

MWSH TITAN HILL PROPERTY LLC

Salem, Oregon

2100 Block of Orchard Heights Rd NW

Sec. 808.045. Tree Variance

Applicant:

MWSH Titan Hill Property LLC

Project:

Titan Hill Apartments / Town Homes

Resubmitted:

October 18, 2022

Prepared by:

MWSH Titan Hill Property LLC

Attachments :

(50) Land Use Application – Tree Variance – SRC 808.045

(54) Application Narrative

(65a-f) Tree Preservation Plan

Tree Variance Sec. 808.045

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 24.84 acres in size and zoned RM II (Multiple Family Residential) The applicant is proposing develop this site into 417 multi-family apartment units and 10 Townhomes including roadways, parking, and water quality facilities (see attached plan).

The subject property is phase I of a parcel 36.72 acres in size, located on Orchard Heights Road NW and Doaks Ferry Road NW (073W17C/Tax Lot 400). Phase I is the northerly portion of tax lot 400 and is 24.84 acres in size.

There are 315 (three hundred and fifteen) trees located throughout the proposed subdivision, as shown on the tree conservation plan. Trees designated for removal are within the right-of-way, building envelopes, within an area close to the building envelopes or steep grades and topography, that have the potential of being damaged during grading and construction.

There are 59 (fifty-nine) Oregon White Oaks that are significant. 22 (twenty-two) of the Oregon White Oaks trees are proposed for preservation.

	<u>REMAIN</u>	<u>REMOVE</u>	<u>TOTAL</u>
WHITE OAK 20">	22	37	59
SIGNIFICANT OTHER TREES	5	7	12
NONSIGNIFICANT TREES	56	188	244
TOTAL TREES	83	231	315

A total of 83 (eighty-three) trees are designated for preservation. Therefore, 26.3% 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 24.84 acres in size and zoned RM-II (Multiple Family Residential). The applicant is proposing develop this site into 417 multi-family apartment units and 10 Townhomes including roadways, parking, and water quality facilities (see attached plan).

The subject property is phase i of a parcel 36.72 acres in size, located on the north side of Orchard Heights Drive NW and the west side of Doaks Ferry Road NW (073W17C / Tax Lot 400). The site, Phase I is the northerly portion of tax lot 400, is 24.84 acres in size.

There are 59 (fifty-nine) Oregon White Oaks that are significant. 22 (twenty-two) 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 design standards all while taking into consideration topography, stormwater detention, and street connections.

In order to develop this site as allowed in the RM-II 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 Tree Conservation Plan (SRD 502,502,504,505)

Exhibit 65REV01(a, b, c, d) as follows:

Tree #1: a 44" White Oak – Is located within the building envelope of a 12-unit apartment building. Not allowing for preservation of this tree.

Tree #2: a 36" White Oak — Is located near the southerly boundary of the site. In accordance with SRC Sec. 808.046(a)(3)(A) approximately 10% of the critical root zone of this tree may be disturbed in order to preserve this tree on site. This is well below the maximum 30% disturbance allowed in the ordinance. Note: The developer will provide a report from an arborist documenting that such disturbance will not compromise the long-term health and stability of the tree and all recommendations to minimize any impacts to the tree.

Tree #3: a 24" White Oak — Is located near the southerly boundary of the site. In accordance with SRC Sec. 808.046(a)(3)(A) approximately 20% of the critical root zone of this tree may be disturbed in order to preserve this tree on site. This is well below the maximum 30% disturbance allowed in the ordinance. Note: The developer will provide a report from an arborist documenting that such disturbance will not compromise the long-term health and stability of the tree and all recommendations to minimize any impacts to the tree.

Tree #4: a 36" White Oak - Is located near the southerly boundary of the site. Substantial grading and construction with the potential of damaging the tree and its roots prohibits preservation of this tree.

Tree(s) #5 are "double trunk" trees being a 24" and 18" White Oaks that were initially identified as a 55" White Oak in the tree conservation plan (corrected in the revised tree preservation plan) - Located near the southerly boundary of the site. In accordance with SRC Sec. 808.046(a)(3)(A) approximately 20% of the critical root zone of this tree may be disturbed in order to preserve this tree on site. This is well below the maximum 30% disturbance allowed in the ordinance. Note: The developer will provide a report from an arborist documenting that such disturbance will not compromise the long-term health and stability of the tree and all recommendations to minimize any impacts to the tree.

Tree #6: a 60" White Oak – Is located in the parking area at the southeast corner of the site. This tree's location within the parking lot prohibits preservation of this tree.

Tree #7: a 40" White Oak – Is located in the parking area at the southeast corner of the site. This tree's location within the parking lot prohibits preservation of this tree.

Tree #8: a 28" White Oak – Is located in the parking area at the southeast corner of the site. This tree's location within the parking lot prohibits preservation of this tree.

Tree #9: a 50" White Oak – Is located in the parking area at the southeast corner of the site. This tree's location within the parking lot prohibits preservation of this tree.

Tree #10: a 55" White Oak - Is located in the parking area at the southeast corner of the site. This tree's location within the parking lot prohibits preservation of this tree.

Tree #11: a 30" White Oak – Is located in the parking area at the southeast corner of the site. This tree's location within the parking lot prohibits preservation of this tree.

Tree #12: a 30" White Oak – Is located in the parking area at the southeast corner of the site. This tree's location within the parking lot prohibits preservation of this tree.

Tree #13: a 24" White Oak – Is located within the boundaries of the pedestrian sidewalk abutting a parking area and near the building envelope of an 18-unit apartment building. This tree's location within the sidewalk location prohibits preservation of this tree.

Tree #14: a 28" White Oak – Is located within the boundaries of the pedestrian sidewalk abutting a parking area and near the building envelope of an 18-unit apartment building. This tree's location within the sidewalk location prohibits preservation of this tree.

Tree #15: a 24" White Oak – Is located in the parking area at the southeast corner of the site. This tree's location within the parking lot prohibits preservation of this tree.

Tree #16: a 30" White Oak – Is located in the parking area at the southeast corner of the site. This tree's location within the parking lot prohibits preservation of this tree.

Tree #17: a 36" White Oak – Is located at a point straddling the boundaries of the pedestrian sidewalk abutting a parking area and near the building envelope of a 12-unit apartment building. This tree's location within the sidewalk location prohibits preservation of this tree.

Tree #18: a 28" White Oak – Is located in the parking area at the southeast corner of the site. This tree's location within the parking lot prohibits preservation of this tree.

Tree #19: a 36" White Oak – Is located at a point abutting the northwest corner of the foundation of a 12-unit apartment building. This tree's location prohibits preservation of this tree.

Tree #20: a 48" White Oak – Is located within the building envelope of a 12-unit apartment building. Not allowing for preservation of this tree.

Tree #21: a 24" White Oak – Is located at a point abutting the southerly edge of the foundation of a 12-unit apartment building. This tree's location prohibits preservation.

Tree #22: is a 30" Fir near the northerly right of way of Doaks Ferry Road in a narrow sloping area between Doaks Ferry Road and water quality and detention facility for this development. The street improvements and construction of the water quality facility that will damage the tree and its root system, prohibiting preservation of this tree.

Tree #23: a 32" White Oak – Is located in a narrow sloping area between the southeast corner of the intersection of Doaks Ferry Road and Colorado Street and the water quality and detention facility for this development. The street improvements and construction of the water quality facility that will damage the tree and its root system. Prohibiting preservation of this tree.

Tree #24: a 20" White Oak – Is located within the boundaries of the Colorado Street, right-of-way. The location of this tree within the right-of-way prohibits preservation of this tree.

Tree #25: a 44" White Oak – Is located within the boundaries of the Colorado Street, right-of-way. The location of this tree within the right-of-way prohibits preservation of this tree.

Tree #26: a 60" White Oak – Is located within the boundaries of the Colorado Street, right-of-way. The location of this tree within the right-of-way prohibits preservation of this tree.

Tree #27: a 44" White Oak – Is located in a narrow sloping area abutting a parking lot. Construction site grading and parking lot improvements will damage the tree and its root system prohibiting preservation of this tree.

Tree #28: a 24" White Oak – Is located in the parking area at the southeast corner of the site. This tree's location within the parking lot prohibits preservation of this tree.

Tree #29: a 22" White Oak – Is located within the boundaries of the Colorado Street, right-of-way. The location of this tree within the right-of-way prohibits preservation of this tree.

Tree #30: a 36" White Oak – Is located in a narrow sloping area between the northerly right of way of Colorado Street and the building envelope of a 12-unit apartment building. The grading for Colorado Street and the building improvements will damage the tree and its root system. Prohibiting preservation of this tree.

Tree #31: a 40" White Oak – Is located within the boundaries of the Colorado Street, right-of-way. The location of this tree within the right-of-way prohibits preservation of this tree.

Tree #32: a 24" White Oak – Is located within the boundaries of the pedestrian sidewalk abutting a parking area and near the building envelope of a 12-unit apartment building. This tree's location within the sidewalk location prohibits preservation of this tree.

Tree #33: a 40" White Oak – Is located within the boundaries of the Colorado Street, right-of-way. The location of this tree within the right-of-way prohibits preservation of this tree.

Tree #34: a 40" White Oak – Is located within the boundaries of the Colorado Street, right-of-way. The location of this tree within the right-of-way prohibits preservation of this tree.

Tree #35: a 28" White Oak – Is located within the boundaries of the Colorado Street, right-of-way. The location of this tree within the right-of-way prohibits preservation of this tree.

Tree #36: 30" White Oak – Is located within the building envelope of a 12-unit apartment building. Not allowing for preservation of this tree

Tree #37: a 30" Fir Tree– Is located on the northly boundary of the site. The surrounding topography and within close proximity to the adjacent 3 story apartment building structure. Grading and construction will damage the tree and its root system. Prohibiting preservation of this tree.

Tree #38: a 30" Fir Tree– Is located on the northly boundary of the site. The surrounding topography and close proximity to the adjacent 3 story apartment building structure to be constructed will damage the tree and its root system during grading and construction. Prohibiting preservation of this tree.

Tree #39: a 30" Fir Tree– Is located on the northly boundary of the site. The surrounding topography and close proximity to the adjacent 3 story apartment building structure to be constructed will damage the tree and its root system during grading and construction. Prohibiting preservation of this tree.

Tree #40: a 36" White Oak– Is located in a sloping area that is where a pedestrian sidewalk and parking area connect. The location of this tree within the sidewalk and parking lot improvements prohibits preservation of this tree.

Tree #41: a 30" Madrona Tree– Is located in a sloping area that is where a pedestrian sidewalk and parking area connect. The location of this tree within the sidewalk improvements prohibiting preservation of this tree.

Tree #42: a 36" White Oak– – Is located in a sloping area adjacent to a pedestrian walkway along the northerly boundary of the site. The site grading and construction of the pedestrian walkway will damage the tree and its root system, prohibiting preservation of this tree.4%

Tree #43: a 20" White Oak– Is located in a sloping along the northerly boundary of the site. In accordance with SRC Sec. 808.046(a)(3)(A) approximately 4% of the critical root zone of this tree may be disturbed in order to preserve this tree on site. This is well below the maximum 30% disturbance allowed in the ordinance. Note: The developer will provide a report from an arborist documenting that such disturbance will not compromise the long-term health and stability of the tree and all recommendations to minimize any impacts to the tree.

Tree #44: a 20" White Oak– Is located in a sloping along the northerly boundary of the site. In accordance with SRC Sec. 808.046(a)(3)(A) approximately 10% of the critical root zone of this tree may be disturbed in order to preserve this tree on site. This is well below the maximum 30% disturbance allowed in the ordinance. Note: The developer will provide a report from an arborist documenting that such disturbance will not compromise the long-term health and stability of the tree and all recommendations to minimize any impacts to the tree.

Tree #45: a 30" White Oak– Is located in a sloping along the northerly boundary of the site. In accordance with SRC Sec. 808.046(a)(3)(A) 30% of the critical root zone of this tree may be disturbed as allowed in the ordinance in order to preserve this tree on site. Note: The developer will provide a report from an arborist documenting that such disturbance will not compromise the long-term health and stability of the tree and all recommendations to minimize any impacts to the tree.

Tree #46: a 30" Maple Tree– Is located near the northeasterly boundary of the site. The surrounding topography and close proximity to the adjacent 3 story Town Home building. Site grading and constructing will damage the tree and its root system, prohibiting preservation of this tree.

Tree #47: a 30" White Oak – Is located in a narrow sloping area between the building envelope of a 6-unit Town Home building and the northerly boundary of this site. In accordance with SRC Sec. 808.046(a)(3)(A) approximately 10% of the critical root zone of this tree may be disturbed in order to preserve this tree on site. This is well below the maximum 30% disturbance allowed in the ordinance. Note: The developer will provide a report from an arborist documenting that such disturbance will not compromise the long-term health and stability of the tree and all recommendations to minimize any impacts to the tree.

Tree #48: a 24" White Oak – Is located in a narrow sloping area between the building envelope of a 6-unit Town Home building and the northerly boundary of this site. In accordance with SRC Sec. 808.046(a)(3)(A) approximately 5% of the critical root zone of this tree may be disturbed in order to preserve this tree on site. This is well below the maximum 30% disturbance allowed in the ordinance. Note: The developer will provide a report from an arborist documenting that such disturbance will not compromise the long-term health and stability of the tree and all recommendations to minimize any impacts to the tree.

Tree #49: a 30" White Oak – Is located in a narrow sloping area between the building envelope of a 6-unit Town Home building and the northerly boundary of this site. The steep topography and close proximity to the building envelope will damage the tree during grading and construction, prohibiting preservation of this tree.

Tree #50: a 36" Maple Tree – Is located in the driveway for a 2-unit townhome in the northwest corner of the development. This tree's location within the driveway prohibits preservation of this tree.

Tree #51: a 24" White Oak – Is located in the parking area at the southwesterly corner of the site. This tree's location within the parking lot prohibits preservation of this tree.

Tree #52: a 24" White Oak – Is located in the parking area at the southwesterly corner of the site. This tree's location within the parking lot prohibits preservation of this tree.

Tree #53: a 66" White Oak – Is located within the boundaries of the access driveway connecting Colorado Street to the parking area for a cluster of 4 apartment buildings. This tree's location within the driveway prohibits preservation of this tree.

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

Findings: After careful review and adjustment to the site plan along with application of SRC Sec. 808.046(a)(3)(A) to evaluate the critical root zone, 8 additional trees (2, 3, 5, 43, 44, 45, 47 & 48) are designated to be preserved. This revised variance proposal 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.