

From: [Barbara Cracknell](#)
To: [CityRecorder](#)
Subject: Meyer farm
Date: Monday, January 10, 2022 12:30:09 PM

City council planning permission board,

I believe the planning permission for the Meyer farm should be denied. Upon further research on the estate and the issues involved it seems to be prudent to deny the application as there is ongoing litigation.

There is a lot of housing construction in the Salem area at this time so denying the application would not cause any housing crisis.

The factors at issue are environmental, traffic congestion, water, school and wildlife disruption. As well as the litigation issues. Please do not issue planning permission at this time.

Thank you,
Barbara Cracknell
1024 Doris Lp SE
Salem Oregon 97302

[Sent from Yahoo Mail on Android](#)

From: noreply@cityofsalem.net on behalf of cindyhogan@hotmail.com
To: [CityRecorder](#)
Subject: City meeting public comment
Date: Monday, January 10, 2022 12:41:02 PM
Attachments: [Meyer Farm Request to Deny application SUB 21-09.pdf](#)

Your Name	Cynthia Hogan
Your Email	cindyhogan@hotmail.com
Your Phone	503-559-6930
Street	1103 Pawnee Circle SE
City	Salem
State	OR
Zip	97306
	<p>From: Cynthia Hogan, Salem Oregon, January 10, 2022 Re: The application for development of the Meyer Farm, SUB 21-09, should be denied. (PDF copy attached) To: City of Salem Council Members Dear Council Members, Please Deny the Permit Application for Development of Meyer Farm, SUB 21-09. As a partial summation of discussion below I offer these points. 1. Granting the application would be an inappropriate and unethical end run around pending legal proceedings. 2. Wildlife Habitat regulations OAR 660-023-0110 (2), (3), and (6) and ORS 197.175 (2)(a) implement Land Use Goal 5 which requires the city to inventory and protect natural resources and wildlife habitat, and conserve scenic, historic, and open space resources. The city and the applicant have failed to do that in an area that has significant trees, especially the oaks, and wildlife of concern like the western grey squirrel and the white breasted nuthatch. 3. The city should protect the natural and historically important status of the site, especially regarding Native American and settler history. The citizens and the neighborhoods should not be punished for the city's failure to inventory the site or update any such inventory as required. It should spend the money it would have spent on the Hilfiker area to buy and preserve these natural and historic values as the citizens of Salem have asked it to do. There is no similar site in the city that has such values and there are too few parks in this area. 4. The city has failed to require proof, and the applicant has failed to provide such proof, that runoff will not endanger neighboring properties especially in light of increasingly extreme weather events. The neighbors should not have to bear the burden of such a danger. 1. No action should be taken until the court case is resolved. First, the staff report claims that the Meyer Farm is legally under the trustee ship of a real estate attorney. But that statement does not settle the issue of ownership of the property, which is being challenged in court. There is little if anything in the public record to clarify why the property is the subject of litigation. The staff report seems to be siding with the applicant to have the farm developed before ownership issues are resolved in court. This strikes many as suspicious. There seems to be no good reason the applicant could not wait until a final adjudication except to make an end run around the court. This concern is supported by the alleged valuation of the residential farmland property to Kehoe for an amount (1.4 million per Statesman Journal article) that would be</p>

substantially lower than its fair market value as purely residential property. If the ownership is disputed, Kehoe Northwest Properties should not presently have standing or ability to file a permit application. The City should not be taking sides in a court case or trying to render adjudication null or potentially participating in a fraud on some of its owners. It is surprising that the staff report does not discuss this in greater detail. The staff report either does not seem to have done appropriate due diligence on this or it has failed to adequately inform the public of this issue. The staff report recommending the approval of the proposed development of the Meyer Farm contains what I believe are inaccurate opinions that fail to meet certain Oregon land use goals.

2. Loss of Wildlife Habitat and Open Space

Regarding “Loss of Wildlife Habitat and Open Space” the staff report states: Loss of wildlife habitat is not a criterion for granting or denying a phased subdivision tentative plan. In regard to impacts on open space, the Salem Area Comprehensive Plan has adopted goals, policies, and plan map designations to protect identified open space areas. The subject property has not been identified as a natural open space area. Instead, the Comprehensive Plan Map designates the subject property as “Single Family Residential”,... This conclusion is misleading. The Salem land use plan was made pursuant to Oregon land use laws. Permitting decisions must consider Goal 5 criteria whether or not Salem included these considerations in its comprehensive plan. Limiting the protections of Goal 5 only to areas “identified” as natural open spaces in the past nullifies the purpose of Goal 5, particularly, as here, where the city has failed to maintain or update its inventories or codes and does not address new fish, wildlife, or habitat data, such as the Strategy Habitats. The regulations require “current” inventories. The city cannot escape the need to protect ecologically sensitive areas or wildlife by ignoring its duty to conduct inventories or failing to recognize new designations of certain wildlife as sensitive or significant. See Wildlife Habitat OAR 660-023-0110 (2), (3), and (6) (set out below). Goal 5 required local governments to adopt programs to protect natural resources, and conserve scenic, historic, and open space resources. ORS 197.175 (2)(a) (see below). Goal 5 was designed to protect and conserve a wide range of natural resources, including: • riparian areas • wetlands • fish and wildlife habitat • natural areas • historic and cultural resources • scenic views and sites • open space. By requiring a land use decision ‘consider’ these resources, the government must weigh the value of these resources to the community. As many citizens have expressed concern for the Meyer Farm’s unique wildlife, open spaces, historical resources and natural area, the City should take its obligation to consider these benefits seriously. The staff report does not do this and its recommendation should be set aside. Protecting and conserving significant trees and habitat resources should continue to be an integral component of the land use process for land within and outside of urban growth boundaries. The City’s proposed 2021 comprehensive development plan even acknowledges some of these values and goes further by taking into consideration efforts to mitigate climate change. Climate change mitigation requires the preservation of mature trees and woodland areas. The staff report and permit application do not list the species which inhabit the Meyer farm. The presence of oak savannah makes it likely to be habitat for the Fender’s Blue Butterfly, the Willamette Daisy, Wayside Aster and Kincaid’s Lupine. If white oaks are present, then white breasted nuthatches are too and they have been seen in the area. Oaks are prime habitat for white breasted nuthatches which are listed as a sensitive species in the Mid-Willamette Valley. From the Oregon Conservation Strategy website: “ White-breasted Nuthatches use mature, large-diameter oak trees

Message

for foraging and nesting cavities. They require high canopy cover in connected patches.” The applicant and the planning staff failed to consider the conservation of wildlife as it is required to do. The permit should be denied. Furthermore, if the Meyer Farm has wildlife that are protected by threatened or endangered status, then the city could be liable for allowing the taking of these species. Habitat modification that actually harms listed species can constitute take. See *Babbitt v. Sweet Home Chapter of Communities for a Great Oregon*, 515 U.S. 687 (1995). 3. Parks and Historical Significance With respect to Parks and Historical Significance of the Site, the staff report seems confused about the community desire for the Meyer Farm to be preserved as a park for its natural and historical value. The staff report claims there is no “there is no regulatory authority to require that the applicant dedicate all or a portion of the subject property to the City for use as park land.” That is not the point. The City can deny the permit application because it does not want the property developed on the basis of preserving natural and historically important sites. Then it can buy the property at what seems to be good bargain. It can and should do this because the City does not have an adequate open space and parkland area in most of its residential areas. The “undeveloped” Hilfiker Park is too small to serve the surrounding area and it certainly will not maintain the historical and natural attributes of the Meyer Farm. The other park acquisitions are too far away. Woodmansee Park is overused and showing substantial degradation of its environment. The Meyer Farm is a great opportunity to add a park similar to Bush Park, except that the Meyer Farm could focus more on the natural and wildlife attributes as well as the Kalapuya civilization and early Salem farm life. This would be unique in the Salem area. The historical importance of the site is unquestioned. It is connected to major figures in state and local history. And if the City is concerned about equity issues, it should recognize that there are few if any sites that have the imprint of pre-European cultures, like the Kalapuya, as the Meyer Farm does. The Comprehensive Parks System Master Plan (CPSMP) Update May 2013, pages 70-71, discusses: 4.4 Potential park sites may be acquired in advance of development when any of the following conditions arise: a. The proposed site acquisition meets a specific requirement of the CPSMP; b. An opportunity purchase arising out of a joint acquisition by two or more public departments or agencies will provide multiple community benefits; or c. The purchase takes advantage of other economic and/or timing opportunities. Pages 70-1. The CPSMP estimates that over \$900,000 will be needed for development of the Hilfiker property. That would be approximately 2/3 of the amount needed to procure the Meyer Farm which is six times its size. The timing is certainly right as the stated value of 1.4 million is low and the site meets a need to provide natural open areas of unique historical significance and to protect sensitive tree and wildlife habitat. 4. Storm water Runoff Regarding “The Impact of Storm water Runoff,” the staff report indicates that “The applicant’s engineer is required to demonstrate that there is no increase in storm water runoff from the subject property based on a variety of storm frequencies up to a 100-year storm. ” In short, the City is going to “trust” that the applicant will protect adjacent properties despite a substantial loss in the permeability of the surface due to the development density. This presents a conflict of interest. In the past, the City has ‘trusted’ developers like Tokarski with his Creekside Golf Course development which resulted in a large loss of wetland area and surface permeability. This “trust” resulted in flooding of the Kooskooskee Development on at least two occasions (one being 1996) within the last 30 years with waters flowing from the golf course. Instead, the developer

should be required to prove prior to a permit being considered that the loss of trees and surface permeability and the advent of extreme weather events will not adversely affect adjacent properties or overwhelm drainage. The city should then have its own experts review the developer's proof. The City should not put existing homeowners in jeopardy for the sake of a proposed development. In conclusion, there are no grounds for haste in the application or in approving the proposal when proper Goal 5 considerations and inventories of the site have not been conducted and when the ownership is being disputed in court. This proposed development does not involve needed housing and should not receive any special status as a result. The City should take a step back and consider why so many of its citizens want to preserve the farm in its present state. Parks and natural areas, historical artifacts and resources, wildlife corridors, and green infrastructure contribute to conservation, connect people to the natural environment, and enhance the quality of life in community. The permanent destruction of the natural and historical attributes of the Meyer Farm will not enhance livability in the area. The citizens of Salem want to save this natural and heritage site for themselves and for posterity. Part of the Meyer family apparently shares this desire. Their wishes should control over the profit taking of a non-local developer. Their desire to preserve the natural and historical treasure should not be limited by the City's failure to update and inventory its natural treasures, as required by the law. The City should defer to the citizens' wishes, so that this unique treasure may be preserved. Thank you for your time and consideration, Cynthia Hogan 1103 Pawnee Circle SE Salem, OR 97306

OAR 660-023-0110 Wildlife Habitat (with some emphasis added) (1) For purposes of this rule, the following definitions apply: (a) "Documented" means that an area is shown on a map published or issued by a state or federal agency or by a professional with demonstrated expertise in habitat identification. (b) "Wildlife habitat" is an area upon which wildlife depends in order to meet their requirements for food, water, shelter, and reproduction. Examples include wildlife migration corridors, big game winter range, and nesting and roosting sites. (2) Local governments shall conduct the inventory process and determine significant wildlife habitat as set forth in OAR 660-023-0250(5) by following either the safe harbor methodology described in section (4) of this rule or the standard inventory process described in OAR 660-023-0030. (3) When gathering information regarding wildlife habitat under the standard inventory process in OAR 660-023-0030(2), local governments shall obtain current habitat inventory information from the Oregon Department of Fish and Wildlife (ODFW), and other state and federal agencies. These inventories shall include at least the following: (a) Threatened, endangered, and sensitive wildlife species habitat information; (b) Sensitive bird site inventories; and (c) Wildlife species of concern and/or habitats of concern identified and mapped by ODFW (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs). (4) Local governments may determine wildlife habitat significance under OAR 660-023-0040 or apply the safe harbor criteria in this section. Under the safe harbor, local governments may determine that "wildlife" does not include fish, and that significant wildlife habitat is only those sites where one or more of the following conditions exist: (a) The habitat has been documented to perform a life support function for a wildlife species listed by the federal government as a threatened or endangered species or by the state of Oregon as a threatened, endangered, or sensitive species; (b) The habitat has documented occurrences of more than incidental use by a species described in subsection (a) of this section; (c) The

habitat has been documented as a sensitive bird nesting, roosting, or watering resource site for osprey or great blue herons pursuant to ORS 527.710 (Oregon Forest Practices Act) and OAR 629-024-0700 (Forest Practices Rules); (d) The habitat has been documented to be essential to achieving policies or population objectives specified in a wildlife species management plan adopted by the Oregon Fish and Wildlife Commission pursuant to ORS Chapter 496; or (e) The area is identified and mapped by ODFW as habitat for a wildlife species of concern and/or as a habitat of concern (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, or pigeon springs). (5) For certain threatened or endangered species sites, publication of location information may increase the threat of habitat or species loss. Pursuant to ORS 192.501(13), local governments may limit publication, display, and availability of location information for such sites. Local governments may adopt inventory maps of these areas, with procedures to allow limited availability to property owners or other specified parties. (6) As set out in OAR 660-023-0250(5), local governments shall develop programs to protect wildlife habitat following the standard procedures and requirements of OAR 660-023-0040 and 660-023-0050. Local governments shall coordinate with appropriate state and federal agencies when adopting programs intended to protect threatened, endangered, or sensitive species habitat areas. ORS 197.175 Cities' and counties' planning responsibilities 2) Pursuant to ORS chapters 195, 196 and 197, each city and county in this state shall: (a) Prepare, adopt, amend and revise comprehensive plans in compliance with goals approved by the commission;

This email was generated by the dynamic web forms contact us form on 1/10/2022.

From: Cynthia Hogan, Salem Oregon, January 10, 2022

Re: The application for development of the Meyer Farm, SUB 21-09, should be denied.

To: City of Salem Council Members

Dear Council Members,

Please Deny the Permit Application for Development of Meyer Farm, SUB 21-09.

As a partial summation of discussion below I offer these points.

1. Granting the application would be an inappropriate and unethical end run around pending legal proceedings.

2. Wildlife Habitat regulations OAR **660-023-0110** (2), (3), and (6) and ORS 197.175 (2)(a) implement Land Use Goal 5 which requires the city to inventory and protect natural resources and wildlife habitat, and conserve scenic, historic, and open space resources. The city and the applicant have failed to do that in an area that has significant trees, especially the oaks, and wildlife of concern like the western grey squirrel and the white breasted nuthatch.

3. The city should protect the natural and historically important status of the site, especially regarding Native American and settler history. The citizens and the neighborhoods should not be punished for the city's failure to inventory the site or update any such inventory as required. It should spend the money it would have spent on the Hilfiker area to buy and preserve these natural and historic values as the citizens of Salem have asked it to do. There is no similar site in the city that has such values and there are too few parks in this area.

4. The city has failed to require proof, and the applicant has failed to provide such proof, that runoff will not endanger neighboring properties especially in light of increasingly extreme weather events. The neighbors should not have to bear the burden of such a danger.

1. No action should be taken until the court case is resolved.

First, the staff report claims that the Meyer Farm is legally under the trustee ship of a real estate attorney. But that statement does not settle the issue of ownership of the property, which is being challenged in court. There is little if anything in the public record to clarify why the property is the subject of litigation. The staff report seems to be siding with the applicant to have the farm developed before ownership issues are resolved in court. This strikes many as suspicious. There seems to be no good reason the applicant could not wait until a final adjudication except to make an end run around the court.

This concern is supported by the alleged valuation of the residential farmland property to Kehoe for an amount (1.4 million per Statesman Journal article) that would be substantially lower than its fair market value as purely residential property. If the ownership is disputed, Kehoe Northwest Properties should not presently have standing or ability to file a permit application. The City should not be taking sides in a court case or trying to render adjudication null or potentially participating in a fraud on some of its owners. It is surprising that the staff report does not discuss this in greater detail. The staff report either does not seem to have done appropriate due diligence on this or it has failed to adequately inform the public of this issue.

The staff report recommending the approval of the proposed development of the Meyer Farm contains what I believe are inaccurate opinions that fail to meet certain Oregon land use goals.

2. Loss of Wildlife Habitat and Open Space

Regarding “Loss of Wildlife Habitat and Open Space” the staff report states:

Loss of wildlife habitat is not a criterion for granting or denying a phased subdivision tentative plan. In regard to impacts on open space, the Salem Area Comprehensive Plan has adopted goals, policies, and plan map designations to protect identified open space areas. The subject property has not been identified as a natural open space area. Instead, the Comprehensive Plan Map designates the subject property as “Single Family Residential”,...

This conclusion is misleading. The Salem land use plan was made pursuant to Oregon land use laws. Permitting decisions must consider Goal 5 criteria whether or not Salem included these considerations in its comprehensive plan. Limiting the protections of Goal 5 only to areas “identified” as natural open spaces in the past nullifies the purpose of Goal 5, particularly, as here, where the city has failed to maintain or update its inventories or codes and does not address new fish, wildlife, or habitat data, such as the Strategy Habitats. The regulations require “current” inventories. The city cannot escape the need to protect ecologically sensitive areas or wildlife by ignoring its duty to conduct inventories or failing to recognize new designations of certain wildlife as sensitive or significant. See Wildlife Habitat OAR 660-023-0110 (2), (3), and (6) (set out below).

Goal 5 required local governments to adopt programs to protect natural resources, and conserve scenic, historic, and open space resources. ORS 197.175 (2)(a) (see below). Goal 5 was designed to protect and conserve a wide range of natural resources, including:

- riparian areas
- wetlands
- fish and wildlife habitat

- natural areas
- historic and cultural resources
- scenic views and sites
- open space.

By requiring a land use decision ‘consider’ these resources, the government *must* weigh the value of these resources to the community. As many citizens have expressed concern for the Meyer Farm’s unique wildlife, open spaces, historical resources and natural area, the City should take its obligation to consider these benefits seriously. The staff report does not do this and its recommendation should be set aside.

Protecting and conserving significant trees and habitat resources should continue to be an integral component of the land use process for land within and outside of urban growth boundaries. The City’s proposed 2021 comprehensive development plan even acknowledges some of these values and goes further by taking into consideration efforts to mitigate climate change. Climate change mitigation requires the preservation of mature trees and woodland areas.

The staff report and permit application do not list the species which inhabit the Meyer farm. The presence of oak savannah makes it likely to be habitat for the Fender’s Blue Butterfly, the Willamette Daisy, Wayside Aster and Kincaid’s Lupine. If white oaks are present, then white breasted nuthatches are too and they have been seen in the area. Oaks are prime habitat for white breasted nuthatches which are listed as a sensitive species in the Mid-Willamette Valley. From the Oregon Conservation Strategy website: “ White-breasted Nuthatches use mature, large-diameter oak trees for foraging and nesting cavities. They require high canopy cover in connected patches.” The applicant and the planning staff failed to consider the conservation of wildlife as it is required to do. The permit should be denied.

Furthermore, if the Meyer Farm has wildlife that are protected by threatened or endangered status, then the city could be liable for allowing the taking of these species. Habitat modification that actually harms listed species can constitute take. *See Babbitt v. Sweet Home Chapter of Communities for a Great Oregon*, 515 U.S. 687 (1995).

3, Parks and Historical Significance

With respect to Parks and Historical Significance of the Site, the staff report seems confused about the community desire for the Meyer Farm to be preserved as a park for its natural and historical value. The staff report claims there is no “there is no regulatory authority to require that the applicant dedicate all or a portion of the subject property to the City for use as park land.” That is not the point. The City can deny the permit application because it does not want the property developed on the basis of preserving natural and historically important sites. Then it can buy the property at what seems to be good bargain.

It can and should do this because the City does not have an adequate open space and parkland area in most of its residential areas. The “undeveloped” Hilfiker Park is too small to serve the surrounding area and it certainly will not maintain the historical and natural attributes of the Meyer Farm. The other park acquisitions are too far away. Woodmansee Park is overused and showing substantial degradation of its environment. The Meyer Farm is a great opportunity to add a park similar to Bush Park, except that the Meyer Farm could focus more on the natural and wildlife attributes as well as the Kalapuya civilization and early Salem farm life. This would be unique in the Salem area.

The historical importance of the site is unquestioned. It is connected to major figures in state and local history. And if the City is concerned about equity issues, it should recognize that there are few if any sites that have the imprint of pre-European cultures, like the Kalapuya, as the Meyer Farm does.

The Comprehensive Parks System Master Plan (CPSMP) Update May 2013, pages 70-71, discusses:

4.4 Potential park sites may be acquired in advance of development when any of the following conditions arise:

- a. The proposed site acquisition meets a specific requirement of the CPSMP;
- b. An opportunity purchase arising out of a joint acquisition by two or more public departments or agencies will provide multiple community benefits; or
- c. The purchase takes advantage of other economic and/or timing opportunities. Pages 70-1.

The CPSMP estimates that over \$900,000 will be needed for development of the Hilfiker property. That would be approximately 2/3 of the amount needed to procure the Meyer Farm which is six times its size. The timing is certainly right as the stated value of 1.4 million is low and the site meets a need to provide natural open areas of unique historical significance and to protect sensitive tree and wildlife habitat.

4. Storm water Runoff

Regarding “The Impact of Storm water Runoff,” the staff report indicates that “The applicant’s engineer is required to demonstrate that there is no increase in storm water runoff from the subject property based on a variety of storm frequencies up to a 100-year storm. ”

In short, the City is going to “trust” that the applicant will protect adjacent properties despite a substantial loss in the permeability of the surface due to the development density. This presents a conflict of interest. In the past, the City has ‘trusted’ developers like Tokarski with his Creekside Golf Course development which resulted in a large loss of wetland area and surface permeability. This “trust” resulted in flooding of the Kooskooskee Development on at least two occasions (one being 1996) within the last 30 years with waters flowing from the golf course.

Instead, the developer should be required to prove *prior* to a permit being considered that the loss of trees and surface permeability and the advent of extreme weather events will not adversely affect adjacent properties or overwhelm drainage. The city should then have its own experts review the developer’s proof. The City should not put existing homeowners in jeopardy for the sake of a proposed development.

In conclusion, there are no grounds for haste in the application or in approving the proposal when proper Goal 5 considerations and inventories of the site have not been conducted and when the ownership is being disputed in court.

This proposed development does not involve needed housing and should not receive any special status as a result.

The City should take a step back and consider why so many of its citizens want to preserve the farm in its present state. Parks and natural areas, historical artifacts and resources, wildlife corridors, and green infrastructure contribute to conservation, connect people to the natural environment, and enhance the quality of life in community. The permanent destruction of the natural and historical attributes of the Meyer Farm will not enhance livability in the area. The citizens of Salem want to save this natural and heritage site for themselves and for posterity. Part of the Meyer family apparently shares this desire. Their wishes should control over the profit taking of a non-local developer. Their desire to preserve the natural and historical treasure should not be limited by the City’s failure to update and inventory its natural treasures, as required by the law. The City should defer to the citizens’ wishes, so that this unique treasure may be preserved.

Thank you for your time and consideration,

Cynthia Hogan
1103 Pawnee Circle SE
Salem, OR 97306

OAR [660-023-0110](#) Wildlife Habitat (with some emphasis added)

(1) For purposes of this rule, the following definitions apply:

(a) “Documented” means that an area is shown on a map published or issued by a state or federal agency or by a professional with demonstrated expertise in habitat identification.

(b) “Wildlife habitat” is an area upon which wildlife depends in order to meet their requirements for food, water, shelter, and reproduction. Examples include wildlife migration corridors, big game winter range, and nesting and roosting sites.

(2) Local governments shall conduct the inventory process and determine significant wildlife habitat as set forth in OAR 660-023-0250(5) by following either the safe harbor methodology described in section (4) of this rule or the standard inventory process described in OAR 660-023-0030.

(3) When gathering information regarding wildlife habitat under the standard inventory process in OAR 660-023-0030(2), **local governments shall obtain current habitat inventory information** from the Oregon Department of Fish and Wildlife (ODFW), and other state and federal agencies. These inventories shall include at least the following:

(a) Threatened, endangered, and sensitive wildlife species habitat information;

(b) Sensitive bird site inventories; and

(c) Wildlife species of concern and/or habitats of concern identified and mapped by ODFW (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs).

(4) Local governments may determine wildlife habitat significance under OAR 660-023-0040 or apply the safe harbor criteria in this section. Under the safe harbor, local governments may determine that “wildlife” does not include fish, and that significant wildlife habitat is only those sites where one or more of the following conditions exist:

(a) The habitat has been documented to perform a life support function for a wildlife species listed by the federal government as a threatened or endangered species or by the state of Oregon as a threatened, endangered, or sensitive species;

(b) The habitat has documented occurrences of more than incidental use by a species described in subsection (a) of this section;

(c) The habitat has been documented as a sensitive bird nesting, roosting, or watering resource site for osprey or great blue herons pursuant to ORS 527.710 (Oregon Forest Practices Act) and OAR 629-024-0700 (Forest Practices Rules);

(d) The habitat has been documented to be essential to achieving policies or population objectives specified in a wildlife species management plan adopted by the Oregon Fish and Wildlife Commission pursuant to ORS Chapter 496; or

(e) The area is identified and mapped by ODFW as habitat for a wildlife species of concern and/or as a habitat of concern (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, or pigeon springs).

(5) For certain threatened or endangered species sites, publication of location information may increase the threat of habitat or species loss. Pursuant to ORS 192.501(13), local governments may limit publication, display, and availability of location information for such sites. Local governments may adopt inventory maps of these areas, with procedures to allow limited availability to property owners or other specified parties.

(6) As set out in OAR 660-023-0250(5), local governments shall develop programs to protect wildlife habitat following the standard procedures and requirements of OAR 660-023-0040 and 660-023-0050. Local governments shall coordinate with appropriate state and federal agencies when adopting programs intended to protect threatened, endangered, or sensitive species habitat areas.

ORS 197.175 Cities' and counties' planning responsibilities

2) Pursuant to ORS chapters 195, 196 and 197, each city and county in this state shall:

(a) Prepare, adopt, amend and revise comprehensive plans in compliance with goals approved by the commission;

From: [Dean McNulty](#)
To: [CityRecorder](#)
Subject: Meter Farm Subdivision
Date: Monday, January 10, 2022 2:25:59 PM

Mayor and City Counsel

January 10th, 2022

Subject: Subdivision Case No SUB21-09 (Meyer Farm)

Hello, I am requesting this subdivision be approved by the City Council. Although I currently reside in Redmond, Oregon, I was born in Salem and grew up on a farm north of Mt. Angel. I resided in Salem from 1992 until 2017 when I transferred to Central Oregon based on my employer needs. I am nearing retirement and have been planning to move back to Salem, build our dream home and once again become part of the community which I miss.

The proposed “Meyer Farm” subdivision would be a perfect location for us and sure other families would also enjoy the location too. The location is a nice balance of being close to stores, shops, churches, and restaurants on Commercial, but far enough away for reduced noise and privacy. In fact it is a very walkable location.

I understand some folks might be upset with the proposal as their homes border this area and would impact them. I am also aware some folks consider this subdivision a historical site, and oppose any future homes being built on the land along with possible environmental impacts. I do not dispute this, however I would like to bring up a few topics that counter some of the opposition.

First of all, I am a 5th Generation Oregonian and my Great Great Grandfather William Heisler settled in Salem in the 1850’s. He purchased land in the South Salem area and later sold that land to a gentleman named Gaines who became the second Governor of Oregon. This land my ancestor owned was historic along with all the other homes and lands of the time. However over time, they have become locations of current homes, businesses, churches and institutions. To deny this subdivision based on the “Historic Meyer Farm” designation seems in a way hypocritical to me but understand the argument and efforts to preserve history. However over time, they have become locations of current homes, businesses, churches and institutions.

To deny this subdivision based on the “Historic Meyer Farm” designation seems in a way hypocritical to me but understand the argument and efforts to preserve history. However from my understanding of the plot map, the subdivision would

keep the existing old buildings along with retaining many of the oak trees in that area. I can remember all the Cherry Orchards near Lancaster Ave as a young child and don’t recall folks protesting when they built Lancaster Mall and homes for families which were previously historic farms in the area.

I have never been one to build a home in a subdivision and then become upset when other also want to live in that same area, even if it altered previous territorial and mountain views from

my home which has happened to me in the past.

I am hopeful this proposed subdivision is approved and want to thank the city counsel for carefully considering it and hearing from all sides.

Dean McNulty

From: [Emily Stuart](#)
To: [CityRecorder](#)
Subject: Meyer Farm
Date: Monday, January 10, 2022 4:29:04 PM

To the City Council and Whomever Else It May Concern:

I live at 4225 Mandy Ave, on the corner of Albert Street. I am 81 years of age. I will be directly and adversely affected by this very large proposed development.

AT THIS MOMENT the number of cars traveling at a high speed down Albert and turning without pausing onto Mandy is already causing an unacceptable and dangerous traffic hazzard.

I am in danger whenever I drive down Albert and have to make a very quick turn into my own driveway to avoid being hit by a car following close behind me.

I have to cross Mandy to collect my mail and at certain times of the day I am forced to wait for quite a few cars to pass before I can cross and then wait again for more cars before going back. Even still I have to cross the street quickly to avoid being hit by a car going too fast around that corner.

The traffic has increased very noticeably since I bought my house in 2007. I've been told a few requests have been made to the City Council for a stop sign but nothing has been done.

It does not bode well when Salem residents are given reason to doubt that it's government cares about its citizens

BUT a stop sign will NOT begin to ADDRESS the traffic problems after 139 homes are added into this small space.

IMAGINE please the impact of 139 homes!!!

Imagine the construction noise and the disruption that will be a daily reality for those of us who live right at or near this junction for months and years. Then imagine the traffic that becomes a daily reality for those of us already living here into the future.

TRAFFIC is just the beginning of problems!

What will happen to groundwater levels when we are already living in drought conditions? What about the trees that will have to come down? What about higher temperatures due to the loss of the shade of those trees? Imagine how much wildlife will be displaced? The birds are already having a difficult time surviving with extreme temperatures that are already our new normal. Many more birds and animals will be displaced and die.

What about green spaces that are essential to the mental and physical health of those of us who already live here?

What about the historical value of the land? That alone matters a great deal to me and to others I know. What about the need we all have to feel a connection with those who were here

before? With what events happened here?

What about those who have lived in this neighborhood a lot longer than I have?

What about all of us who have lived through a Pandemic nightmare with no ending in sight.

We are already stressed just coping with that.

What is being proposed is a complete devastation. Too many houses in this small space. Too many people. Too many cars. Too much noise. Too little wildlife. A reduction in quality of life for all of us.

But what is being proposed will be a personal devastation to me. I have LOVED living in sight of that Meyer's Farm. I bought my house partly because of that land. That alone is a big loss to me. If this development is allowed to proceed I will no longer want to live here. But will I be able to sell my house? What will my house be worth?

Please, please consider carefully what you choose to do.

Please don't be motivated by only economics. People matter.

Respectfully,

Emily Stuart Sweet

From: [Holly Rau](#)
To: [CityRecorder](#); [citycouncil](#)
Subject: January 10, 2021 City Council Meeting RE: Meyer Farm Please DENY the subdivision request
Date: Monday, January 10, 2022 4:58:49 PM

Dear City Recorder & City Councilors,

I writing to request that the city council DENY the request for the Meyer Farm subdivision.

I would like you to consider the following:

-Ownership issues have not truly been resolved. The Meyer Family kin are still fighting on who owns the land and who can make decisions. My belief is that city staff is using false assumptions that ownership issues have been settled. Making a decision today, while the ownership issues are up in the air sets the council up for potential future litigation.

-The traffic that will be generated by allowing this much housing in that area would be detrimental. The infrastructure is not in place for this much housing, and the money won't be spent to address these concerns.

-The tree inventory for the farm is out-of-date and incomplete. Salem is a Tree City, and city staff has a hands-off policy, practically encouraging developers to chop down as many trees as possible, then looking the other way when developers cut even more trees down.

-The wildlife at this site needs protection. Fourteen species are identified at this site that need protection.

-Does every piece of history need to be bulldozed for another subdivision? Joni Mitchell said it better than I could:

"They paved paradise

And put up a parking lot".

-The barn that Joseph Waldo built-in 1854 is still on the property, and qualifies to be listed on the National Registry of Historic Places.

Again I request that City council DENY this subdivision request.

Thank you.

From: [Jenny Hiatt](#)
To: [citycouncil](#); [CityRecorder](#)
Subject: SUB 21-09 Hearing Petitions
Date: Monday, January 10, 2022 3:18:48 PM
Attachments: [Meyerfarmonlinepetition2.pdf](#)

To City Council and City Recorders,
Submitting additional online petitions signed by community members after Jan. 3rd, 2022
regarding SUB 21-09.

Thank you,
Jenny Hiatt

Meyer Farm Petition

PETITION

TO: The City Recorder.

The undersigned request The Mayor and the Salem City Council to DENY the proposed Subdivision of historic The Meyer Farm, to reject this land use proposal, to implement State Land Use Goal 5, and to take steps to protect this Open Space and all "significant" and protected trees that the developer proposes to remove, e.g. the 300 year old Oak trees, that we understand were planted by the Kalapuyas, and are part of our heritage

E-Signature:



First Name:

Amber

Last Name:

Padilla

Email:

amber52@comcast.net

Phone:

5033839291

Why Did You Sign?

I support saving this heritage farm, trees planted by the Kaliapuia, and thousands of wildlife dependent on the 30 acres.

Meyer Farm Petition

PETITION

TO: The City Recorder.

The undersigned request The Mayor and the Salem City Council to DENY the proposed Subdivision of historic The Meyer Farm, to reject this land use proposal, to implement State Land Use Goal 5, and to take steps to protect this Open Space and all "significant" and protected trees that the developer proposes to remove, e.g. the 300 year old Oak trees, that we understand were planted by the Kalapuyas, and are part of our heritage

E-Signature:



First Name:

Kendra

Last Name:

Mauldin

Email:

nikki.mauldin@gmail.com

Phone:

7194402518

Why Did You Sign?

This is a beautiful piece of land and Salem treasure. The trees are so beautiful and should be left undisturbed!!!

Meyer Farm Petition

PETITION

TO: The City Recorder.

The undersigned request The Mayor and the Salem City Council to DENY the proposed Subdivision of historic The Meyer Farm, to reject this land use proposal, to implement State Land Use Goal 5, and to take steps to protect this Open Space and all "significant" and protected trees that the developer proposes to remove, e.g. the 300 year old Oak trees, that we understand were planted by the Kalapuyas, and are part of our heritage

E-Signature:



First Name:

Katie

Last Name:

Grauer

Email:

katie.holze@hotmail.com

Meyer Farm Petition

PETITION

TO: The City Recorder.

The undersigned request The Mayor and the Salem City Council to DENY the proposed Subdivision of historic The Meyer Farm, to reject this land use proposal, to implement State Land Use Goal 5, and to take steps to protect this Open Space and all "significant" and protected trees that the developer proposes to remove, e.g. the 300 year old Oak trees, that we understand were planted by the Kalapuyas, and are part of our heritage

E-Signature:



First Name:

Douglas

Last Name:

Hilfiker

Email:

doughilfiker@gmail.com

Phone:

503-580-7695

Why Did You Sign?

I was the right thing to do.

Meyer Farm Petition

PETITION

TO: The City Recorder.

The undersigned request The Mayor and the Salem City Council to DENY the proposed Subdivision of historic The Meyer Farm, to reject this land use proposal, to implement State Land Use Goal 5, and to take steps to protect this Open Space and all "significant" and protected trees that the developer proposes to remove, e.g. the 300 year old Oak trees, that we understand were planted by the Kalapuyas, and are part of our heritage

E-Signature:



First Name:

Alan

Last Name:

Kanne

Email:

teachntravel@gmail.com

Meyer Farm Petition

PETITION

TO: The City Recorder.

The undersigned request The Mayor and the Salem City Council to DENY the proposed Subdivision of historic The Meyer Farm, to reject this land use proposal, to implement State Land Use Goal 5, and to take steps to protect this Open Space and all "significant" and protected trees that the developer proposes to remove, e.g. the 300 year old Oak trees, that we understand were planted by the Kalapuyas, and are part of our heritage

E-Signature:



First Name:

Mark

Last Name:

Colburn

Email:

colbs34@gmail.com

Phone:

(503) 930-5292

Why Did You Sign?

To preserve an historic and open space in South Salem.

Meyer Farm Petition

PETITION

TO: The City Recorder.

The undersigned request The Mayor and the Salem City Council to DENY the proposed Subdivision of historic The Meyer Farm, to reject this land use proposal, to implement State Land Use Goal 5, and to take steps to protect this Open Space and all "significant" and protected trees that the developer proposes to remove, e.g. the 300 year old Oak trees, that we understand were planted by the Kalapuyas, and are part of our heritage

E-Signature:



First Name:

Liz

Last Name:

Backer

Email:

lizmail217@gmail.com

Phone:

503-551-6283

Why Did You Sign?

Because the application is full of errors that will have a significant impact on our city, but most importantly; because the ownership of this property has not been settled in court. The city of Salem should not even be considering this application at this point, it is a complete waste of time, money, and resources. From what I have seen, it's pretty obvious as to who the true owners of this property are. Once the courts allow the Meyer family to continue ownership of THEIR land, this application will have been for nothing.

Meyer Farm Petition

PETITION

TO: The City Recorder.

The undersigned request The Mayor and the Salem City Council to DENY the proposed Subdivision of historic The Meyer Farm, to reject this land use proposal, to implement State Land Use Goal 5, and to take steps to protect this Open Space and all "significant" and protected trees that the developer proposes to remove, e.g. the 300 year old Oak trees, that we understand were planted by the Kalapuyas, and are part of our heritage

First Name: Lynn
Last Name: Albright
Email: shazam57@gmail.com
Phone: 8053208152

Why Did You Sign? Pavement is forever. The City of Salem is systematically destroying old growth trees, habitat for wildlife and the natural beauty of our City in its zeal to constantly approve new development. Close your eyes and imagine any suburb in California. We're almost there!

Meyer Farm Petition

PETITION

TO: The City Recorder.

The undersigned request The Mayor and the Salem City Council to DENY the proposed Subdivision of historic The Meyer Farm, to reject this land use proposal, to implement State Land Use Goal 5, and to take steps to protect this Open Space and all "significant" and protected trees that the developer proposes to remove, e.g. the 300 year old Oak trees, that we understand were planted by the Kalapuyas, and are part of our heritage

First Name: Woody

Last Name: Jackson

Email: woodyj@mac.com

Phone: 5039791837

Why Did You Sign? Preserve locations that support Oregon White Oak and its habitat.

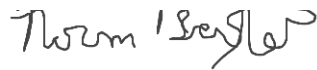
Meyer Farm Petition

PETITION

TO: The City Recorder.

The undersigned request The Mayor and the Salem City Council to DENY the proposed Subdivision of historic The Meyer Farm, to reject this land use proposal, to implement State Land Use Goal 5, and to take steps to protect this Open Space and all "significant" and protected trees that the developer proposes to remove, e.g. the 300 year old Oak trees, that we understand were planted by the Kalapuyas, and are part of our heritage

E-Signature:



First Name:

Norm

Last Name:

Baxter

Email:

nwbaxter11249@gmail.com

Phone:

(503) 602-3551

Why Did You Sign?

We must protect this beautiful property from the ravages of development.

From: [Janita James](#)
To: [CityRecorder](#); [citycouncil](#); [Aaron Panko](#)
Subject: Meyer Family Farm Subdivision application
Date: Monday, January 10, 2022 4:07:13 PM

As a long time Morningside neighborhood resident of 47 years I am writing to you to ask you to deny permission for this application.

The reasons for this are many, one being that the selling of the farm property is in litigation with the majority of the family members opposed, and until this is resolved in the courts no subdivision proposal of the land should even be considered. Other reasons including, traffic, historical significance, significant tree preservation are being addressed by others, so I will not address them in my letter.

I would like to state that this property is remarkable for its open space, vistas and woodlands. It is all the more remarkable in that its west border is just a couple of blocks from one of Salem's chief main roads. Open space like this in a city that is becoming more built up each year is something to be cherished and saved for future generations and not developed. For a city dweller there is something very calming in being able to drive, or walk, past the big meadow at dusk or dawn and see deer grazing in it, a stone's throw from major traffic and shopping centers. The unobstructed views to the north east from 12th Street and Hificker are beautiful, and ever changing with the different seasons and light of day and with development would be totally lost.

Please deny this application.

Sincerely,

Janita James

Sent from my iPad

January 10, 2022

City Councilors, City of Salem
Recorder's Office, Civic Center
555 Liberty St. SE, Room 205
Salem, OR 97301

Re: Subdivision SUB21-09 at 4540 Pringle Rd SE

Dear Mayor and Salem City Council:

I am writing as a concerned citizen who lived in Salem for seven years. I have a Master's degree from the Yale School of Forestry and Environmental Studies, and I am concerned about the City's recent approval of SUB21-09, which should be denied.

Most alarming is the impact this subdivision will have on the 4.2-acre stand of Oregon White Oaks on this property, which represent some of the last of the last remaining oak woodlands in the Willamette Valley, and certainly one of the last stands within the City limits.

The community has expressed substantial concerns about SUB21-09, but specifically I want to address how the application violates the following clear and objective approval criteria:

1. Incorrect and missing application information

Under 300.210(a), "All information supplied on the application form and accompanying the application **shall be complete and correct as to the applicable facts.**"

This application has not supplied complete and correct accompanying information. The tree survey, which provides the basis of the Tree Conservation Plan, was completed in 2019 – more than two and a half years ago.

Staff requested current tree information, and the applicant provided an updated tree inventory on August 31, 2021, but did not provide updated tree measurements. The applicant deemed the application complete on September 13, 2021. In public comment, Morningside Neighborhood Association pointed out multiple discrepancies in reported tree diameters between the May 2019 tree survey and the more current August 2021 arborist report (which showed the trees much larger), but they were ignored.

Under pressure from Morningside Neighborhood Association on December 8, 2021, the applicant measured a selection of oaks and discovered the base tree survey was in fact incorrect, and that many oaks on the property had been reported as smaller than they actually were – some by as much as 13". This meant there were many more significant oaks on the property than previously reported.

On January 7, 2022 (one business day before the Public Hearing on SUB21-09), the applicant submitted a table with updated tree measurements that increased the number of significant trees to be removed from four to 11. No arborist report or revised Tree Conservation Plan was submitted.

From what can be gathered from this limited information, there now appears to be 50 significant trees on the property (see Exhibit A) with a total of 14 significant trees proposed for removal (nine on private property; five in the right-of-way along 12th St).

Furthermore, these counts do not include significant trees with root systems that will be impacted by grading activities. Under SRC 808.005, "tree removal" is defined as, "to cut down a tree or remove 30 percent or more of the crown, trunk, or root system of a tree." It is noted that the proposed grading within the root system of trees 3109 (30% root impacts), 3217 (29% root impacts), and 2824 (28% root impacts) needs to be modified to achieve those impact thresholds, however revised grading plans were not provided. It is also unknown which of the newly identified significant trees will be impacted by the grading plans, as that analysis was not provided by applicant as required.

2. Shadow plat violates development standards of the UDC

Under SRC 205.030 (h), "For residentially zoned property, where the partition or subdivision will result in a lot or parcel that is one-half acre or larger, a plan for the lot or parcel showing the location of lot or parcel lines and other details of layout, **and demonstrating that future further division of the lot or parcel may readily be made without violating the development standards of the UDC...**"

The applicant has reserved a 3.64-acre parcel for future development (Lot 139 / "Area to Remain") and does not show any oaks within this parcel as being removed. This strategy downplays and distorts the percent of significant trees that will be removed (18%; see Exhibit B). Excluding significant trees in Lot 139 / "Area to Remain", the percent of significant trees that will be removed is actually 43% (see Exhibit C).

The shadow plat for future development parcel is also shown (see Exhibit D), and the future street and utility connections approved in SUB21-09 will require the removal of 15 additional significant trees on Lot 139 (52%; see Exhibit E). The shadow plat for Lot 139 therefore violates the development standards of the UDC, namely, SRC 808.015 that no person shall remove a significant tree. The shadow plat is not an approvable model per SRC 205.030(h).

In the big picture, when taking the future development of Lot 139 / "Area to Remain" into account, a total of 24 of the property's 50 significant trees will need to be removed (48%; see Exhibit F), which is not consistent with SRC 808.015.

3. Removal of significant trees

Under SRC 808.015, **no person shall remove a significant tree** unless meeting an exception from SRC 808.035(d)(2). Planning Staff concluded that under SRC 808.035(d)(2), the significant trees can be removed because there are no reasonable design alternatives that would enable preservation of such trees (see Exhibit G).

While I believe this property should remain as open space, there is a reasonable design alternative *that would result in the preservation of all significant trees on private property*. The alignment of Hilfiker Extension could be shifted by just 130 feet to the northwest and it would completely avoid the entire oak grove. As a Collector B street with a 25 mph design speed, there is a lot of flexibility in the design alignment of Hilfiker. There is no legitimate reason why Hilfiker Extension or its adjacent residential lots need to slice through the oak grove as proposed. This application should be denied and sent back to the drawing board.

Finally, it is important to keep in the mind **there is nothing in the code that guarantees a developer the right to a certain number of lots. There is, however, code that protects significant trees.** The City of Salem protects significant trees because they provide important benefits to the community and our infrastructure. It is why Salem has the *Community Forestry Strategic Plan* to “protect, increase, and enhance Salem’s tree canopy” and it is also why Oregon’s planning Goal 5 instructs that “Local governments shall adopt programs that will protect natural resources... and conserve open space... for present and future generations.” This is because “these resources promote a healthy environment and natural landscape that contributes to Oregon's livability.”

Sincerely,



James Santana

Attachments:

- Exhibit A Locations of Significant Trees
- Exhibit B Proposed Removal and Preservation of Significant Trees
- Exhibit C Proposed Removal and Preservation of Significant Trees – Lots 1 through 138 Only
- Exhibit D Proposed Removal and Preservation of Significant Trees – Lot 139 Area to Remain Only
- Exhibit E Expected Removal and Preservation of Significant Trees – Lot 139 Shadow Plat
- Exhibit F Expected Removal and Preservation of Significant Trees – Entire Site with Shadow Plat
- Exhibit G Proposed Hilfiker Extension
- Exhibit H Reasonable Design Alternative
- Exhibit I Reasonable Design Alternative Layout

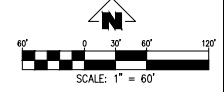
EXHIBIT A

Locations of Significant Trees

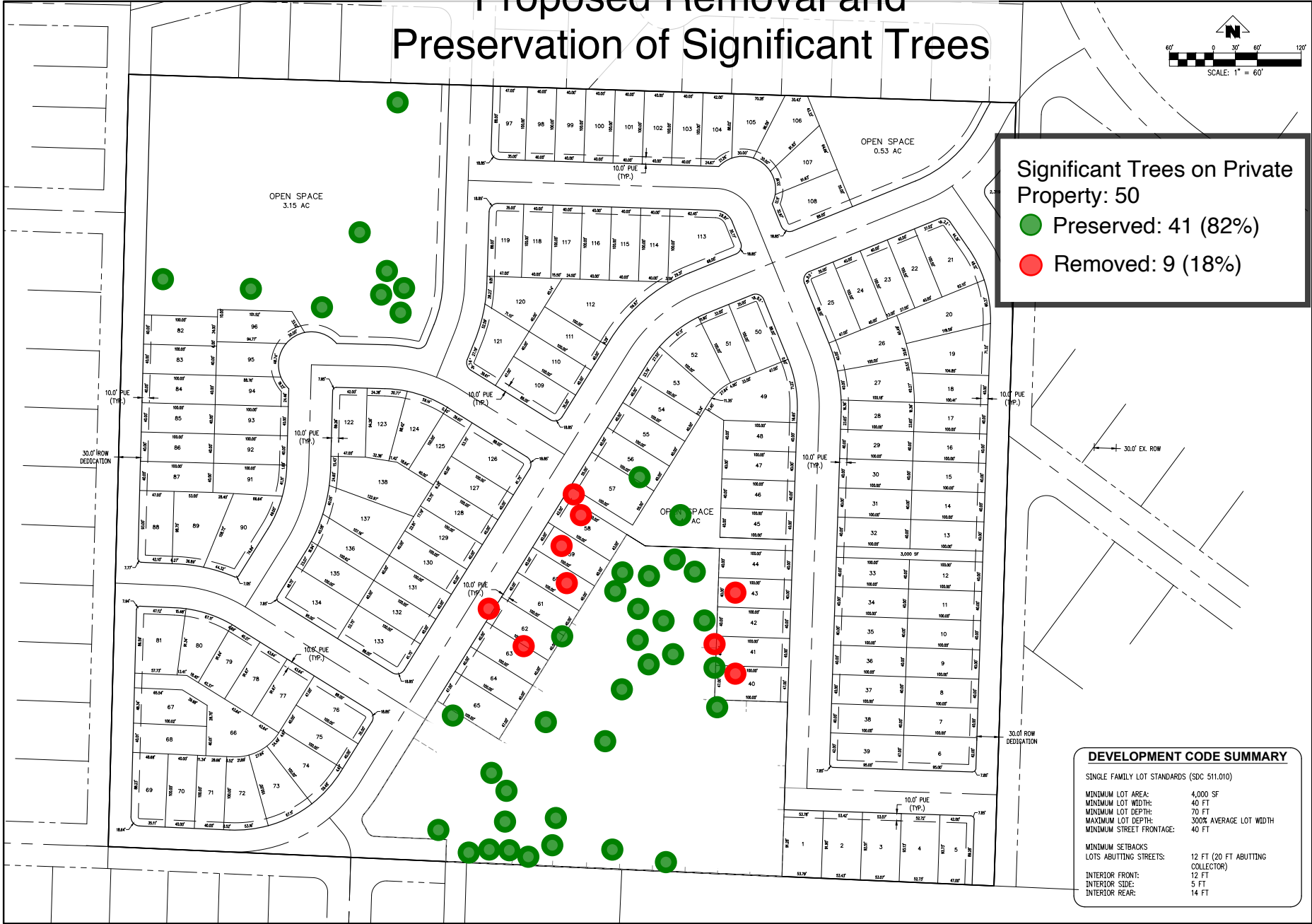


EXHIBIT B

Proposed Removal and Preservation of Significant Trees



Significant Trees on Private Property: 50
 ● Preserved: 41 (82%)
 ● Removed: 9 (18%)



DEVELOPMENT CODE SUMMARY

SINGLE FAMILY LOT STANDARDS (SDC 511.010)

MINIMUM LOT AREA:	4,000 SF
MINIMUM LOT WIDTH:	40 FT
MINIMUM LOT DEPTH:	30 FT
MAXIMUM LOT DEPTH:	300% AVERAGE LOT WIDTH
MINIMUM STREET FRONTAGE:	40 FT

MINIMUM SETBACKS
 LOTS ABUTTING STREETS: 12 FT (20 FT ABUTTING COLLECTOR)

INTERIOR FRONT:	12 FT
INTERIOR SIDE:	5 FT
INTERIOR REAR:	14 FT

4540 PRINGLE RD SE
 TAX MAP - 3000 & 3002
 TAX MAP - 083W11BC
 SW1/4 NW1/4 SEC11 T8S R3W W.M.
 SALEM, OREGON

TENTATIVE PLAT

NO.	DATE	REVISIONS	DESCRIPTION

EMERIO
 ENGINEERING & ARCHITECTURE
 2000 WALLACERIDGE ROAD, SUITE 11A
 EUGENE, OREGON 97401
 FAX: (503) 633-9202
 www.emerioeng.com

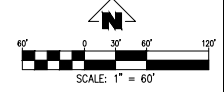


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PLAT: 10242-003.mxd, from: 10242-003_P4.dwg, Job: 10242-003 - TENTATIVE PLAT, Plot Date: 6/22/2022 11:17 AM, by: tom.f@em

EXHIBIT C

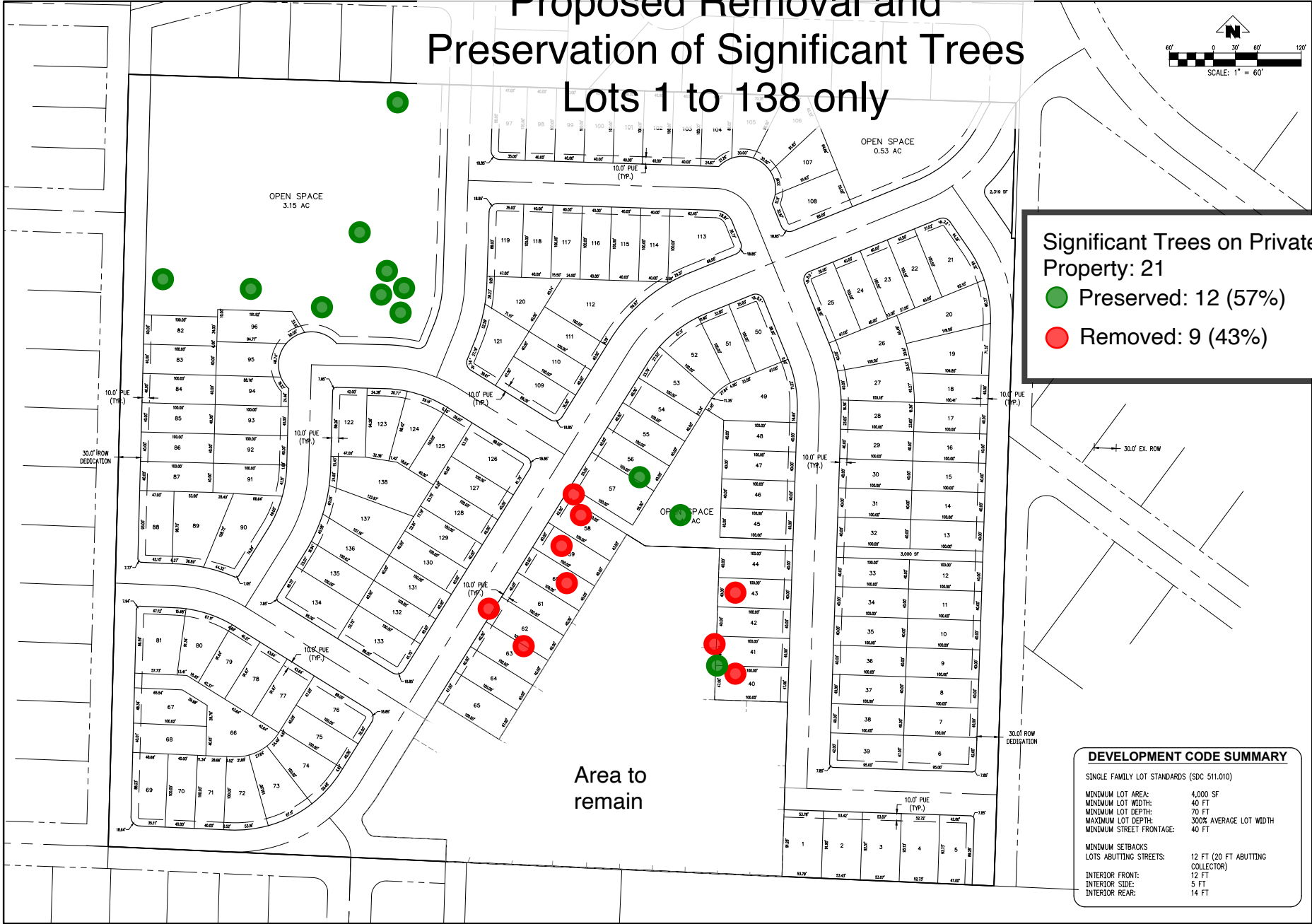
Proposed Removal and Preservation of Significant Trees Lots 1 to 138 only



4540 PRINGLE RD SE
TAX MAP - 3000 & 3002
TAX MAP - 083W11BC
SW1/4 NW1/4 SEC11 T8S R3W W.M.
SALEM, OREGON

Significant Trees on Private Property: 21

- Preserved: 12 (57%)
- Removed: 9 (43%)



DEVELOPMENT CODE SUMMARY

SINGLE FAMILY LOT STANDARDS (SDC 511.010)

MINIMUM LOT AREA:	4,000 SF
MINIMUM LOT WIDTH:	40 FT
MINIMUM LOT DEPTH:	30 FT
MAXIMUM LOT DEPTH:	300% AVERAGE LOT WIDTH
MINIMUM STREET FRONTAGE:	40 FT

MINIMUM SETBACKS	
LOTS ABUTTING STREETS:	12 FT (20 FT ABUTTING COLLECTOR)
INTERIOR FRONT:	12 FT
INTERIOR SIDE:	5 FT
INTERIOR REAR:	14 FT

NO.	DATE	REVISIONS	DESCRIPTION

EMERIO
EMERIO ENGINEERING & ARCHITECTURE
2000 WALLACERIDGE ROAD, SUITE 11A
EUGENE, OREGON 97401
TEL: (503) 833-8282
FAX: (503) 833-8282
www.emerioeng.com

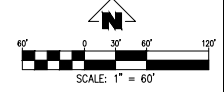


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PLP: 10742-203.mxd from 10742-203_P4.dwg, 6/22/2022 11:17 AM by: tom.f@es

EXHIBIT D

Proposed Removal and Preservation of Significant Trees Area to Remain only

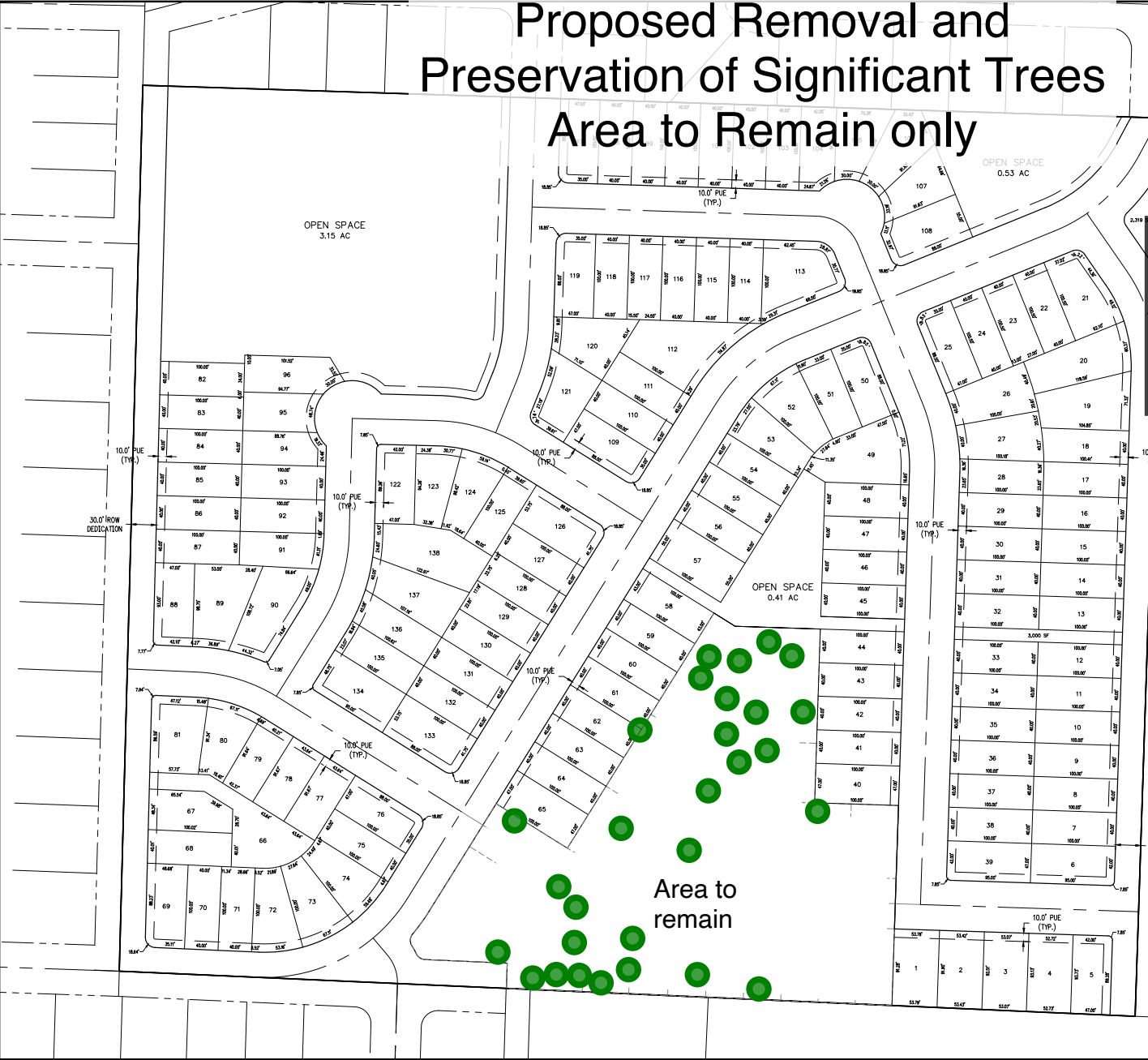


4540 PRINGLE RD SE
TAX MAP - 3000 & 3002
TAX MAP - 083W11BC
SW1/4 NW1/4 SEC11 T8S R3W W.M.
SALEM, OREGON

TENTATIVE PLAT

Significant Trees on Private Property: 29

- Preserved: 29 (100%)
- Removed: 0 (0%)



DEVELOPMENT CODE SUMMARY

SINGLE FAMILY LOT STANDARDS (SDC 511.010)

MINIMUM LOT AREA:	4,000 SF
MINIMUM LOT WIDTH:	40 FT
MINIMUM LOT DEPTH:	30 FT
MAXIMUM LOT DEPTH:	300% AVERAGE LOT WIDTH
MINIMUM STREET FRONTAGE:	40 FT

MINIMUM SETBACKS	
LOTS ABUTTING STREETS:	12 FT (20 FT ABUTTING COLLECTOR)
INTERIOR FRONT:	12 FT
INTERIOR SIDE:	5 FT
INTERIOR REAR:	14 FT

REVISIONS

NO.	DATE	DESCRIPTION

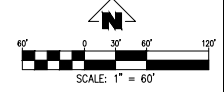


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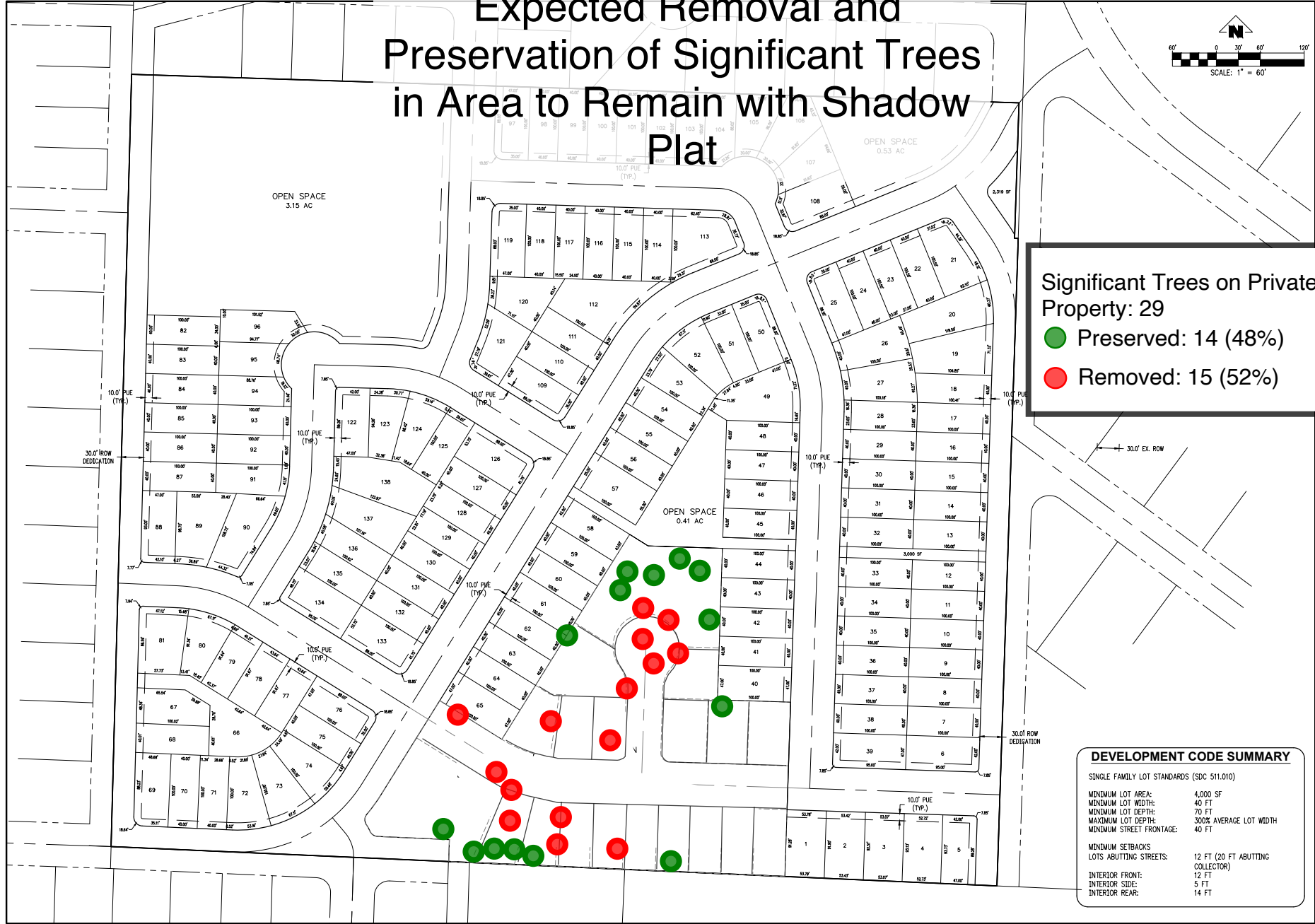
PLAT: 10242-003.mxd, from: 10242-003_P4.dwg, Job: 10242-003 - TENTATIVE P4.0 - Final Date: 6/22/2022 11:17 AM, by: tom.f@em

EXHIBIT E

Expected Removal and Preservation of Significant Trees in Area to Remain with Shadow Plat



4540 PRINGLE RD SE
TAX MAP - 3000 & 3002
TAX MAP - 083W11BC
SW1/4 NW1/4 SEC:11 T8S R3W W.M.
SALEM, OREGON



Significant Trees on Private Property: 29

- Preserved: 14 (48%)
- Removed: 15 (52%)

DEVELOPMENT CODE SUMMARY

SINGLE FAMILY LOT STANDARDS (SDC 511.010)

MINIMUM LOT AREA:	4,000 SF
MINIMUM LOT WIDTH:	40 FT
MINIMUM LOT DEPTH:	30 FT
MAXIMUM LOT DEPTH:	300% AVERAGE LOT WIDTH
MINIMUM STREET FRONTAGE:	40 FT

MINIMUM SETBACKS	
LOTS ABUTTING STREETS:	12 FT (20 FT ABUTTING COLLECTOR)
INTERIOR FRONT:	12 FT
INTERIOR SIDE:	5 FT
INTERIOR REAR:	14 FT

REVISIONS

NO.	DATE	DESCRIPTION

EMERIO
EMERIO ENGINEERING & ARCHITECTURE
2000 WALLACER ROAD, SUITE 1A
EUGENE, OREGON 97401
TEL: 503.333.9200
FAX: 503.333.9202
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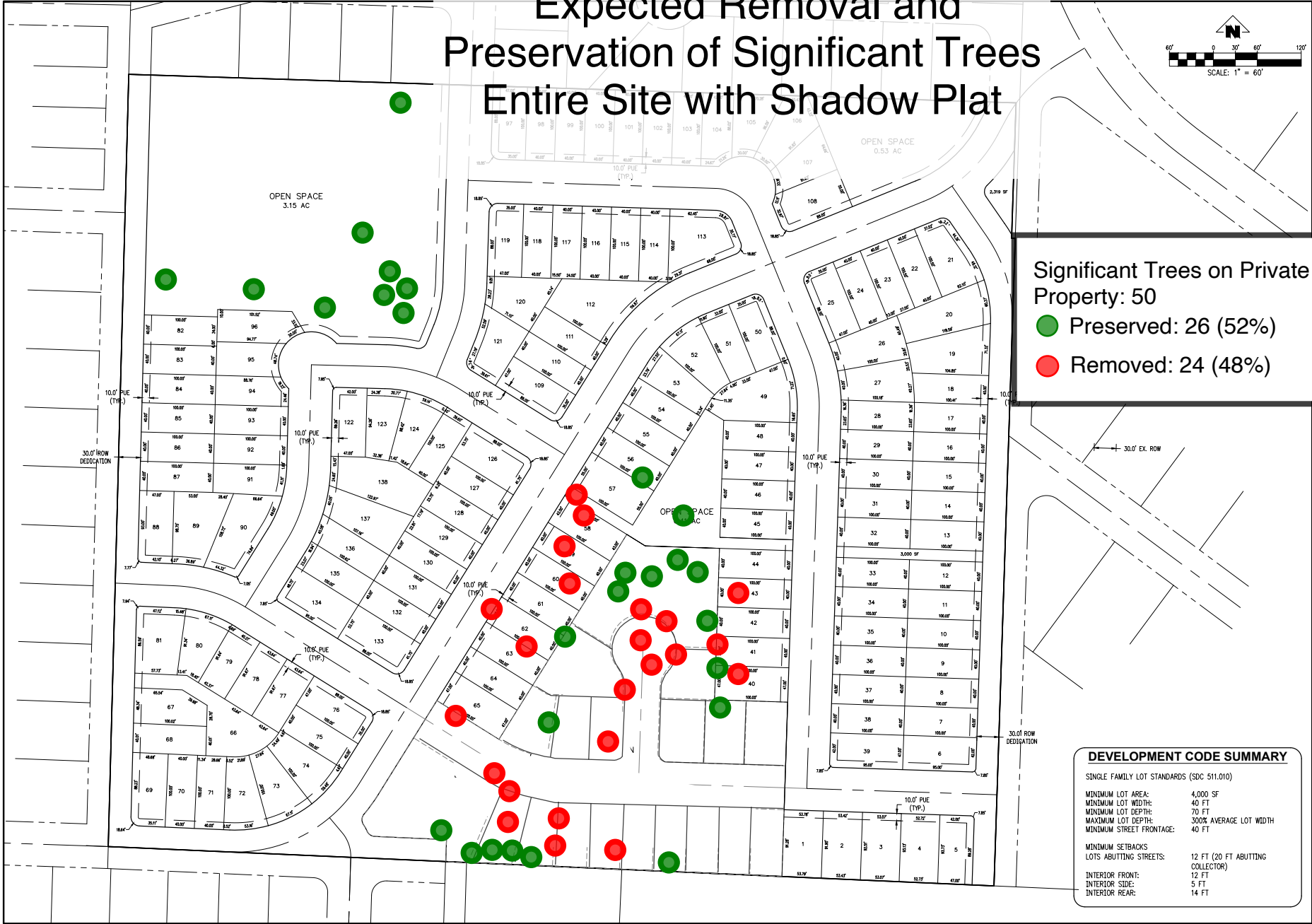
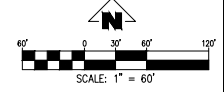


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PLP: 10242-003.mxd, from 10242-003_P4.dwg, 10/24/2022 11:17 AM, by: tom.f@es.com

EXHIBIT F

Expected Removal and Preservation of Significant Trees Entire Site with Shadow Plat



Significant Trees on Private Property: 50

- Preserved: 26 (52%)
- Removed: 24 (48%)

DEVELOPMENT CODE SUMMARY

SINGLE FAMILY LOT STANDARDS (SDC 511.010)

MINIMUM LOT AREA:	4,000 SF
MINIMUM LOT WIDTH:	40 FT
MINIMUM LOT DEPTH:	30 FT
MAXIMUM LOT DEPTH:	300% AVERAGE LOT WIDTH
MINIMUM STREET FRONTAGE:	40 FT

MINIMUM SETBACKS	
LOTS ABUTTING STREETS:	12 FT (20 FT ABUTTING COLLECTOR)
INTERIOR FRONT:	12 FT
INTERIOR SIDE:	5 FT
INTERIOR REAR:	14 FT

4540 PRINGLE RD SE
TAX MAP - 3000 & 3002
TAX MAP - 083W11BC
SW1/4 NW1/4 SEC:11 T8S R3W W.M.
SALEM, OREGON

TENTATIVE PLAT

NO.	DATE	DESCRIPTION

EMERIO
PLANNING & DESIGN
2000 WALLACE ROAD, SUITE 11A
ELMENDORF, OREGON 97111
TEL: 503.633.9200
FAX: 503.633.9202
www.emeriodesign.com



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PLAT: 10242-002 map# from 10242-002 PLAT# 081 PLAT# 081 - TENTATIVE PLAT File Date: 6/22/2023 11:17 AM by: tom fahs

From: noreply@cityofsalem.net on behalf of kramstad38@yahoo.com
To: [CityRecorder](#)
Subject: City meeting public comment
Date: Monday, January 10, 2022 1:01:50 PM
Attachments: [SUB21-09 Meyer Farm Oak Trees letter.docx](#)

Your Name	KRISTIN RAMSTAD
Your Email	kramstad38@yahoo.com
Your Phone	5037794830
Street	190 WASHINGTON ST S
City	SALEM
State	OR
Zip	97302
Message	<p> January 10, 2022 To: The Salem City Council and City of Salem Community Development staff Re: City Council Review of the subdivision approval (SUB21-09) located at 4540 Pringle Rd SE. I am a resident of south Salem, with 30 years of professional experience as an ISA-Certified arborist and urban forester. I am also a forestland owner who manages oak woodlands that my husband and I own in Polk County. Unfortunately, I will not be able to attend the Zoom meeting tonight while this subdivision application is being reviewed. I am writing to express my concerns about the long-term health of the significant oak trees at the Meyer Farm. I have read the staff report, studied the development plan, and read through the tree conservation regulations for in Salem SRC chapter 808. I know I don't need to tell the Salem City Council about the importance of preserving Oregon white oak trees and groves. Here's where I can speak from decades of experience: Old Oregon white oak groves tend to decline quickly in proximity to intensive development such as that being proposed for the Meyer Farm property. Even with the best tree conservation practices during development – and in most cases these are hard to enforce without an ISA-certified arborist or ASCA registered arborist onsite daily throughout the entire land development and construction process – it would be surprising to see these groves of oak trees alive after a decade, if this property is developed as currently proposed. Put simply, SUB21-09 encroaches too much on these groves. The disruptions to soil and drainage during development, the imposition of impervious surfaces, the use of landscape chemicals, the encroachment of hundreds of humans in a small area, along with all the unknowns of our changing climate, will doom these oaks to a slow death in the not-too-distant future. Oak groves like these tend to receive benign neglect by developers, and later, Homeowner Associations, who know little about managing oak groves and only take remedial/restorative action when it is too late. Added to this, old oaks are unpredictable, as we have recently seen in the February ice storm. Excess water, e.g., from runoff from nearby landscapes and impervious surfaces, can cause root disease throughout a white oak stand. If one or several of the oaks in these stands were to fail and cause harm to people or property, the resulting anxiety felt by the neighbors could justify the removal of these trees. To be clear, I am not speaking against development in general. Nowadays, many cities are implementing </p>

alternatives to conventional development and using low impact development strategies to help mitigate the inevitable disruptions of development. Several developers are educating themselves about and taking responsibility for managing preserved forest stands into the future. Cities such as Wilsonville, Lake Oswego, Eugene, and Corvallis are leaders in the efforts to sustainably preserve tree stands during development. The Meyer Farm property is in a prime location for development, but a future, more tree-friendly development could be so much better than SUB21-09. The Meyer Farm property could be developed in such a way to create significantly larger buffers around the oak stands, which would contribute greatly to their survival, with just 20-25 percent less density. Salem is in such a prime location within Oregon that it will always be able to attract good developers. I would like to see Salem become a leader in using the most ecologically sustainable development practices in the state. I would like to see Salem attract developers and builders who really want to preserve tree stands sustainably beyond the minimum efforts required. I understand the pressure Salem and many other cities are under to increase housing. I believe that trees and housing need to co-exist safely. I applaud all that the Salem city council has been doing to recognize the need for saving large trees and oak groves. However, there is a large difference between preserving trees during construction and development and ensuring their viability and safety in the future. Just because a developer can comply with short term requirements for tree conservation doesn't guarantee these trees will be cared for and managed properly after the development is built. Please consider the long-term health of the oak groves at the Meyer Farm property carefully. Once these precious groves are gone, either by chainsaw or slow decline, they're gone.

This email was generated by the dynamic web forms contact us form on 1/10/2022.

January 10, 2022

To: The Salem City Council and City of Salem Community Development staff

Re: City Council Review of the subdivision approval (SUB21-09) located at 4540 Pringle Rd SE.

I am a resident of south Salem, with 30 years of professional experience as an ISA-Certified arborist and urban forester. I am also a forestland owner who manages oak woodlands that my husband and I own in Polk County.

Unfortunately, I will not be able to attend the Zoom meeting tonight while this subdivision application is being reviewed.

I am writing to express my concerns about the *long-term health of the significant oak trees* at the Meyer Farm. I have read the staff report, studied the development plan, and read through the tree conservation regulations for in Salem SRC chapter 808. I know I don't need to tell the Salem City Council about the importance of preserving Oregon white oak trees and groves.

Here's where I can speak from decades of experience: Old Oregon white oak groves tend to decline quickly in proximity to intensive development such as that being proposed for the Meyer Farm property. Even with the best tree conservation practices during development – and in most cases these are hard to enforce without an ISA-certified arborist or ASCA registered arborist onsite daily throughout the development process – it would be *surprising to see these groves of oaks healthy and alive after a decade if this property is developed as currently proposed*. Put simply, SUB21-09 encroaches too much on these groves. The disruptions to soil and drainage during development, the imposition of impervious surfaces, the use of landscape chemicals, the encroachment of hundreds of humans in a small area, along with all the unknowns of our changing climate, will doom these oaks to a slow death in the not-too-distant future. Oak groves like these tend to receive benign neglect by developers, and later, Homeowner Associations, who know little about managing oak groves and only take remedial/restorative action when it is too late. Added to this, old oaks are unpredictable, as we have recently seen in the February ice storm. Excess water, e.g., from runoff from nearby landscapes and impervious surfaces, can cause root disease throughout a white oak stand. If one or several of the oaks in these stands were to fail and cause harm to people or property, the resulting anxiety felt by the neighbors could justify the removal of these trees.

To be clear, I am not speaking against development in general. Nowadays, many cities are considering alternatives to conventional development and using low impact development strategies to help mitigate the inevitable disruptions of development. Several developers are educating themselves about and taking responsibility for managing preserved forest stands into the future. Cities such as Wilsonville, Lake Oswego, Eugene, and Corvallis are leaders in the efforts to sustainably preserve tree stands during development. The Meyer Farm property is a prime location for development, but a future, more tree-friendly development could be so much better than SUB21-09.

The Meyer Farm property could be developed in such a way to create significantly larger buffers around the oak stands, which would contribute greatly to their survival, with just 20-25 percent less density. Salem is in such a prime location within Oregon that it will always be able to attract developers. I would like to see Salem become a leader in using the most ecologically sustainable development practices in

the state. I would like to see Salem attract developers and builders who really want to preserve tree stands sustainably beyond the minimum efforts required.

I understand the pressure Salem and many other cities are under to increase housing. I believe that trees and housing need to co-exist safely. I applaud all that the Salem city council has been doing to recognize the need for saving large trees and oak groves. However, there is a large difference between preserving trees during construction and development and ensuring their viability and safety in the future. Just because a developer can comply with short term requirements for tree conservation doesn't guarantee these trees will be cared for and managed properly after the development is built.

Please consider the long-term health of the oak groves at the Meyer Farm property carefully. Once these precious groves are gone, either by chainsaw or slow decline, they're gone.

Sincerely,

Kristin Ramstad

PNW-ISA Arborist 0527
190 Washington St S
Salem, OR 97302
503-779-4830

From: [Liz Backer](#)
To: [CityRecorder](#)
Subject: Written testimony for SUB21-09 Public Hearing 1/10/22
Date: Monday, January 10, 2022 3:50:39 PM
Attachments: [1.10.22 written testimony for SUB21-09.docx](#)

Hello,

I have revised the letter you graciously removed for me this morning, and would like to instead submit this one in its place for the Public Hearing tonight.

Thank you so much,
Liz Backer

January 9, 2022

Elizabeth Backer

4527 Sunland St SE

Regarding SUB21-09, Meyer Farm Subdivision application

Dear Honorable Mayor and City Council,

My name is Elizabeth Backer. I purchased a home on Sunland St in 2019, which borders Hilfiker park and the southeast corner of the Meyer farm property. Since buying my home, I have been continually stunned by the amount of wildlife that lives and relies upon the different habitats on the Meyer farm. I have lived in Salem my entire life, and I have never seen such a rich variety of species in one area, *especially* inside the city limits. This is an incredibly rare and special property, which is why I was concerned when I received the Notice of Application that Kehoe Properties Northwest was proposing to develop this pristine land into 138 tiny, single-family homes.

Reviewing the letters that other concerned citizens have submitted, I do not appear to be alone in my concerns for the wildlife that live on this property. Unfortunately, I was again stunned when I received the Notice of Decision from the Planning Administrator announcing this proposal had been approved, because I was under the impression that the city had identified Wildlife Habitats such as those on the Meyer farm to be protected in its comprehensive plan. However, upon further review I see that while habitats are briefly mentioned on page 47 of the plan, their protection has yet to be implemented into land use regulations. That is incredibly disappointing.

There are countless areas within Salem's Urban Growth Boundary where wildlife and habitats can be identified to some degree, but **the Meyer farm is incredibly rare** in that there exists a unique mix of up to **twenty-two different habitats and habitat features** that are essential to the survival of the **twenty-six strategy wildlife species** which also

reside within the 30-acre parcel¹. Several of the habitats that have been identified and satellite-mapped by ODFW² are also [OCS Strategy Habitats](#)³:

- [Oak Woodlands](#)⁴
- [Wetlands](#)⁵, and
- [Flowing Water and Riparian](#)⁶.

While [Grasslands](#)⁷, and [Ponderosa Pine Woodlands](#)⁸ are not satellite-mapped by the Compass program, they can be observed on the property, and are identified in the maps and reports of the property [submitted by the applicant](#)⁹.

In addition, ODFW has documented and mapped² the following federal- or state-listed endangered, threatened, or sensitive species to have more than an incidental use of the Meyer farm property²:

- [Northern Spotted Owl](#)¹⁰
- [Oregon Vesper Sparrow](#)¹¹
- [Western Bluebird](#)¹²
- [Chipping Sparrow](#)¹³
- [Clouded Salamander](#)¹⁴
- [Common Nighthawk](#)¹⁵
- [Fringed Myotis](#)¹⁶
- [Hoary Bat](#)¹⁷
- [Olive-sided Flycatcher](#)¹⁸
- [Oregon Vesper Sparrow](#)¹⁹
- [Short-Eared Owl](#)²⁰
- [Silver-Haired Bat](#)²¹
- [Western Gray Squirrel](#)²²
- [Western Pond Turtle](#)²³
- [Acorn Woodpecker](#)²⁴
- [California Myotis](#)²⁵
- [Western Painted Turtle](#)²⁶
- [Purple Martin](#)²⁷
- [Willow Flycatcher](#)²⁸
- [Yellow-Breasted Chat](#)²⁹
- [Bradshaw's Desert Parsley](#)³⁰
- [Nelson's Chercckermallow](#)³¹
- [Peacock Larkspur](#)³²
- [White-Topped Aster](#)³³
- [Willamette Daisy](#)³⁴
- [White-breasted Nuthatch](#)³⁵

The overarching compilation of research provided by ODFW regarding the Meyer farm property show that the majority, **if not all of the property, consists of significant**

wildlife habitat and habitat features that support the life functions of these imperiled species³⁶. Because many of these habitats are also imperiled themselves, they are qualified to be listed as “Category 1” Habitats³⁷. The primary ODFW recommendation for protecting the Category 1 wildlife habitats of the Meyer farm is “NO LOSS OF HABITAT QUALITY OR QUANTITY”.³⁸

I am grateful that Council has chosen to bring this proposal up for further review as the Meyer farm is not just another piece of land within the Urban Growth Boundary. I am aware of the need for housing in our city, however **housing is not the only need that exists in Salem**; and the state has made it pretty clear that wildlife is an important resource that must be considered along with housing needs.

The moral responsibilities of the city to apply the requirements of state planning Goal 5-Wildlife Habitats have not been fully met, and while I am pleased to see that the current Council is planning for these changes, the impacts from this development would cause a devastating loss to the list of imperiled wildlife that rely upon it for their survival. I believe it is your duty as the stewards of our community to protect these critical resources.

Developers have options, wildlife does not.

In addition to the other errors and omissions involved in this application, which have been referenced in previously submitted letters by myself and others, this is an emergency situation. **Please vote to DENY the application SUB21-09** for the many valid reasons that have been presented tonight.

Thank you for taking the time to consider this issue,

Elizabeth Backer

REFERENCES AND CITATIONS:

1. The following habitat features exist and can be observed in some manner on the Meyer Farm: [Oak Woodlands](#); [Mixed Oak/Pine/Fir Woodlands](#); [Wetlands](#); [Riparian](#); [Open Forests](#); [Dense Forests](#); [Late-Succession Conifer Forests](#); [Large Areas of Late-Successional Forest](#); [Wet Woodland Edges](#); [Dry Woodland Edges](#); [Wet Grasslands](#); [Dry Grasslands](#); [Wet Prairies](#); [Dry Prairies](#); [Seasonal Parries](#); [Oak/Prairie Mix](#); [Oak Savannah](#); [Pastures](#); [Older Oak Trees with Continuous Canopy](#); [Open Forest Near Water](#); [Mix of Grasses, Forbs, Shrubs and Trees](#).
2. <https://compass.dfw.state.or.us>
3. <https://www.oregonconservationstrategy.org/strategy-habitats/>
4. <https://www.oregonconservationstrategy.org/strategy-habitat/oak-woodlands/>
5. <https://www.oregonconservationstrategy.org/strategy-habitat/wetlands/>
6. <https://www.oregonconservationstrategy.org/strategy-habitat/riparian-habitats-and-flowing-water/>
7. <https://www.oregonconservationstrategy.org/strategy-habitat/grasslands/>
8. <https://www.oregonconservationstrategy.org/strategy-habitat/ponderosa-pine-woodlands/>
9. https://cityofsalem.sharefile.com/share/view/s071de9b1303e476092d2bfa7d5c8f7b0/fo1998d4-7f68-4e39-ad18-d14ef82b7b97?fbclid=IwAR2sNeFF_brVCS-YsuoSMRRBZ7tO-a63_BHz7E8KYFpEQdyt8X7grmUMViE
10. <https://www.oregonconservationstrategy.org/strategy-species/northern-spotted-owl/>
11. <https://www.oregonconservationstrategy.org/strategy-species/oregon-vesper-sparrow/>
12. <https://www.oregonconservationstrategy.org/strategy-species/western-bluebird/>
13. <https://www.oregonconservationstrategy.org/strategy-species/chipping-sparrow/>
14. <https://www.oregonconservationstrategy.org/strategy-species/clouded-salamander/>
15. <https://www.oregonconservationstrategy.org/strategy-species/common-nighthawk/>
16. <https://www.oregonconservationstrategy.org/strategy-species/fringed-myotis/>
17. <https://www.oregonconservationstrategy.org/strategy-species/hoary-bat/>
18. <https://www.oregonconservationstrategy.org/strategy-species/olive-sided-flycatcher/>
19. <https://www.oregonconservationstrategy.org/strategy-species/oregon-vesper-sparrow/>
20. <https://www.oregonconservationstrategy.org/strategy-species/short-eared-owl/>
21. <https://www.oregonconservationstrategy.org/strategy-species/silver-haired-bat/>
22. <https://www.oregonconservationstrategy.org/strategy-species/western-gray-squirrel/>
23. <https://www.oregonconservationstrategy.org/strategy-species/northwestern-pond-turtle/>
24. <https://www.oregonconservationstrategy.org/strategy-species/acorn-woodpecker/>
25. <https://www.oregonconservationstrategy.org/strategy-species/california-myotis/>
26. <https://www.oregonconservationstrategy.org/strategy-species/western-painted-turtle/>
27. <https://www.oregonconservationstrategy.org/strategy-species/western-purple-martin/>
28. <https://www.oregonconservationstrategy.org/strategy-species/willow-flycatcher/>
29. <https://www.oregonconservationstrategy.org/strategy-species/yellow-breasted-chat/>
30. <https://www.oregonconservationstrategy.org/strategy-species/bradshaws-desert-parsley/>
31. <https://www.oregonconservationstrategy.org/strategy-species/nelsons-checkermallow/>

32. <https://www.oregonconservationstrategy.org/strategy-species/peacock-larkspur/>
33. <https://www.oregonconservationstrategy.org/strategy-species/white-topped-aster/>
34. <https://www.oregonconservationstrategy.org/strategy-species/willamette-daisy/>
35. <https://www.oregonconservationstrategy.org/strategy-species/slender-billed-white-breasted-nuthatch/>
36. [OAR 635-415-0020\(4\)\(a-d\)](#)
37. [OAR 635-415-0025\(1\)](#)
38. [OAR 635-415-0025\(1\)\(a\)](#)
39. [OAR 635-415-0010](#)
40. [OAR 635-415-0020\(3\)\(a-c\)](#)
41. [OAR 635-415-0020\(5\)](#)
42. [OAR 635-415-0020\(8\)\(a-h\)](#)
43. [OAR 635-415-0020\(10\)](#)
44. [OAR 635-415-0025\(1\)\(b\)\(B\)](#)

From: [Laurie Dougherty](#)
To: [CityRecorder](#)
Subject: Comment on Agenda Item 4.b. 21-520 Jan 10, 2022 Pringle Rd. Subdivision
Date: Monday, January 10, 2022 4:34:51 PM

To Salem City Council
From Laurie Dougherty, Ward 1
Re Agenda Item 4.b. 21-520 January 10, 2022

I am opposed to the proposed subdivision as described to develop 139 lots for single family homes.

A better use for this property would be multi-family affordable housing on part of the property, keeping the rest as open space for enjoyment by onsite residents and neighbors. This property is near grocery and drug stores as well as restaurants and other retail businesses and services, It is within close walking distance of frequent bus service on Commercial St. SE.

Salem is in great need of affordable housing situated in areas where people can walk or bike to stores and services; and located near public transit. Reducing automobile use benefits the climate, and fosters healthy, active lifestyles.

Thank you

From: [lorrie walker](#)
To: [Aaron Panko](#); [CityRecorder](#); [citycouncil](#); [lorrie walker](#)
Subject: Meyer Farm
Date: Monday, January 10, 2022 1:42:47 PM

All,

I am OPPOSED to the proposed development of the Meyer Farm property. I have spent much time there in the past, at the home and the greenhouse. I have known family members. I believe the family needs to come together for a resolution, otherwise they could be forever divided. That would be a shame for the family. I am opposed for many reasons. I lived in the area for many years. My reasons are not listed in any particular order.

1. This is the last piece of awesome, pristine farmland within all of south Salem. Once paradise is paved / developed we can not get it back. How could anyone consider this ridiculous idea?
2. Possible Native American Indian Artifact site.
3. Historic significance for the city of Salem would be FOREVER gone.
4. The last substantial area of habitat sanctuary in that area of Salem. 14 wildlife species. The loss of habitat for their survival would be their demise.
5. Protected trees would be gone. Oregon Land Use and Conservation ignored?
6. The local streets, roads could not handle the extra traffic. The impact of extra traffic would be detrimental for wildlife and humans.

I am respectfully requesting that this proposal be DENIED.

Respectfully,

Lorrie Walker

Salem Resident, Ward 2

Sent from [Mail](#) for Windows

From: [Hollie Oakes-Miller](#)
To: [Chuck Bennett](#); [Steve Powers](#); [Virginia Stapleton](#); [Trevor Phillips](#); [Tom Andersen](#); [Jackie Leung](#); [Jose Gonzalez](#); [Chris Hoy](#); [Vanessa Nordyke](#); [Jim Lewis](#); [citycouncil](#); [CityRecorder](#)
Subject: Salem City Council Public Comments 1/10/22
Date: Monday, January 10, 2022 1:44:02 PM

City leaders,

Agenda item 4b: We appreciate and agree with many of the comments the city has received so far about the proposed development of property known as Meyer Farm. It is clear to us that this is a culturally, historically, and naturally significant property that should be protected as such for the public good, ideally under the direction of local Native Americans.

We urge the City Council to reject this proposed development.

Agenda item 5c: We appreciate the work that the Salem Human Right Commission does to make our community safer and more equitable. *We support Councilor Stapleton's motion to adopt the recommendations of the Salem Human Rights Commission.*

Agenda item 5d: We appreciate and agree with the overwhelming number of comments from this and prior city council meetings, letters to the editor, guest opinions, and social media posts calling for a CAHOOTS-style mobile unit to respond to local crisis situations that are better served by a non-law enforcement response team. There is ample evidence from other cities that this type of crisis support works, it keeps community members safer, and it is more cost effective than sending police to respond to situations they aren't adequately trained for or have the capacity to handle. *We support Councilor Nordyke's motion to direct staff to bring back to council a report regarding a mobile crisis unit pilot project.*

Gary Miller and Hollie Oakes-Miller
Ward 5

From: [Phil Carver](#)
To: [CityRecorder](#)
Cc: [Clair Clark](#); [Scheppke Jim](#); [Sarah Deumling](#); [Laurie Dougherty](#)
Subject: 350 Salem OR Comment on agenda item 4b. 21-520
Date: Monday, January 10, 2022 4:37:28 PM

RE: City Council Meeting Jan. 11, 2022
Review of subdivision approval (SUB21-09) located at 4540 Pringle Road SE.
Agenda item 4b. 21-520

350 Salem Opposes Approval of the Proposed Project

There are many technical reasons to reject the proposed development. I will not speak to that -- there are plenty of comments on that subject in the record. As an organization we will speak to the overall inappropriateness of the proposed project. We will also indicate the kind of project that we would support.

This large development is within a quarter mile of a core transit service line. It is also within that distance for excellent shopping venues. It is approximately 4.7 dwellings per acre, a low density so close to core transit. This area should not be solely single family housing. It should contain a large percentage of middle housing. If the developer petitions for multifamily housing the City should grant that request. The City should also assure or require larger proportions of open space or park space. 350 Salem is not qualified to say how park space should be assured but if purchasing part of the land is feasible, the City should purchase it.

The alternative of a mix of single family and substantial multifamily and middle housing is far more appropriate. This is exactly what is called for in the proposed land use amendments (Our Salem) and the final draft Climate Action Plan. Having dense housing near shopping and transit will reduce vehicle miles traveled.

Approving the proposed Meyer Farm development would mean only low density single family housing in this prime location. This would give fewer people the opportunity to walk or bike to shop. Fewer people will have such easy access to core transit. This will mean more vehicle miles traveled with more carbon dioxide emissions harming the climate than would a reasonable alternative development. The development as proposed will make it harder to meet the greenhouse gas (GHG) reduction goals the Council has set.

The City must get serious about reducing emissions of carbon dioxide and other GHGs. While the City cannot solve a global problem by itself, it can, in cooperation with the State of Oregon and federal programs, be a substantial part of the solution. Cities in Oregon and elsewhere have been leaders in reducing GHG emissions. Salem needs to become a leader on this critical issue.

Pleased vote no on the proposed development so negotiations can begin on a more reasonable development in this key area.

Thank you for the opportunity to comment.

Philip H. Carver, Ph.D.
Co-coordinator 350 Salem OR

From: [Peter Meyer](#)
To: [CityRecorder](#)
Subject: submission for Subdivision application (SUB 21-09)
Date: Monday, January 10, 2022 4:09:59 PM
Attachments: [Peter Meyer written testimony before the Salem City Council 1-10-22.pdf](#)
[P Meyer letter to Salem City Council 1-3-22 Subdivision Case No. SUB21-09.pdf](#)

I am submitting written testimony for tonight's City Council meeting to back up my oral testimony which I hope to deliver tonight.

I am also attaching a copy of my January 3 letter to the City Planning Division with references to the Exhibits reference in the written testimony.

Thank you.

Peter Meyer
518.929.6505
330 Allen Street
Hudson, NY 12534
pbmeyer@verizon.net

Peter Meyer written testimony before the Salem City Council 1-10-22
Subdivision application (SUB 21-09)

Note: Reference to Exhibits (Exh) correspond to my January 3 letter to the Planning Commission and is here attached. The documents are available for view in Planning Commission's Report

Good evening. My name is Peter Meyer

I am the fourth child of Henry and Marian Meyer, who bought the 30-acre farm at 4540 Pringle Rd in 1947. Thank you for your time today.

I attended St. Joseph's school, Mt. Angel Seminary, Portland State University, and the University of Chicago before going to New York City and embarking on what has become a near 50-year career in journalism that took me to Time, Life, and People magazines, as well as Harper's, Vanity Fair and books on presidents and murderers.

I never thought I'd be turning my investigative skill sets toward my own family, but here we are. I am embarrassed by what I have to say tonight about some members of my family, but their actions—and the subsequent litigation—are critical to the question before the Council tonight and I hope this body will consider these remarks as substantive. But mostly I am grateful that this community, through its City Council, offers me the chance to say it—and to say that this housing development is not at all what Henry and Marian's family is.

I will respect my 3-minute limit but have submitted a longer, written version with references to the Exhibits I have previously submitted and encourage you to review it.

I hope you have all seen the recent front-page story about the farm in the Statesman Journal, by senior reporter Capi Lynn, who did a remarkable job describing the history of the farm and my mother and father's legacy of community service in Salem. [See Exh 2a and 2b.] The farm has always been tied to the community our family wants it to stay so. I was especially gratified, as a journalist, that Ms. Lynn nailed the opening, finding a neighbor of ours for 50-some years who knew our father and told Lynn, "This, I thought, was the legacy for Henry, what he wanted.... a park with trees, kind of like Bush or Minto. That vision was passed on, at least he thought so."

And so thought most of the Meyer family, several generations of whom have worked and played on the farm since 1947, expecting it to be continued. [See Exh 9 for a full history.] After turning down numerous offers by developers to sell and almost as many attempts by the City of Salem to run a road through the middle of the property, Henry set up a Trust in 1979 to save it for future generations [See Exh 3a].

So, what happened? Why are we here tonight? The short answer is because we was robbed by a few rogue family member who took advantage of the death of our brother Tim, a huge supporter of the farm and a co-trustee for 39 years, died. But before he died he proposed to the five beneficiaries of the Trust to transfer the farm and its assets to a "family-owned entity" so that, "with time pressure removed," as he wrote, "we would move toward a carefully considered

discussion about best governance.” [See Exh 4]. Four of the beneficiaries, plus Tim, voted to take such action. Molly, who by then had become a co-Trustee, abstained.

But something happened on the way to a “carefully considered discussion.” And we are here tonight because Tim died, of bone cancer on April 18 of 2018, before he could implement this family vote and was replaced by his son Ian as co-Trustee, who, with co-Trustee Molly’s help, quickly stopped the discussion

That silence represents a long and arduous tale, but can be summarized thusly:

Unbeknownst to beneficiaries Mary Ann, John, and Peter, who were then the majority, and most of the rest of the family, Ian, Molly, and brother James began to plot to sell the farm, even arranging a secret pre-app conference with City of Salem Planners in April of 2019, to ask about selling the property “[T]he direction now is to sell the property,” James told the group. “And so we have engaged in discussions with brokers. We’ve selected brokers to help us in the sale. And so what we’d like to do is to be as definitive as possible about what are the conditions associated with selling this parcel.” [See Exh 15].

But they didn’t Mary Ann, John, and Peter, which was a very clear violation Oregon Trust law (ORS 130.710 UTC 813) requiring trustees to “keep the qualified beneficiaries of the trust reasonably informed about the administration of the trust and of the material facts necessary for those beneficiaries to protect their interests.” In fact, Mary Ann, John, and Peter) were not informed of Molly and Ian’s intentions until late May of 2019 when we received a letter from the Trust’s attorney informing us that “the Trustees have the absolute discretion to sell the assets and distribute the proceeds,...” giving us 15 days to respond. [See Exh 7].

Though the majority of the beneficiaries and a majority of Henry and Marian’s descendants opposed selling the farm [See Exh 10 and Exh 11], the Trustees put the farm up for sale and would not engage us in any meaningful discussion, even after we offered multiple alternative plans. And so on August 12, of that year, I sued to have the Trustees removed in Marion County Circuit Court. [See Exh 8]

The judge did eventually remove Ian and Molly [Exh 13], though not until allowing them to sign a Purchase and Sale Agreement (PSA) with Kehoe Northwest Properties in August of 2020. They ignored a cash offer of \$3mm made family members who wanted to save the farm and pay Trust debts, no strings attached, a considerable advantage over the Kehoe PSA which has lots of strings, fees, and taxes – and demolishes the farm and its wonders.

The Kehoe proposal also comes with a proviso that should give this Council some pause. According to a small print section of the PSA, “The Court retains oversight and jurisdiction over the assets and actions of the Trustees/Seller. There is a possibility that the court could preview the details of this transaction and court-approval could be required before closing this transaction.” [See Exh 12] This is not something this Council should support, except by denying the Planning Commission’s recommendation.

Further clouding the issue of ownership is a just-released audit of the Trust’s debts, a hotly disputed issue, which found that the co-Trustee Molly had been cooking the books, with serious implications about a multitude of issues, including even her authority to sign the PSA. There will be a hearing on this report in May. [See Exh 14]

Thus, we are still very much litigating. I thank our neighbors from the depth of my heart for their love and appreciation of the farm and their tireless support for saving it. It is not the place for new housing. I urge this council to send a message to the Court by saying No to the Kehoe application now. If nothing else, the City Planning recommendation is far too premature to be worth spending so many public funds on the matter. Let us adopt my brother's proposal, so we can at last have "a carefully considered discussion about best governance." --Peter Meyer, 1/10/2022.

Peter Meyer
330 Allen Street
Hudson NY 12534
pbmeyer@verizon.net
518.929.6505

January 3, 2022

City of Salem Planning Division
555 Liberty Street SE
Room 305
Salem, OR 97301
ATTN: Aaron Panko, Planner III
Via email: APanko@cityofsalem.net
Cc: LMAnderson@cityofsalem.net

RE: Subdivision Case No. SUB21-09 – Documents for the City Council

Dear Mr. Panko,

At Ms. Anderson-Ogilvie's suggestion last Thursday, I'm sending you a baker's dozen of documents related to the above case that I will probably refer to during my testimony before the Council on January 10.

Because some of these docs are fairly large I have put them all in a Google Docs folder and given you and Ms. Anderson-Ogilvie commenter access (linked [here](#)). I hope that will give you an opportunity to move them to your system for distribution to the City Council.

Below is a quick index and short summary of the documents in that folder:

Exh 1 Peter Meyer bio
Exh 2a S-J Front page 10-3-21
Exh 2b S-J front page 10-3-21 text
Exh 3 HarpersMagazine-1979-01-0076790
Exh 3a HAM Trust Document
Exh 4 THM Option 3 Proposal and vote
Exh 5 HAM Trust Document
Exh 6 Meyer Urban Farm - Update and Next Steps
Exh 7 15-day notice 2019-05-28 Ltr to Beneficiaries
Exh 8 PBM Petition for Instructions Regarding Trustee Negligence
Exh 9 Meyer Family Farm Preliminary Elements Business Plan

Exh 10 Surveymonkey Poll
Exh 11 John Santana 2-26-21 on behalf of 23 descendants
Exh 12 Kehoe PSA 8-5-20 Excerpt 13.2
Exh 13 Transcript of Hearing removing co-Trustees
Exh 14 HAM Trust Forensic Accounting Report EXCERPT

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Meyer". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

Peter Meyer

From: [Roger Kaye](#)
To: [citycouncil](#); [CityRecorder](#)
Subject: Oral Comments - Meyer Family Farm subdivision SUB21-09 public hearing 1/10/2022
Date: Monday, January 10, 2022 12:43:26 PM
Attachments: [Oral Testimony - Jan 10 2022 Hearing sub21-09.pdf](#)

Dear Salem City Council,

I've attached a printed version of my comments to be presented at the hearing concerning the Meyer Family Farm subdivision, SUB21-09. Thanks for serving the City of Salem.

--

Roger Kaye, Pres.
Friends of Marion County
P.O. Box 3274
Salem, OR 97302
503-743-4567
rkaye2@gmail.com

**Oral Testimony
City of Salem
Subdivision Case No. SUB21-09
Request For Denial
ZOOM Hearing Monday, January 10, 2022**

Good Evening City Councilors:

For the record my name is Roger Kaye, Pres. of Friends of Marion County. Friends of Marion County is an independent 501(c)(3) non-profit affiliate of 1000 Friends of Oregon. Our mission is to protect farm and forest lands in Marion County. Salem is the largest city in the county and what you decide here tonight will have a big impact on livability in the city.

We oppose and request denial of the subdivision application No. 21-09, for the Meyer Family Farm. We submitted two letters about urban farming which should be in your packet.

They are listed on tonight's agenda as;

1) Public Comments RECEIVED BY 1:00 pm, 1-3-2022, PDF pages 39-71

2) Public Comments RECEIVED by Friends of Marion County 5:00PM, 1/5/2022.

Protection of farmland in the urban environment is as important as protection in the county. Close proximity by car or bus makes urban farming advantageous to city dwellers. Citizens of Salem may not be well acquainted with the availability of rural farm stands. These are located on the farms themselves and some can be difficult to locate being several miles from the city limits.

I have included in my written comments names, locations, and the types of products and services available at 8 urban farms located in other Oregon cities, namely Portland, Bend and Cove. In Portland several are located within the inner parts of the city which are easily accessible by bus.

The Meyer Family Farm is located in South Salem, easily accessible by the Cherriots busline. The 30 acre size of the farm makes it ideally suited for many different crops during all harvest seasons, including Xmas trees for the holiday. This farmland is an important resource in Salem and should be protected from development.

Thank you for serving on the City Council and please make the right decision in this case to deny the application for the subdivision.

**And our motto for tonight's hearing is
LET'S GROW SALEM IN THE RIGHT WAY !**