

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

Submitted:

January 20, 2023

Prepared by:

MWSH Titan Hill Property LLC

Applicant & Property Owner

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Tax Lot Information:

Tax Map: 087W17B0-00400 (a portion)

Lot Area:

24.84 acres

Current Zoning District:

RM-II (Multiple Family Residential)

**Current Comprehensive Plan
Designation**

MFR (Multi Family Residential)

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 approximately 36.72 acres - 2100 Block of Doaks Ferry Road NW in Salem, Oregon (TL 073W17B 00400). This portion of the development consists of 5 of the 6 lots subdivision (pending) approximately 24.84 acres. It is located on the northerly portion of TL 400. This site will consist of 31, three story multi-family residential buildings, 3 - two-and three-story townhome buildings, resident clubhouse, recreation areas, amenities, parking, and stormwater facilities. This site may be constructed in multiple phases.

The applicant is proposing a development consisting of 426-apartment units and 10 townhouse units as shown on the site plans.

There are 326 (three hundred and twenty-six) 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 61 (sixty-one) Oregon White Oaks that are significant. 24 (twenty-four) of these Oregon White Oaks trees are proposed for preservation.

	<u>REMAIN</u>	<u>REMOVE</u>	<u>TOTAL</u>
WHITE OAK 20">	24	37	61
SIGNIFICANT OTHER TREES	6	8	14
NONSIGNIFICANT TREES	58	193	251
TOTAL TREES	88	238	326

A total of 88 (eighty-eight) trees are designated for preservation. Therefore, 27% of the trees on site will be preserved.

Therefore, 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 426 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 61 (sixty-one) Oregon White Oaks that are significant. 24 (twenty-four) 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 that 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 3, 4, 5, 6, 7)

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

Tree #1: a 44" White Oak – Is located near the southerly boundary of the site. Substantial grading and construction activity with the potential of damaging the tree and its roots prohibits preservation of this tree.

Tree #2: a 60" White Oak – Is located in the parking area, as well as near the drive providing connection for the property to the south at the southeast corner of the site. This tree's location within the parking lot prohibits preservation of this tree.

Tree #3: a 40" White Oak – Is located at the edge of a pedestrian sidewalk near in the parking area at the southeast corner of the site. This tree's location abutting the sidewalk and its proximity to Building 29 prohibits preservation of this tree.

Tree #4: a 28" White Oak – Is located in a narrow area between the building envelope of Building 29 and the pedestrian sidewalk accessing the parking area at the southeast corner of the site. This tree's location abutting the sidewalk and its proximity to Building 29 prohibits preservation of this tree.

Tree #5: a 50" White Oak – Is located within the building envelope of Building 29. Not allowing for preservation of this tree.

Tree #6: 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 #7: 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 and proximity to Building 29 and the drive aisle prohibits preservation of this tree.

Tree #8: 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 and drive aisle prohibits preservation of this tree.

Tree #9: 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 and proximity to Building 29 and the drive aisle prohibits preservation of this tree.

Tree #10: a 28" White Oak – Is located within the boundaries of the pedestrian sidewalk abutting a parking area and near Buildings 29 and 30. This tree's location within the sidewalk location and proximity to buildings prohibits preservation of this tree.

Tree #11: a 24" White Oak – Is located within the building envelope of Building 29. Not allowing for preservation of this tree.

Tree #12: a 30" White Oak – Is located within the building envelope of Building 29. Not allowing for preservation of this tree.

Tree #13: a 36" White Oak – Is located within the building envelope of Building 29. Not allowing for preservation of this tree.

Tree #14: a 28" White Oak – Is located within the building envelope of Building 29. Not allowing for preservation of this tree.

Tree #15: a 36" White Oak – Is located within the building envelope of Building 29. Not allowing for preservation of this tree.

Tree #16: a 48" White Oak – Is located within the building envelope of Building 29. Not allowing for preservation of this tree.

Tree #17: a 24" White Oak – Is located in the southerly water quality and detention facility for this development. The construction of the water quality facility that will damage the tree and its root system. Prohibiting preservation of this tree.

Tree #18: is a 30" Fir - Is located in the southerly water quality and detention facility for this development near the right of way for Doaks Ferry Road. The construction of the water quality facility that will damage the tree and its root system. Prohibiting preservation of this tree.

Tree #19: a 32" White Oak – Is located in the southerly water quality and detention facility for this development near the intersection of Doaks Ferry Road and Colorado Street. The construction of the water quality facility and roadway construction will damage the tree and its root system. Prohibiting preservation of this tree.

Tree #20: 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 #21: 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 #22: 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 #23: 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.

Tree #24: a 44" White Oak – Is located in the parking area at the southcentral portion of the site. This tree's location within the parking lot and proximity to the drive aisle prohibits preservation of this tree.

Tree #25: 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 and drive aisle prohibits preservation of this tree.

Tree #26: 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 #27: 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 #28: 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 #29: 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 Building 5. The grading for Colorado Street and the building improvements will damage the tree and its root system. Prohibiting preservation of this tree.

Tree #30: a 24" White Oak – Is abutting the foundation of a 12-unit apartment building in a heavily sloped area. This tree's location abutting a building envelope prohibits 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 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 #33: 30" White Oak – Is located within the building envelope of Building 1. Not allowing for preservation of this tree

Tree #34: 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 and storm structure. Grading and construction will damage the tree and its root system. Prohibiting preservation of this tree.

Tree #35: 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 #36: a 30" Fir Tree– Is located on the northly boundary of the site. The surrounding topography and close proximity to Building 3 and parking will damage the tree and its root system during grading and construction. Prohibiting preservation of this tree.

Tree #37: a 36" White Oak– Is located in a sloping area at a point 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 #38: a 30" Madrona – Is located in a narrow sloping area adjacent to a parking area. The location of this tree adjacent to parking improvements prohibiting preservation of this tree.

Tree #39: a 36" White Oak– Is located within pedestrian sidewalk along the northerly boundary of the site. The location of this tree within the sidewalk and proximity to parking will prohibit the preservation of this tree.

Tree #40: 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 #41: a 30" White Oak – Is located in a narrow sloping area between the building envelope of a 6-unit Town Home building, the right of way and the northerly boundary of this site. The steep topography and close proximity to the building envelope and right of way will damage the tree during grading and construction, prohibiting preservation of this tree.

Tree #42: 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 #43: a 24" White Oak – Is located in the parking area and drive aisle at the southwesterly corner of the site. This tree's location within the parking lot prohibits preservation of this tree.

Tree #44: a 24" White Oak – Is located in the parking area and drive aisle at the southwesterly corner of the site. This tree's location within the parking lot prohibits preservation of this tree.

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

Findings: The applicant has completed a comprehensive review and has revised site design. This has resulted in the preservation of 24 White Oaks, 39% preservation, and 6 other significant trees, 24% preservation. Resulting in the minimum tree removal necessary to allow the lawful development of the site, while making a concerted effort to preserve white oak and other significant trees. The removal of significant trees will only impact the trees are within the right-of-way, accessways, the building envelope or within an area close to a building envelope but have the potential of being damaged during grading and construction.

Conclusion:

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.