



# NOTICE of FILING

## LAND USE REQUEST AFFECTING THIS AREA

*There is a development proposal for the property listed in this notice and shown on the attached map. The City is seeking input from neighbors on the proposal. If you have questions or comments about the proposal, contact the case manager.*

*Esta carta es un aviso sobre una propuesta de desarrollo para la propiedad enumerada y que se muestra en el mapa adjunto. La ciudad está buscando la opinión de los vecinos sobre la propuesta. Si tiene preguntas o comentarios sobre la propuesta, póngase en contacto con nosotros al 503-588-6213.*

<b>CASE NUMBER:</b>	Tree Variance Case No. TRV24-01
<b>PROPERTY LOCATION:</b>	3924 Croisan Mountain Drive S, Salem OR 97302
<b>NOTICE MAILING DATE:</b>	March 26, 2024
<b>PROPOSAL SUMMARY:</b>	A Tree Variance to remove eight significant trees to allow development of a single family dwelling on a vacant lot.
<b>COMMENT PERIOD:</b>	<b>All written comments must be submitted to City Staff no later than 5:00 p.m., Tuesday, April 9, 2024. Please direct any questions and/or comments to the Case Manager listed below. Comments received after the close of the comment period will not be considered. Note: Comments submitted are <u>public record</u>. This includes any personal information provided in your comment such as name, email, physical address and phone number.</b>
<b>CASE MANAGER:</b>	<b>Aaron Panko, Planner III</b> , City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2356; E-mail: <a href="mailto:APanko@cityofsalem.net">APanko@cityofsalem.net</a>
<b>NEIGHBORHOOD ASSOCIATION:</b>	<i>Neighborhood associations are volunteer organizations of neighbors coming together to make neighborhoods the best they can be. They receive notice of land use applications within their boundaries, and they often submit comments on the applications to the City. Neighborhood association meetings are open to everyone. Contact your neighborhood association to get involved:</i>  Southwest Association of Neighbors (SWAN), John Lattimer, Land Use Chair; Phone: 503-551-7999; Email: <a href="mailto:jnlattimer@gmail.com">jnlattimer@gmail.com</a>
<b>ACCESS:</b>	The Americans with Disabilities Act (ADA) accommodations will be provided on request.
<b>CRITERIA TO BE CONSIDERED:</b>	Salem Revised Code (SRC) Chapter 808.045(d)(1)  Salem Revised Code (SRC) is available to view at this link: <a href="http://bit.ly/salemorcode">http://bit.ly/salemorcode</a> . Type in the chapter number(s) listed above to view the applicable criteria.

<b>PROPERTY OWNER(S):</b>	Lisa Heller
<b>APPLICANT(S):</b>	Max Plukchi, Max Shipuk
<b>PROPOSAL REQUEST:</b>	A Tree Variance to remove eight significant trees, Oregon White Oaks, with a diameter at breast height (DBH) equal to or greater than 20 inches, for property approximately 0.36 acres in size, zoned RS (Single Family Residential), and located at 3924 Croisan Mountain Drive S – 97302 (Marion County Assessor's Map and Tax Lot number: 083W05DC / 03300).
<b>APPLICATION PROCESS:</b>	<p>Following the close of the Public Comment Period, a decision will be issued and mailed to the applicant, property owner, affected neighborhood association, anyone who submitted written comments, and anyone who received notice of the land use request.</p> <p>Failure to raise an issue in writing prior to the close of the Public Comment Period with sufficient specificity to provide the opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.</p>
<b>MORE INFORMATION:</b>	All documents and evidence submitted by the applicant are available on the City's online Permit Application Center at <a href="https://permits.cityofsalem.net">https://permits.cityofsalem.net</a> . You can use the search function without registering and enter the permit number listed here: 24 103951. Paper copies can be obtained for a reasonable cost.

**PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE**

**For more information about Planning in Salem:**

<http://www.cityofsalem.net/planning>

*It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, and related statutes and regulations, in all programs and activities. Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request. Sign language and interpreters for languages other than English are also available upon request. To request such an accommodation or interpretation, contact the Community Development Department at 503-588-6173 at least three business days before this meeting or event.*

TTD/TTY telephone 503-588-6439 is also available 24/7

# REQUEST FOR COMMENTS

*Si necesita ayuda para comprender esta información, por favor llame 503-588-6173*

**REGARDING:** Tree Variance Case No. TRV24-01

**PROJECT ADDRESS:** 3924 Croisan Mountain Dr S, Salem OR 97302

**AMANDA Application No.:** 24-103951-PLN

**COMMENT PERIOD ENDS:** Tuesday, April 9, 2024, at 5:00 p.m.

**SUMMARY:** A Tree Variance to remove eight significant trees to allow development of a single family dwelling on a vacant lot.

**REQUEST:** A Tree Variance to remove eight significant trees, Oregon White Oaks, with a diameter at breast height (DBH) equal to or greater than 20 inches, for property approximately 0.36 acres in size, zoned RS (Single Family Residential), and located at 3924 Croisan Mountain Drive S – 97302 (Marion County Assessor’s Map and Tax Lot number: 083W05DC / 03300).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

**Comments received by 5:00 p.m., Tuesday, April 9, 2024,** will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.*

**CASE MANAGER:** Aaron Panko, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2356; E-Mail: [APanko@cityofsalem.net](mailto:APanko@cityofsalem.net).

For information about Planning in Salem, please visit: <http://www.cityofsalem.net/planning>

**PLEASE CHECK THE FOLLOWING THAT APPLY:**

- 1. I have reviewed the proposal and have no objections to it.
- 2. I have reviewed the proposal and have the following comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name/Agency: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_  
Date: \_\_\_\_\_

**IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM**

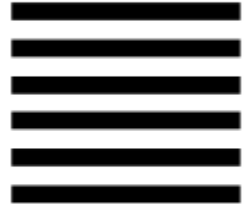


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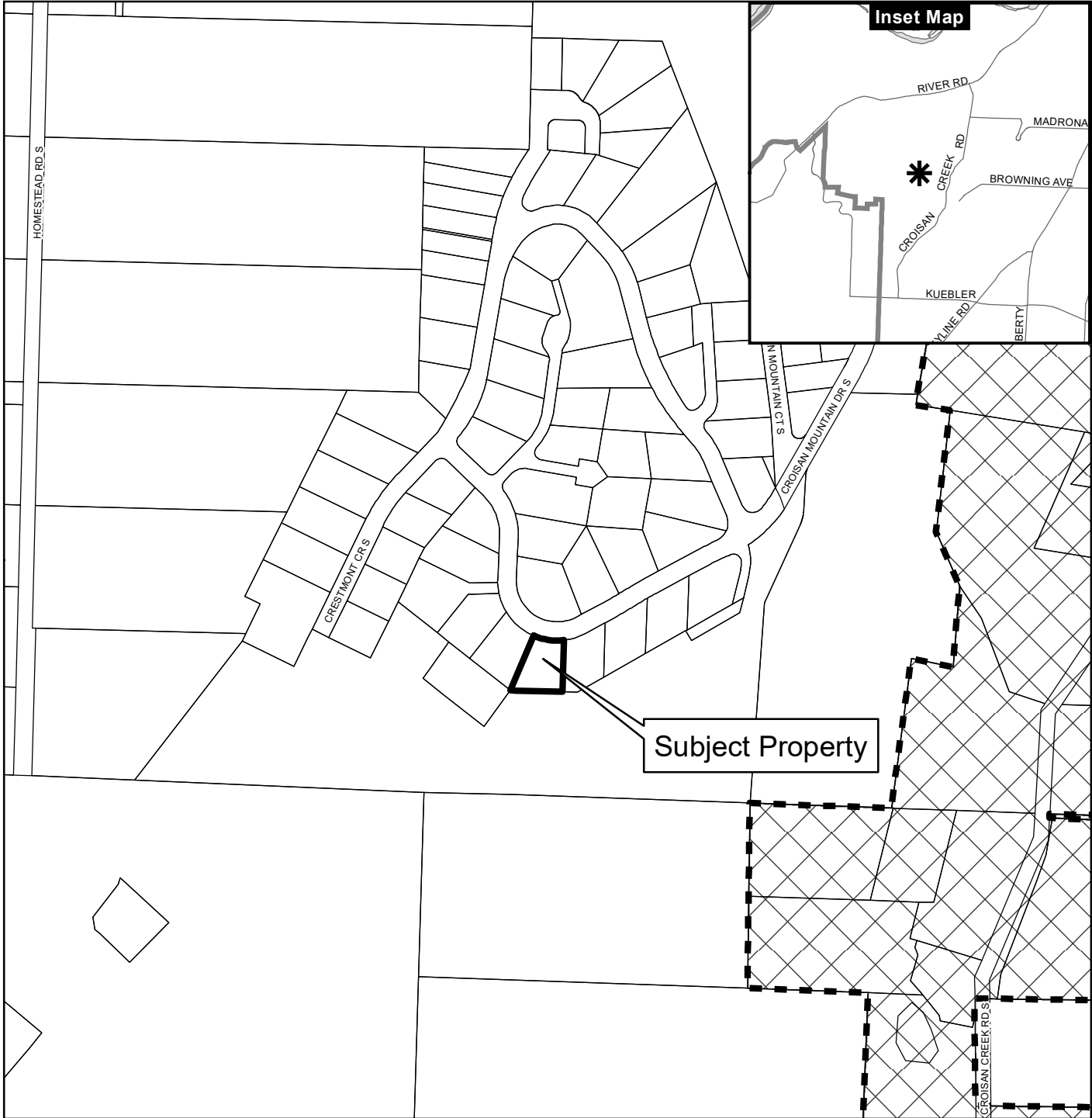
POSTAGE WILL BE PAID BY ADDRESSEE

PLANNING DIVISION  
CITY OF SALEM RM 305  
555 LIBERTY ST SE  
SALEM OR 97301-9907



# Vicinity Map

## 3924 Croisan Mountain Drive S



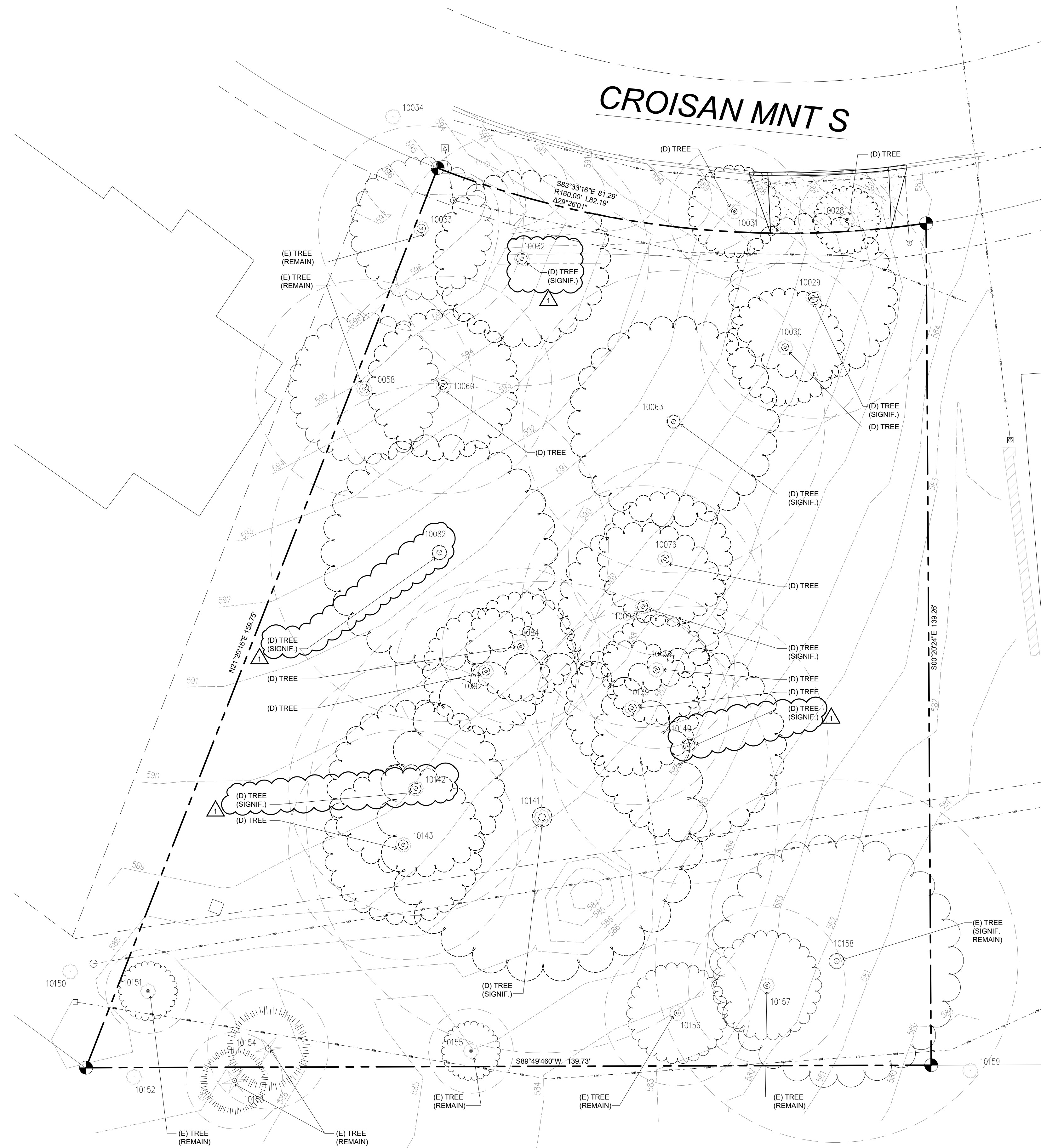
**Legend**

- Taxlots
- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Schools
- Parks

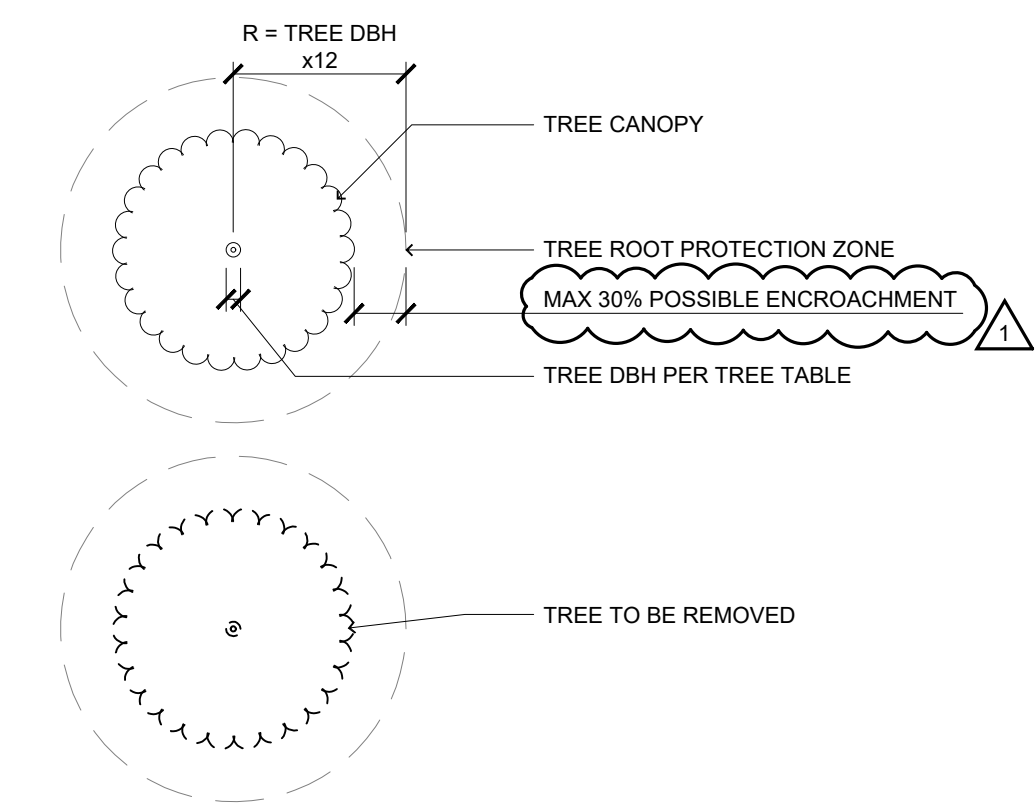


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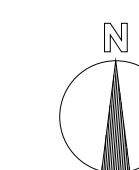


**TREE LEGEND:**



TREE TABLE						
ARBORIST TREE #	CIVIL TREE #	TYPE	DBH (IN.)	SIGNIFICANT	REMOVE	NOTES
	10028	OAK	8		YES	IN THE R.O.W.
1	10029	W. OAK	20	YES	YES	
	10030	OAK	14		YES	
	10031	OAK	11		YES	IN THE R.O.W.
	10032	W. OAK	21	YES	YES	
	10033	OAK	17	YES	NO	
	10034	OAK	8, 14		NO	OUTSIDE BNDRY
	10058	OAK	12, 18		NO	
	10060	OAK	11, 18		YES	
2	10063	W. OAK	25	YES	YES	
3	10076	W. OAK	14, 16		YES	
	10082	W. OAK	16, 27, 28	YES	YES	
9	10084	W. OAK	13, 13	YES	YES	
10	10092	W. OAK	15, 15		YES	
4	10093	W. OAK	9, 20	YES	YES	
5	10138	W. OAK	13		YES	
6	10139	W. OAK	14, 14, 16	YES	YES	
	10140	W. OAK	9, 23	YES	YES	
7	10141	W. OAK	39	YES	YES	
	10142	W. OAK	21	YES	YES	
	10143	OAK	19	YES	YES	
	10150	OAK	14		NO	OUTSIDE BNDRY
	10151	OAK	7		NO	
	10152	OAK	6		NO	OUTSIDE BNDRY
	10153	CONIFEROUS	8		NO	OUTSIDE BNDRY
	10154	CONIFEROUS	10		NO	
	10155	OAK	7		NO	
	10156	OAK	12		NO	
	10157	OAK	13		NO	
8	10158	W. OAK	30	YES	NO	
	10159	OAK	39	YES	NO	OUTSIDE BNDRY

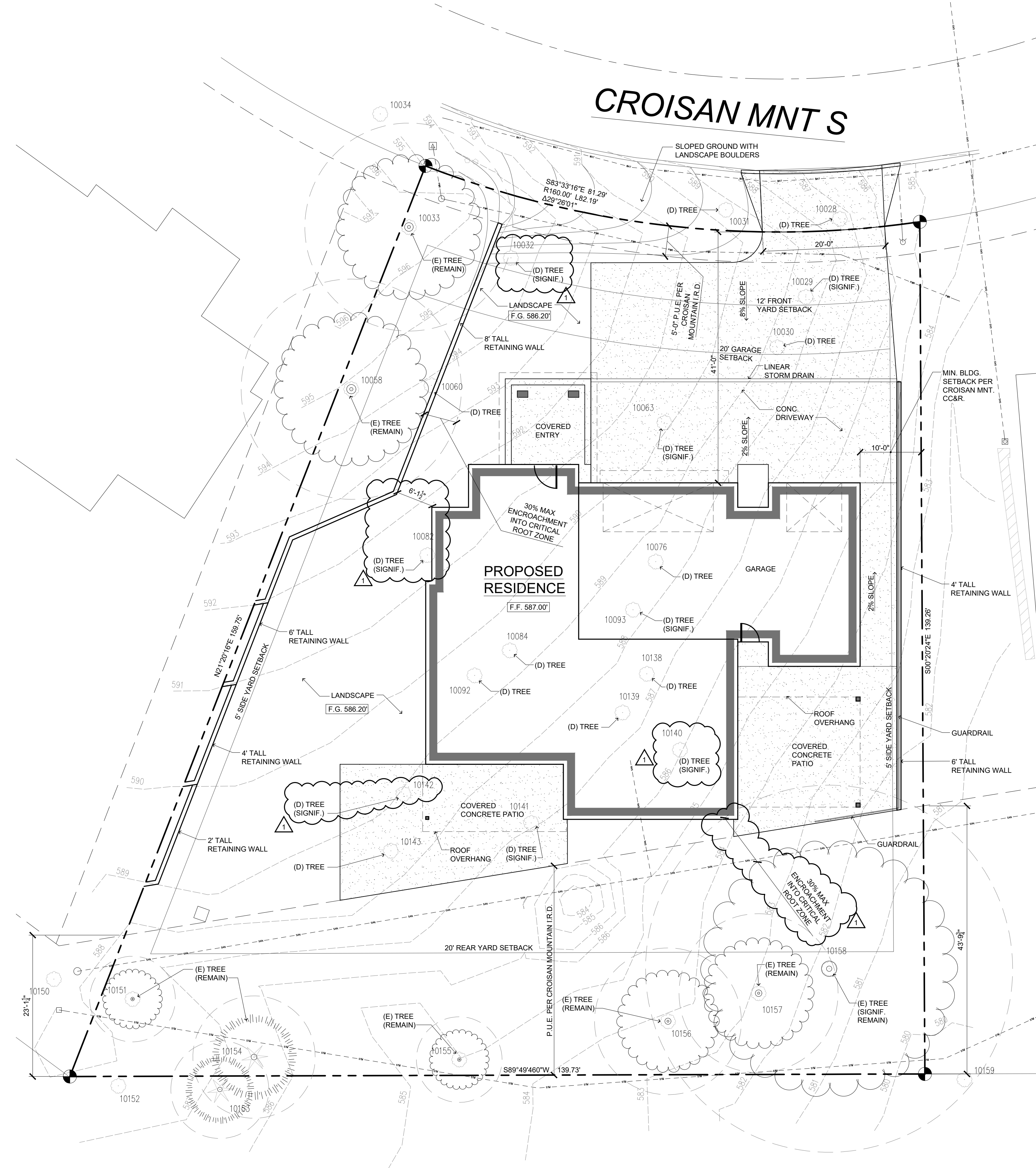
**TREE REMOVAL PLAN**  
SCALE: 1" = 10'-0"



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# TREE REMOVAL / VARIANCE APPLICATION 3924 CROISAN MNT DR S. SALEM OR 97302



DRAWING INDEX:	
ARCHITECTURAL SHEETS	
A1.1	PROPOSED SITE PLAN
A1.2	TREE REMOVAL PLAN
C002	EXISTING CONDITIONS PLAN

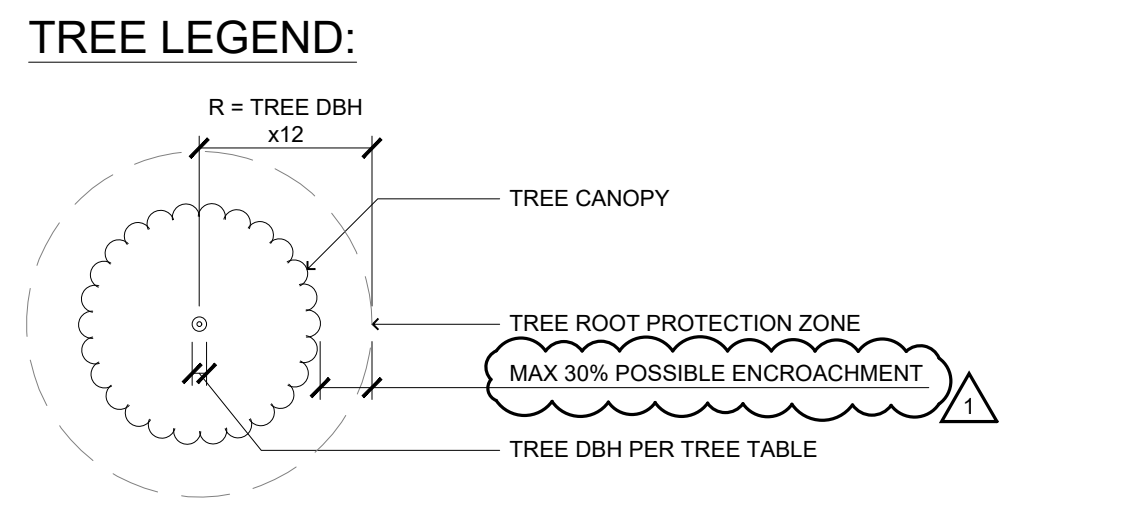
REVISION DESCRIPTION:	

**PROJECT DATA:**

**OWNER:** HELLER, L T HELLER, LISA B  
3930 CROISAN MNT DR S  
SALEM, OR 97302

**APPLICANT:** MAX SHIPIUK  
PO BOX 21772  
KEIZER, OR 97307

**SITE DATA:** 3924 CROISAN MNT DR S  
ADDRESS: 083W5DC03300  
MAP TAX LOT: 15,682 SQ. FT. (0.36 ACRE)  
PROPERTY AREA: RS (SINGLE FAMILY RESIDENTIAL )  
PROPOSED USE: SINGLE FAMILY DWELLING



TREE TABLE						
ARBORIST TREE #	CIVIL TREE #	TYPE	DBH (IN.)	SIGNIFICANT	REMOVE	NOTES
	10028	OAK	8		YES	IN THE R.O.W.
1	10029	W. OAK	20	YES	YES	
	10030	OAK	14		YES	
	10031	OAK	11		YES	IN THE R.O.W.
	10032	W. OAK	21	YES	YES	
	10033	OAK	17	YES	NO	
	10034	OAK	8, 14		NO	OUTSIDE BNDRY
	10058	OAK	12, 18		NO	
	10060	OAK	11, 18		YES	
2	10063	W. OAK	25	YES	YES	
3	10076	W. OAK	14, 16		YES	
	10082	W. OAK	16, 27, 28	YES	YES	
9	10084	W. OAK	13, 13	YES	YES	
10	10092	W. OAK	15, 15		YES	
4	10093	W. OAK	9, 20	YES	YES	
5	10138	W. OAK	13		YES	
6	10139	W. OAK	14, 14, 16	YES	YES	
	10140	W. OAK	9, 23	YES	YES	
7	10141	W. OAK	39	YES	YES	
	10142	W. OAK	21	YES	YES	
	10143	OAK	19	YES	YES	
	10150	OAK	14		NO	OUTSIDE BNDRY
	10151	OAK	7		NO	
	10152	OAK	6		NO	OUTSIDE BNDRY
	10153	CONIFEROUS	8		NO	OUTSIDE BNDRY
	10154	CONIFEROUS	10		NO	
	10155	OAK	7		NO	
	10156	OAK	12		NO	
	10157	OAK	13		NO	
8	10158	W. OAK	30	YES	NO	
	10159	OAK	39	YES	NO	OUTSIDE BNDRY

**PROPOSED SITE PLAN**  
SCALE: 1" = 10'-0"

**MDesign**  
CONCEPTS, LLC  
PO BOX 1251 / TURNER, OR 97392  
971-301-4560 / max@mdesignconcepts.net

ENGINEER OF RECORD

TREE REMOVAL / VARIANCE APP.  
3924 CROISAN MOUNTAIN DR S.  
SALEM, OR 97302

PROJECT #: 24-01  
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REVISIONS:  
1 03.14.2024

DATE: 02/12/2024

**A1.1**

www.31102024.9.19 AM 04:31:02024.9.19 AM Max@mdesignconcepts.com 3924 Croisan Mnt S. Salem, OR 97302 Tree Removal Application A1.1

## Application for tree removal permit/ request for variance

Date: 03.14.2024  
Subject Property: 3924 Croisan Mount Dr. S Salem, OR 97302  
Tax lot: 3300  
Tax map: 08 3W 05DC

### Written Statement

We are submitting a request to remove total of 16 trees, with 8 of which are “significant” trees, from the subject property that has a total of 24 trees in order to facilitate the construction of a new single-family dwelling. As per SRC. 808.005 a “significant” tree is any tree with a diameter of breast height (dbh) of 30 inches or an Oregon white oak with a dbh of 20 inches.

On Dec. 28<sup>th</sup> 2023 Will Fargo, an ISA certified arborist, assessed the subject property and identified all significant trees (white oaks). It's noteworthy that two of the surveyed trees displayed significant fractures but were deemed not in need of immediate removal. Additionally, site visit was conducted on March 13<sup>th</sup> as was requested by planning to survey 4 trees that were called out to be oaks with dbh larger than 20” to confirm their species. All 4 trees were identified as white oaks and as such are “significant” trees.

Under SRC. 808.030 (2)(Q), there exists an exception allowing for the granting of a variance for tree removal under SRC.808.045. We are seeking such a variance to remove trees that are deemed reasonably necessary for the construction of the new single-family dwelling, as outlined in SRC. 808.045(d)(1), under the Hardship criterion.

*(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; and*

Special conditions pertinent to the property have been identified, including the presence of trees predominantly concentrated in the center of the lot. Additionally, the property features a 16 feet elevation change sloping from the northwest corner to the southeast corner, and a public utility easement situated at the rear of the lot, varying in width from approximately 21’ to 43’. These conditions, compounded with the Croisan Mount Covenants and Restrictions, which stipulate a 10’ minimum side yard setback width and a 1,450 s.f minimum building footprint, pose practical difficulties in achieving the construction objectives. Moreover, the narrow width of the roadway necessitates off-site parking to be limited to specially designated side pockets. Parking of certain vehicles, including boats, trailers, trucks, truck campers, and recreational vehicles, must be accommodated within the confines of the garage.

*(B) The proposed variance is the minimum necessary to allow the otherwise lawful proposed development or activity; or*



The proposed variance, which entails the removal of select trees, represents the minimum necessary action to enable the otherwise lawful construction of the proposed single-family dwelling. The subject property, Lot #5, is part of the Croisant Mount subdivision and is zoned RS - Single Family Residential, with the proposed development falling under the outright permitted use category for Single Family Dwelling, as approved in the original subdivision.

Due to the concentration of most significant trees in the center of the lot, it is impossible to place a building that would avoid their removal, meeting the special setback and minimum footprint requirements outlined in the Croisant Mountain covenants and restrictions. Special care and consideration were applied, including the exploration of multiple site layout options, to minimize tree removal and eliminate excessively tall retaining walls due to the site's slope.

Moreover, the building was strategically positioned as close as possible to the eastern property line to preserve trees on the northwest side of the lot. Additionally, in accordance with the client's requirements and Croisant Mountain Covenants and Restrictions, a third car garage and deeper driveway are necessary for parking boats, RVs, and campers. It's important to note that the nearest off-site parking pocket is approximately 500' down the hill and is shared among residents, given that most properties in the subdivision feature long or extra-wide driveways as a result. To accommodate for maneuvering space out of the garage and onsite parking for guests or visitors the building had to be positioned as close as possible to the rear public utility easement line.

In summary, the proposed site layout represents configuration that is minimum necessary to facilitate the construction of the single-family dwelling while adhering to relevant regulations and preserving existing trees.



Sincerely,

Max Plukchi