

Before a Variance can be granted, certain criteria must be met. Please answer the following questions, in detail, so the City can understand the nature of your request. Attach additional sheets, if necessary.

What are the special circumstances that apply to your property, which makes it different from other properties in your neighborhood that have the same zoning? (Special circumstances may include size, shape, topography, location and surroundings, etc.)

See attached

Explain why this Variance will not be detrimental to the public welfare and your neighbors, or injurious to property or improvements in the vicinity. (Consider invasion of privacy, fire safety, future road or utility expansion, and impacts on the character of the neighborhood.)

See attached

Explain why your proposal cannot meet minimum development requirements without a Variance. Have you exhausted all reasonable design options (size, shape, and placement on the lot) in an effort to meet the minimum requirements (setbacks, height, etc.)?

See attached

What site-related hardship will result if the Variance is denied? What will your options be for the proposal if this Variance is not granted? Explain how you have or have not been responsible for the situation that would make a Variance necessary.

See attached

What conditions might be imposed which would keep your project on the same scale as similar uses in your neighborhood?

See attached

I hereby state that I am the applicant listed above; and that the forgoing statements and answers herein made and all information and evidence herein made, and all information and information herewith submitted are in all respects and to the best of my knowledge and belief, true and complete. I understand that the intake fee accompanying this application is not refundable, that the deposit fee may not be sufficient to cover all processing costs and therefore I may be billed additional fees per the City's planning services fee schedule, and that the payment of said fees does not result in automatic issuance of the permit requested in the application.

Dan R. Young, co-manager for RMDG

(Printed name)

(Signature)

Dan R. Young

8-31-2022

Date

Variance: Replanting Trees

- 1. Provide a detailed description of proposal & what requirements you are seeking relief from (may be attached).**

The owner proposes to develop a 38.36 parcel into 79 single family lots. The proposed development has been designed to maximize on-site tree retention. Due to site constraints and affordable housing objectives (see item 4. below), this proposal would require the removal of 427 trees. In accordance with Roy Municipal Code 11.24.10 F, the 427 trees would need to be replaced with between a mixture of 1,923 large and small trees or 2,139 small trees. This means that the owner would have to replace between 4.5 – 5.0 trees for each one removed.

The owner is seeking relief from this requirement by requesting a 60% reduction in the number of trees required by code to be planted. This would result in a tree replacement requirement of 769 large and small trees or 856 small trees. As a point of comparison, the proposed reduction is in line with the tree replacement ordinances of neighboring cities and Pierce County, as shown in the table below.

Comparison of Code Requirements:

Significant Tree	# of Trees to Replace	Roy	Pierce*	Yelm	Lakewood
Evergreen Tree: 12-23 inches DBH	30	60 or 90	90	60	60
Evergreen Tree ≥24 inches DBH	62	186 or 372	186	124	124
Oregon White Oak 9-12 inches DBH: Other Deciduous Tree 12 - 15 inches DBH	129	387	387	258	258
Oregon White Oak 13-16 inches DBH: Other Deciduous Tree 16-19 inches DBH	76	380	228	152	152
Oregon White Oak ≥17 inches DBH: Other Deciduous Tree ≥20 inches DBH	130	910	390	260	260
Total	427	1923 or 2,139	1281	854	854
			*Max: 959		
			*Per PCC 18J.15.03.G2		

- 2. What are the special circumstances that apply to your property, which makes it different from other properties in your neighborhood that have the same zoning? (Special circumstances may include size, shape, topography, location and surroundings, etc.)**

The topography of the proposed Oakview Plat generally consists of steep, rolling slopes. For a majority of the lots, pad or stepped foundations are anticipated to be constructed for the new homes along with gently sloping yards. Significant grading will be required to accommodate these conditions, therefore trees located within the lots must be removed. Existing trees within the rear

10 feet of the lots are proposed to be saved where feasible. Trees located within the right of way and at the edge of grading throughout the plat are also required to be removed.

If the property was less steep, more trees could be saved. Viewing other properties in the City of Roy, this parcel is unique. Other undeveloped properties in the city do not appear to have the same topographical constraints.

3. Explain why this Variance will not be detrimental to the public welfare and your neighbors, or injurious to property or improvements in the vicinity. (Consider invasion of privacy, fire safety, future road or utility expansion, and impacts on the character of the neighborhood.)

The proposed variance will not be detrimental to the public welfare or neighbors for the following reasons.

Invasion of Privacy

The vast majority of the trees that would be removed are internal to the plat and do not affect the privacy of the neighbors. The tree replacement requirement at the proposed variance level will be more than adequate to create a sense of privacy and seclusion.

Fire Safety

As to fire safety, the proposed variance level would positively impact fire safety because fewer trees would mean less fuel from trees to spread a fire.

Future Road and Utility Expansion

As to expansion of roads and utilities, such expansion cannot occur within the plat without the removal of some trees. The project as proposed cannot realistically absorb as many trees as the code requires. The new roads would also benefit the residents in the Oakview Heights subdivision, as the new roads would be available for use by those residents when there are conditions of snow and ice on 292 St S.

Impacts on the Character of the Neighborhood

The owner has given much consideration to the character of the neighborhood in developing the proposal and the feedback provided by members of the Oakview Heights Homeowners Association. The owner learned that those homeowners want to see the Garry Oak grove preserved and the country-road feel of 292nd St S preserved. To that end, the owner proposed a plat arrangement that preserves the natural beauty along 292nd St S and land dedications of two open space areas, Tract A, an Oregon White Oak Conservation Area, and Tract C, an Open Space Wetland.

As indicated in WFCI's Preliminary Tree Protection Plan, Tract A and Tract C are 10 acres or 26.1% of the subject property and will preserve 384 healthy trees. An additional 11 trees could be retained on individual lots. With the Restoration Program and Plan, these tracts will maintain and enhance the habitat. A walking trail will be added to Tract A so the community can enjoy the Conservation Area.

The proposed level of replanting at the requested variance of 60% will more than double the number of trees and will add hundreds of trees lining the streets.

4. Explain why your proposal cannot meet minimum development requirements without a Variance. Have you exhausted all reasonable design options (size, shape, and placement on the lot) in an effort to meet the minimum requirements (setbacks, height, etc.)?

The owner's proposed plat attempts to balance the site constraints, along with a number of competing objectives of Roy's Comprehensive Plan and other regulations, all of which bear on the number of trees that need to be removed.

First, the owner would like to ensure that the housing will be affordable, and specifically that there will be a mix of affordable housing options, from smaller lots to larger lots. This led the owner to try to maximize the number of lots that could fit on the property. The initial thinking was to create a 100-lot subdivision. That number was ultimately reduced to address the following objectives:

- The Pierce County Health Department regulations required a reduction in the number of lots to 91 so that the overall septic load on the property would be within regulatory limits.
- The owner desired to reduce the number of trees that would have to be removed and to make the conservation/park area more accessible so that the community can enjoy that space. The prior proposed plat map called for the removal of 543 trees and did not contain access points to the conservation/park area. After reworking the plat to reflect this consideration, the number of trees to be removed was reduced to 427 trees and access to the conservation/park area was opened to the entire community. This reduced the number of lots to 79.
- As to the site constraints, the capacity of the proposed plat for planting additional trees is limited by the proposed plat's required space for the new housing units, the need to accommodate on-site sewage disposal, streets and sidewalks, and the existing tree density in the tracts proposed for dedication.

The owner is seeking a 60% reduction in the replanting requirement based on the considerations discussed herein.

5. What site-related hardship will result if the Variance is denied? What will your options be for the proposal if this Variance is not granted? Explain how you have or have not been responsible for the situation that would make a Variance necessary.

If the variance is denied, a site-specific hardship will be the impact on the ecosystem of the site. The planting of 1,923 to 2,139 trees on this site would overburden the land, creating a condition of crowding. The trees would have to compete for limited water and nutrients from the soil, leading to unhealthy trees. It could also result in crowding out other indigenous plants and animal species.

Another hardship the project faces is the extraordinary cost added to the project by the tree replacement requirement. To plant between 1,923 and 2,139 trees would be upwards of \$1 million (assuming \$500 per tree). This is singularly the largest cost item of the project and threatens the financial feasibility of the project. To that end, the fee-in-lieu option offers no real relief because it does not address the prohibitive cost of the planting.

Without a variance granted, the City's tree replacement requirement will ultimately make the homes in this project less affordable or undermine the project altogether. The owner is seeking a 60% reduction in the tree replacement requirement to bring this cost element of the project within an acceptable financial tolerance. As the Roy's Comprehensive Plan ("RCP") astutely recognizes:

“Regulatory barriers can increase housing costs anywhere from 10 to 35 percent and, in many cases, can even prevent its construction. Sometimes existing regulations, procedures or practices can increase the cost of housing without a corresponding public benefit, and sometimes these increased costs may not be recognized by a jurisdiction. The City should strive to increase benefits to the community while lowering housing costs by periodically reviewing, at minimum, the following areas for possible revision or amendment: . . . development standards, . . . , fees and exactions . . .”

(See discussion section to CP Policy H3.13, RCP 14.4-12.)

“Roy can directly or indirectly impact several housing cost components, such as land, fees, and time of development. The challenge for the City is to balance the provision of public needs. . . and not unduly impact the cost of housing.”

(See discussion section to CP Policy H3.14, RCP 14.4-13.)

This project as proposed furthers several objectives enumerated in Roy’s Comprehensive Plan. It will bring 79 new units of housing into the City of Roy housing stock, see RCP 14.3. The owner’s land dedications will expand the amount of park space and walking trails to residents of Roy, see RCP 14.6. The addition of the plat roads will increase road safety for those who currently rely solely on 292nd St S to access their homes, see RCP 14.5. Bringing about these public benefits necessarily involves removing some trees.

In the event the variance is not granted, the main option the owner would consider is whether there is a way reduce the number of trees impacted by the project so as to bring the project within the owner’s financial feasibility requirements. This would mean exploring ways to further reduce the number of impacted trees, by merging proposed lots and/or eliminating certain lots altogether.

6. What conditions might be imposed which would keep your project on the same scale as similar uses in your neighborhood?

The owner is requesting a 60% reduction in the tree replacement requirement as stated in the Roy City Code 11.24.10.

Per Galen Wright, WFCI, Certified Forester No. 44, a code that uses diameter inches of removed trees to calculate the replacement trees, as Roy City Code does, results in replacement requirements that cannot realistically be met within the site. Looking at other codes, Pierce County, for example, would require 959 trees to be replanted. Yelm and Lakewood Municipal Code would require 854 trees to be replanted. These municipalities use a smaller replacement ratio. The proposed variance would bring the project’s tree replacement requirement more in line with these neighboring communities, and thereby aid in bringing the cost of land development in Roy in line with that of neighboring cities.