

From: [Carolyn Jones](#)
To: [CityRecorder](#)
Cc: [Jamie Donaldson](#)
Subject: Fwd: Written Testimony for Carolyn Jones: Appeal of subdivision tentative plan, case No. SUB-UGA-SPR-ADJ-TRV-DR23-02
Date: Saturday, July 22, 2023 7:02:30 PM

Sent from my iPad

Subject: Written Testimony for Carolyn Jones: Appeal of subdivision tentative plan, case No. SUB-UGA-SPR-ADJ-TRV-DR23-02

Honorable Members of the City Council,

Thank you for this opportunity to address the council on behalf of concerned citizens regarding the application number NO.: 22-119071-PLN. the proposed development. with application number NO.: 22-119071-PLN. My name is Carolyn Jones. I am a property owner adjacent to the proposed Titan Hill development at the 2100 Block of Doaks Ferry Road NW.

As I am caring for a family member, I cannot attend the hearing in person, but I am submitting my written testimony to raise important questions regarding the applicant's compliance with city development codes and conditions set forth in the plan approval process. After thoroughly examining the application and relevant files, I believe the burden of proof to demonstrate adherence to these conditions has not been adequately met.

The Decision report indicates that the proposed site for the development comprises 34.72 acres (pg. 1[1]), which equates to approximately 1,599,598 square feet (pg. 81). This acreage is intended to be divided into six lots of varying sizes, each containing 1,392,286 square feet. However, my first question to the applicant and the City Council is, what explains the total reduction in the combined square footage of the six lots? It is crucial for the applicant to demonstrate how this reduction complies with the city's development codes and conditions to justify the changes.

Furthermore, the public's interest is vested in understanding the impact on the public right-of-way. My second question pertains to the number of linear feet of public right-of-way that explains the reduction in the total land area of the proposed subdivision comprising six lots. The city's development codes and conditions require a clear assessment of the impact on public infrastructure, and we seek clarification from the applicant on how they have met this requirement.

Lastly, I would like to inquire whether the applicant has or intends to request an SRC 205.035(c)(7)(B) deferral for any of the listed conditions. Such deferrals must be justified, and the applicant carries the burden of proof in demonstrating compliance

with the city's regulations. It is essential for the City Council and the public to be informed of any potential deferrals and their implications on the proposed development.

In conclusion, we seek transparency and clarity from the applicant on these critical questions to ensure that the proposed development aligns with the city's development codes and meets the conditions set forth during the approval process. As responsible stewards of our community's growth, we ask you to must hold the applicant accountable in providing satisfactory answers to these general questions. The public's trust in the planning process depends on it.

Thank you for your attention to these matters, and I urge the City Council to prioritize the concerns of the citizens and ensure that the proposed development is in the best interest of our community.

Sincerely,

Carolyn Jones

From: [Kenneth Bierly](#)
To: [CityRecorder](#)
Subject: Comments on Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02 for 2100 Block of Doaks Ferry Road NW
Date: Sunday, July 23, 2023 9:50:30 AM
Attachments: [Signed City Council Letter.pdf](#)



Glenn and Gibson Creeks Watershed Council
2308 Ptarmigan St. NW, Salem, OR 97304

July 20, 2023

Mayor Chris Hoy and City Council

RE: Support for West Salem Neighborhood Appeal of Subdivision Tentative Plan, Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Tree Variance, and class 1 Design Review Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02

The Glenn Gibson Creek Watershed Council has submitted comments focused on the Tree Removal Plan and potential effects on the natural environment of the Glenn Creek watershed in West Salem. The comments focused on the proposed removal of 53 significant trees. While the staff has reduced the impact to the removal of 42 significant trees in their review and conditioning of the project, primarily through the denial of additional parking, the loss of so many significant trees and the loss of canopy coverage and other benefits of a healthy forest cover remain.

While the watershed council recognizes that there will be impacts from development, we argue that a more balanced approach remains and creative solutions to the development remain unconsidered.

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

Conclusion: “The applicant has provided detailed drawings, information, and findings to support the approval of this easement. Based on this information we believe the tree variance is justified.”

Response to Appeal Comments

The July 24, 2023 Memo from Kristin Retherford has responded to the initial appeal. The following three comments on the appeal that are important.

- 1) “On April 26, 2023, the applicant submitted a revised site plan indicating conformance with some of the conditions of approval of this decision prior to issuance. However, staff anticipates additional revisions to the applicant’s plans will need to be made to comply with all conditions of approval within the decision issued. Therefore, the applicant’s originally proposed site plans and building elevations are included in the decision issued by the Planning Administrator (Attachment 1) as Attachment B.” (Page 2 of 8)



Response

If there are additional changes to the building layout of development plans as suggested, there needs to be a process for citizen review of those changes.

- 2) "A Tree Regulation Variance to remove significant trees throughout the five lots proposed for development. While the applicant requested removal of 46 significant trees on site, staff has conditioned the preservation of six significant trees, while allowing removal of an additional two significant trees to accommodate a street realignment, as conditioned, allowing removal of 42 significant trees." (Page 4 of 8)

Response

While this reduction is applauded, it is based primarily on the development proposal irrespective of the value of the individual trees to be removed. The current proposal would remove some 28 white Oak trees with a diameter greater than 30 inches. These trees could be as old as 300 years. Protecting trees in parking lots using porous pavement could be an alternative to removal.

- 3) "Where the applicant has not met the burden of proof to remove a tree, a condition has been imposed to provide such proof, or redesign to save the tree." (Page 7 of 8)

Response

It is unclear from the staff report where the burden of proof has been met and where it hasn't. Is there a process for public review of the analysis that establishes the "burden of proof".

Basis for the Appeal: It is important to look at the reason the applicant has posed to request a variance. SRC 808.045 speaks to the reason for a variance: By City code: *"Tree variances may be granted to allow deviation from the requirements of this chapter where the **deviation is reasonably necessary** to permit the otherwise lawful development of a property."*

RMII permits a minimum of 15 dwelling units per acres, allowing 372.6 dwelling units on this property, a lawful development of this property. Cutting down 29% of the trees on this property is not necessary to lawfully develop this property under the current zoning. Deviation of the requirement of SRC 808 is not necessary for lawful development of this property.

The developer has applied for a tree variance to remove 238 trees, 37 of which are significant trees using the hardship approval criteria in SRC 808.045(d)(1): *"A tree variance shall be granted if either of the following criteria is met":*

(A) There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance; and

(B) The proposed variance is the minimum necessary to allow the otherwise lawful



proposed development or activity,...

The applicant has not demonstrated that they meet the hardship criteria. The applicant has not specified any special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance. There is no demonstration in the record of alternative configurations that would have less effect on “significant trees” as defined in SRC 808. Rather, the applicant has asserted that there are significant trees that impede the proposed development. There is an opportunity to use the natural contours, forest cover, and other vegetation to enhance the proposed development. This approach would better address the policy objectives of SRC 808, the City adopted Climate Action Plan and the Tree Canopy Goals of the City of Salem.

Without a clear demonstration of other layout alternatives and a showing of economic effects, the City is solely reliant on the developer statements for the proposed variance. The applicant has not cited any practical difficulties which can be most effectively relieved by a variance.

The applicant has not demonstrated that the proposed variance is the minimum necessary to allow the otherwise lawful proposed development or activity.

The applicant’s narrative states:

“In order to develop this site as allowed in the RM-II zone, the removal of trees could not be avoided and therefore, created a hardship by impacting how the site plan could be laid out. Therefore, the trees on the site that will be removed are located within the proposed building envelopes, accessways, and right of-way. “

Taken alone, the statement is an unproven assertion. The applicant has provided no evidence of alternative plans considering the trees and terrain as assets to the development. The applicant appears to have simply overlaid a development plan on the property and proposed taking out the trees that appear to be in the way. The hardship variance has not been proven and/or demonstrated, therefore, this variance should not be granted.

Less density is an option.

According to SRC 514, TABLE 514-3. DWELLING UNIT DENSITY for RM II is a maximum of 31 dwelling units per acre and a minimum of 15 dwelling units per acre. This application proposes building 436 multi-family units and 10 townhomes on 24.84 acres.

The RMII Zone allows a minimum of 15 dwelling units per acre, so this zone could be used to build 275 units and would have a much lighter social and environmental impact. There is no demonstration of what the economic effects of reduced density or altered configuration would have on the community in terms of housing costs and profit to the developer. The argument that fewer dwelling units creates an economic hardship is



Glenn and Gibson Creeks Watershed Council
2308 Ptarmigan St. NW, Salem, OR 97304

simply an assertion and does not consider the economic value of mature trees.

Further, the stated purpose of SRC 808 is ***“The purpose of this chapter is to provide for the protection of heritage trees, significant trees, and trees and native vegetation in riparian corridors, as natural resources for the City, and to increase tree canopy over time by requiring tree preservation and planting of trees in all areas of the City.”***

This plainly states the protection of trees should be the first consideration of development, not an after the fact consideration. When trees are prioritized, the subsequent placement of buildings and supporting infrastructure is determined by how they will fit around the trees. The result is higher property values and a healthier environment for residents with a better quality of life.

The City of Salem has adopted a Climate Action Plan that has a strategy to minimize parking (Strategy TL-40), and to protect the natural resources that affect carbon uptake (Natural Resources Objectives 2, 3, 4, and 5). The removal of significant trees will result in a loss of carbon storage and carbon storage potential. There is widespread evidence that older trees capture and store more carbon than young trees, arguing for protection of older trees.¹

The City staff has accepted the applicant’s assertion that there was no other way to develop this property within the RMII Zone. This is clearly not the case. RMII allows for a minimum of 15 dwelling units per acre, allowing a much lighter footprint. There needs to be a demonstration that there is no layout that would protect all or a greater number of significant trees on the property, nor a showing that the development could not use the minimum number allowed in the RMII Zone and plan the development around the trees.

Removing these trees will lower the value of the property to both the owner and the community.

The community loss of this forest is substantial. Trees function to filter and store water; trees store carbon and give back oxygen; trees mitigate the urban heat island². Trees raise property values, especially big old trees such as Oregon White Oaks. Trees improve mental and physical health.

The applicant plans to remove 37 Oregon White Oak trees, most are huge old trees, with DBHs of 60”, 66”, 55” DBH. These are trees over 5 feet in diameter. Trees like this cannot be replaced by small street trees, no matter how many are planted. Trees like this take hundreds of years to grow and their environmental benefit is difficult to overstate. According to Restoring Rare Native Habitats in the Willamette Valley³, over 200 species

¹ Stephenson, N., Das, A., Condit, R. et al. Rate of tree carbon accumulation increases continuously with tree size. *Nature* 507, 90–93 (2014). <https://doi.org/10.1038/nature12914>

² Turner-Skoff, Jessica B. and Nicole Cavender. 2019. The benefits of trees for livable and sustainable communities. *Plants, People, Planet* 1:323-335. <https://doi.org/10.1002/ppp3.39>

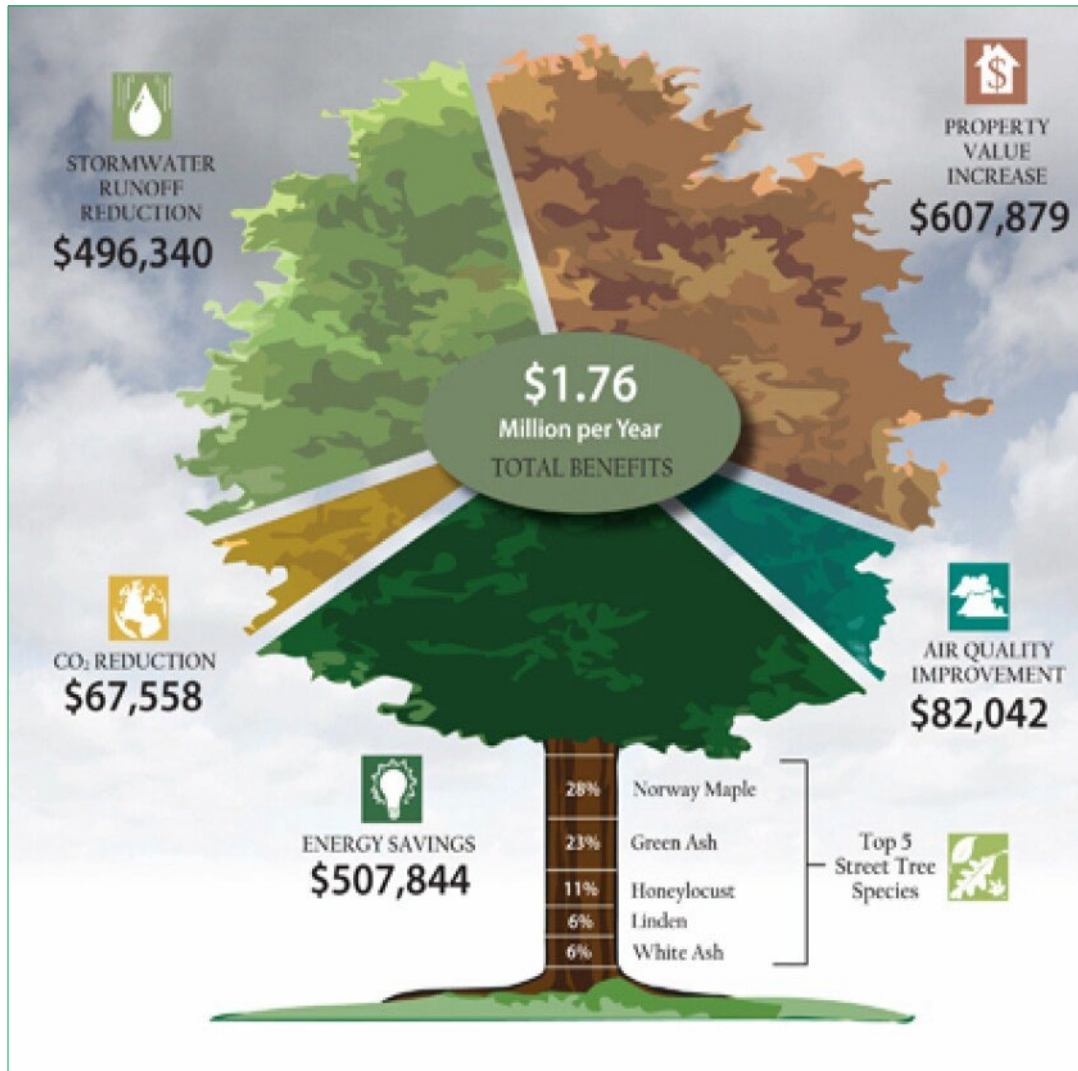
³ Campbell, Bruce H. 2004. Restoring Rare and Native Habitats in the Willamette Valley. *Defenders of Wildlife*. 111 p.



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of vertebrates, 10 species of bats as well as a host of invertebrates depend upon these trees.

The following graphic is from <https://www.governing.com/archive/gov-itree-calculates-trees-economic-worth.html>



The community will have poorer water quality and more run off. It will have worse air quality and suffer more from the urban heat island – especially critical in this time of temperature rise. While development costs can be greater for lots where trees were conserved (5.5% in one study⁴), builders can recover extra costs of preserving homes

Vesely, Dave, and Gabe Tucker. 2004. A Landowner’s Guide for Restoring and Managing Oregon White Oak Habitats. 65 p.

⁴ Hardie, I., and C. Nickerson. 2004. *The Effect of a Forest Conservation Regulation on the Value of Subdivisions in Maryland*. WP 03-01 (Revised). Department of Agricultural and Resource Economics, University of Maryland, College Park, 35 pp.



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through higher sales prices and faster sales for houses on wooded lots⁵. In Portland, Oregon, trees add 3.0% to the median sale price of a house, or 129 additional square feet. Applying the average effect of trees to all east-side Portland single-family homes yields a total value of \$1.12 billion. The presence of larger trees in yards and as street trees can add from 3% to 15% to home values throughout neighborhoods⁶.

Examples of Concerns about Burden of Proof

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

Potential is not reality. The applicant should give this tree every chance and protect it through the grading and construction process. The location of being close to a boundary gives another reason to work to protect this tree.

Consider conditioning the proposal to protect this tree.

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

This tree is over 5 feet in diameter. According to <https://www.omnicalculator.com/biology/tree-age>, it is over 300 years old. This tree’s location within the parking lot should not prohibit preservation of this tree. The photographs below shows a parking lot with trees in Salem. The use of pervious pavement could help in such an effort.

Consider conditioning the proposal to protect this tree.



The Watershed Council has asked for the denial or modification of this request for a variance based on the following: The quasi-judicial body may deny this variance or place the condition of preserving all or more of the significant trees.

⁵ Seila, A.F., and L.M. Anderson. 1982. Estimating Costs of Tree Preservation on Residential Lots. Journal of Arboriculture 8:182-185.

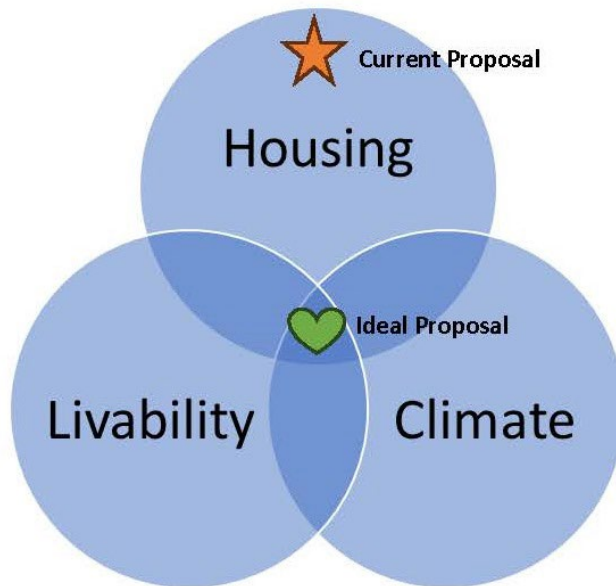
⁶ Wolf, K.L. 2007 (August). City Trees and Property Values. Arborist News 16, 4:34-36.



City Council Decision:

The Salem City council is charged with balancing competing interests raised by the proposed development. The council is faced with the wicked problem of balancing their policies of Housing, Climate Adaptation, and Community livability (see below). Housing policy is perhaps the most clearly articulated in zoning and development ordinances. Climate policy is developed as strategies to work towards a more sustainable future. Livability is implemented as those policy and requirements that ensure a safe and compatible neighborhood for existing residents.

The current proposal appears to maximize housing and the economic benefits to the



developer over considerations of climate and livability of the neighborhood. By reducing the number of significant trees impacted, the development could move towards the Climate policy objectives of the City. By reducing the number of units proposed, the development could move towards the livability goals of the City.

The proposed development has not demonstrated alternative configurations of densities that could better balance the City policies. They have asserted the need for a variance but not demonstrated the need.

As you formulate your decision on this development proposal consider the following:

1. The science is clear that mature trees (significant trees) play an outsized role in climate amelioration (carbon sequestration), habitat provision, water conservation, economic benefit, community appearance, and public health benefits that replacement trees cannot replace for centuries.
2. The assertion of hardship is not a demonstration of hardship. Alternative design layouts and/or reduced density can meet the zoning requirements but there is no demonstration that such alternatives have been considered.



Glenn and Gibson Creeks Watershed Council
2308 Ptarmigan St. NW, Salem, OR 97304

Thank you for the opportunity to comment on this project that will affect the watershed we live in.

Sincerely,

Kenneth F. Bierly, chair
Glenn and Gibson Creek Watershed Council



Glenn and Gibson Creeks Watershed Council
2308 Ptarmigan St. NW, Salem, OR 97304

Relevant Literature

Browning, M.H.E.M., K. Lee, & K.L. Wolf. 2019. Tree cover shows an inverse relationship with depressive symptoms in elderly residents living in U.S. nursing homes. *Urban Forestry & Urban Greening* 41, 23-32.

Dombrow, J., M. Rodriguez, and C.F. Sirmans. 2000. The Market Value of Mature Trees in Single-Family Housing Markets. *Appraisal Journal* 68, 1:39-43.

Donovan, G.H., and D.T. Butry. 2010. Trees in the City: Valuing Street Trees in Portland, Oregon. *Landscape and Urban Planning* 94, 1:77-83.

Janowiak, M.K.; Brandt, L.A.; Wolf, K.L.; Brady, M.; Darling, L.; Lewis, A.D.; Fahey, R.T.; Giesting, K.; Hall, E.; Henry, M.; Hughes, M.; Miesbauer, J.W.; Marcinkowski, K.; Ontl, T.; Rutledge, A.; Scott, L.; Swanston, C.W. 2021. *Climate Adaptation Actions for Urban Forests and Human Health*. Gen. Tech. Rep. NRS-203. Madison, WI: U.S.D.A. Forest Service, Northern Research Station. 115 pp.

Seila, A.F., and L.M. Anderson. 1982. Estimating Costs of Tree Preservation on Residential Lots. *Journal of Arboriculture* 8:182-185.

Ulmer, J.M., K.L. Wolf, D.R. Backman, R.L. Tretheway, C.J. Blain, J.P. O'Neil-Dunne, & L.D. Frank. 2016. Multiple health benefits of urban tree canopy: The mounting evidence for a green prescription. *Health & Place* 42, 54-62.

From: [Marissa Theve](#)
To: [CityRecorder](#); [citycouncil](#)
Subject: July 24th 2023 City Council meeting item 4a
Date: Monday, July 24, 2023 12:09:34 PM

Greetings,

I urge councilors to support the staff recommendation on item 4a for the July 24th 2023 Salem City Council meeting:

"Affirm the Planning Administrator's decision for Subdivision Tentative Plan, Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, four Class 2 Adjustments, Tree Regulation Variance, and Class 1 Design Review, Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02 and approve the applications, except for the requested adjustment to increase maximum parking, with the recommended conditions of approval. "

In the last few years of watching and beginning to participate in City Council meetings I have seen greenwashing from supposed urban tree enthusiasts time after time used to attempt to block development near them. West Salem is a beautiful place to live and its neighborhood association should consider welcoming a proportional amount of additional neighbors as the state's second largest city continues to urbanize, make up for lost time in building our housing market to meet demand, and we make the best use of land within our urban growth boundary. I personally accept that the benefits of dense housing in already-disturbed cities vastly outweighs the removal of 42 trees across 37 acres, which would be replanted after construction is complete. This neighborhood association appeal is another NIMBY grasp at keeping Salem behind the curve of what a modern city means for housing and equity. While I would prefer even denser housing types than what is proposed, I understand that a lack of building within Salem's UGB may very well mean additional sprawl outside of it, where there are fewer tree protections, longer commutes, and no tax benefits for the City.

Thank you all for your consideration on this item.

Marissa

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Marissa Theve (*ma-RIS-uh Tev*)
Pronouns: she/her/hers

From: [Christie Dalke](#)
To: [Olivia Dias](#); [CityRecorder](#)
Subject: Fwd: Concerns Regarding Appeal of Subdivision Tentative Plan, Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02: 2100 Block of Doaks Ferry Road NW
Date: Sunday, July 23, 2023 8:56:04 AM

To whom it may concern,

Robert and Christie Dalke are formally requesting to testify in person at the public hearing scheduled for July 24th at 6:00 p.m. We will both have separate statements to share regarding Concerns on the Appeal of Subdivision Tentative Plan, Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02: 2100 Block of Doaks Ferry Road NW

Thank you,

Robert & Christie Dalke

From: [Christie Dalke](#)
To: [CityRecorder](#); [Olivia Dias](#); [Jamie Donaldson](#); [My Person](#)
Subject: Fwd: Concerns Regarding Appeal of Subdivision Tentative Plan, Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02: 2100 Block of Doaks Ferry Road NW
Date: Monday, July 24, 2023 6:28:09 AM
Attachments: [Written Testimony Robert Dalke.pdf](#)

Good Morning,

I realized the below statement did not have pictures of the Oak Grove referenced in the letter attached. We would like to submit the attached revised document to the counsel for this evening's hearing. Thank you

----- Forwarded message -----

From: **Christie Dalke** <cldalke@gmail.com>
Date: Sun, Jul 23, 2023 at 8:10 AM
Subject: Concerns Regarding Appeal of Subdivision Tentative Plan, Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02: 2100 Block of Doaks Ferry Road NW
To: <cityrecorder@cityofsalem.net>, Jamie Donaldson <jdonaldson@cityofsalem.net>

PLEASE SUBMIT THE BELOW AS WRITTEN TESTIMONY FOR PUBLIC HEARING ON MONDAY, JULY 24, 2023

Robert & Christie Dalke
2090 Landaggard Drive NW
Salem, OR 97304
cldalke@gmail.com & rtdalke@gmail.com
July 22nd, 2023

Salem City Council
Attention: City Recorder
555 Liberty Street SE, Room 225
Salem, OR 97301

Subject: Concerns Regarding Appeal of Subdivision Tentative Plan, Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02: 2100 Block of Doaks Ferry Road NW

Dear Members of the Salem City Council,

I hope this letter finds you in good health and high spirits. My name is Robert Dalke, and I am a retired combat vet, and current Manager of Operations for Falk Ambulance, as well as a concerned resident of Salem. I am writing today to bring your attention to a pressing matter that I believe requires the immediate consideration of the City Council.

I write to you to raise important questions regarding the applicant's compliance with city development codes and conditions set forth in the plan approval process. After thoroughly examining the application and relevant files, I believe the burden of proof to demonstrate adherence to these conditions has not been adequately met.

The original plan filing requested for our easement road, and the only access to our property, to be vacated and moved. While staff addresses this request in conditions 9 and 10, I would like the record to reflect that neither I, nor my husband has not been contacted by the developer regarding this

filing, nor have my husband or I granted permission for them to vacate our easement on Tax Lot 1100. This raises a significant concern as it directly impacts my property rights and access to my land. Secondly, Condition 10 specifies that the applicant shall not eliminate the easement providing access to Tax Lot 1100 and must demonstrate alternative access during construction. As the owner of Tax Lot 1100, I have not been presented with any viable alternative access plans. The developer's lack of communication and failure to demonstrate how they intend to provide uninterrupted access to my property during construction raises serious doubts about their compliance with this condition.

I am also deeply concerned about the potential impacts of this development on our rights to reasonable future use of this property, as protected by Salem Revised Code, Section 64.090.030. The proposed apartment complex, if approved in its current form, even with the staff's conditions, could have adverse effects on the value and enjoyment of our property. Increased noise, traffic congestion, and reduced privacy due to the apartment complex's proximity, as well as the proposed development's height and layout, will significantly impact natural light, solar access, and the orientation of future structures, deterring potential buyers or tenants from considering our property for future development or investment purposes.

I firmly believe that the applicant has not met the burden of proof required by the Salem Revised Code, Section 64.090.030, to show that their proposed apartment complex will not unreasonably impede the reasonable future use of the adjacent property, including Tax Lot 1100. The lack of communication and consent regarding the easement vacation, non-compliance with city development codes and conditions, potential negative impacts on property value and enjoyment, and the shadow and sunlight impact all contribute to our stance.

In addition to the previously mentioned concerns, I want to draw attention to the fact that our water main is situated within the developer's property. Unfortunately, there has been no indication from the developer about how they plan to move this water main while ensuring that we and other neighboring properties maintain uninterrupted access to clean water.

It is of utmost importance that the burden of proof falls on the developer to demonstrate a comprehensive plan for relocating the water main. We, as property owners, must have the assurance that our access to clean water will not be compromised during the construction and development process. The safety and well-being of our community depend on this critical infrastructure remaining intact and fully functional.

I also wish to address a critical question that has not been adequately evaluated by the city staff regarding the preservation of significant trees within the proposed development, as declared in SRC Chapter 808. How has the city staff assessed the intent to protect these significant trees and the potential impact on the protected white oak trees located within the proposed area, but also on our property adjacent to the planned development?

It is evident that both the applicant and the city staff have failed to meet their burden of proof in addressing the concerns raised by the Glenn Gibson Watershed Council and the WSNA. Despite claiming an undue burden in planning the development around significant trees, it is crucial to acknowledge that the applicant was fully aware of the existence of these trees when they purchased

the property and still chose to proceed with the purchase and development filing.

SRC Chapter 808 aims to safeguard significant trees within the city and ensure responsible development that considers the preservation of our valuable natural resources. The impact on protected white oak trees is of utmost importance to us and our community. The burden of proof must lie with the developer to demonstrate a comprehensive plan for preserving these significant trees and minimizing the potential adverse effects on adjacent properties, like ours.

It is disheartening to witness the lack of proactive measures from the applicant and the city staff to address these concerns raised by the community and protect our environment. As responsible citizens, we must prioritize the preservation of our natural heritage, including these significant trees, for the benefit of current and future generations.

In conclusion, I am not opposed to development in our community, but it is imperative that we ensure proper adherence to city codes and conditions to protect the rights of all residents and property owners.

Thank you for your time and consideration. I trust that the council will carefully evaluate these concerns and make decisions that prioritize the well-being of our community and its residents.

Sincerely,
Robert & Christie Dalke

Robert & Christie Dalke
2090 Landaggard Drive NW
Salem, OR 97304
cldalke@gmail.com & rtdalke@gmail.com
July 22nd, 2023

Salem City Council
Attention: City Recorder
555 Liberty Street SE, Room 225
Salem, OR 97301

Subject: Concerns Regarding Appeal of Subdivision Tentative Plan, Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02: 2100 Block of Doaks Ferry Road NW

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The original plan filing requested for our easement road, and the only access to our property, to be vacated and moved. While staff addresses this request in conditions 9 and 10, I would like the record to reflect that neither I, nor my husband has not been contacted by the developer regarding this filing, nor have my husband or I granted permission for them to vacate our easement on Tax Lot 1100. This raises a significant concern as it directly impacts my property rights and access to my land. Secondly, Condition 10 specifies that the applicant shall not eliminate the easement providing access to Tax Lot 1100 and must demonstrate alternative access during construction. As the owner of Tax Lot 1100, I have not been presented with any viable alternative access plans. The developer's lack of communication and failure to demonstrate how they intend to provide uninterrupted access to my property during construction raises serious doubts about their compliance with this condition.

I am also deeply concerned about the potential impacts of this development on our rights to reasonable future use of this property, as protected by Salem Revised Code, Section 64.090.030. The proposed apartment complex, if approved in its current form, even with the staff's conditions, could have adverse effects on the value and enjoyment of our property. Increased noise, traffic congestion, and reduced privacy due to the apartment complex's proximity, as well as the proposed development's height and layout, will significantly impact natural light, solar access, and the orientation of future structures, deterring potential buyers or tenants from considering our property for future development or investment purposes.

I firmly believe that the applicant has not met the burden of proof required by the Salem Revised Code, Section 64.090.030, to show that their proposed apartment complex will not unreasonably impede the

reasonable future use of the adjacent property, including Tax Lot 1100. The lack of communication and consent regarding the easement vacation, non-compliance with city development codes and conditions, potential negative impacts on property value and enjoyment, and the shadow and sunlight impact all contribute to our stance.

In addition to the previously mentioned concerns, I want to draw attention to the fact that our water main is situated within the developer's property. Unfortunately, there has been no indication from the developer about how they plan to move this water main while ensuring that we and other neighboring properties maintain uninterrupted access to clean water.

It is of utmost importance that the burden of proof falls on the developer to demonstrate a comprehensive plan for relocating the water main. We, as property owners, must have the assurance that our access to clean water will not be compromised during the construction and development process. The safety and well-being of our community depend on this critical infrastructure remaining intact and fully functional.

I also wish to address a critical question that has not been adequately evaluated by the city staff regarding the preservation of significant trees within the proposed development, as declared in SRC Chapter 808. How has the city staff assessed the intent to protect these significant trees and the potential impact on the protected white oak trees located within the proposed area, but also on our property adjacent to the planned development?

It is evident that both the applicant and the city staff have failed to meet their burden of proof in addressing the concerns raised by the Glenn Gibson Watershed Council and the WSNA. Despite claiming an undue burden in planning the development around significant trees, it is crucial to acknowledge that the applicant was fully aware of the existence of these trees when they purchased the property and still chose to proceed with the purchase and development filing.

SRC Chapter 808 aims to safeguard significant trees within the city and ensure responsible development that considers the preservation of our valuable natural resources. The impact on protected white oak trees is of utmost importance to us and our community. The burden of proof must lie with the developer to demonstrate a comprehensive plan for preserving these significant trees and minimizing the potential adverse effects on adjacent properties, like ours.

It is disheartening to witness the lack of proactive measures from the applicant and the city staff to address these concerns raised by the community and protect our environment. As responsible citizens, we must prioritize the preservation of our natural heritage, including these significant trees, for the benefit of current and future generations.

In conclusion, I am not opposed to development in our community, but it is imperative that we ensure proper adherence to city codes and conditions to protect the rights of all residents and property owners.

Thank you for your time and consideration. I trust that the council will carefully evaluate these concerns and make decisions that prioritize the well-being of our community and its residents.

Sincerely,
Robert & Christie Dalke

Picture of Millennial White Oak Trees:







