

**From:** [E Easterly](#)  
**To:** [CityRecorder](#)  
**Subject:** July 24 Item 4.a. Testimony  
**Date:** Monday, July 24, 2023 5:16:13 PM  
**Attachments:** [A -TH email exchange - survey questions.pdf](#)  
[B -Real Bone purchase measurements.pdf](#)  
[C -TH Salem Utility Map TL 400 measurements.pdf](#)  
[D -Titan Hill lot 6 survey comparison.pdf](#)  
[E -OH -DF intersection survey challenge.pdf](#)

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Supporting document for my Monday 7/24/2023 oral Testimony.  
Please confirm receipt.

E.M. Easterly  
503-363-6221

## Attachment A: Multi-Tech / Easterly Email Exchange

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**From:** E Easterly <emeasterly@comcast.net>  
**Sent:** Monday, June 5, 2023 11:06 AM  
**To:** Brandie Dalton <BDalton@mtengineering.net>  
**Subject:** Titan Hill survey questions

Ms. Dalton,

I need your assistance regarding the dimensions for the proposed parcel 6 of the Titan Hill SUB-UGA-SPR-ADJTRV-DR23-02 subdivision.

Attached please find survey graphics of parcel 6 from the 2022 comp plan decision package and a similar survey from the SUB-UGA-SPR-ADJTRV-DR23-02 decision document.

Why are the parcel linear lengths for parcel 6 along Doaks Ferry so different?

Thank you for correcting the north-south lengths of tax lot 900 from 215-ft to 190-ft. Now please explain why the western property border length of parcel 6 has only been reduced by 6.15-ft.

The northern border of parcel 6 includes three segments.

The area of parcel 6 is reduced by just 5,136-sq ft between the two surveys. Please confirm the accuracy of this change.

Respectfully, E.M. Easterly

**RE: Titan Hill survey questions**

Brandie Dalton<bdalton@mtengineering.net>  
6/5/2023 11:08 AM  
To E Easterly

E.M.,

Since we are currently in the appeal process, I'm not sure how much information I can give out at this time. I will forward your email onto the applicant and their legal representative and they can decide what information to provide.

Thank you,

Brandie Dalton  
Land-Use Planner  
Multi/Tech Engineering Services, Inc  
1155 SE 13th Street  
Salem, Oregon 97302  
(503) 363-9227

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**From:** E Easterly <emeasterly@comcast.net>  
**Sent:** Wednesday, July 5, 2023 8:01 AM  
**To:** Brandie Dalton <BDalton@mtengineering.net>  
**Subject:** RE: Titan Hill survey questions

Good morning, Brandie. Has the applicant responded to my June 5 request?

E.M.

Brandie Dalton<bdalton@mtengineering.net>  
7/5/2023 8:05 AM  
To E Easterly Copy John Eld

E.M.,

The applicant and I did speak, and we will be addressing all neighborhood concerns and comments that pertain to Code in a memo that will be part of the CC packet.

Thank you,

Brandie Dalton

Land-Use Planner  
Multi/Tech Engineering Services, Inc  
1155 SE 13th Street  
Salem, Oregon 97302  
(503) 363-9227

## Attachment B – Tax Lot 400 Measurement Errors

The TL 400 original 1946 deed states that the area of the parcel is approximately 59.5-acres minus a claimed 3.6-acre carve-out. That more-or-less claim is inaccurate. Certainly rural acreage surveys such as the one describing the Bone property were common in Polk County, but urban setting in the 21<sup>st</sup> century require greater exactitude. Note, for example, that the current owner of TL 400 provided measurements down to the square foot when the parcel area was re-zoned in 2022.

When the deed direction and distance data are measured with a modern metes and bounds program, the actual TL 400 area is 57.4-acres. See graphic to the right.

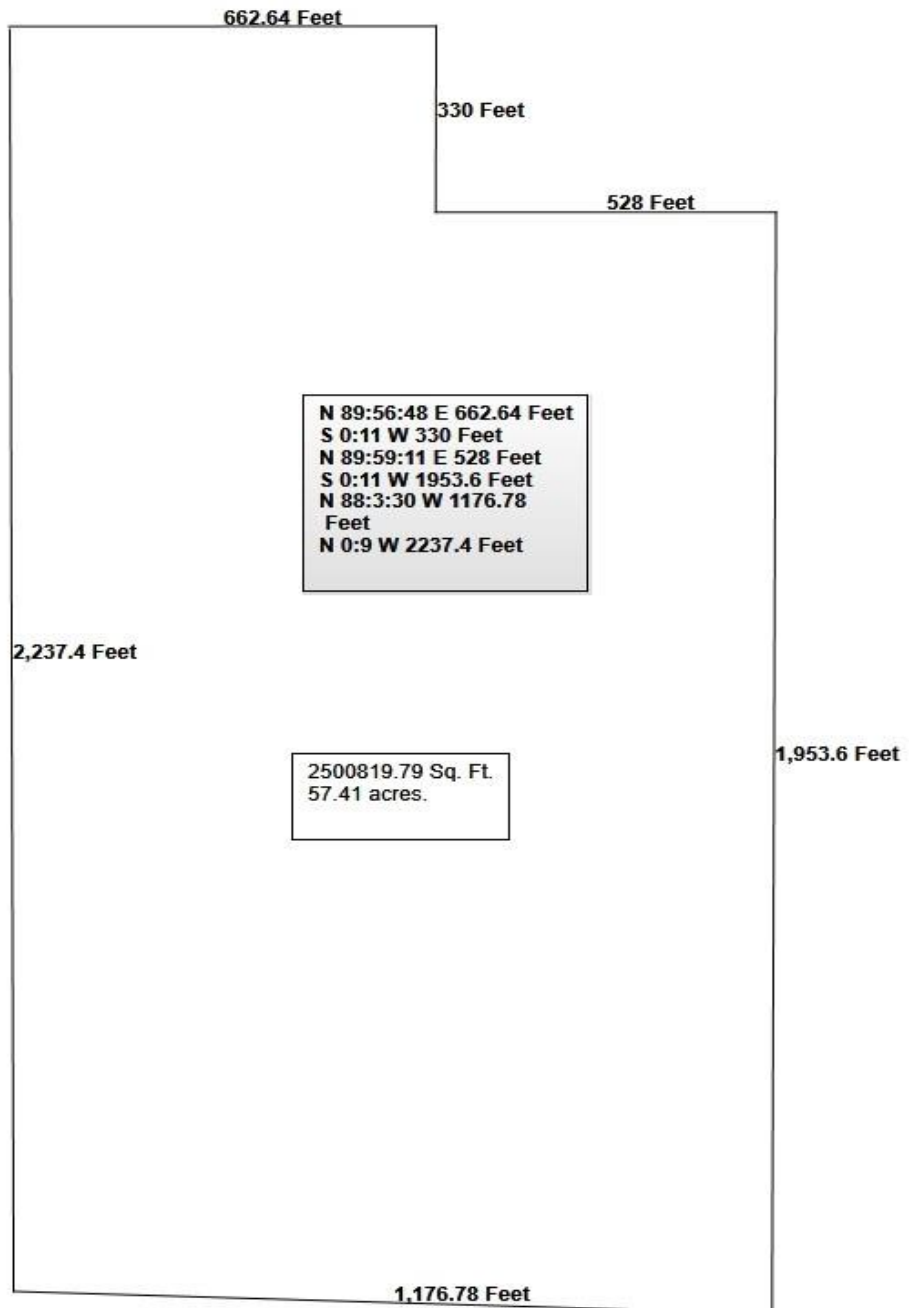
### 1946 Tax Lot 400 Metes & Bounds Measurement

The measured Mary J. Chapman extraction based the 1946 Doaks Ferry roadway alignment is approximately 5.89-acres<sup>1</sup>, leaving the Bone family with a 51.1-acres parcel of land.

Later the Bone property area was reduced by the re-alignment of Doaks Ferry Road and moving property lines from the roadway center line to the edge of the public right-of-way reducing TL 400 by an additional 2.07-acres<sup>2</sup>.

Thus, the 1946 legal area of TL 400 prior to the Bone family executing future partitions was 49.43-acres.

The subsequent four partitions are TL 100, Landaggard Heights, TL 900 and TL 1100. These partitions are detailed on pages 3, 4, 5 & 6.



<sup>1</sup> See graphics and measurements on page 2.

<sup>2</sup> Orchard Heights = 1176.5 ft x 25 ft = **29,415 Sq Ft** + Doaks Ferry = 2025.7 ft x 30 ft = **60,771 Sq Ft** totaling **90,186 Sq Ft** or 2.07-acres.

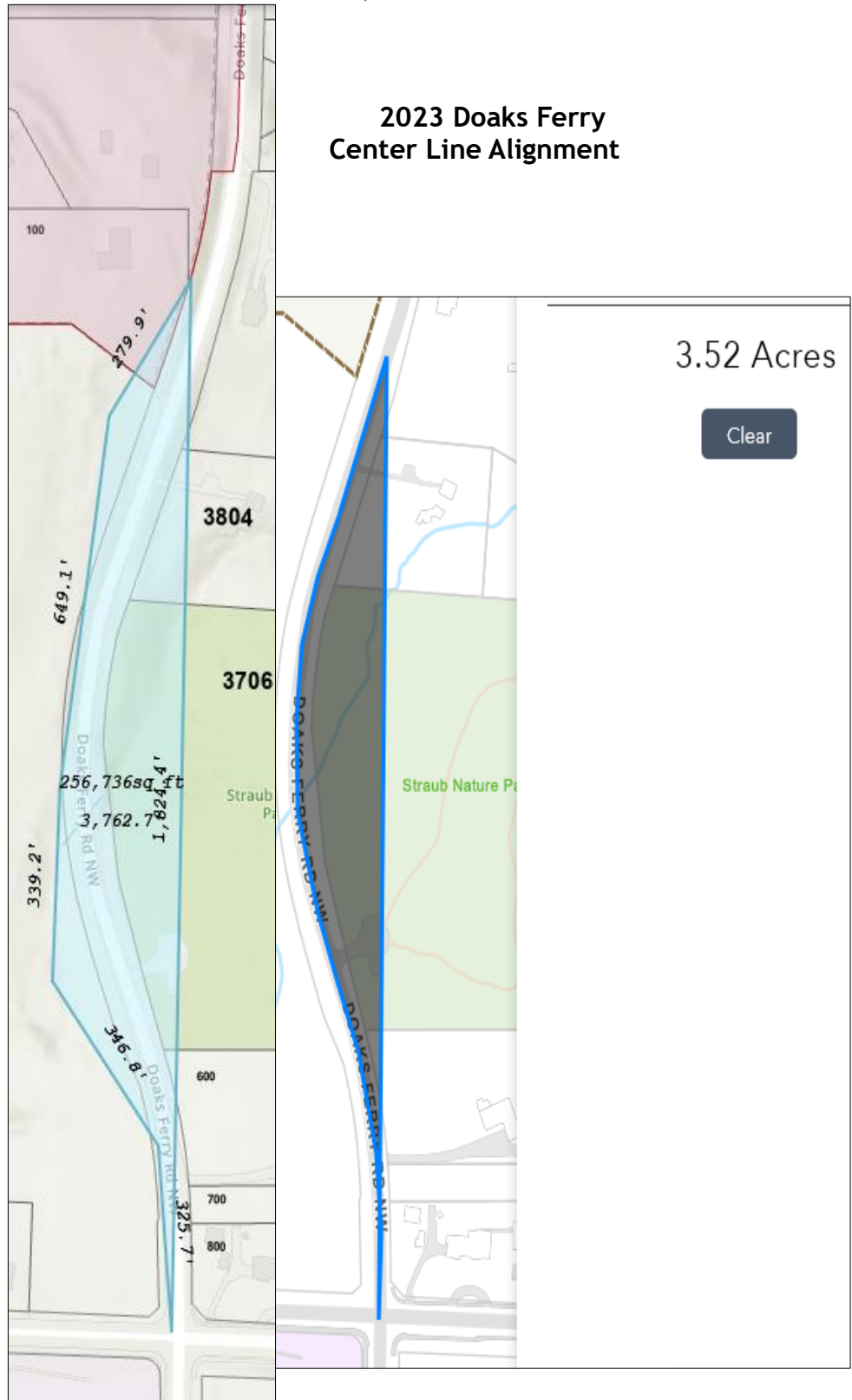
According Polk Survey CS16012 the center line of Doaks Ferry Road at the time of the original 1946 Bone purchase was west of the current roadway center line and more angular. See graphic measurement depictions below,

### 1946 Doaks Ferry Alignment

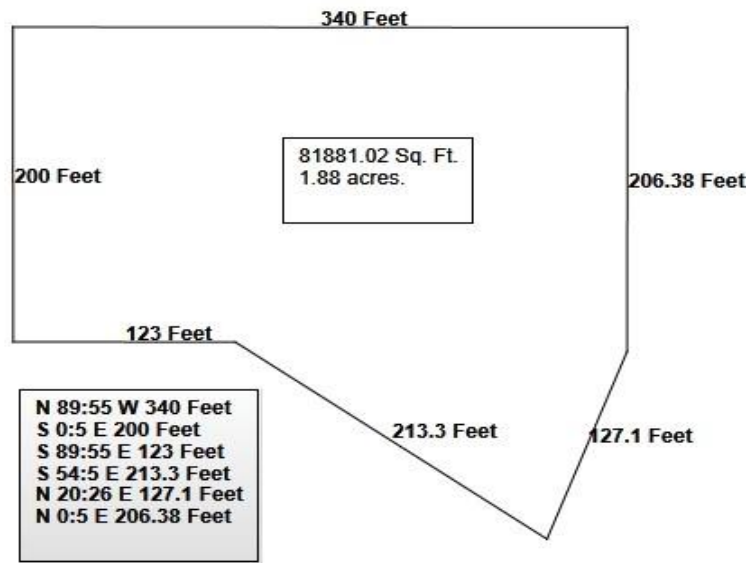
The 1946 Mary J. Chapman carve-out, based on the pre-1950's Doaks Ferry Road CS16012 graphics, is reproduced to the right.

The measurement contains 256,736 Sq Ft or 5.89-acres.

However, the realignment of Doaks Ferry Road to the east reduced the area extracted from the original 1946 Bone land purchase. That extraction (See far right) is approximately 3.52-acres



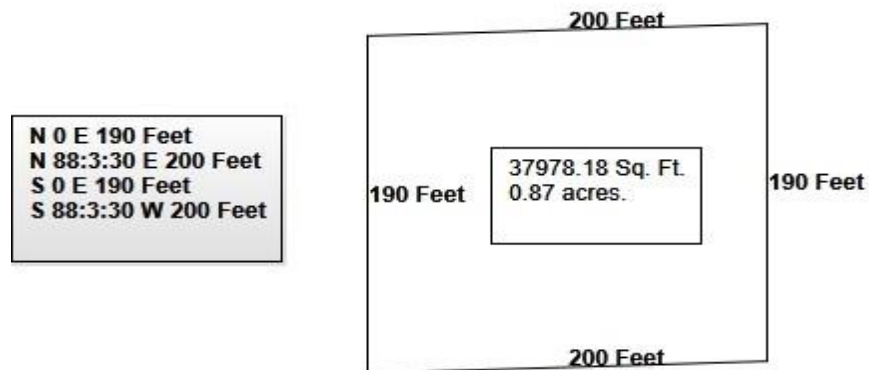
## Tax Lot 100



The metes and bounds measurements above of Tax Lot 100 replicate deed data.

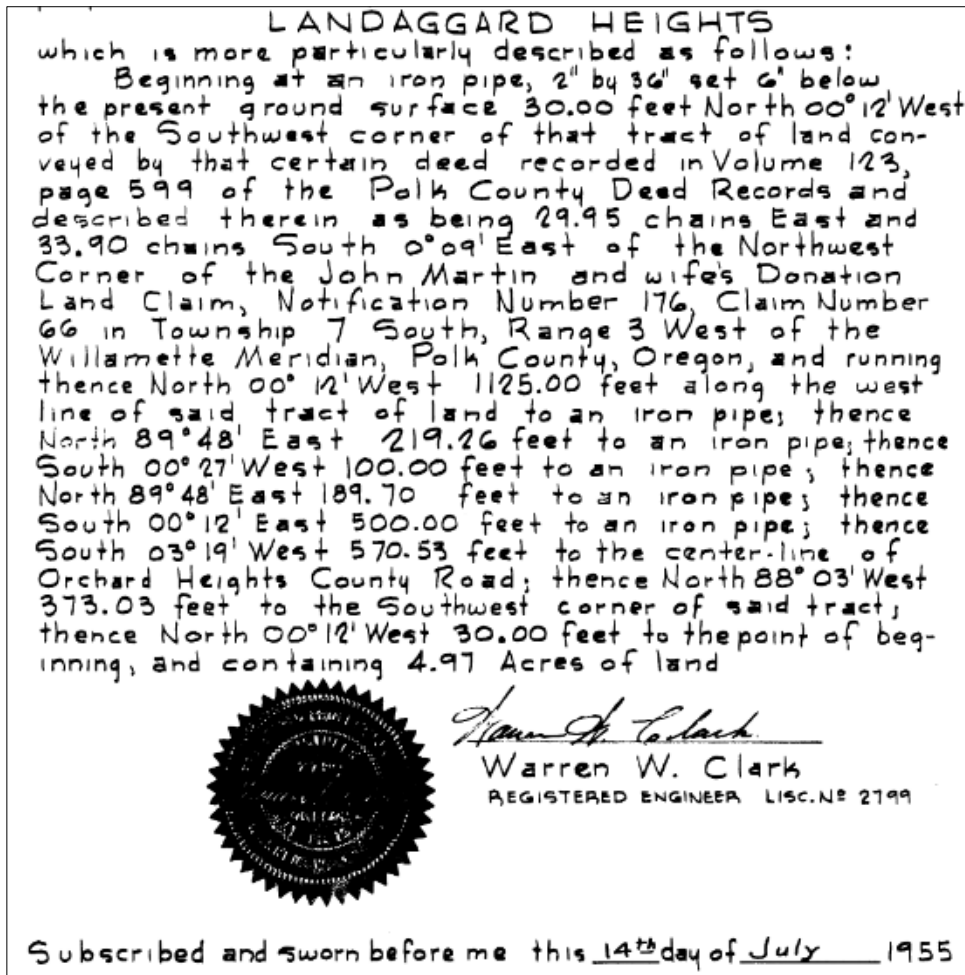
The Tax Lot 900 metes and bounds measurements show the north-south distance from the current Orchard Heights public right-of-way. The original dimensions of Tax Lot 900 were 200 x 215-feet from the Orchard Heights center line.

## Tax Lot 900



## Landaggard Heights

The survey document supporting the proposed Landaggard Heights subdivision deed contains incomprehensible declarations.



1. The initial 1955 survey point is identified as **zero degrees, 9 minutes** southeast of the Martin Donation Land Claim. Yet the surveyor projected the western edge of the new subdivision **zero degrees, 12 minutes** northwest without explanation. By so doing the north western boundary of Landaggard Heights is roughly 1-foot east of the original surveyed north/south western Bone property line, leaving 553 Sq Ft of TL 400 west of the Landaggard Heights subdivision.

[The survey information provided in both the Titan Hill re-zone request and the Titan Hill subdivision, etc. also continued the 0 degrees, 12 minutes northward projection instead of the legally defined Book 123, Page 599 original 0 degrees, 9 minutes alignment northward without explanation or justification.]

2. The 1955 survey falsely certifies that the new subdivision contains 4.97-acres. See the graphed legal description and a reproduction of the survey plot on page 5.

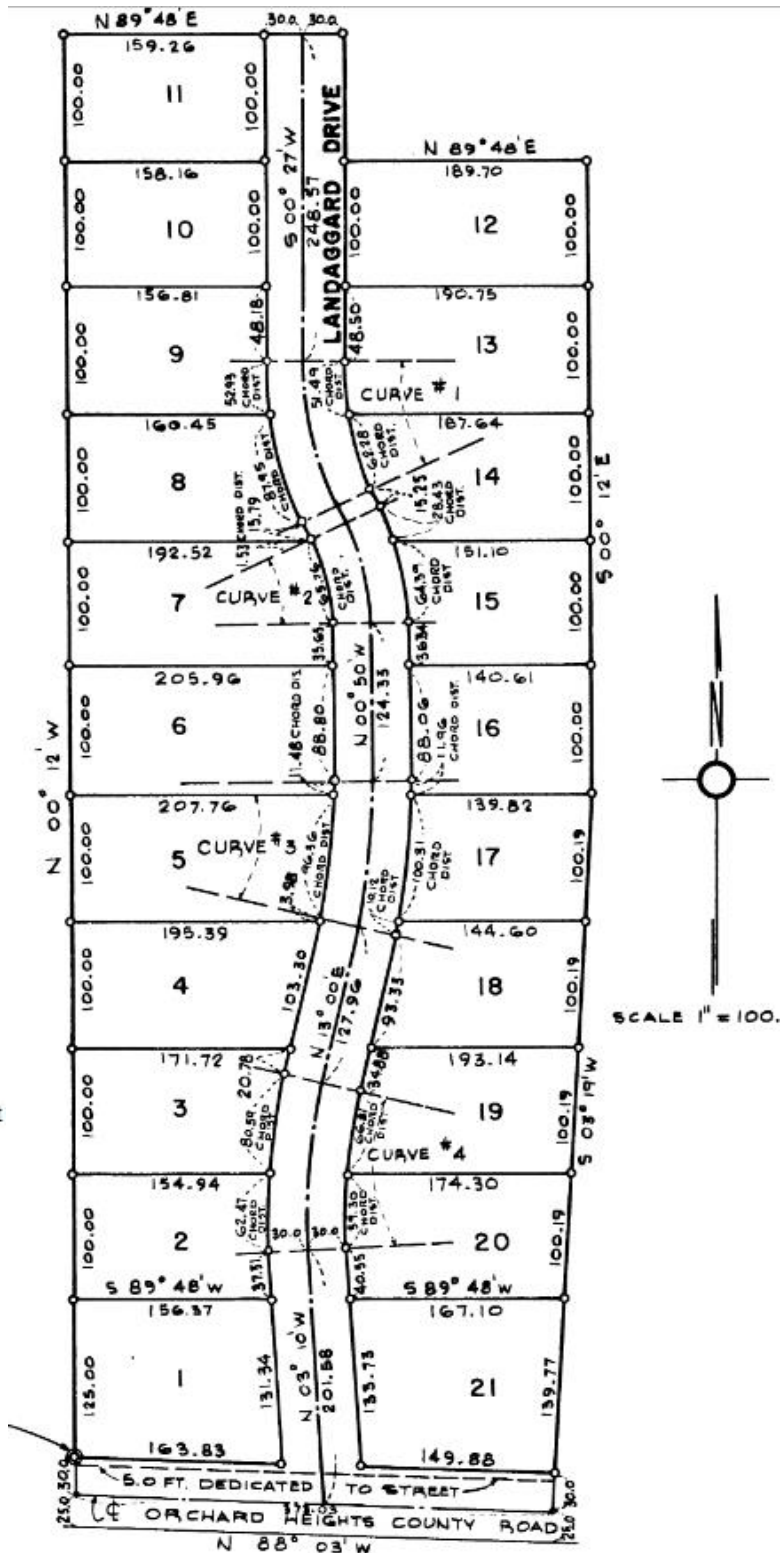
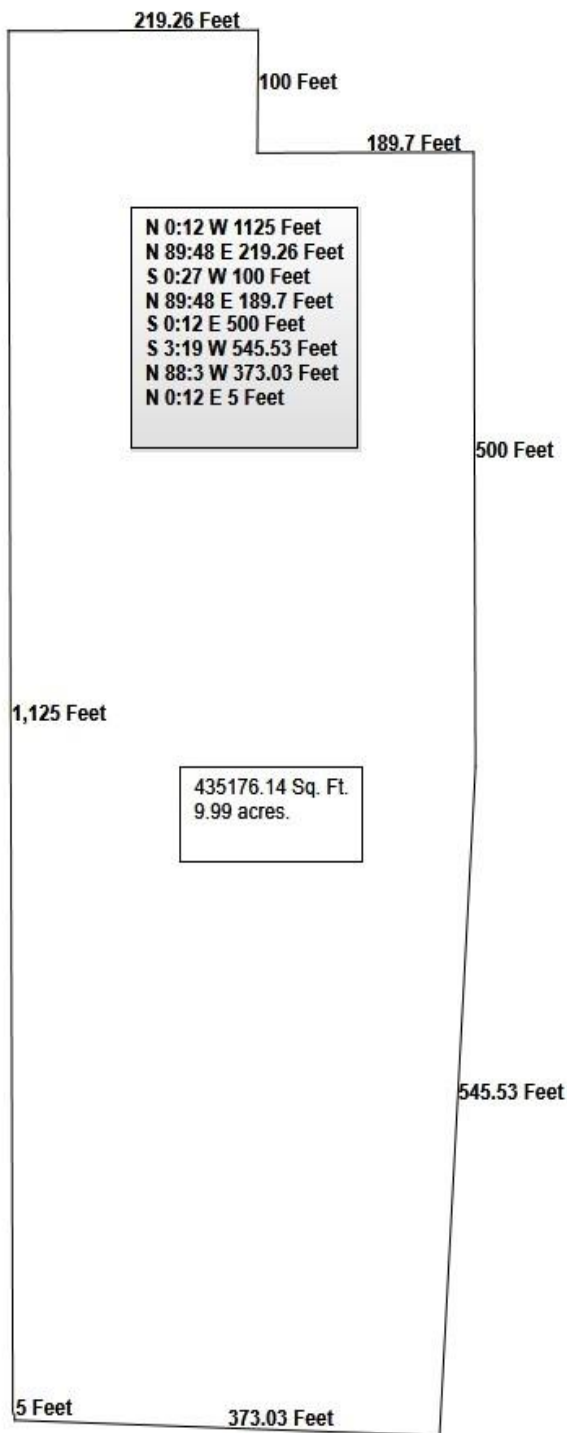
3. The Official Polk County Tax Card begins by assuming the 4.97-acres are accurate then subtracts the Landaggard Drive roadway area to arrive at a false net TL 400 area balance without explanation.

[Please note: An acre is roughly a square with just under 209-foot sides.]

Landaggard Heights continued

2023 Metes & Bounds Measurement

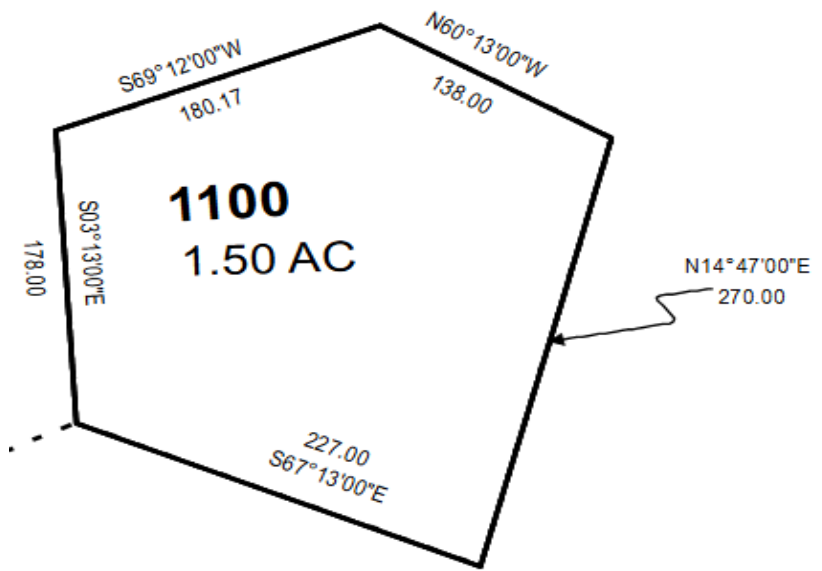
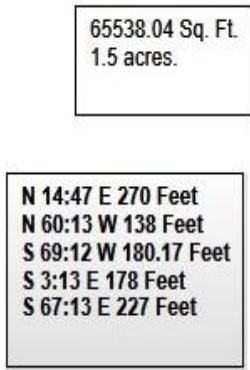
1955 Survey Graphic



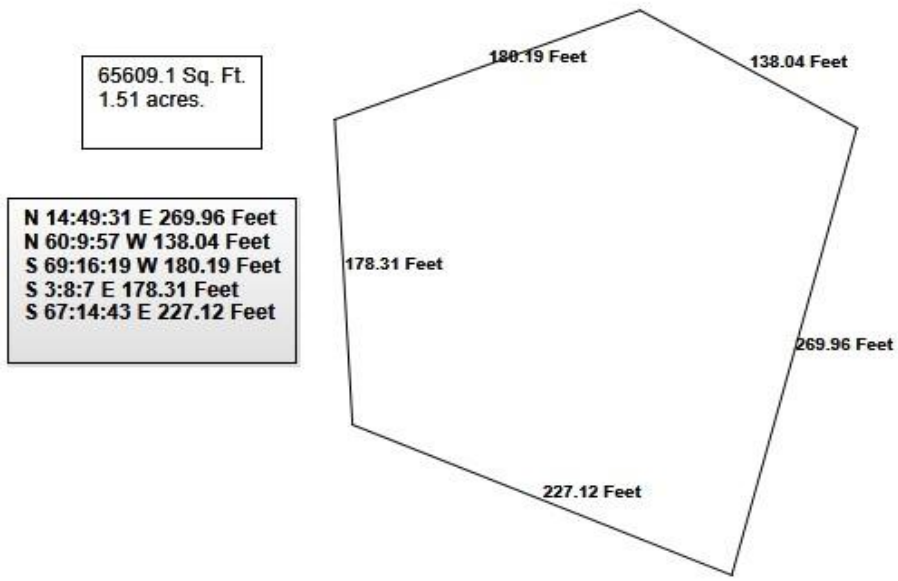


## Tax Lot 1100

The Polk County ESRI tax map graphic data shows the original TL 1100 deed direction and distance data. When evaluated the area measurement calculates to:

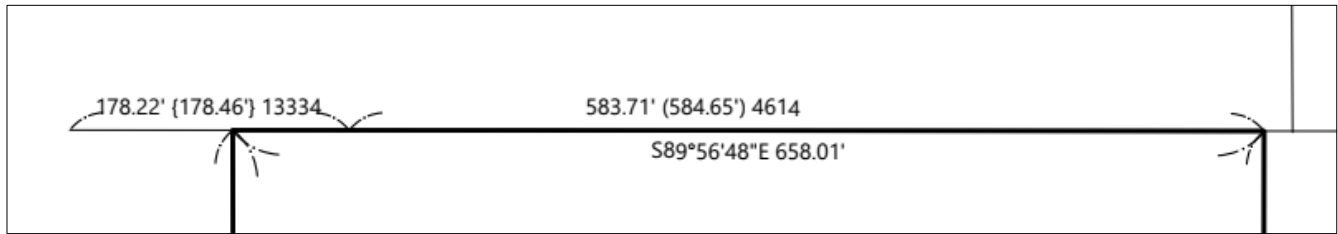


Why the Titan Hill metes and bounds data below modifies the original deed direction and distance data is not explained. Were more accurate instruments used? Are the original survey markers at a slight variance with the recorded metes and bounds? Without such information it is difficult to determine the source of 71 square foot difference or which of the two surveys is more accurate.



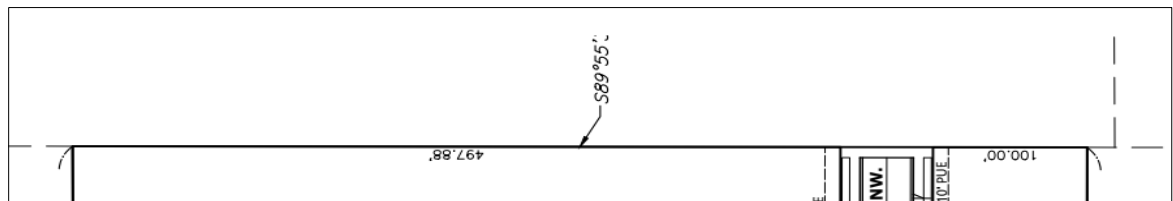
The length of the northern boundary of Tax Lot 400 has not changed since the original deed was recorded in 1946. That distance equals 10.04 chains or 662.64 feet.

Yet the 2021 Titan Hill zone change graphic shows that distance to be 658.01 feet.



Council Staff report  
4/11/2022  
Item #: 4.c  
pdf page 10

The 2021 distance declaration was updated in the May 10, 2023 decision document to 657.85 feet.<sup>3</sup>



Plan Administrator Decision  
5/10/2023  
pdf page 79

What explains the 4.79-foot<sup>4</sup> east-west distance reduction between the original surveyed distance and the proposed subdivision and development northern boundary length?

What is the source of the directional changes summarized below?

1946		S89°:	56':	48"E
2021		S89°:	56':	48"E
2023		S89°:	55':	??"E

Where is the 1946 survey monument on the DLC #66 east – west boundary line identifying the northwest corner of Tax Lot 400?

<sup>3</sup> 497.85 + 60 + 100 = 657.85 feet

<sup>4</sup> 662.64 – 657.85 = 4.79 feet

**Deed Measured TL 400 Area**

Source Document	Acres	Square Feet
Bone 1946 Deed	57.41	2,500,819.79
Chapman carve-out	3.52	153,331.20
Roadways	2.07	90,186.00
<b>Net TL 400</b>	<b>49.42</b>	<b>2,257,302.59</b>
TL 100	1.88	81,881.02
Landaggard	9.99	435,176.14
TL 900	0.87	37,978.18
TL1100	1.50	65,505.10
Partition Carve-outs	14.27	621,572.81
Current TL 400 Area	35.15	1,531,083.18

**Applicant Declared**

Acres	Square Feet
<b>36.72</b>	<b>1,599,598.00</b>

**Polk County ESRI TL 400 Tax Map Claimed Area**

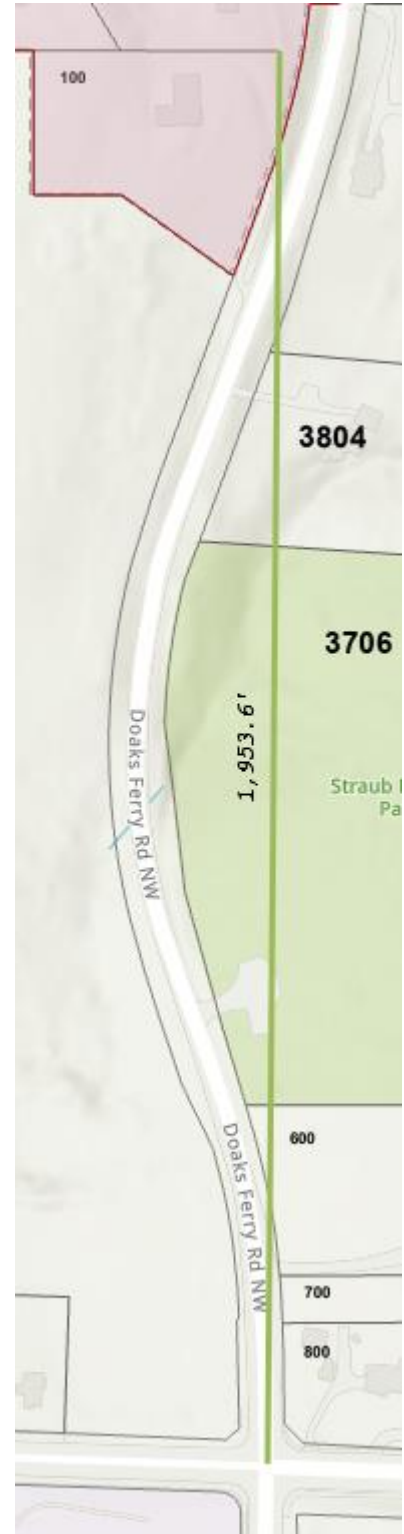
Popup Panel
Map: 7.3.17B
Taxlot: 400
Owner: TITAN HILL PROPERTY LLC
Agent:
Mailing: 3425 BOONE RD SE SALEM, OR 97317
SITUS:
Acreage: 36.72 ac
Last Sale: 10/2,003

**Polk County ESRI Tax Map Measured Area**

Acres	Square Feet
38.39	1,672,483.00
1.50	65,505.00
36.89	1,606,978.00

See page 9.

**Original 1946 eastern  
un-adjusted  
Tax Lot 400 boundary**



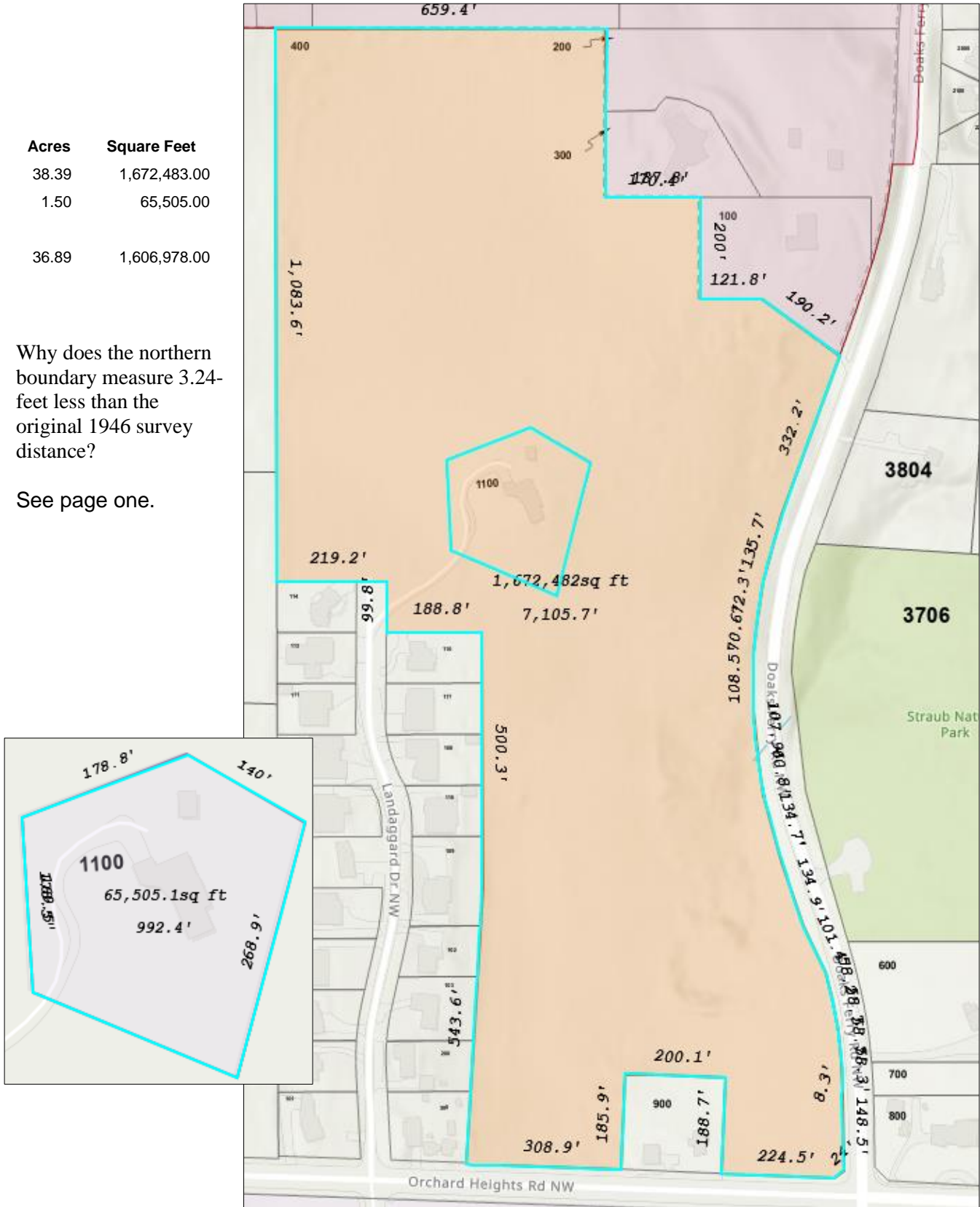
The Titan Hill subdivision and development project application has failed to comply with SRC 205.030(a). Please reject the application.

### Tax Lot 400 – Polk County ESRI Map Measurements

Acres	Square Feet
38.39	1,672,483.00
1.50	65,505.00
36.89	1,606,978.00

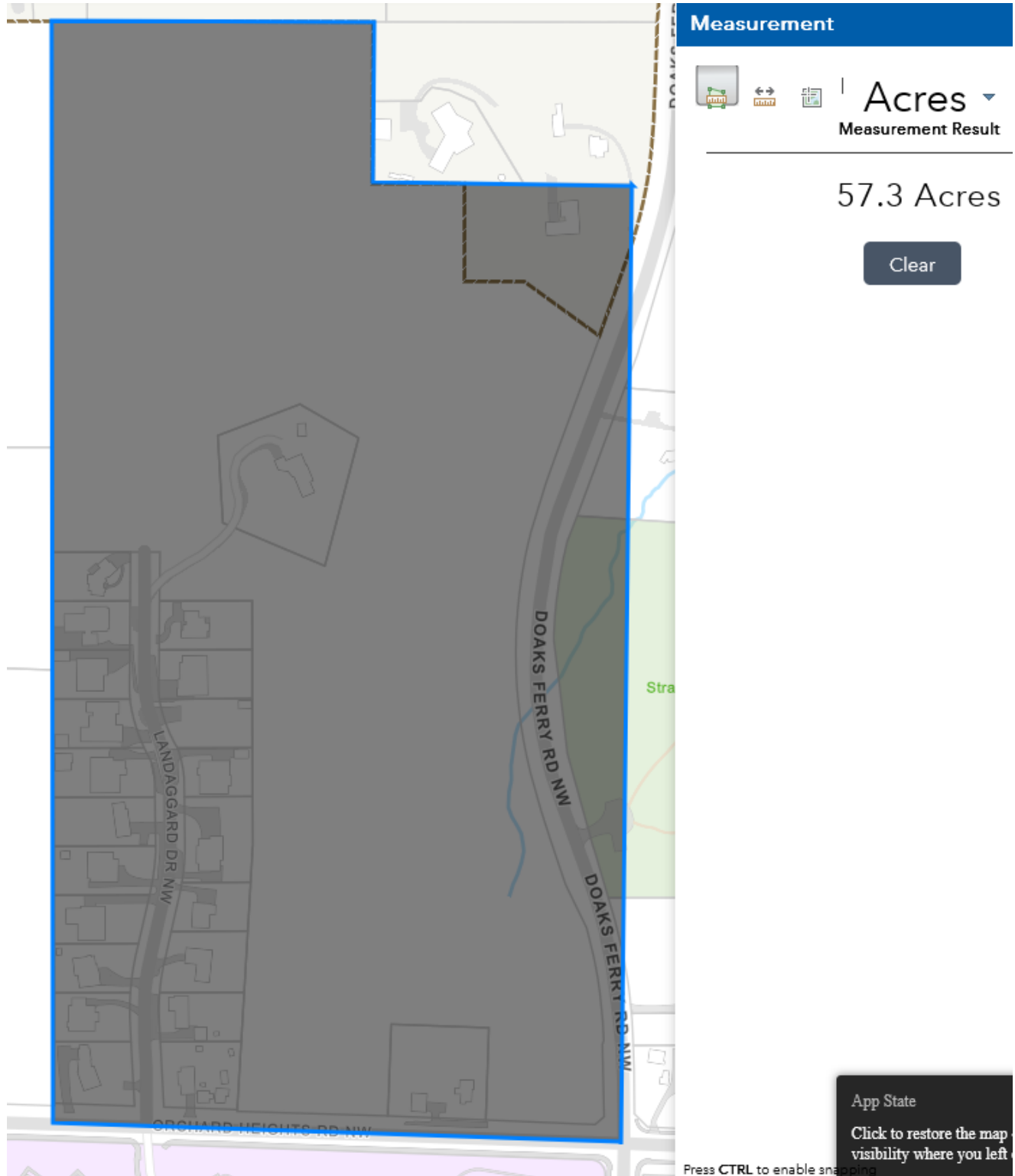
Why does the northern boundary measure 3.24-feet less than the original 1946 survey distance?

See page one.



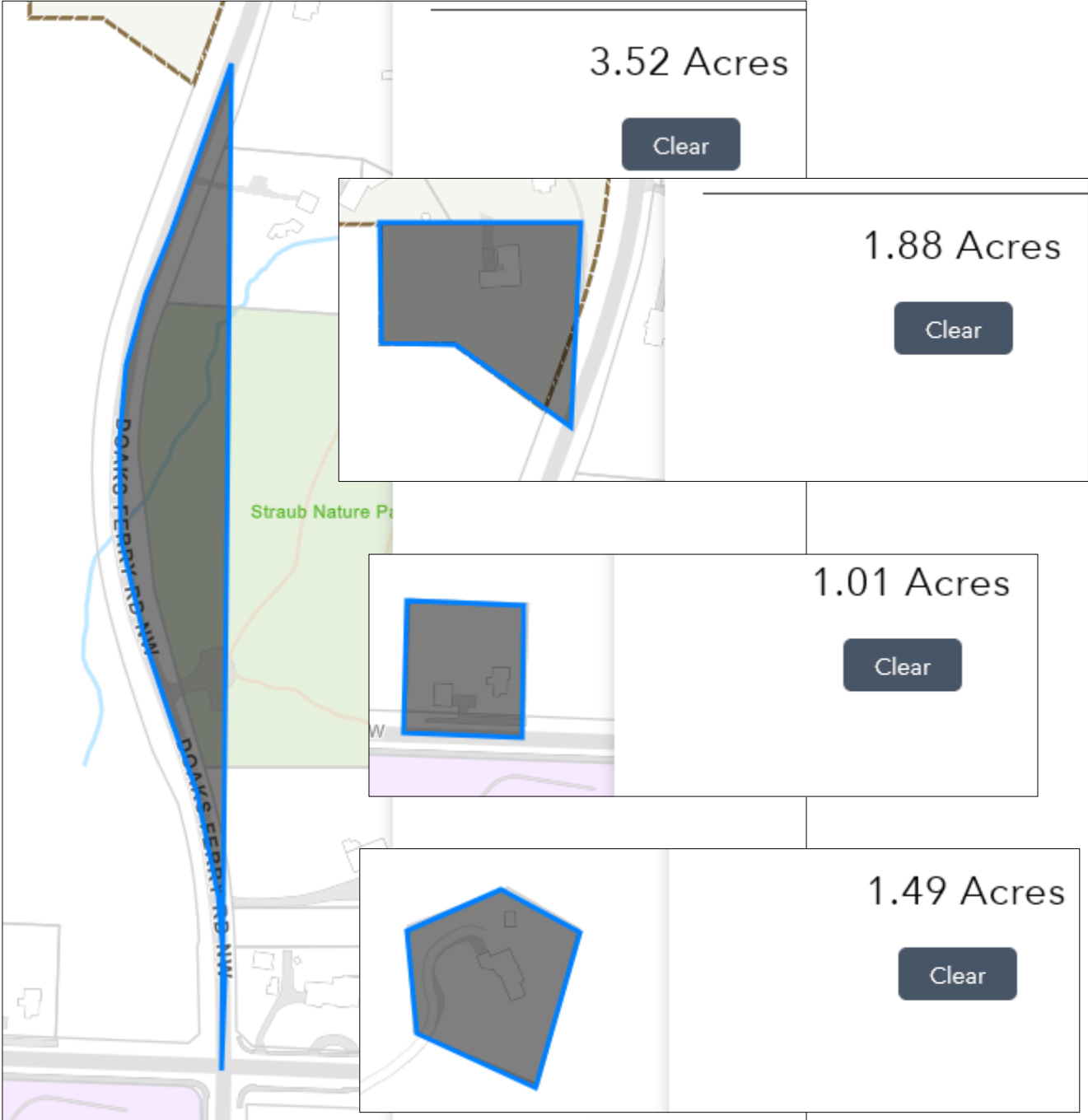
# Attachment: C

## City of Salem Utility Map – 1946 Deed and Extractions Measurements



Pages 2-3 summarize the original eastern boundary curve out and the subsequent land partitions from the original center of roadway legal descriptions of Tax Lot 400.

Extractions from Tax Lot 400



Acreage measurements made on and taken from City of Salem ESRI Utility Maps.



All areas are measured to the approximate center line of Orchard Heights and Doaks Ferry.

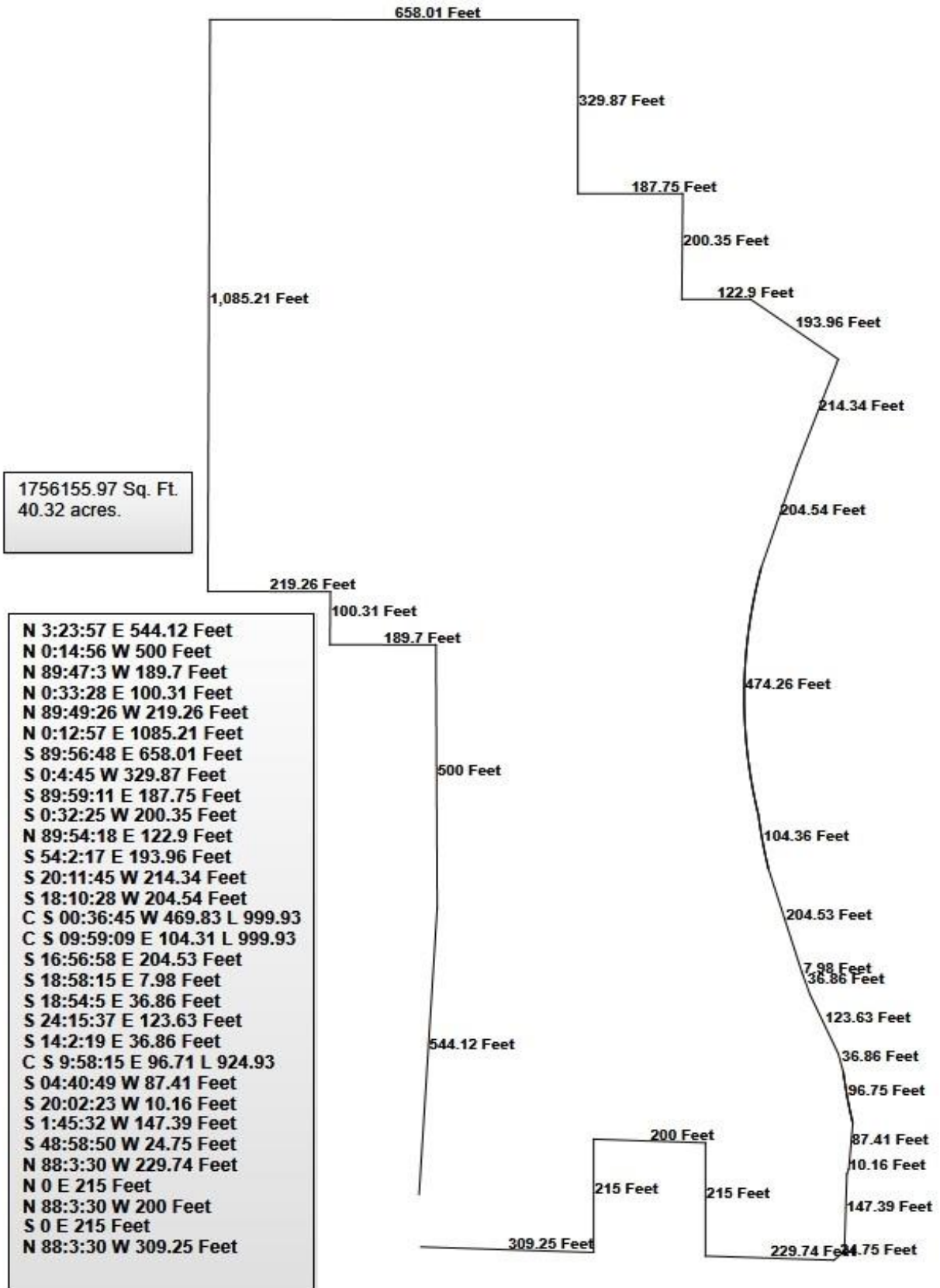
<b>Total Acres</b>	<b>Chapman</b>	<b>TL 1100</b>	<b>TL 601</b>	<b>Landaggard</b>	<b>TL 900</b>	<b>Net Acres</b>
57.3	minus 3.52 =	54.87	less (1.49 + 1.88 +	10.2	+ 1.01) =	40.29

According to Polk County an additional 1.88-acres were extracted from TL 400 when property boundaries were moved from the public right-of-way center line to the public right-of-way boundary. For Orchard Heights Road that reduced the southern boundary of TL 400 by 25-feet and the Doaks Ferry property line varies between 30-feet and 45-feet from the right-of-way center line.

The Titan Hill area calculations submitted by the applicant are confusing. Distance measurements change between the two maps submitted in 2021 and in 2023. The maps contain unexplained differences. See Attachment D. Some compass directions and even boundary distances are missing from the 2023 map. The submitted graphics show no ground survey referenced corners. The graphics show no roadway center lines. And when the metes and bounds calculation graph was applied to the applicant supplied 2021 map data there is no link-up at the southwestern corner of the metes and bounds measurements. See on page 4, the metes and bounds graph of the 2021 Zone Change map data submitted by applicant.

Please reject the Titan Hill development application for failing to provide accurate directional, distance and area information.

# Metes and Bounds Measurement of the Titan Hill 3021 Tax Lot 400 Data





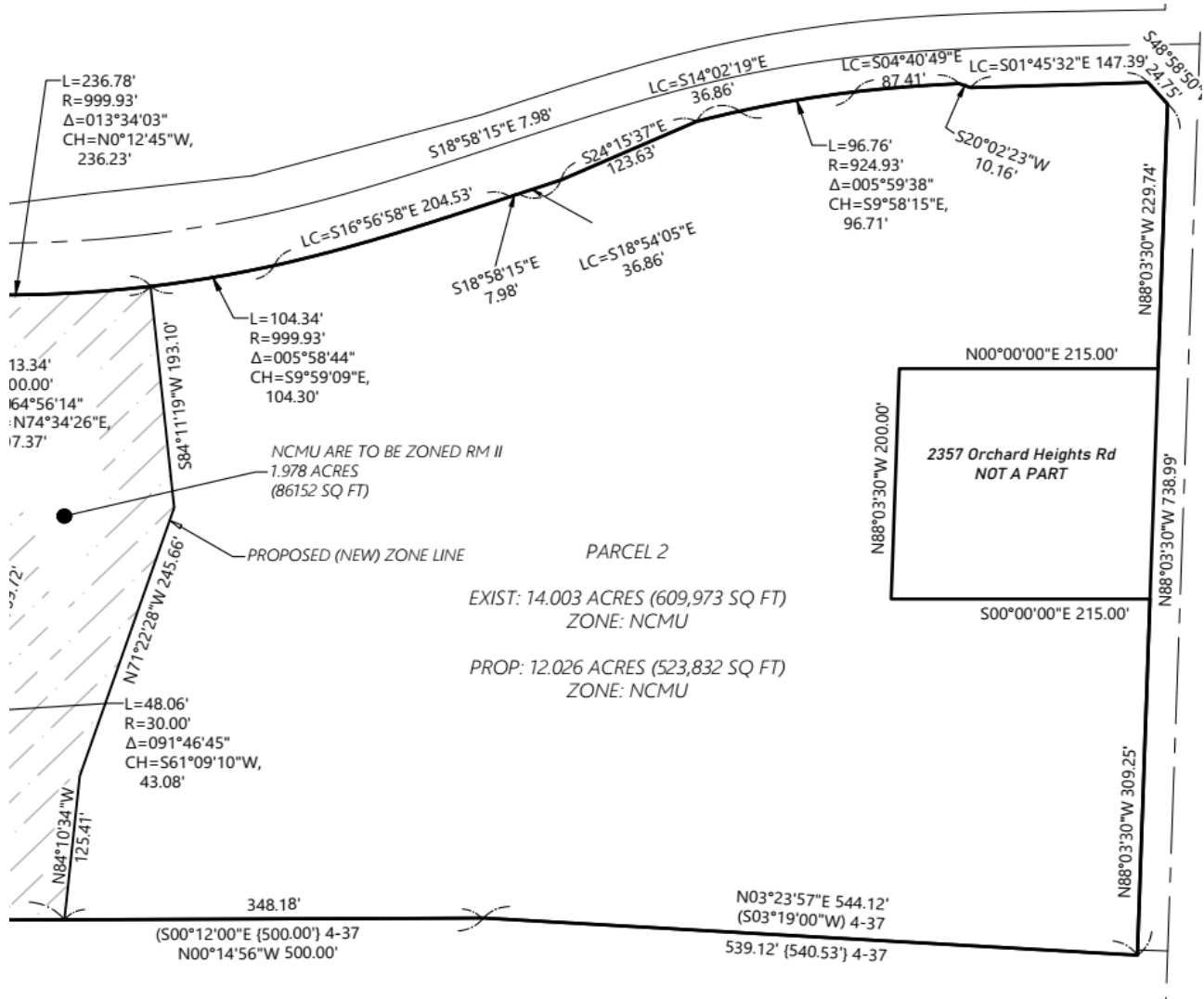
# Attachment D: Titan Hill Lot 6 information incomplete

## Comparing Titan Hill Claimed TL 400 NCMU Areas 2022 - 2023

A subdivision request requires the applicant to provide specific graphic information.

The graphics on pages 79 and 115 of the Titan Hill Notice of Decision fail to comply with SRC 205.030(a)(4)&(5).<sup>1</sup>

### Parcel 2 - 2022

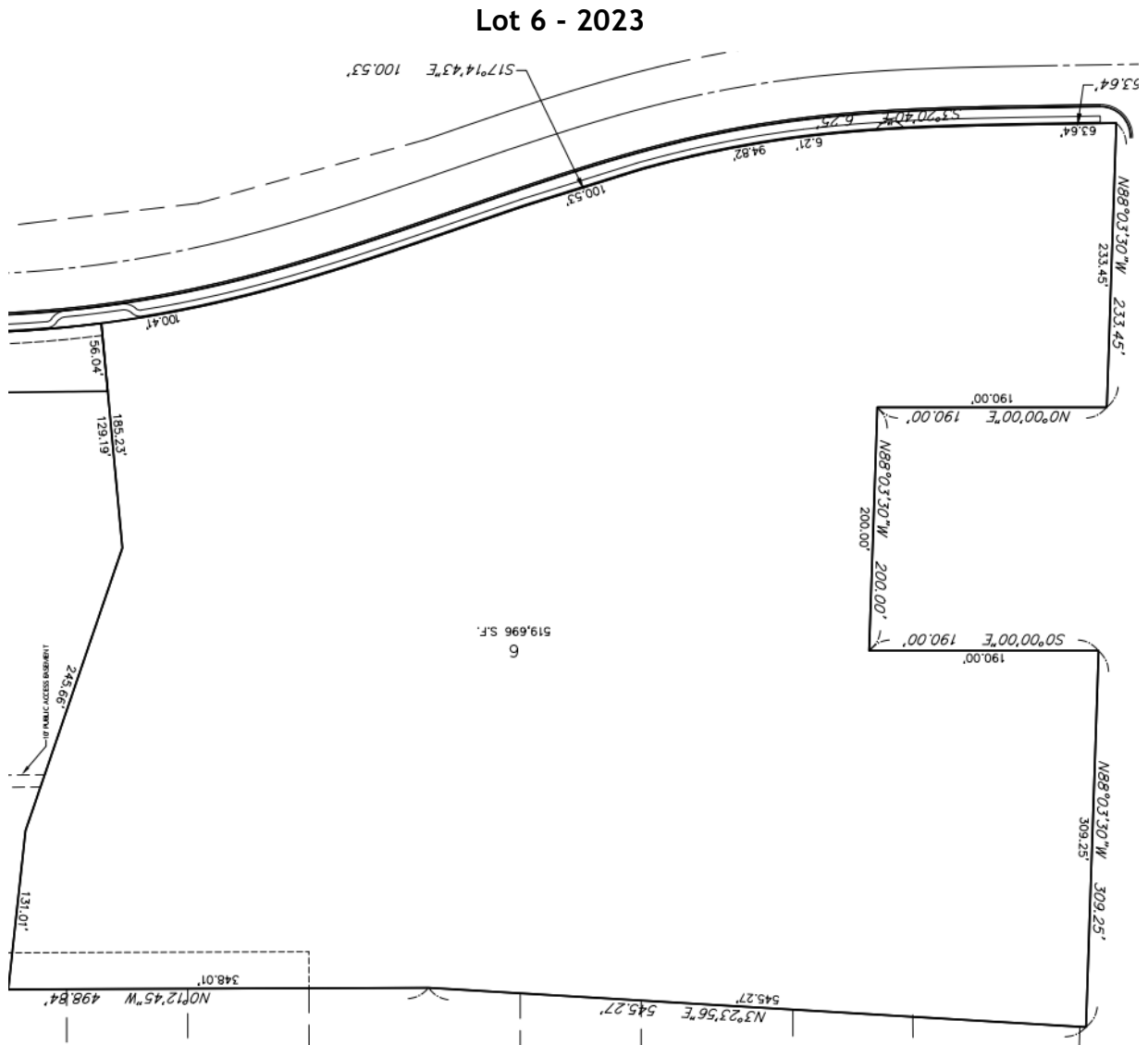


April 11, 2022 Staff Report  
PDF page 10

<sup>1</sup> **Sec. 205.030. - Additional submittal requirements.**

Applications to subdivide, partition, or replat land shall include, in addition to the submittal requirements under SRC chapter 300, the following:

- (a) A tentative plan map, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:
- (4) The boundaries, dimensions, and area of each proposed lot or parcel;
- (5) The location, width, and names of all existing streets, flag lot accessways, and public accessways abutting the perimeter of the subject property;



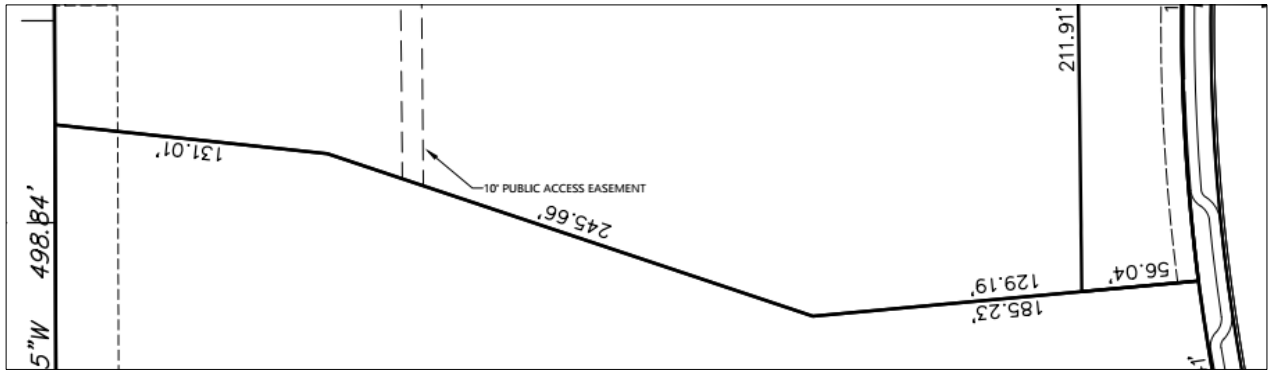
May 10, 2023 Staff Report  
 PDF page 79

The correction of the Tax Lot 900 (2357 Orchard Heights Rd) property lines shown on page 1 added 4,897 sq. ft. to Tax Lot 400. Yet the difference between Parcel 2 on page 1 2022 area description and the proposed 2023 subdivision lot 6 is not increased but reduced by 5,136 sq. ft.

What explains the area reduction from the 2022 Parcel 6 to 2023 Lot 6 area?

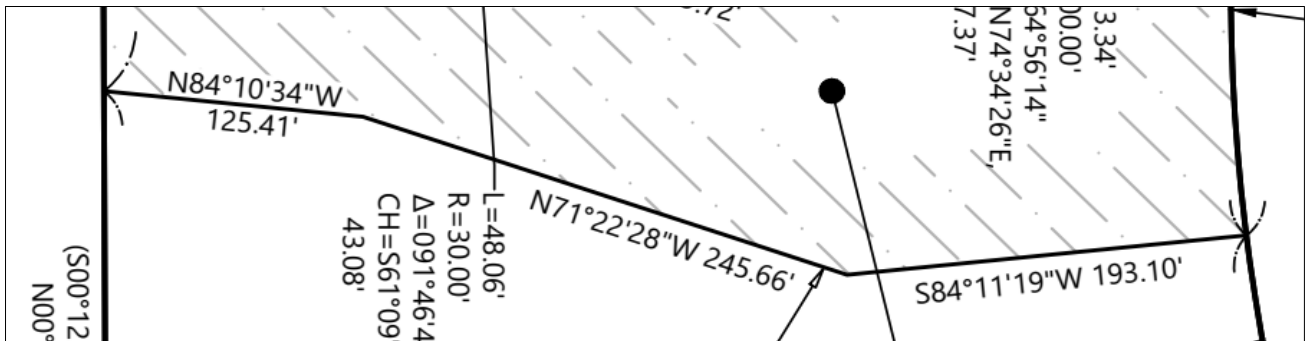
## Comparing Titan Hill Claimed Lot 6 / Parcel 2 Northern Boundary

### SUB-UGA-SPR-ADJ-TRV-DR23-02 Graphic Northern Boundary Lot 6



enlargement graphic Notice of Decision page 2

### CPC-ZC21-06 Graphic Northern boundary of Lot 6 (Parcel 2)



enlargement graphic page 1

The two maps vary the northern boundary lot 6 as follows:

	2022	2023
	125.41 ft	131.01 ft
	245.66 ft	245.66 ft
	<u>193.10</u> ft	<u>185.23</u> ft
	563.17 ft	561.70 ft

What explains this revision between Parcel 2 and Lot 6?

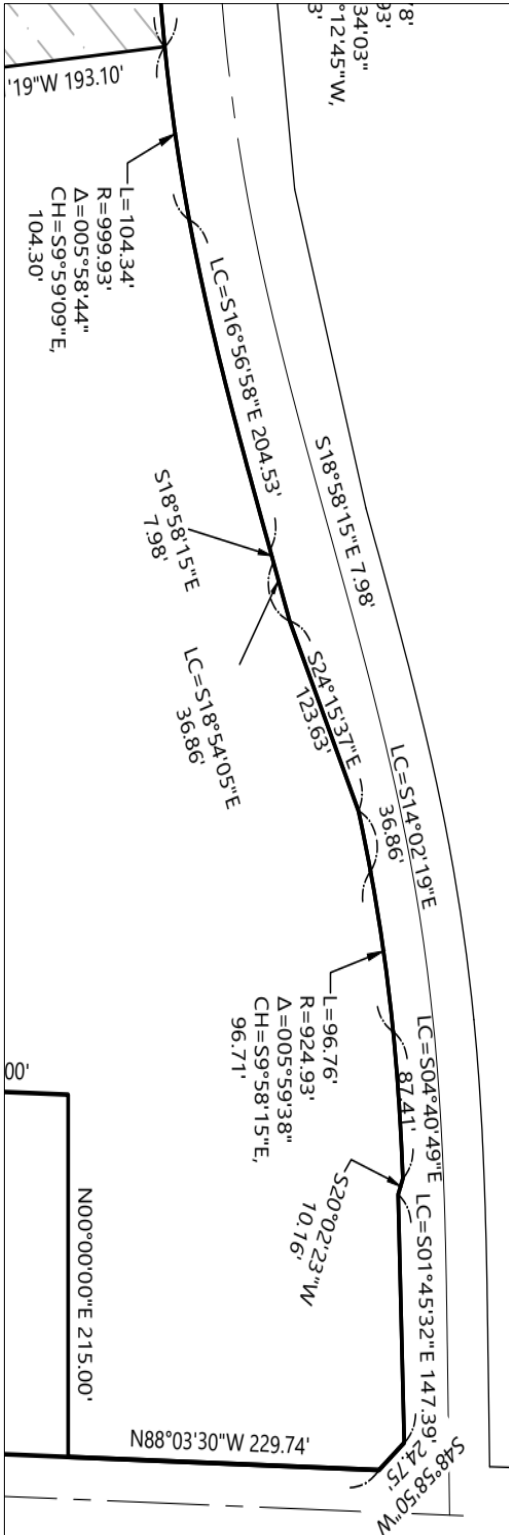
### Eastern Boundary Graphics

The eastern boundary of CPC-ZC21-06 Parcel 2 and Lot 6 of the 2023 SUB-UGA-SPR-ADJ-TRV-DR23-02 graphics are enlarged and juxtapositioned on page 4. The 2023 Titan Hill graphic segment provides incomplete line segments and inadequate directional information.

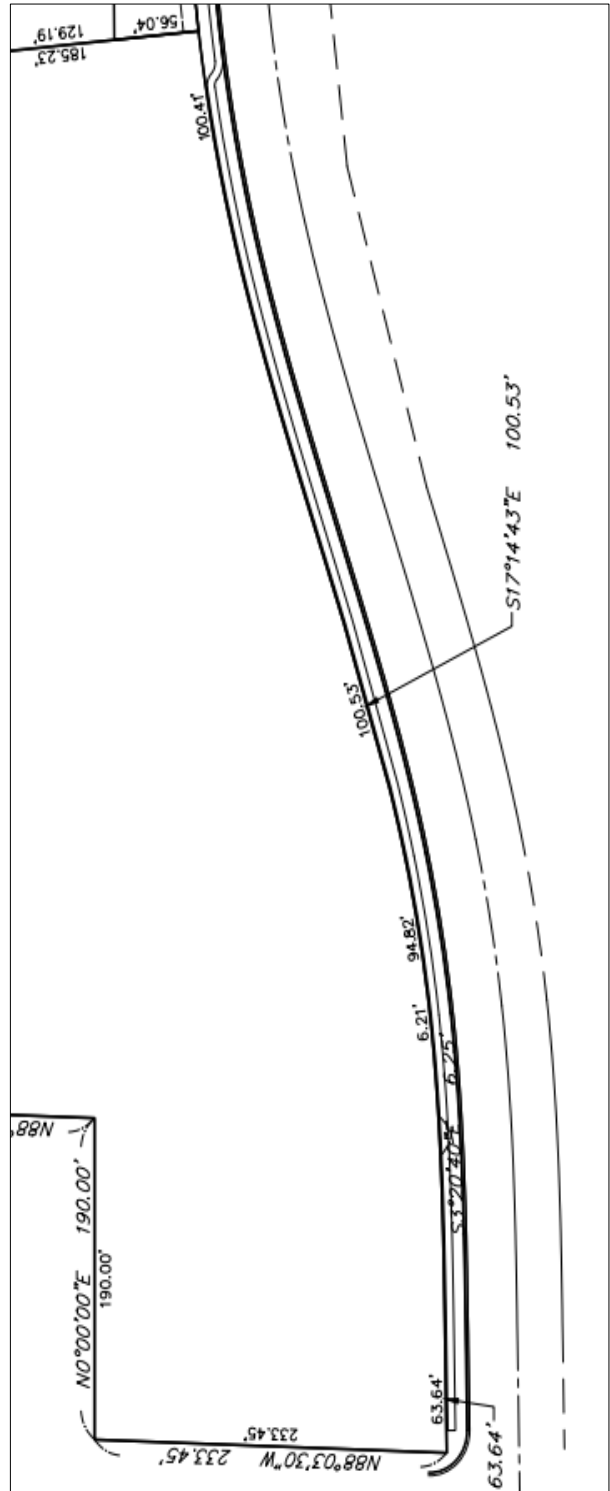
Neither graphic provides roadway widths or center line distances from property boundaries east or west of Doaks Ferry Road NW.

# Comparing Titan Hill Claimed Lot 6 / Parcel 2 Doaks Ferry Rd Boundary

Titan Hill 2022



Titan Hill 2023



Neither graphic offers a defined roadway center line or half street information. The 2023 graphic does not provide complete distance and direction data. Why?

The applicant has failed to provide required SRC 205.030(a) Lot 6 boundary information along the northern and eastern boundary of lot 6.

The applicant has failed to comply with the standards described in SRC 205.030(a)(4)&(5).

I request that the approval of the Titan Hill project be denied or suspended until the application contains the complete, accurate and required SRC 205.030(a) boundary and area information.

# Attachment E

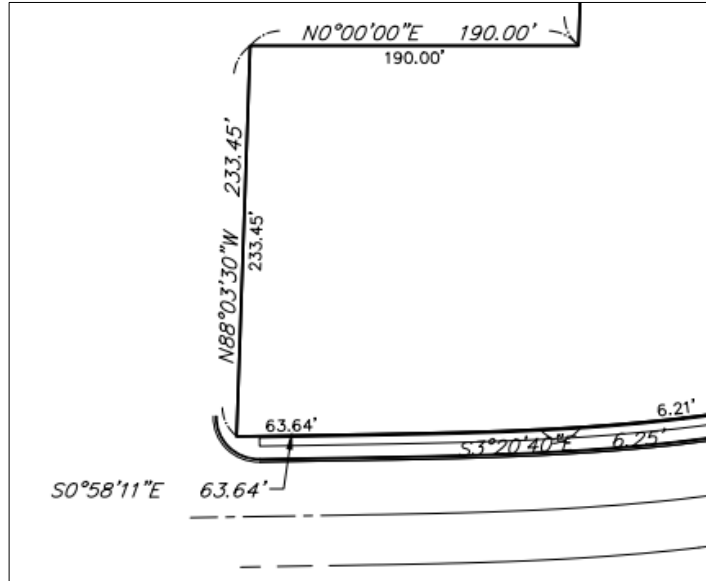
## Comparing the Orchard Heights and Doaks Ferry Intersection Data

There is no equivalent data in the Titan Hill subdivision and development application submitted to the City of Salem which compares positively with the West Salem High School survey segments shown in Polk County surveys CS14415 and CS14134.

### Titan Hill 2023 Orchard Heights / Doaks Ferry Corner

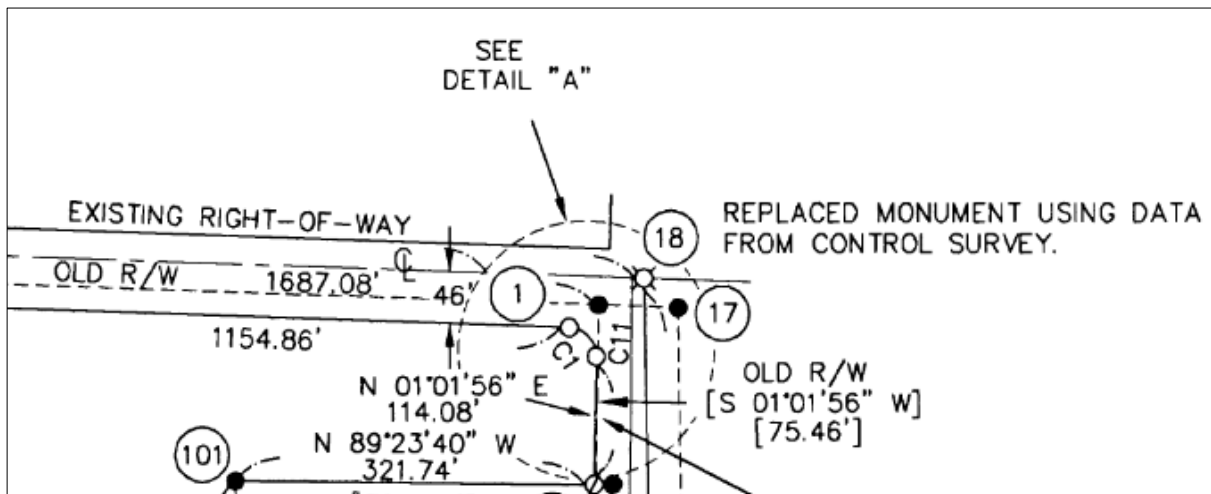
The Titan Hill project representation of the Doaks Ferry and Orchard Heights intersection ignores street widths and corner monuments that are included in the two earlier surveys.

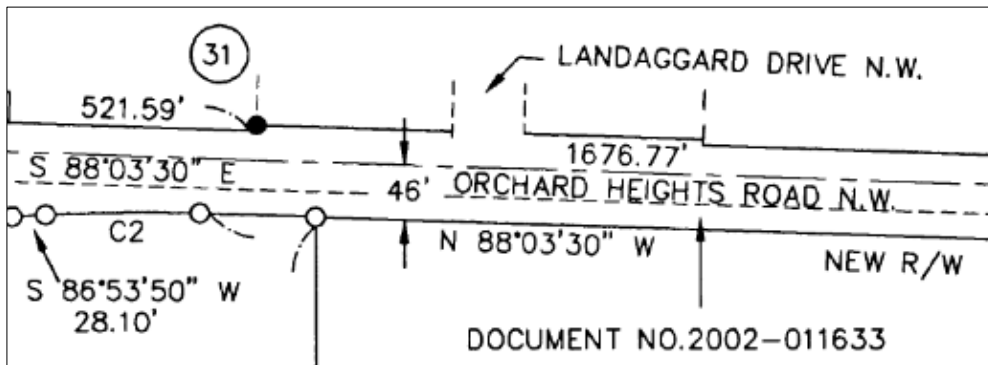
Yet Multi/Tech Eng. was and is the engineering firm for both projects.



p. 79

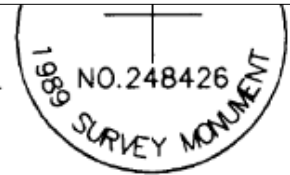
### From CS14415



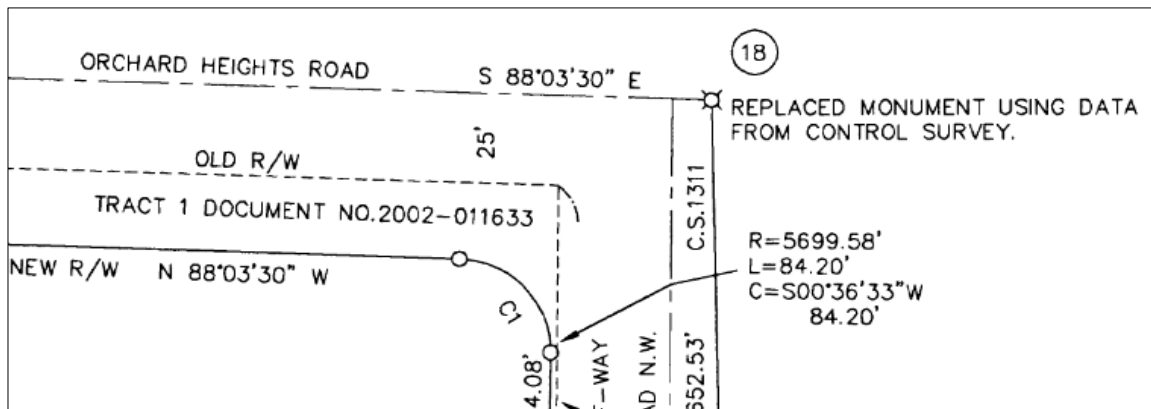


MONUMENT NOTES:

- ① = HELD FOR R/W 5/8" I.R. W/Y.P.C. "BARKER PLS 636" C.S.14134
- ①7 = HELD FOR R/W 3/4" I.P. -0.3' C.S.1660.
- ①8 = HELD 2" BRASS CAP FLUSH IN 12" SQUARE CONCRETE PAD CENTERLINE ORCHARD HEIGHTS AND DOAKS FERRY ROAD. (REPLACED)
- ③1 = HELD FOR R/W 2" I.P. -0.30 INITIAL POINT "LANDAGGARD HEIGHTS".



From CS14134



LEGEND:

- = MONUMENT FOUND AS NOTED
- = SET A 5/8" X 30" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "MULTI/TECH ENG."
- ∅ = SET A TACK & LEAD WITH A BRASS WASHER MARKED "MULTI/TECH ENG."
- ⊗ = SET A 5/8" X 30" IRON ROD WITH AN ALUMINUM CAP MARKED "MULTI/TECH ENG."

Furthermore, the claim that the distance east of Tax Lot 900 to the Tax Lot 400 Doaks Ferry public right-of-way along Orchard Heights Road increases from 228.74-feet on the 2021 map to 233.45-feet on the 2023 map makes no sense. The 2021 map follows the 2001 modification of the Tax Lot 400 at the intersection of Orchard Heights and Doaks Ferry. See metes and bounds graphic below and the metes and bounds graphic on page four of Attachment C.

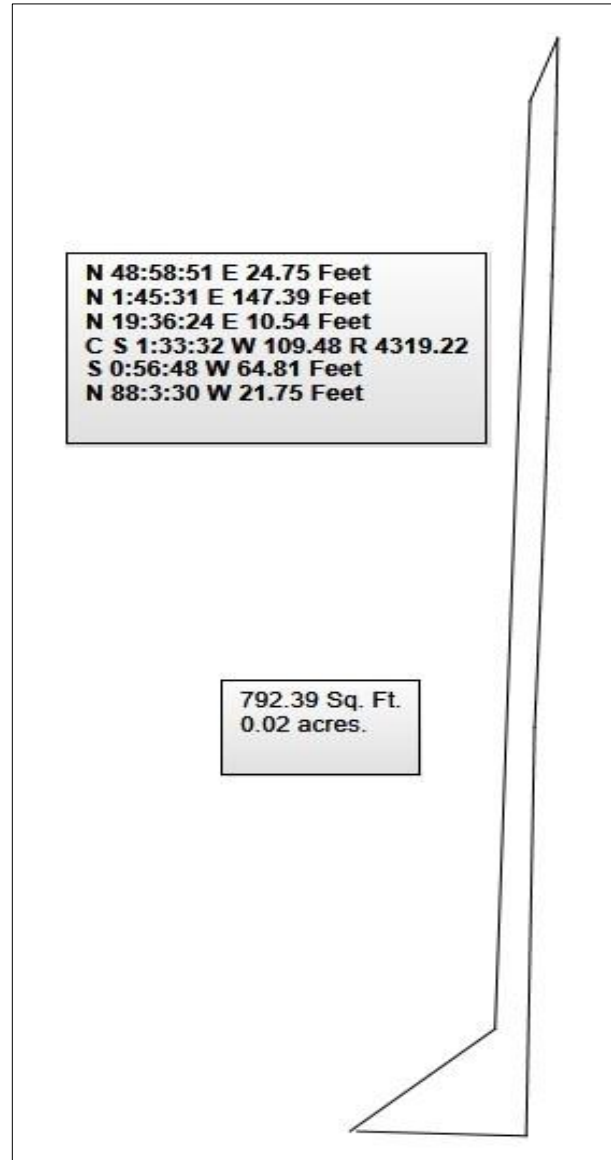
The revision of the Doak Ferry and Orchard Heights intersection in 2001 moved the Tax Lot 400 property line westward from 30-feet west of the Doaks Ferry center line 21.75-feet along Orchard Heights Road.

The Titan Hill subdivision/development requires the deeding of a 48-foot Doaks Ferry half street right-of-way. The 2001 public right-of-way acquisition was  $30 + 21.75 = 51.75$  feet, i.e. 36.75-feet more than the required Titan Hill subdivision/development 48-foot dedication.

The relationship between the difference of 228.74-feet (2021) and 233.45-feet (2023) = 4.71-feet along Orchard Heights Road is unexplained. Why is such an increase necessary? Nothing in the information provided by the applicant justifies the Tax Lot 400 proposed property line length changes along Orchard Heights Road between Tax Lot 900 and the intersection at Doaks Ferry Road. Additional graphic analysis is provided on page 4.

Please reject the Titan Hill subdivision/development project. The applicant has failed to submit the accurate data stipulated under SRC 205.030(a). Accordingly, the application as incomplete.

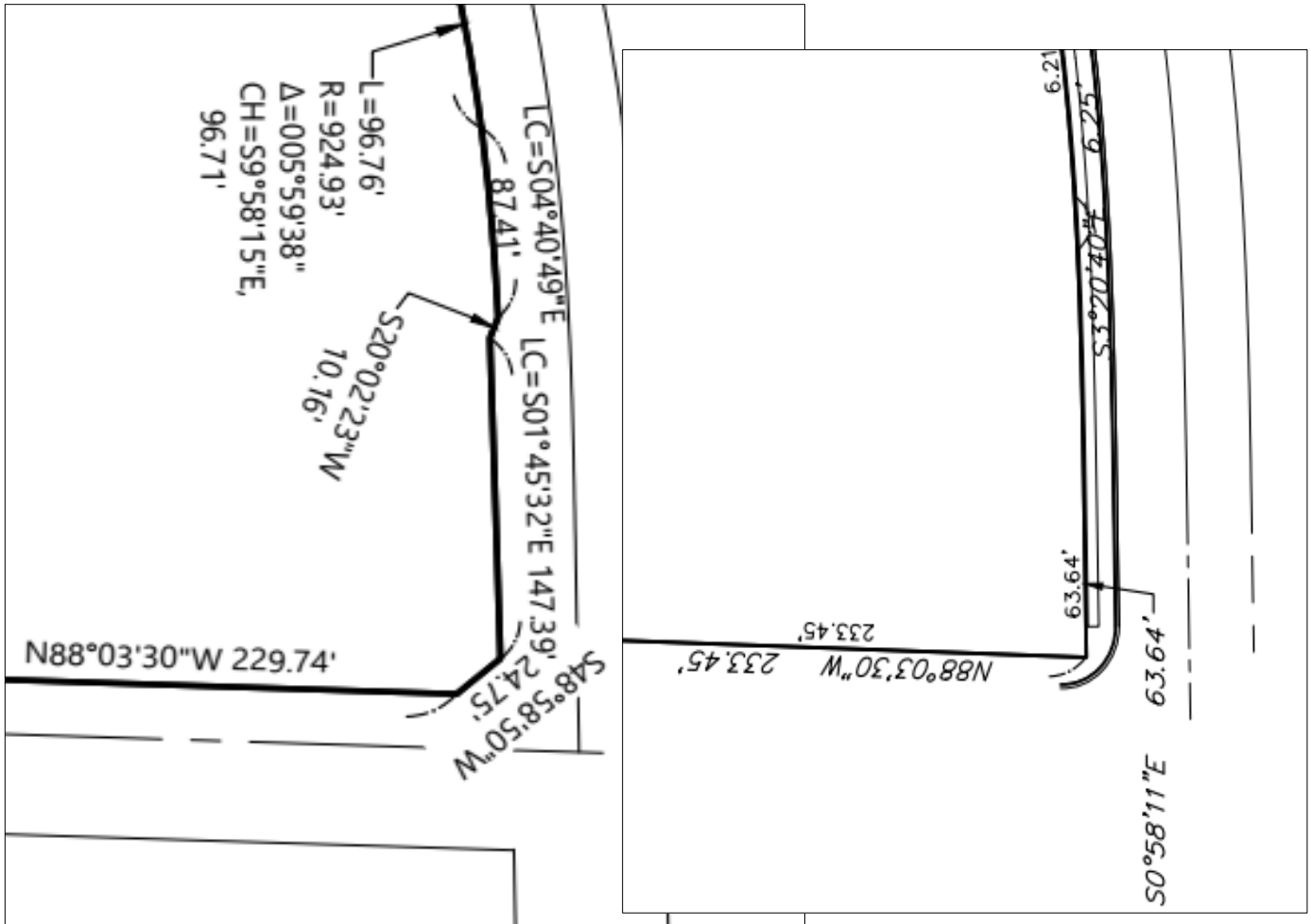
Please deny the application in its current form for failing to comply with SRC 205.030(a).





## Titan Hill 2021 Intersection Data

## Titan Hill 2023 Intersection Data



The changes between the 2021 left hand graph segment and the two right side graphs is confusing.

Assuming the tax lot 400 property line along Orchard Heights Road remains the same, the right-hand graphs from 2023 extends 3 plus feet into the Salem Doaks Ferry Road public right-of-way.

By accepting the applicant's proposed revisions to the western boundary of Tax Lot 400 the Salem City Council is returning 3.75-feet from the center line of Doaks Ferry Road to the property own.

Why?

The applicant has failed to submit complete or accurate information. Please deny the application in its current form.



**From:** [Robert Steele](#)  
**To:** [CityRecorder](#)  
**Cc:** [Jamie Donaldson](#)  
**Subject:** City Council Land Use hearing, 2100 Block Doaks Ferry Rd NW, 7.24.23  
**Date:** Monday, July 24, 2023 4:28:37 PM

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Re: Review Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02, 2100 Block Doaks Ferry Rd NW

To whom it may concern,

I live with my son and grandson on a farm adjacent to the proposed development and have resided there since 1992. The backdrop is a proposal to cut down an organic prune orchard and adjacent forests to build high-end, unaffordable housing in an area of West Salem miles from any shopping or services- there are many schools in the area of mixed farmland and residential properties. The developers- do the research, start with the BBB- have a sketchy reputation as multi-state developers of retirement villages- and have gotten off on the wrong foot by infuriating or ignoring their new "neighbors" and cutting down scores of trees, many of them protected.

The area in question is already heavily congested, making it unsafe to ride a bike or walk to school, in part because the main throughfare- Doaks Ferry Road- is designated as a primary arterial but does not even meet the road standards for a secondary artery. The approval rests on an old traffic study and a loophole- a variance that can allow for traffic from a proposed to exceed the state-imposed maximum traffic by a small percentage. No one needs to tell you that West Salem is terribly congested and has far exceeded the state required limits at at least two intersections on Wallace Rd. The proposed 436 units are placed where access to the main thoroughfares, Doaks Ferry Rd and Orchard Heights, is already difficult, and mitigations along a small stretch of Doaks Ferry will not relieve the dangers along this narrow, tortuous country road with poor visibility and the site of numerous accidents. I do not allow my grandson to walk or ride his bike along our street for fear he would be hit by a vehicle- the size, scope and location of the proposed development would make the situation intolerably worse.

The developers propose to deforest the acreage and largely remove the vegetation protecting the riparian corridor of Wilark Brook and the surrounding acreage, a breach of local laws. To preserve the quality of life of West Salem and Salem as a whole, to help insure the safety and health of its residents, we ask that the Council remand the proposal to the developers to be vastly improved upon: come up with a proposal for more affordable, less dense housing that will preserve the trees, tree cover and brook, and will engender less traffic, creating a safer, healthier environment for all. Greed should not trump wise land use planning.

Sincerely,  
Robert L Steele, MD

**From:** [Steve Anderson](#)  
**To:** [CityRecorder](#)  
**Subject:** WSNA City Council Testimony  
**Date:** Monday, July 24, 2023 3:38:38 PM  
**Attachments:** [WSNACI~1.PDF](#)

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ATTN:

Enclosed is the West Salem Neighborhood Association City Council testimony as applicant for public hearing agenda item 4.a. tonight. Please include in the materials for the mayor and city council tonight as well as the record. Three appendices for this testimony will be sent via separate email. Please advise receipt of the email and requested action. Thank you.

Steven A. Anderson, West Salem Neighborhood Association Land Use Chair



Mayor Hoy and Salem City Council Members:

We offered initial testimony and Exhibit 1 showing 51 specific examples of questions not addressed in the May 10<sup>th</sup> Planning Administrators findings demonstrating that the applicant has not met their burden of proof standard. Tonight, we will offer specific examples supporting our earlier statements.

Example 1:

According to the July 24, 2023, staff report addressing the West Salem Neighborhood Association appeal of the Titan Hill subdivision and development proposal we are informed:

“The applicant provided some of the missing information on January 26, 2023, and requested the application be deemed complete under this state code; thereby requiring staff to issue a decision **without all the information requested**. Because of this, staff was required by state law to issue a decision within a time period that **did not allow** for many design changes or additional reviews.”

*File #: 23-286 Date: 7/24/2023 Item #: 4. a. Page 7*

The May 10, Planning Administrator's approval decision provided the following example:

SRC Chapter 71—Stormwater—Findings

“The Public Works Department indicates that the applicant submitted an incomplete preliminary stormwater report”

They go on to say:

“It is not clear from the information submitted whether or not the proposed design complies with SRC Chapter 71 and PWDS. In addition, the applicants tentative plan shows a new 30-foot-deep public storm main in Landaggard Drive NW, that does not appear feasible to construct or maintain. Lack of design at this stage may require modification to the land use decision once a complete design is reviewed.”

*SUB-UGA-SPR-ADJ-TRV-DR23-02 May 10, 2023, Page 14*

This is clear evidence that if this application is approved:

1. There is incomplete evidence in the record to support a decision of compliance with Salem Revised Code
2. There is evidence in the decision document cited by staff of not complying with code
3. The application was approved with knowledge of it not meeting Salem Revised Code
4. Staff suggesting later modification to this land use decision places the city in a Goal 1 violation



### Example 2:

Appendix A documents an incomplete tree inventory for the Titian Hill Subdivision including White Oak trees along Doaks Ferry Road on Tax Lot 400. Evidence is provided therein of multiple failures to comply with Salem Revised Code. Clearly there is evidence in Appendix A that the applicant has not complied with applicable standards of the RM-II and MU-II zones.

There is no report from a professional arborist for this application. There is no evidence that the SRC Chapter 808 “intent to preserve” significant trees has been addressed. I call your attention to the “intent to preserve” phrase: Intent must be demonstrated before any attempt at a variance. The watershed council testimony demonstrates the applicant's intent to preserve and comply with the code does not adequately address the variance requirements. The applicant's starting point was placing the maximum number of dwelling units. Every time on their plan drawings a dwelling unit conflicted with a tree; the tree was to be removed. Maximizing the number of dwelling units onsite appears to be the priority.

Please listen carefully to, and consider, the watershed council's testimony. Had the methodology described there been employed, the intent to preserve significant trees would have been the focus before seeking a variance. Note: the applicant provides no economic analysis supporting their case, and I expect, had they proceeded with this alternative approach, one would see a greater economic return than what has been proposed.

### Example 3:

The subdivision requirements contained in SRC 205.010(d)(6) are not complied with:

“The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development.”

The applicant supplied inaccurate information. This led staff to inaccurately address the detailed requirements of the code and a failure to meet the intent of the ordinance (Documented in Appendix B).

### Example 4:

You will have testimony from neighbors about the impacts this development can have on their properties and future development; SRC 205.010(d)(2). The record does not support compliance here. Appendix C provides examples.



In Summary:

We have presented documented evidence to **not recommend approval** of this application. Evidence shows that the Titan Hill development does not comply with the Salem Revised Code. Evidence has been presented that the applicant will not, nor cannot, comply with the conditions of approval. They have not met their burden of proof requirement.

**We ask that the City Council “not approve” this application.**

**From:** [Steve Anderson](#)  
**To:** [CityRecorder](#)  
**Subject:** Appendix A, B, C for WSNA City Council Testimony  
**Date:** Monday, July 24, 2023 3:42:44 PM  
**Attachments:** [Appx A.pdf](#)  
[Appx B.pdf](#)  
[Appx C.pdf](#)

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ATTN:

Enclosed is the West Salem Neighborhood Association appendices A, B, & C for the City Council testimony previously emailed (agenda item 4.a.). Please include in the materials for the mayor and city council tonight as well as the record. Please advise receipt of the email and requested action. Thank you.

Steven A. Anderson, West Salem Neighborhood Association Land Use Chair

## Appendix A

### Tree Inventory Incomplete

The Titan Hill coordinated subdivision and multi-family development applicant staff report declares that the proposed six-lot tentative subdivision is approved. The issued findings address the ten subdivision approval criteria listed under SRC 205.010 (d) including SRC 205.010 (d)(9) found at page 27 of the staff report.

**“Finding:** As explained in the findings establishing conformance with SRC 205.010(d)(8) above, the tentative subdivision plan configures lots and streets to allow residential development of the site, which has been reviewed in conjunction with a Tree Regulation Variance application to ensure the proposal minimizes disruptions to topography and vegetation. ... This approval criterion is met.” pg. 27

The criterion 9 findings cites criterion 8<sup>1</sup> finding which states, “All existing conditions of topography or vegetation have been identified on the site which would necessitate variances.” The evidence offered by the applicant is unconvincing. The WSN A challenges the declaration that “The proposed tentative subdivision plan, as recommended to be conditioned, complies with the applicable standards of the RM-II and MU-II zones ...”

The applicant failed to comply with SRC 205.010 (d)(9)<sup>2</sup> as stipulated under SRC 808.025.<sup>3</sup> The tree inventory is incomplete on proposed lot 6. Absent such information the Titan Hill subdivision application is incomplete. Therefore, the staff report recommended approval of the subdivision is in error because the variances granted under SRC 808.045 does not address a complete tree inventory of the approximate 37-acre parcel being subdivided.

The staff response to the West Salem Neighborhood Association appeal provided the follow statements:

“WSNA requested an analysis of how staff evaluates the “intent to preserve” significant trees as declared in SRC Chapter 808 versus the applicant’s request to remove trees for development, and how this logic is applied in the decision to preserve or remove a tree. This kind of analysis is discussed in Section 13 of the decision with the analysis of the Tree Regulation Variance Criteria, which establishes the standards to potentially allow removal.

pg. 5 7/17/2023

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<sup>1</sup> **SRC 205.010(d)(8):** The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

**Finding:** The proposed subdivision has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. ... All existing conditions of topography or vegetation have been identified on the site which would necessitate variances during future development of the property and evaluated with this decision. ... The proposal meets this criterion.

<sup>2</sup> (d) Criteria. A tentative subdivision plan shall be approved if all of the following criteria are met:

(9) The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.

<sup>3</sup> No person shall, prior to site plan review or building permit approval, remove a tree on a lot or parcel that is 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square feet or greater, unless the removal is undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045. Nothing in this section shall be construed to require the retention of trees, other than heritage trees, significant trees, and trees and vegetation in riparian corridors, beyond the date of site plan review or building permit approval, if the proposed development is other than single family residential, two family residential, three family residential, four family residential, or a cottage cluster.



The applicant's variance logic must be based upon an accurate inventory of significant trees within the existing boundaries of Tax Lot 400. The evidence offered below challenges accuracy of the submitted significant tree inventory on proposed subdivision lot 6.

The WSNA requests that the tentative subdivision be denied and that Condition: 51 be deemed improper because approval of a subdivision requires the applicant to take “into account the ... vegetation of the site to be subdivided ...” that is, identify all significant trees on all six proposed lots as a condition of subdivision approval. The applicant has not provided a complete inventory of significant trees on proposed lot six. The adopted approval findings circumvent this requirement. The applicant has been authorized to provide an updated tree inventory prior to the city issuing a grading permit. Whether the revised tree plan variance request will include a complete tree inventory for lot 6 as required under the subdivision code remains unclear.

The staff effort to future condition compliance with SRC 808.045 to meet the SRC 205.010 (d)(9) subdivision approval criteria is not in compliance with SRC 205.010 (d)(9). SRC 205.010 (d)(9) stipulates that the proposed subdivision need must affirm that the proposed subdivision is least disruptive of the site vegetation. The staff report has not provided an accurate finding which addresses a complete tree inventory on the proposed lot six. Such information is significant and relevant because while lot 6 is not being considered for development under the current proposal, lot 6 must be included in all subdivision approval criteria including SRC 205.010 (d)(9).

Based upon the graphic examples offered below several significant white oak trees along Doaks Ferry Road NW are not included in the applicant's subdivision tree inventory.

**Please deny the Titan Hill subdivision and development request in its current form.**

# Titan Hill Tree Inventory Lot 6 Segment

Staff Report PDF pg. 80



Please note: The above graphic segment does not identify the current Tax Lot 400 property line. The graphic represents the approximate future Tax Lot 400 property line along Doaks Ferry Road and Orchard Heights Road.

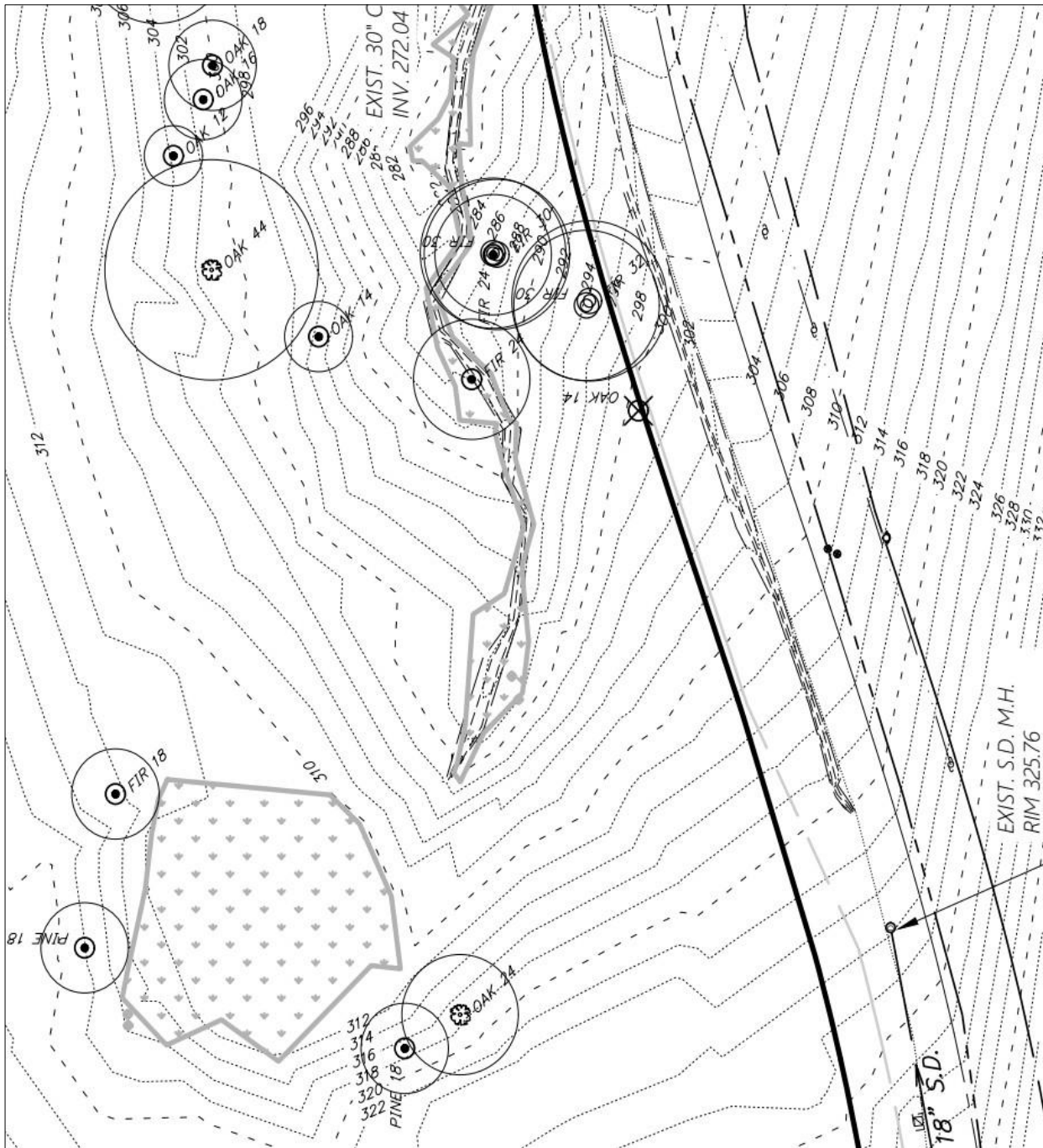
### City of Salem Stormwater Graphic Segment Nearmap WMS Server



The white oak trees along Doaks Ferry Road north of the Orchard Heights intersection in the above photo are not included on the Titan Hill tree inventory segment shown on page 3.

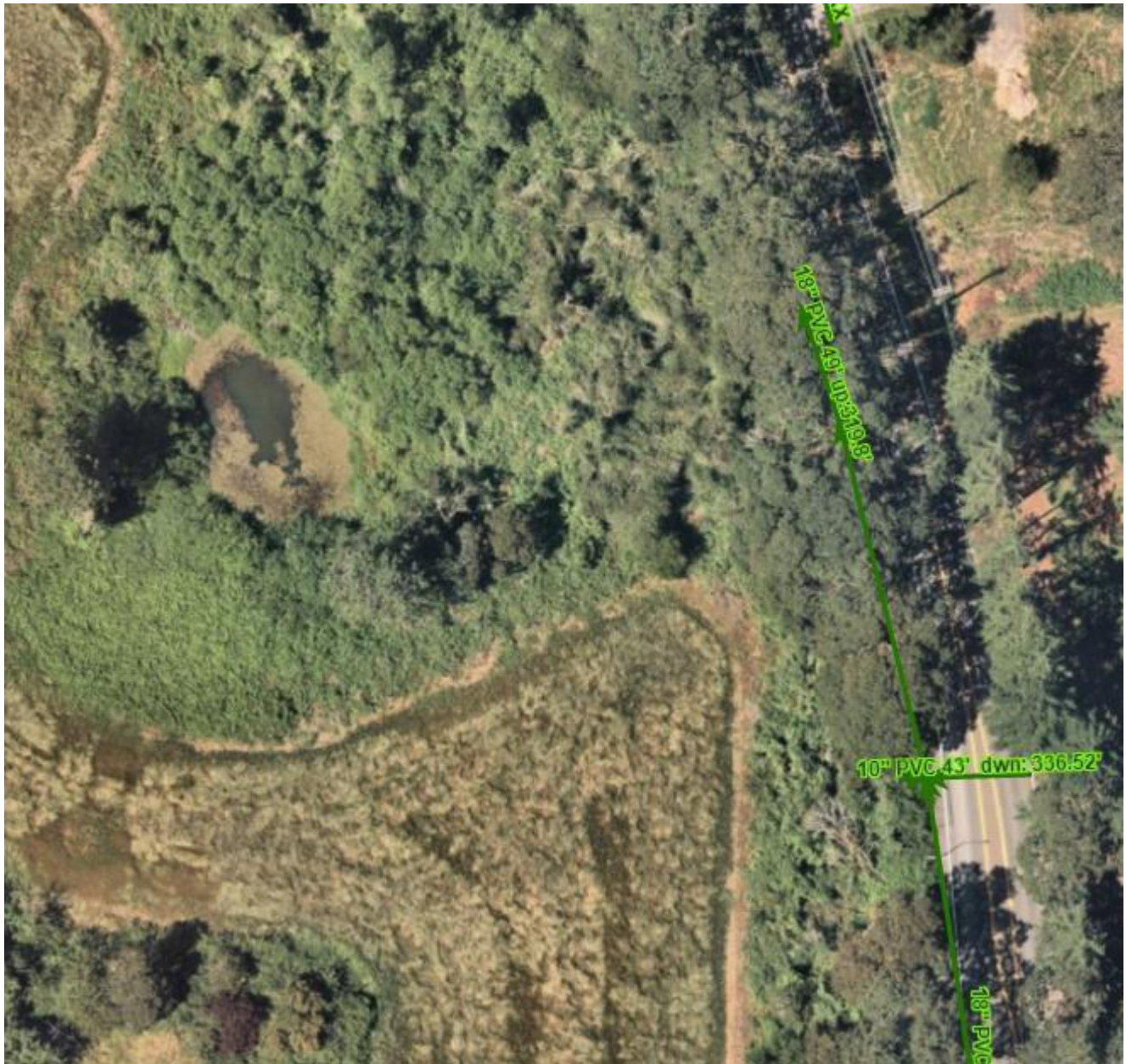
# Titan Hill Tree Inventory Lot 6 Segment

Staff Report PDF pg. 80



Please note: The above graphic segment does not identify the current Tax Lot 400 property line. The graphic represents the approximate future Tax Lot 400 property line along Doaks Ferry Road.

# City of Salem Stormwater Graphic Segment Nearmap WMS Server



The multiple white oak trees along Doaks Ferry Road at the top of the above photo are not included on the Titan Hill tree inventory segment shown on page 5. The pine and oak west of the pond are.

## **Appendix B**

### **Inaccurate Measurements to Neighborhood Activity Centers**

Please carefully read the subdivision requirements contained in SRC 205.010(d)(6):

“The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development.”

The ordinance obliges the applicant to confirm that “activity centers are within one-half mile from the development, not the subdivision. The Titan Hill development is being facilitated by first the creation of a subdivision which separates the 36.72-acre parcel into six distinct new lots. Five of those lots are zoned RM-II. Lot six is zoned Mixed Use. No development is proposed for lot 6.

The staff finding claims in error:

“The proposed development is served by Grice Hill Park .25 miles west of the subject property, and West Salem High School Park .35 miles southwest of the subject property. Access to the park is available through the existing transportation system.”

The cited reference to the “southwest of the subject property” does reference the southwest corner of tax lot 400 as well as the southwest corner of lot 6 but it does not reference the proposed development request detailed in the SUB-UGA-SPR-ADJ-TRV-DR23-02 subdivision and development application. The actual multi-family residential development is contained within the tentatively proposed RM-II lot 1 through 5, not in lot 6.

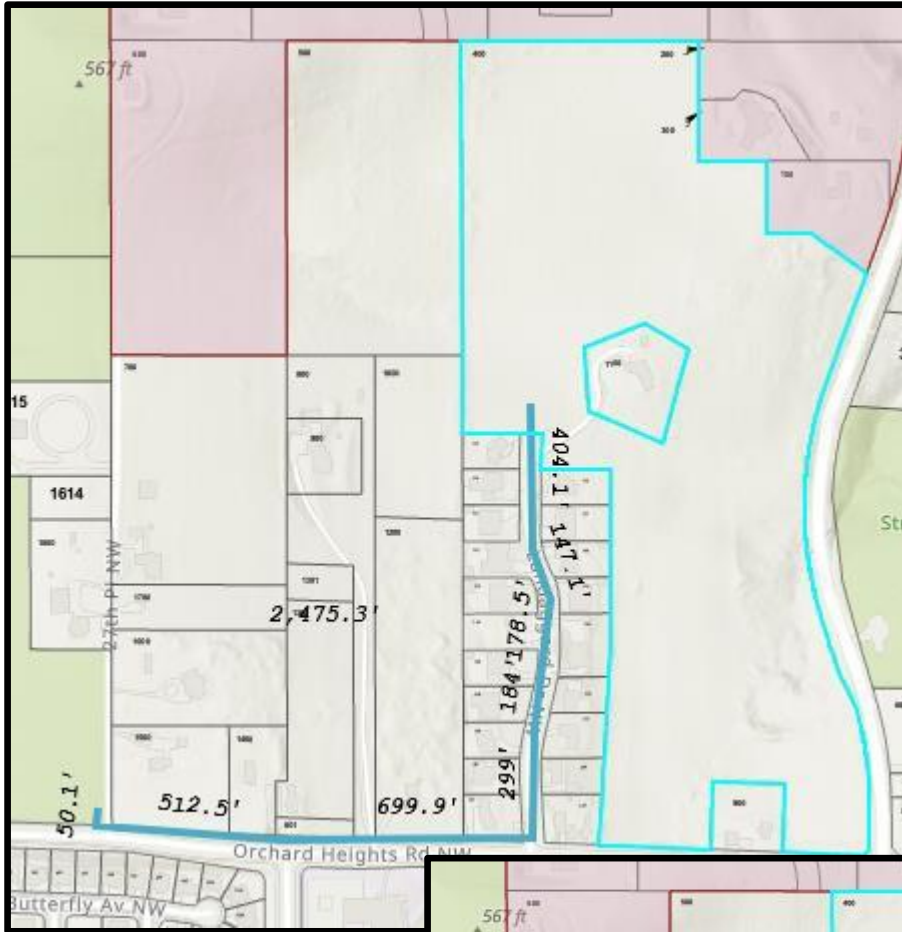
The staff findings are in error. The two parks referenced in the finding are roughly one-half-mile or more from the proposed Titan Hill development. See the attached appendices. Yes, both the applicant and the staff findings correctly argue that the two parks are less than one-half-mile from tax lot 400 and to the extent the proposed subdivision includes lot 6 it would be accurate to state that cited parks are less than one-half-mile from the subdivision. That, however, is not the stated finding or the actual wording of SRC 205.010(d)(6) which obliges the applicant confirm that the proposed development is within one-half-mile of “the development.”

Since lot 6 is clearly not proposed for or will be developed upon approval of SUB-UGA-SPR-ADJ-TRV-DR23-02, the true distance between the proposed RM-II development is the northern terminus of Landaggard and the intersection of “Street A” and Doaks Ferry Road. Both of those points are the closest public intersections with the proposed Titan Hill development and both of those points are further than one-half-mile along an existing pedestrian transportation system from either the West Salem High School Park or the Grice Hill Park.

The staff findings have failed to accurately address the detailed requirements of SRC 205.010(d)(6) and fails to meet the intent of the ordinance. **Burden of Proof Not Met.**

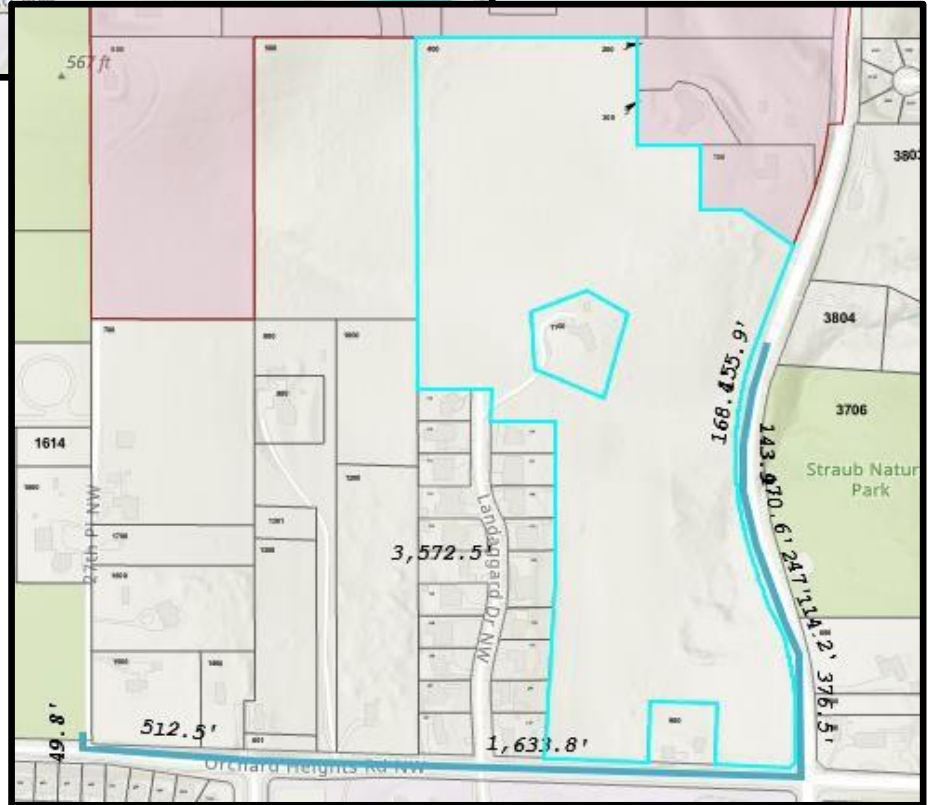
**We ask that the City Council reject SUB-UGA-SPR-ADJ-TRV-DR23-02 tentative subdivision for failing to comply with the development requirements of SRC 205.010(d)(6).**

Polk County ESRI Tool



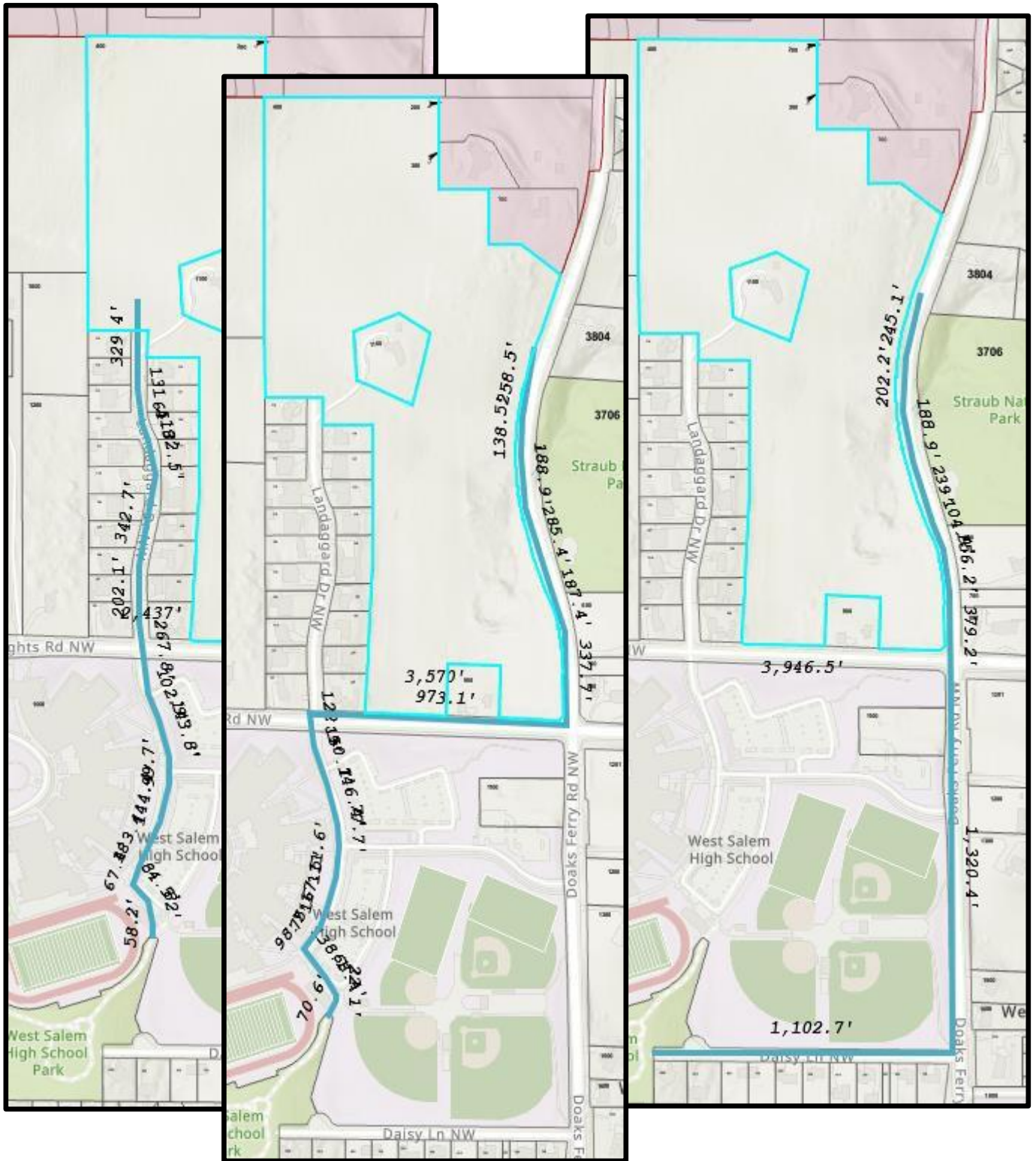
Titan Hill Development to  
Grice Hill Park

2475-feet  
46/100 mile



3527-feet  
2/3 mile

# Titan Hill Development to West Salem High School Park



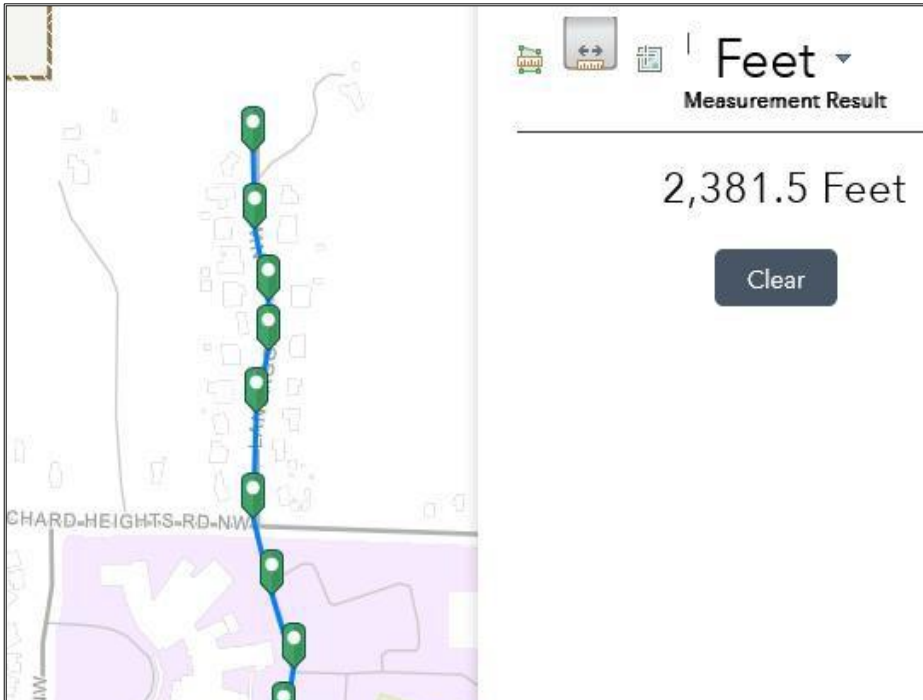
2427-feet  
46/100 mile

3570-feet  
2/3mile

3946-feet  
3/4 mile



City of Salem ESRI Tool



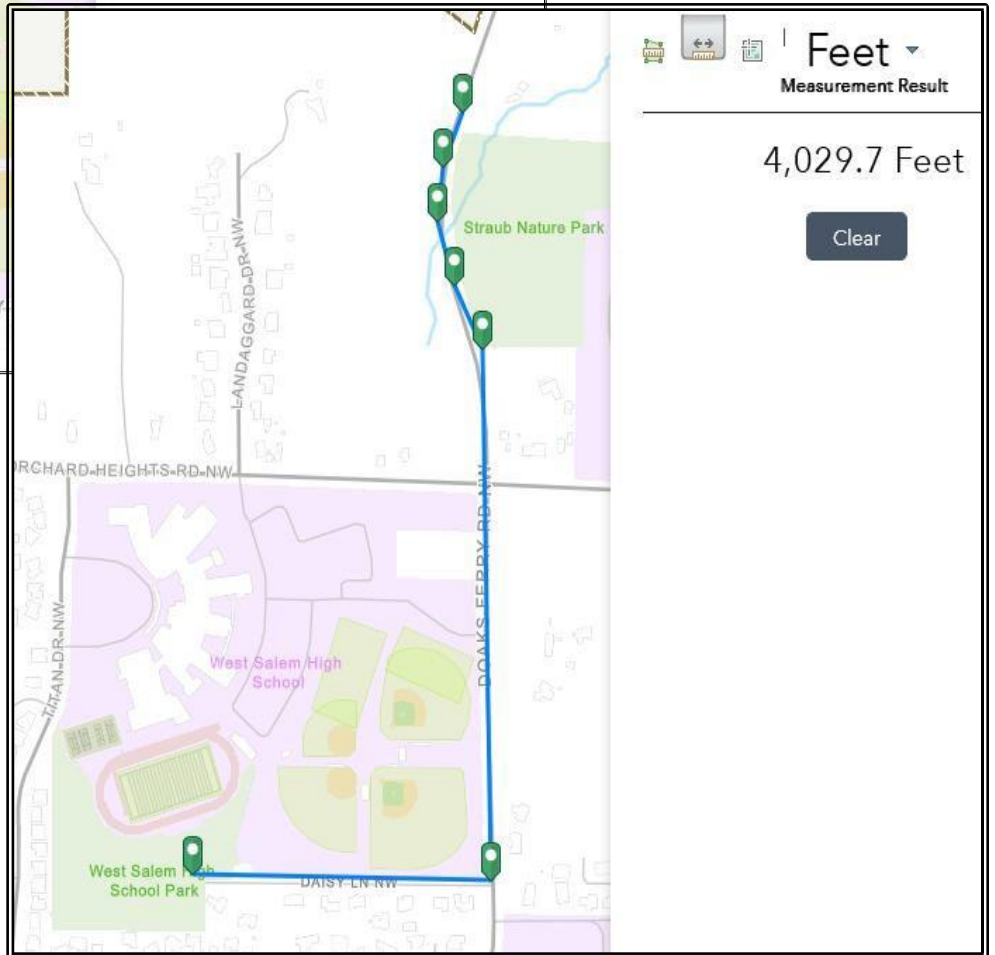
Feet ▾  
Measurement Result  
2,381.5 Feet  
Clear

West Salem High School  
Park via Landaggard

45/100 mile

West Salem High  
School Park  
via Doaks Ferry Road

3/4 mile



Feet ▾  
Measurement Result  
4,029.7 Feet  
Clear

## **Appendix C**

### Impacts to the Future Development of the Property or Adjacent Land

1. The applicant indicates that the Orchard Heights Water District service line across Tax Lot 400 will be abandoned, yet, offers no evidence as to how, or if, OHWD customers north of the Titan Hill property will receive potable water.
2. The applicant claims the northern boundary of Tax Lot 400 has decreased by 4.79-feet from the 1946 deed length description, yet provides no evidence or documentation to support the resulting area reduction along the western border of the tax lot.
3. Condition 30 required the construction of a pedestrian ADA crossing of Orchard Heights Road between Landaggard Drive and the West Salem High School Drive, yet offers no sidewalk connections associated with Tax Lot 7.3.17CA00300.