



25 May 2023

TO: Salem Planning Department Administrator

RE: Appeal of the Decision of the Planning Administrator

SUBDIVISION TENTATIVE PLAN / URBAN GROWTH PRELIMINARY
DECLARATION / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / TREE
VARIANCE / CLASS 1 DESIGN REVIEW
CASE NO.: SUB-UGA-SPR-ADJ-TRV-DR23-02
APPLICATION NO.: 22-119071-PLN
2100 Doaks Ferry Rd NW, Salem, OR 97304

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

The West Salem Neighborhood Association (WSNA) appeals the May 10, 2023, decision for a consolidated application for a proposed six-lot subdivision with development of a multi-family residential development of 436 units throughout five lots located at 2100 Doaks Ferry Road NW Salem, OR (Polk County Assessor Map and Tax Lot Number: 073W17/380e).

WSNA has standing in so far as the neighborhood association submitted written testimony on March 10, 2023. The basis for this appeal includes: The WSNA provided factual evidence in the form of questions demonstrating that the development of this site, as proposed, will adversely affect the environment and not comply with code. The decision, and 63 conditions therein, did not address the specific issues raised in 5 of the 6 WSNA questions in their testimony. Furthermore, several of the conditions are not enforceable and/or rely on the actions of a 3rd party before compliance with code can be achieved. Additionally, the Applicant has not met its burden of proof per the significant issues raised by the Glenn Gibson Watershed Council and WSNA pertaining to:

1. Failure to adequately address preservation of significant trees

Sec. 808.001. - Purpose.

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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.

2. Failure to protect trees and vegetation within the riparian corridor of Wilark Brook

Sec. 808.020. - Trees and native vegetation in riparian corridors.

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No person shall remove a tree in a riparian corridor or native vegetation in a riparian corridor, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC [808.030](#), undertaken pursuant to a tree conservation plan approved under SRC [808.035](#), or undertaken pursuant to a tree variance granted under SRC [808.045](#). Roots, trunks, and branches of trees removed in riparian corridors shall remain within the riparian corridor, unless determined to be a potential hazard or impediment to stream flow by the Director.

Therefore, the WSNA offers this appeal with the request for a hearing to offer testimony to address these errors and omissions and propose constructive remedies for consideration as additional conditions of approval. Thank you.

Respectively,

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