

**From:** [Eunice Kim](#)  
**To:** [Amy Johnson](#)  
**Subject:** FW: Comp Plan Map Revision  
**Date:** Tuesday, November 30, 2021 10:09:31 AM  
**Attachments:** [image.png](#)  
[image.png](#)  
[image.png](#)  
[image.png](#)  
[Comp Plan map error email intro list.odt](#)  
[Comp Plan map errors July-1.pdf](#)

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Hi Amy,

Can you add this to agenda item 3.2 a (resolution 21-517) for Monday's meeting? It was submitted to the Council related to the Our Salem project.

Thank you!  
Eunice

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**From:** Chuck Bennett <[CBennett@cityofsalem.net](mailto:CBennett@cityofsalem.net)>  
**Sent:** Tuesday, November 30, 2021 9:01 AM  
**To:** Eunice Kim <[EKim@cityofsalem.net](mailto:EKim@cityofsalem.net)>; Lisa Anderson-Ogilvie <[LMAnderson@cityofsalem.net](mailto:LMAnderson@cityofsalem.net)>  
**Subject:** Fwd: Comp Plan Map Revision

Will we be dealing with these Monday?  
Chuck

Sent from my iPad

Begin forwarded message:

**From:** E Easterly <[emeasterly@comcast.net](mailto:emeasterly@comcast.net)>  
**Date:** November 30, 2021 at 8:41:37 AM PST  
**To:** Chuck Bennett <[CBennett@cityofsalem.net](mailto:CBennett@cityofsalem.net)>, Chris Hoy <[CHoy@cityofsalem.net](mailto:CHoy@cityofsalem.net)>, Tom Andersen <[TAndersen@cityofsalem.net](mailto:TAndersen@cityofsalem.net)>, Virginia Stapleton <[VStapleton@cityofsalem.net](mailto:VStapleton@cityofsalem.net)>, Jackie Leung <[JLeung@cityofsalem.net](mailto:JLeung@cityofsalem.net)>, Jim Lewis <[JLewis@cityofsalem.net](mailto:JLewis@cityofsalem.net)>, Trevor Phillips <[TPhillips@cityofsalem.net](mailto:TPhillips@cityofsalem.net)>, Jose Gonzalez <[JGonzalez@cityofsalem.net](mailto:JGonzalez@cityofsalem.net)>, Vanessa Nordyke <[VNordyke@cityofsalem.net](mailto:VNordyke@cityofsalem.net)>  
**Subject: Comp Plan Map Revision**

Mayor Bennett and Members of the Salem City Council:

Below are images copied from the November 29, 2021 City of Salem web site "Proposed Comprehensive Plan Map" that staff is asking you to begin the process of adopting.

The above images reflect Comprehensive Plan map errors. These plus two other comp plan map errors were submitted to the Planning Department last July with a request that they be corrected along with the recommended changes to the "Our Salem" comprehensive plan map update.

The July 1 email and correction request documents are hereto attached.

I ask that you direct Planning Department staff to address each of these six comp plan mapping errors and include all requested corrections along with "Our Salem" adoption of a revised City of Salem Comprehensive Plan Map.

Respectfully.

E.M. Easterly

**Via email**

July 1, 2021

Norman Wright, Community Development Director  
City of Salem  
Salem, Oregon

Dear Director Wright:

Attached is a document summarizing six inconsistencies between the Salem Area Comprehensive Plan Map and the legal obligations that determine the accuracy of the Salem Comp Plan Map. I ask that each of these mapping errors be reviewed, corrected and then included as part of the Our Salem/Vision 2021 Salem Comprehensive Plan and Comp Plan Map revisions that will be submitted to the Salem City Council for adoption.

As Planning Administrator Anderson-Ogilvie can attest, one of these map challenges was raised over three years ago and the others more recently. I have waited patiently, as staff has requested, for the pending Salem Comp Plan and Plan Map updates. Now that those plan updates are nearing fruition, I ask that the cited errors be corrected.

I welcome feed-back and queries. Please know I am prepared to provide detailed information and evidence in support of each of the six Salem Comprehensive Plan Mapping anomalies described in the attached document.

Respectfully,

E.M. Easterly  
503-363-6221

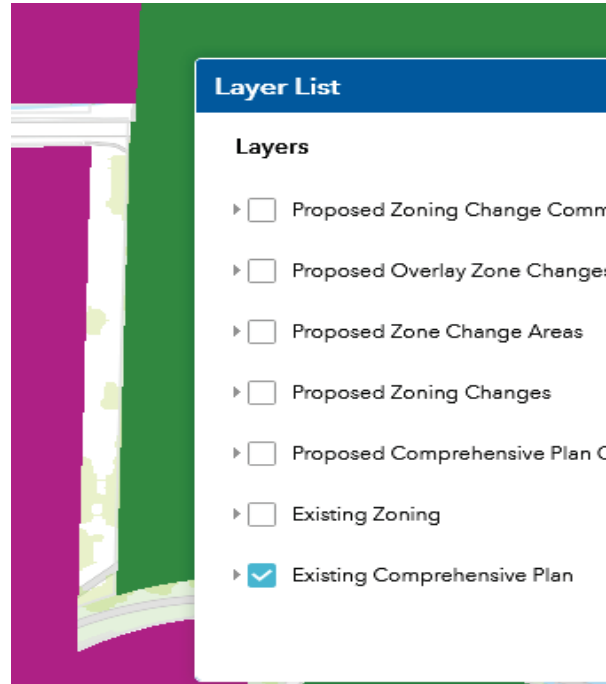
Lisa Anderson-Ogilvie, Deputy Community Development Director and Planning Administrator  
Eunice Kim, Our Salem Project Manager  
Dan Atchison, City Attorney

# Comp Plan Map Error Correction Request

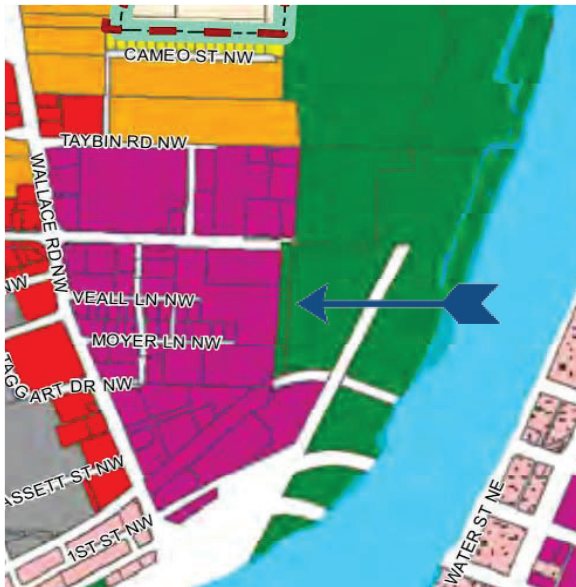
## 1. The transportation ROW between Glen Creek Rd and the Pedestrian Bridge was placed on the Salem Area Comprehensive Plan Map in 2019 without Council approval.

This administrative revision of the Salem Area Comprehensive Plan Map was done without Salem Council or DLCDC approval and, therefore, was an illegal modification of the Salem Comprehensive Plan Map.

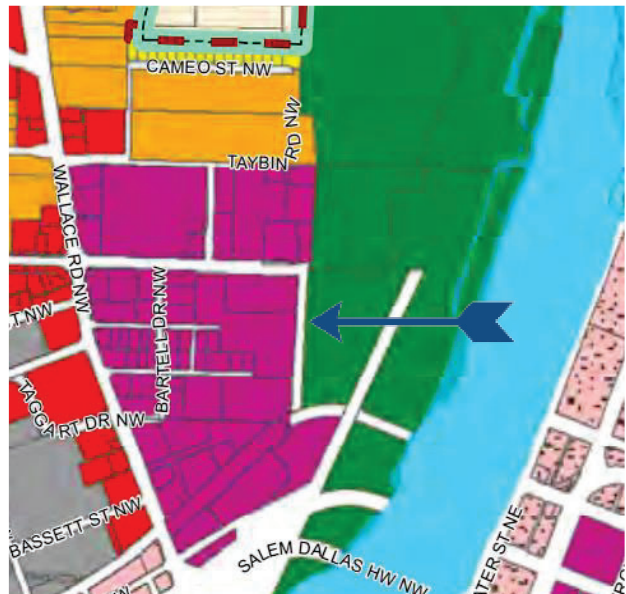
The two dated versions of the Salem Comp Plan map below highlight the flawed modification.



**Salem Comprehensive Plan Map Segment September 2018**

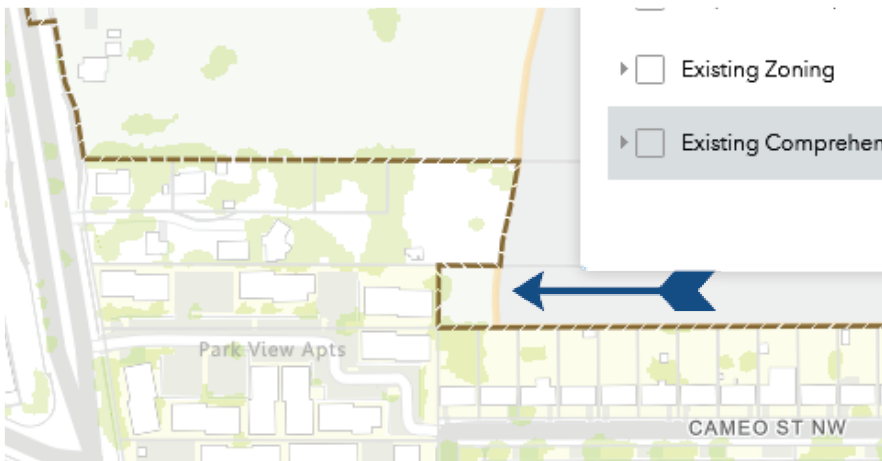
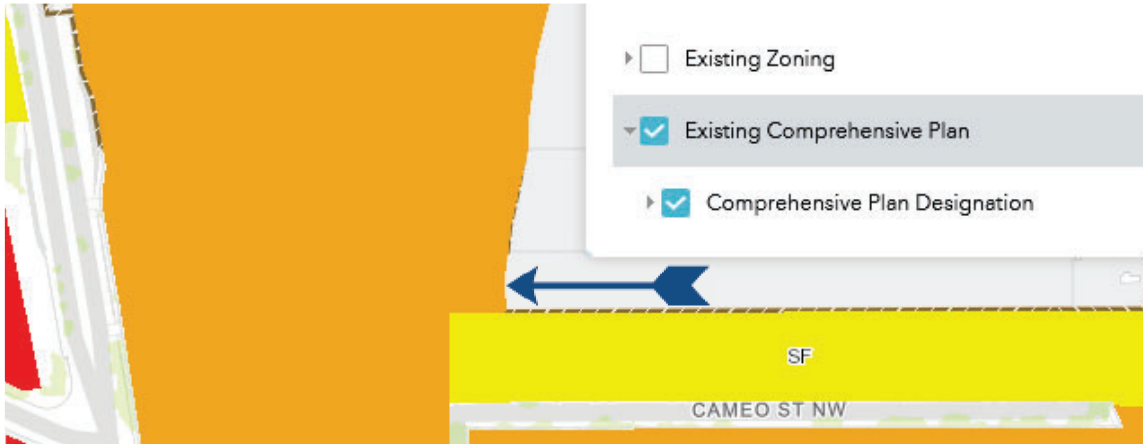


**Salem Comprehensive Plan Map Segment January 2019**



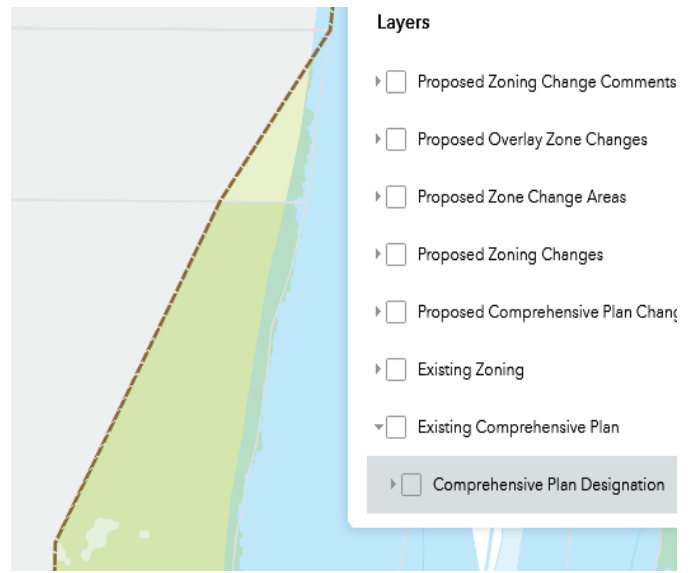
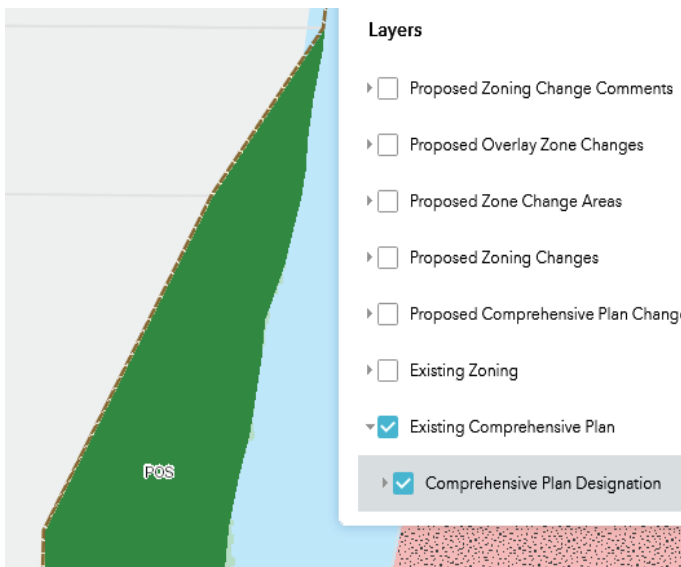
The illegal modification of the Salem Comprehensive Plan map sometime between September 2018 and January 2019 was executed without complying with OAR 660-018-0020, 660-018-0040 or 660-012-0060.

**2. City-limit boundary north of Cameo Street and 5<sup>th</sup> Avenue is inaccurately displayed.**



The above city-limits dashed brown line is in error. The line should be further east following the orange urban growth boundary line. This error has been reviewed and affirmed by the City of Salem legal staff.

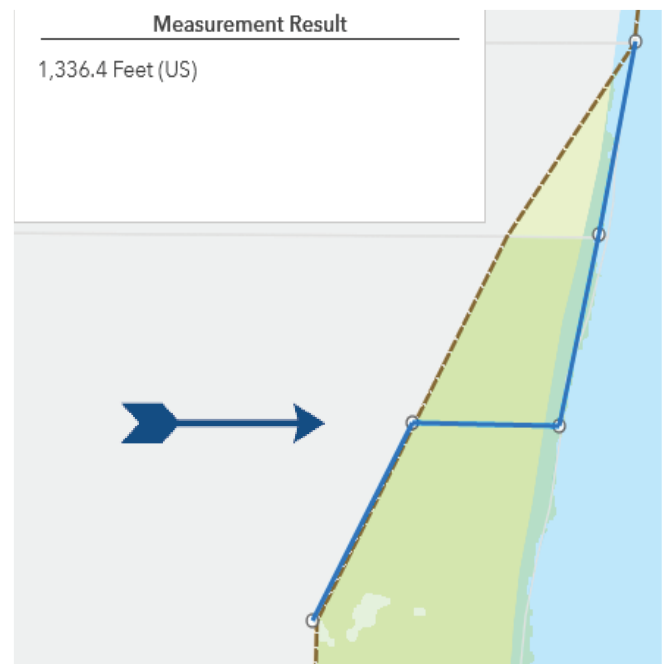
### 3. Extension of City-limits and Public Open Space on the current comp plan map northward into privately owned Polk County land is an error.



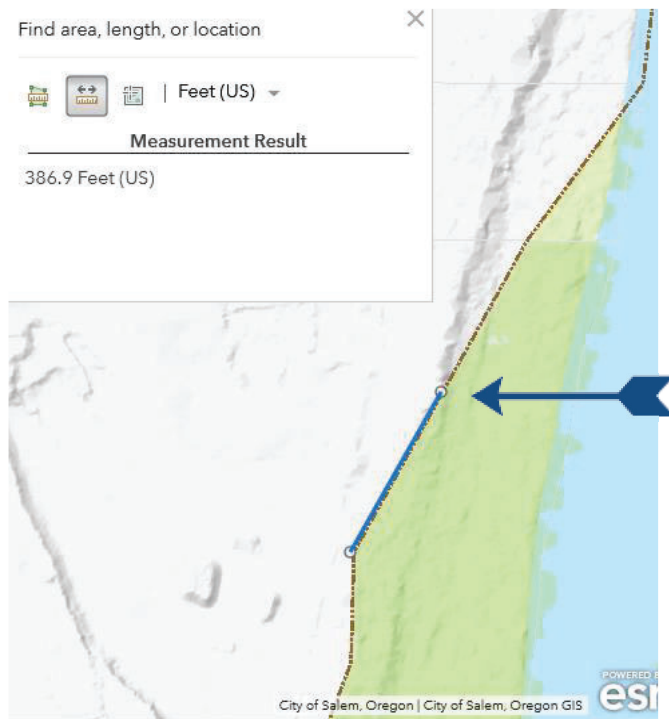
The above two renderings of the false Salem Comp Plan map are unsupported by land purchases, ordinances, surveys or state law.



The graphic to the left highlights the **false** Comp Plan Map claim that a parcel of land, not owned and not taxed, by the City of Salem is neither within the Salem city-limits nor within the Salem Urban Growth Boundary.



The graphic to the right highlights the survey and land purchase documents that confirm the actual northern boundary of Wallace Marine Park and the actual northern extension and continuation of the Salem city-limits and UGB along the western bank of the Willamette River.



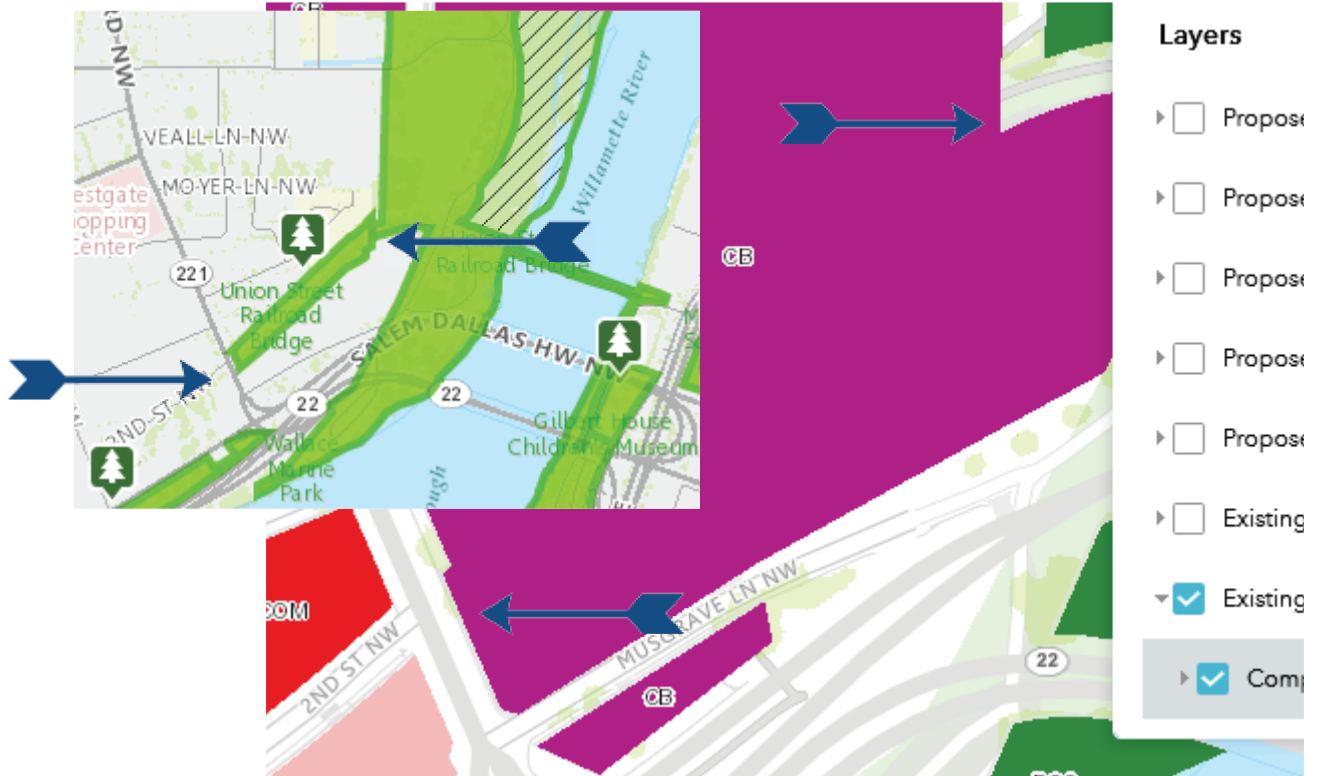
The blue line on the graphic to the left approximates the surveyed northern terminus (at arrow) of land purchased by the City of Salem in 1958 and annexed to the City of Salem in 1965.

### Tax Lot 301 Time Line

|      |   |  |      |
|------|---|--|------|
| 1958 | City of Salem purchase land along Willamette River partitioned from the Nelsons Tax Lot 300 | Polk County records Tax Lot 301 Warranty Deed; no survey submitted                                       | 1959 |
|      |   | Polk County creates tax card for Tax Lot 301   | 1959 |
|      |   | Polk County creates tax assessment map for Tax Lot 301   | 1959 |
| 1965 | City of Salem annexes Tax Lot 301 to Salem  |  |      |
| 1965 | City of Salem changes city-limits from middle of Willamette River to west bank of the river |  |      |
|      |   | State of Oregon adopts high water line as the property boundary for parcels along the Willamette River   | 1967 |
| 1974 | City of Salem surveys TL 301 and other Tax Lots associated with Wallace Marine Park         |  |      |
| 1979 | City of Salem defined its Urban Growth Boundary in Ordinance No.1979-175                    |  |      |
|      |   | Polk County updated tax maps to align parcel borders along the Willamette River with the high water line | 2015 |

Until such time the Salem Area Comprehensive Plan Map accurately depicts the actual city-limits and the adopted Salem Urban Growth Boundary the Salem Comprehensive Plan Map fails to comply with Oregon Administrative Rules, **660-018-0040(3)** and **660-024-0020(2)**.

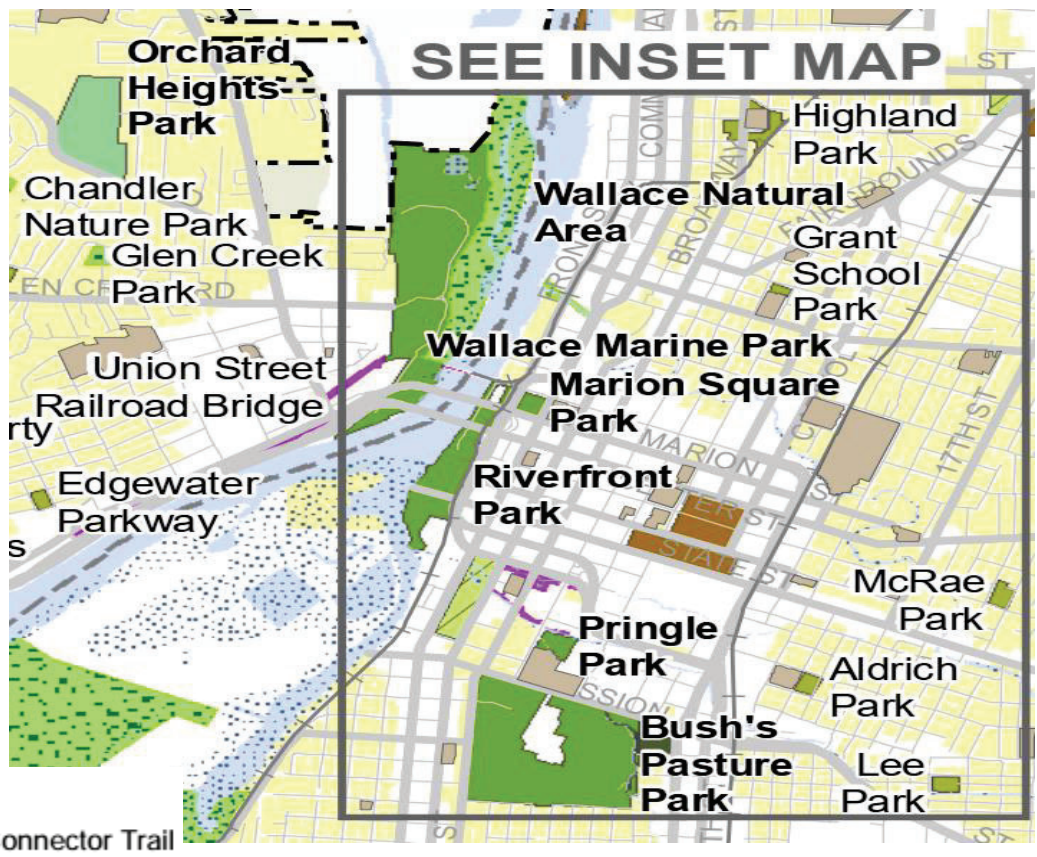
**4. Designation of linear park area along old West Salem RR ROW as part of the WS Central Business District was made in error.**



Salem Parks System  
Master Plan 2013

Notice the linear park along the West Salem Railroad R-O-W

That R-O-W was not extinguished by the creation of the West Salem Central Business District Zone Change or parallel Comp Plan Map update.





**5. The Willamette Greenway is a listed Goal within the Salem Area Comprehensive Plan. However, a review of the Salem Comprehensive Plan Map provides no legend associated with the Salem Willamette Greenway.**

The absence of the Willamette Greenway boundary on the Salem Comprehensive Plan Map contradicts the requirements of Goal 15: Willamette River Greenway OAR 660-015-0005 E.

**GOAL 15: WILLAMETTE RIVER GREENWAY OAR 660-015-0005**

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

**E. COMPREHENSIVE PLANS OF CITIES AND COUNTIES**

Each city and county in which the Willamette River Greenway is located, shall incorporate the portions of the approved DOT Greenway Plan in its comprehensive plan and implementing ordinances and other implementation measures.

1. Boundaries: Boundaries of the approved Willamette River Greenway shall be shown on every comprehensive plan.

Without the inclusion of Willamette Greenway boundaries within Salem, the Salem Comprehensive Plan Map that map does not meet or comply with Oregon Land Use Goal 15.

I request that identification of Salem Willamette Greenway boundary be included in all additional land incorporated into Wallace Marine Park subsequent to the adoption of the 1979 Salem Willamette Greenway Plan.

**6. The mapping of the Willamette Greenway on the Comprehensive Plan Map must conform to the Salem Willamette Greenway Plan.**

The Salem Area Comprehensive Plan which states: “Willamette Greenway ... defines those areas adjacent to the Willamette River that are included in the State and local Greenway Plans<sup>1</sup>.” The Salem Greenway Plan was adopted by Salem Ordinance 79-175.

SRC 64.010(d) states: “A legal description adopted by ordinance shall supersede any conflicting or uncertain delineation of such area on any map.”

Hence, under the Salem Revised Code (SRC) mapped depictions of areas and boundaries are superseded by ordinance adopted legal metes and bounds descriptions of the boundaries identified on any and all maps that do not conform to the adopted legal description.

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<sup>1</sup> WILLAMETTE RIVER GREENWAY PLAN

**660-020-0060**

**Willamette River Greenway Plan Segments**

The Land Conservation and Development Commission hereby adopts by reference orders approving the Oregon Department of Transportation Willamette River Greenway Plan Segments for the following: Cities of: Salem; ...

Since the adopted Salem Willamette Plan is an identified element of the Salem Area Comprehensive Plan, the legal description of the Willamette Greenway boundary contained therein supersedes any and all maps. The legally adopted Salem Greenway Plan describes the Willamette Greenway boundary in West Salem as follows:

- V. DESCRIPTION OF THE SALEM WILLAMETTE RIVER GREENWAY BOUNDARY (This is the overall Greenway Boundary established pursuant to LCDC Goal 15 and ORS 390.318. See Section VI for the Greenway Compatibility Review Boundary for purposes of SRC Chapter 125).

West Bank, in Polk County

From the northeast corner of Wallace Marine Park along the common boundary of the City limits and Wallace Marine Park to the railroad tracks; then

Along the northwest side of Musgrave Street, including approaches to the bridges and the access to Wallace Marine Park, to Wallace Road; then

From Wallace Road along the southwest side of Edgewater Street to its intersection with the off-ramp from the Salem-Dallas highway near Capitol Manor; then east along the south side of that highway right-of-way to its intersection with the Willamette River.

Consequently, land annexed to the City of Salem and added to Wallace Marine Park in 1982/83 was and remains “within the Willamette Greenway Boundary” because the Salem Greenway Plan legal description of the Greenway boundary states the greenway boundary follows “along the common boundary of the City limits and Wallace Marine Park ...”

Thus, the language of SRC 600.010(a) “the Willamette Greenway Overlay Zone shall be automatically applied to any land, or portion thereof, within the annexed territory that lies within the Willamette Greenway Boundary.” is relevant and applicable to the 1982 Wallace Marine Park expansion.

Accordingly, the pending Salem Comprehensive Plan Map update needs must conform to the legal description of the Willamette Greenway adopted in the Salem Willamette Greenway Plan.

## Conclusion

I shall be more than happy to provide evidence and documentation that confirms the flawed actions that resulted in each of the above comp plan cited mapping errors.

I request that the six Salem Comprehensive Plan Map errors listed in this petition be corrected in conjunction with the Our Salem/Vision 2021 update the Salem Comprehensive Plan Map.

Respectful,

  
E.M. Easterly

