees close proximity to the building envelope of building #1 and the "A" Street right of way just north of

this tree. Substantial grading and construction with the potential of damaging the tree prohibits preservation for this tree.

Tree #5: a 54" White Oak – Is located within the boundaries of the "A" Street, right-of-way that runs along the northerly boundary of the site. this tree's location in the right-of-way prohibits preservation.

Tree #6: a 24" White Oak – Is located near the southerly boundary of the site, at the easterly edge of the terminus of the "A" Street right-of-way, in an area that requires substantial grading with the potential of damaging the tree during grading and construction. These factors prohibit preservation of this tree.

Tree #7: a 24" White Oak – Is located within the boundaries of the "A" Street, right-a-way. The location of this tree within the right-of-way prohibits preservation.

Tree #8: a 36" White Oak – Is located within the boundaries of the "A" Street, right-a-way. The location of this tree within the right-of-way prohibits preservation.

Tree #9: a 25" White Oak – Is located near the southerly boundary of the site, at the westerly edge of the terminus of the "A" Street right-of-way in an area that requires substantial grading, with the potential of damaging the tree during grading and construction. These factors prohibit preservation of this tree.

Tree #10: a 35" White Oak – Is located near the southerly boundary of the site. This area requires substantial grading as being in close proximity to a 6-unit townhouse building envelope. with the potential of damaging the tree during grading and construction. These factors prohibit preservation of this tree.

Tree #11: a 30" White Oak – Is located near the southerly boundary of the site, near the building envelopes for two multi-unit townhouse buildings. This portion of the site requires substantial grading and removal of soil. with the potential of damaging the tree during grading and construction. These factors prohibit preservation of this tree.

Tree #12: a 36" White Oak – Is located within the building envelope of a four-unit townhome building. Not allowing for preservation of this tree.

Tree #13: a 36" White Oak – Is located within the building envelope of a four-unit townhome building. Not allowing for preservation of this tree.

Tree #14: a 42" White Oak – Is located within the boundaries of the "A" Street, right-a-way. This trees location within the right-of-way prohibits preservation.

Tree #15: a 29" White Oak – Is located between the most southerly townhome parking area and a four-unit townhome building. The proximity of this tree to the building envelope, parking lot

and accessways has the potential of damaging the tree during grading and construction. Therefor preservation of this tree is not possible.

Tree #16: a 44" White Oak – Is located near the southeasterly corner of the townhome development. The topography in this area requires extensive grading with the potential of damaging the tree during grading and construction. Therefore, the preservation of this tree is not possible.

Tree #17: a 36" White Oak – Is located near the centerline of the drive isle and parking area that services the townhome sites. Its location prohibits preservation of this tree.

Tree #18: a 28" White Oak – Is located within the building envelope of a six-unit townhome building. The location of this tree within the building's foundation prohibits preservation of this tree.

Tree #19: a 42" White Oak – Is located at the northwest corner of a five-unit townhome building and abutting the foundation of this building, damaging the tree during grading and construction. This location prohibits preservation of this tree.

Tree #20: a 36" White Oak – It is located at the southwest corner of a five-unit townhome building. Its location prohibits the construction of driveway and sidewalk improvements necessary for the townhouse construction. Therefore, this location prohibits preservation of this tree.

Tree #21: a 28" White Oak – Is located in a narrow sloping area between a six-unit townhome building to the west and "A" street to the east. The close proximity to the building foundation and the public roadway improvements that will damage the tree during grading and construction. Prohibiting preservation of this tree.

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

Findings: The proposed variance is the minimum necessary to allow the lawful development of the site. The removal of significant trees will only impact the trees are within the right-of-way, accessways, 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 easement. Based on this information we believe the tree variance is justified.