CITY OF SALEM



Staff Report

File #: 22-50 Version: 1		Date: 2/28/2022 Item #:
то:	Mayor and City Council	
THROUGH:	Steve Powers, City Manager	
FROM:	Norman Wright, Community Development Director	

SUBJECT:

Deliberations for City Council review of subdivision approval (SUB21-09) located at 4540 Pringle Road SE.

Ward(s): 3 Councilor(s): Phillips Neighborhood(s): Morningside Neighborhood Association Result Area(s): Welcoming and Livable Community

SUMMARY:

The public hearing was closed on January 10, 2022 and the record for additional public comments closed on February 14, 2022. No public testimony will be taken at this meeting.

The Planning Administrator approved a phased subdivision tentative plan to divide approximately 29.68 acres into 139 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development for property located at 4540 Pringle Road SE (Attachment 1). City Council will decide to affirm, modify, or reverse the Planning Administrator's decision for Phased Subdivision Tentative Plan Case No. SUB21-09 (Attachment 2).

ISSUE:

Shall the City Council affirm, modify, or reverse the Planning Administrator's decision approving Phased Subdivision Tentative Plan Case No. SUB21-09.

RECOMMENDATION:

Affirm the Planning Administrator's decision approving phased subdivision tentative plan case number SUB21-09.

FACTS AND FINDINGS:

- 1. On January 10, 2022, the City Council conducted a public hearing, received testimony, and voted to close the public hearing but leave the record open for additional evidence to be submitted.
- 2. The City Council directed City staff to conduct a site visit of the subject property to verify the accuracy of the tree data provided the applicant, specifically to see if there are any additional significant trees on the property that were not identified by the applicant.
- 3. On January 11, 2022, following the close of the public hearing, the applicant agreed to extend the state-mandated local decision deadline from March 2, 2022 to March 15, 2022.
- 4. The record closed for all public comments on February 14, 2022 at 5:00 pm. Final public comments are included in Attachment 3.
- 5. The applicant's final written argument is due on February 21, 2022 at 5:00 pm.

BACKGROUND:

The following is an update and response to issues following the close of the January 10, 2022 public hearing regarding significant trees on the subject property, the impact of shifting the alignment of Hilfiker to the north and west to avoid a grove of significant trees, and a response to other transportation related concerns.

A. Significant Tree Update. On January 27, 2022, City staff visited the site to verify the accuracy of the applicant's tree plan.

<u>A total of 64 significant trees were observed on the subject property and the abutting right-of-way for 12th Street SE.</u>

Using the latest tree plan provided by the applicant, staff found that 48 of the significant trees were correctly identified (37 to be preserved and 11 to be removed). Staff found 16 additional significant trees not identified as significant on the tree plan (10 to be preserved and 6 to be removed). Staff also noted that 10 of the trees identified as significant trees on the tree plan were not found to be significant, four of the trees have a dbh less than 24 inches, two significant trees were windthrown (dead on the ground), three significant trees were located off-site on adjacent property, and one tree was misidentified as an Oregon white oak but was actually a Douglas Fir.

Based on feedback provided by the staff visit, the applicant has provided an updated final tree

inventory dated February 2, 2022 (Attachment 4).

Of the 64 trees observed on the subject property and abutting right-of-way for 12th Street SE, a total of 47 significant trees are proposed to be preserved and 17 significant trees are proposed for removal for a preservation rate of 73.4 percent.

The table below identifies the significant trees proposed for removal, the corresponding page number identifying the location of the significant tree on site, the dbh, and the reason for removal.

Tree and Page Number	DBH	Reason for Removal
2578, P3.3	25	12 th Street widening
2579, P3.3	38	12 th Street widening
2823, P3.4	32	Grading and development of Lot 40
2825, P3.4	24	Grading and development of Lot 41
2827, P3.4	37	Grading and development of Lot 41
2834, P3.4	28	Grading and development of Lot 43
3141, P3.4	27	Grading and development of Lot 58
3143, P3.4	26	Grading and development of Pedestrian pathway between lots 57 and 58
3146, P3.3	24+	Construction of Hilfiker Lane
3162, P3.3	32	Grading and development of Lot 59
3194, P3.3	27	Construction of Hilfiker Lane
3213, P3.3	42	Grading and development of Lot 60
3228, P3.3	34	Grading and development of Lot 62
3242, P3.3	25	Grading and development of Lot 64
3243, P3.3	24	Grading and development of Lot 63
4932, P3.1	32	Grading and development of Lot 96
5546, P3.1	24	12 th Street widening

B. Realignment of Hilfiker Lane SE. Comments submitted into the record suggest that the alignment for Hilfiker could be shifted to the north-west to avoid the grove of significant trees.

Staff has reviewed the design alternative provided in the public comments. There is not enough detail provided for the street alignment, grade, and curvature to provide a meaningful response. There are a few things that could be affected.

1. It appears the curves on Hilfiker Lane would get sharper. Hilfiker Lane is designated as a collector street in the Salem Transportation System Plan (TSP). The design speed for a collector street is 35 MPH and the minimum centerline radius for

a collector street is 510 feet. The alignment for Hilfiker Lane currently put forth by the applicant requires a design exception to reduce the speed to 25 MPH and minimum centerline radius to 200 feet. Because of the residential nature of this street, with driveways along both sides and on-street parking, staff is supportive of a design speed of 25 MPH.

If the curves along Hilfiker Lane are relocated to the north-west and become sharper, the street may not be able to meet even the 25 MPH design speed. Staff would not likely support a design speed of less than 25 MPH for a collector street.

- 2. If Hilfiker Lane were to be realigned, it would require the tentative subdivision plan to be redesigned. The number of lots would likely be reduced, and other internal local streets serving the subdivision would need to be realigned as well. Changes in grade to Hilfiker Lane may affect other connecting streets.
- 3. The applicant has provided a memo title, "Meyer Farm: Shifting Hilfiker Lane alignment in order to preserve significant trees" dated February 1, 2022 (Attachment 5).

C. Additional Transportation Related Items.

City staff response to four major transportation questions raised during the review of this application are included below.

1. <u>Intersection Site Distance at Battle Creek Road SE/Pringle Road SE</u>. Staff does not believe there is a sight distance issue at this intersection. Requirements for intersection site distance are based upon the American Association of State Highway and Transportation Officials (AASHTO) "A Policy of Geometric Design of Highways and Streets." The sight distance evaluation criteria in AASHTO uses the "design speed" rather than "posted speed." The intersection of Battle Creek Road SE and Pringle Road SE is classified as a minor arterial. The City of Salem Design Standards require that arterial streets are designed for 45 MPH. The posted speed along this segment of roadway is 40 MPH.

There are three difference movements that need to be evaluated at this new intersection of Hilfiker Lane SE and Battle Creek Road SE/Pringle Road SE, assuming a design speed of 45 MPH, the following cases have been evaluated and shown to provide adequate sight distance at this new intersection:

- a. The left turn from the minor roadway (driver on Hilfiker Lane). Minimum Intersection Site Distance (ISD) required = 500 feet. Sight distance available is greater than 500 feet looking to the right.
- b. The right turn from the minor roadway (driver on Hilfiker Lane). Minimum ISD required = 430 feet. Sight distance available is greater than 500 feet looking to the left.

c. The left turn from the major roadway (driver on Battle Creek Road).
 Minimum ISD = 365 feet. Sight distance available is greater than 400 feet looking straight ahead.

When Battle Creek Road/Pringle Road is widened, the improvements will shift the northbound left turn to the west into the current southbound lane and will dramatically improve the sight distance for this movement. Even though there is a downhill grade on Battle Creek Road approaching this new intersection, the grade of the road is not a factor in evaluating ISD per AASHTO.

- 2. <u>Impact of Background Growth on Traffic Volume</u>. Development of the Kuebler Gateway Shopping Center (Costco) has been approved and construction is underway, with planned openings scheduled early this year. The transportation improvements required to be constructed with this development adequately mitigate their traffic. The traffic generated by Costco that will be traveling along the Battle Creek Road corridor is considered background traffic. The proposed subdivision cannot be responsible for mitigating background traffic growth and to account for every potential development that may be contemplated in the vicinity. The background growth and the COVID adjustments used in the applicant's Traffic Impact Analysis more than accommodate general traffic growth in this area.
- 3. <u>Extension of Hilfiker Lane SE</u>. The Hilfiker Lane SE extension has been identified in the Salem Transportation System Plan since at least 1992. Previously, Hilfiker Lane was classified as a minor arterial, but was downgraded to a collector street to better accommodate a neighborhood street. As discussed, there may currently be a considerable amount of "cut through" traffic that uses the neighborhood to the north that connects Commercial Street SE and Pringle Road SE. When the extension of Hilfiker Lane is complete, there will likely be a reduction of the "cut through" traffic on Suntree Drive SE, Mandy Avenue SE and Albert Drive SE.
- 4. <u>Grade for 12th Street SE</u>. As a condition of approval, the proposed development must make improvements to the streets along their boundary. 12th Street SE is a boundary street along the western boundary of the subject property. The City will require the street to be widened 15 feet from centerline along the developer's portion of the 12th Street frontage and will require construction of curb and sidewalk and installation of streetlights with this improvement. The resulting improvement will include one standard width travel lane in each direction.

The current City standard for the grade on a local street is 12 percent with a design exception to allow for 15 percent for short distances. The current grade of 12th Street is approximately 17 percent. The Dickson's 2nd Addition subdivision that platted the existing western half-width street of 12th Street was platted in 1954 in Marion County and ultimately was annexed into the City in 1964. The street appears to have been improved in the mid-1960's. In 1964, the standards for street

improvements were likely much different than they are now. To require this development to bring this existing non-conforming street to current standards would be a significant improvement. The entire length of 12th Street between Lansford Drive SE and Hilfiker Lane SE would need to be regraded. Because the west side of the street is fully developed with homes and driveways, and improvement of this magnitude could have a significant impact to all the driveways and front yards of the existing homes.

ALTERNATIVES:

They City Council may affirm, modify, or reverse the decision of the Planning Administrator for Phased Subdivision Tentative Plan Case No. SUB21-09.

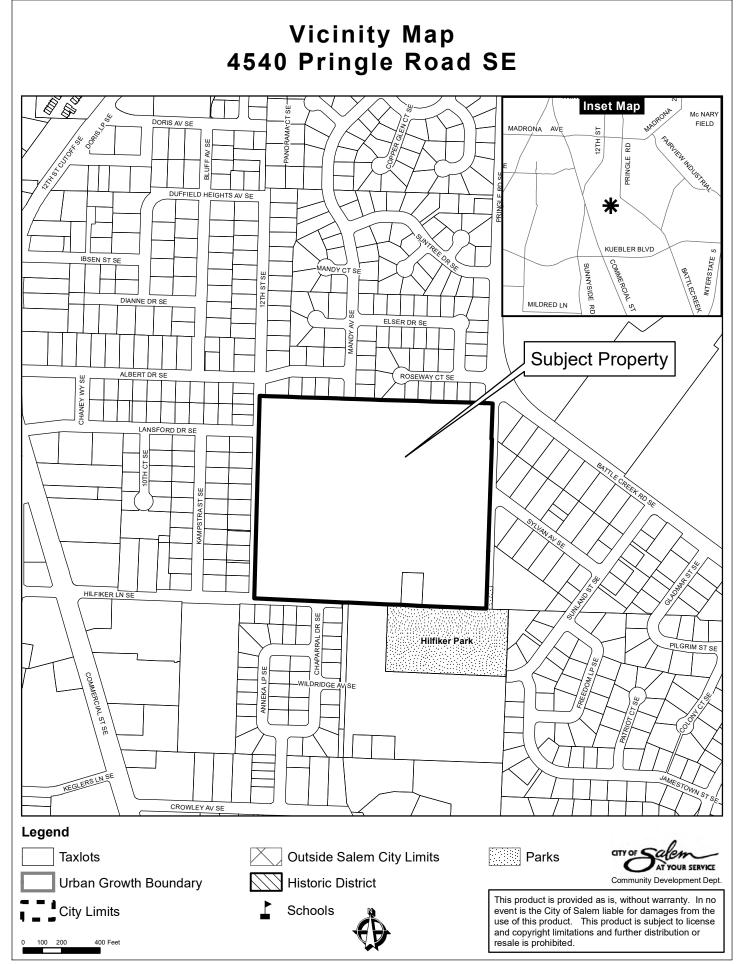
I. AFFIRM the decision;

- II. MODIFY the decision; or
- III.REVERSE the decision.

Aaron Panko Planner III

Attachments:

- 1. Vicinity Map
- 2. SUB21-09 Decision
- 3. Additional Public Comments
- 4. Applicant's Updated Tree Plan dated February 2, 2022
- 5. Applicant's Shifting Hilfiker Lane memo February 1, 2022



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Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

DECISION OF THE PLANNING ADMINISTRATOR

PHASED SUBDIVISION CASE NO.: SUB21-09

APPLICATION NO.: 21-113071-LD

NOTICE OF DECISION DATE: November 3, 2021

SUMMARY: A proposal to develop 29.68 acres into 138 <u>139</u> single family lots in two phases of development.

REQUEST: A phased subdivision tentative plan to divide approximately 29.68 acres into 138 139 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
- 2) Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and
- 3) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.
- <u>4) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow the frontage along 12th Street SE between the northwest boundary and Drexler Drive SE, and the north boundary of the subject property between Mandy Avenue SE and Hilfiker Land SE to exceed the 600-foot block length and 600-foot street connectivity standards.</u>
- 5) Allow a section of sidewalk along 12th Street SE adjacent to the natural area to be constructed along the curbline instead of the property line.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

APPLICANT: Martin Kehoe, Kehoe Northwest Properties, LLC

LOCATION: 4540 Pringle Rd SE, Salem OR 97302

CRITERIA: Salem Revised Code (SRC) Chapter 205.010(d) – Subdivision Tentative Plan

FINDINGS: The findings are in the attached Decision dated November 3, 2021.

DECISION: The **Planning Administrator APPROVED** Phased Subdivision SUB21-09 subject to the following conditions of approval:



Conditions of Approval for Both Phases:

- **Condition 1:** An Inadvertent Discovery Plan shall be filed with the City prior to any ground disturbing activity associated with development.
- **Condition 2:** Dwellings constructed on proposed lots 82-87, which access portions of 12th Street SE that exceed 12 percent street grade, shall require installation of fire sprinklers in compliance with applicable Fire Department access and fire prevention standards.
- **Condition 3:** The front property lines for corner lots shall be designated as follows:

Lot	Front Lot Designation
Number	
5	North line abutting Aldridge Ave
6	East line abutting Hillrose St
21	North line abutting Hilfiker Ln
25	North line abutting Hilfiker Ln
39	West line abutting Ramsay Rd
50	North line abutting Hilfiker Ln
69	South line abutting Hilfiker Ln
76	East line abutting Hilfiker Ln
81	North line abutting Drexler Dr
88	South line abutting Drexler Dr
90	South line abutting Drexler Dr
97	South line abutting Walton Wy
108	West line abutting Walton Wy
109	East line abutting Hilfiker Ln
119	North line abutting Walton Wy
121	South line abutting McCollum St
122	North line abutting McCollum St
126	East line abutting Hilfiker Ln
133	East line abutting Hilfiker Ln
134	West line abutting Porter PI

- **Condition 4:** The flag lot accessway shall be paved in accordance with the requirements of SRC 800.025(c), Table 800-1. "NO PARKING—FIRE LANE" signs shall be posted on both sides of that segment of the flag lot accessway that is a fire apparatus roadway and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- **Condition 5:** Recorded covenants, conditions, and restrictions for the development shall be provided prior to final plat approval that shall include a provision that such facilities and common property be perpetually operated and maintained by a property owners' association consistent with the requirements of SRC 205.035(f).

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- **Condition 6:** Provide a 10-foot public utility easement along the street frontage of all internal streets.
- **Condition 7:** Coordinate with the City to eliminate the reserve blocks located along the existing rights-of-way abutting the subject property.
- **Condition 8:** Trees proposed for removal that are located within the right-of-way of abutting streets shall follow the procedures of SRC Chapter 86.
- **Condition 9:** Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).
- **Condition 10:** Water meters serving the S-1 water service level shall be connected to the S-1 water system, and water meters serving the S-2 water service level shall be connected to the S-2 water system except as authorized by PWDS.
- **Condition 11:** Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots.
- **Condition 12:** All necessary (existing and proposed) access and utility easements must be shown on the final plat.

Phase 1 Conditions of Approval:

- **Condition 13:** Construct Hilfiker Lane SE from the intersection with 12th Street SE to the intersection of Pringle Road SE and Battle Creek Road SE to Collector B Street standards and in compliance with PWDS. Hilfiker Lane SE at the intersection of Pringle Road SE and Battle Creek Road SE shall include an eastbound to northbound left turn lane and an eastbound to southbound right turn lane. The maximum street grade for Hilfiker Lane shall be 10 percent.
- **Condition 14:** Construct a left turn lane from northbound Battle Creek Road SE to westbound Hilfiker Lane SE as described in the applicant's TIA.
- **Condition 15:** Construct internal streets to Local street standards, with the following exceptions: proposed Hilfiker Lane SE, Ramsay Road SE, and Hillrose Street SE may exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803 as shown on the application materials.
- **Condition 16:** Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Hillrose Street SE. Construct a three-quarter-street improvement along the frontage of Hillrose Street SE to Local street standards.
- **Condition 17:** From Chaparral to the west line of tax lot 083W11BC03200, provide a 30-footwide public access easement along the south line of the subject property. The easement may be revoked if permanent transportation facilities are provided in a different alignment upon full build-out of the future phase on the subject property.

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Condition 18: Provide a minimum 15-foot-wide pedestrian access easement and construct a minimum 10-foot-wide pedestrian walkway pursuant to PWDS between Hilfiker Lane and Ramsay Road and through the proposed open space.

Phase 2 Conditions of Approval:

- **Condition 19:** Construct internal streets to Local street standards.
- **Condition 20:** Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of 12th Street SE, including sufficient right-of-way to accommodate public infrastructure at the property corners. Construct a half-street improvement along the frontage of 12th Street SE to local street standards except as follows:
 - a. The street grade may exceed the standard of 12 percent by matching the existing grade of 12th Street SE.
 - b. The sidewalk may be located along the curb line abutting the open space area.

The rights granted by the attached decision must be exercised, or an extension granted, by <u>November 19, 2023</u>, or this approval shall be null and void.

Application Deemed Complete:	<u>September 13, 2021</u>
Notice of Decision Mailing Date:	November 3, 2021
Decision Effective Date:	<u>November 19, 2021</u>
State Mandate Date:	<u>February 10, 2022</u>

Case Manager: Aaron Panko, Planner III, <u>APanko@cityofsalem.net</u>, 503-540-2356

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at <u>planning@cityofsalem.net</u>, no later than <u>5:00 p.m., Thursday, November 18, 2021</u>. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 205. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. After the hearing, the Salem Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM (SUBDIVISION PLAT NO. 21-09)

Si necesita ayuda para comprender esta información, por favor llame 503-588-6173 http://www.cityofsalem.net/planning

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IN THE MATTER OF THE APPROVAL OF TENTATIVE SUBDIVISION CASE NO. 21-09 4540 PRINGLE ROAD SE FINDINGS AND ORDER

NOVEMBER 3, 2021

REQUEST

A phased subdivision tentative plan to divide approximately 29.68 acres into 438 <u>139</u> single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
- 2) Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and
- 3) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.
- <u>4) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow the frontage along 12th Street SE between the northwest boundary and Drexler Drive SE, and the north boundary of the subject property between Mandy Avenue SE and Hilfiker Land SE to exceed the 600-foot block length and 600-foot street connectivity standards.</u>
- 5) Allow a section of sidewalk along 12th Street SE adjacent to the natural area to be constructed along the curbline instead of the property line.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

PROCEDURAL FINDINGS

- 1. On July 14, 2021, a consolidated application for a Phased Subdivision Tentative Plan was filed for a proposal to divide an approximately 29.68 acres located at 4540 Pringle Road SE (Attachment A) into 138 single family lots in two phases of development.
- 2. On September 13, 2021, the applicant provided a response to staff's incomplete letter, including revised plans and written findings. The applicant indicated per ORS 227.178(2)(a) that all of the missing information has been provided and that the City is required to start the 120-day period for issuance of a final decision under ORS 227.178(1).
- 3. The application was deemed complete for processing on September 13, 2021. Notice to surrounding property owners was mailed pursuant to Salem Revised Code on September 17, 2021, and public notice was posted on the subject property on September 17, 2021 pursuant to SRC 300.520(b)(2).

- 4. On October 25, 2021, the applicant provided updated application materials that include an adjustment to the phasing plan, inclusion of the existing homestead as a separate lot in the subdivision which increased the number of lots proposed from 138 to 139, an updated tree inventory, and additional written findings.
- 5. On October 27, 2021, the applicant granted a 30-day time extension, extending the statemandated local decision deadline from January 11, 2022 to February 10, 2022.

SUBSTANTIVE FINDINGS

1. Proposal

The tentative plan proposes to divide approximately 29.68 acres into 139 lots for residential development. The lots proposed for residential development range in size from approximately 4,000 square feet to approximately 3.64 acres. All lots take access directly from public streets, except for proposed lots 66 which will be served by a flag-lot accessway.

The applicant is requesting alternative street standards to increase the street spacing, connectivity, and development standards in SRC Chapter 803 to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
- 2) Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and
- 3) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.
- 4) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow the frontage along 12th Street SE between the northwest boundary and Drexler Drive SE, and the north boundary of the subject property between Mandy Avenue SE and Hilfiker Land SE to exceed the 600-foot block length and 600-foot street connectivity standards.
- 5) Allow a section of sidewalk along 12th Street SE adjacent to the natural area to be constructed along the curbline instead of the property line.

The proposal includes three open space areas in Phase 1, an open space area approximately 0.41 acres in size accessible by a proposed bike and pedestrian pathway near the center of the property, an open space area approximately 0.53 acres in size to be used primarily for stormwater detention at the northeast corner of the property and a small area approximately 2,319 square feet in size as a remainder due to street alignment for Hillrose Street SE and Hilfiker Land SE. In Phase 2, an open space area approximately 3.14 acres in size is proposed, the area will be used for stormwater detention, with the remaining area left as a natural area.

2. Existing Conditions

Site and Vicinity

The subject property (Attachment A) contains two separate lots with a combined size of approximately 29.68 acres, approximately 1,200 feet in width east to west, and which extends

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approximately 1,050 feet in depth north to south. The subject property abuts existing singlefamily residential subdivisions to the north, east, and west. Hilfiker Park abuts the property to the southeast and a residential subdivision abuts the property to the southwest.

The subject property is sloped with the highest elevation approximately 395 feet near the southwest corner of the subject property then falling to approximately 330 feet near the unnamed mapped waterway at the northwest corner and approximately 320 feet near the northeast corner of the property.

The subject property does not contain any known archaeological sites; however, as the area is within a high probability archaeological zone, an Inadvertent Discovery Plan is required prior to any ground disturbing activity associated with development.

Condition 1: An Inadvertent Discovery Plan shall be filed with the City prior to any ground disturbing activity associated with development.

Salem Area Comprehensive Plan (SACP) Designation

Urban Growth Policies: The subject property is located inside of the Salem Urban Growth Boundary and inside the corporate city limits.

Comprehensive Plan Map: The subject property is designated "Single Family Residential" on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

North: Single Family Residential

- South: West side, across Hilfiker Lane SE, Single Family Residential East side, Single Family Residential
- East: Across Hillrose Street SE, Single Family Residential
- West: Across 12th Street SE, Single Family Residential

Zoning and Surrounding Land Use

The subject property is zoned RA (Residential Agriculture) and RS (Single Family Residential) and currently contains a single-family dwelling and several outbuildings associated with the Meyer Farm Homestead. The surrounding properties are zoned and used as follows:

North: RS (Single Family Residential); single family dwellings

- South: West side, across Hilfiker Lane SE, RS (Single Family Residential); single family dwellings
 - East side, RA (Residential Agriculture); Hilfiker Park and single-family dwelling
- East: Across Hillrose Street SE, RS (Single Family Residential); single family dwellings
- West: Across 12th Street SE, RS (Single Family Residential); single family dwellings

Relationship to Urban Service Area

The subject property is within the City's Urban Service Area.

<u>Infrastructure</u>		
Water:	The subject property is within the S-1 and S-2 water service levels.	
	A 12-inch water mains are located in Hilfiker Lane SE and Hillrose Street SE.	
	An 8-inch water main is located in Mandy Avenue SE.	
	A 6-inch and 80inch water main is located in 12 th Street SE.	
Sewer:	An 8-inch sanitary sewer main is located in Hilfiker Lane SE.	
	An 8-inch sewer main is located in Hillrose Street SE.	
	A 6-inch sewer main is located in Mandy Avenue SE.	
	An 8-inch sewer main is located in 12 th Street SE. The 8-inch main extends across the northwestern corner of the subject parcel, connecting to Albert Road SE to the north.	
Storm Drainage:	A 10-inch storm main is located in Hilfiker Lane SE.	
	A 10-inch storm main is located in Hillrose Street SE at the northeast corner of the subject parcel.	
	A 10-inch storm main is located in Mandy Avenue SE.	
	A 24-inch storm main is located in 12 th Street SE.	
Streets:	Hilfiker Lane SE abuts the subject property along the southwest and is designated as a collector street in the Salem Transportation System Plan (TSP).	
	 The standard for this street classification is a 40-foot-wide improvement within a 60-foot-wide right-of-way. 	
	 This street currently has an approximate 15-foot improvement within a 30-foot-wide right-of-way abutting a portion of the subject property. 	
	Hillrose Street SE abuts the subject property along the eastern boundary and is designated as a local street in the Salem Transportation System Plan (TSP).	

- o The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- o This street has an approximate 10-foot turnpike improvement within a 30-foot-wode right-of-way abutting the subject property.

Mandy Avenue SE abuts the subject property to the north and is designated as a local street in the Salem Transportation System Plan (TSP).

- o The standard for this street classification is a 30-foot improvement within a 60-foot-wide right-of-way.
- o This street has an approximate 30-foot improvement within a 60-foot right-of-way abutting the subject property.

12th Street SE abuts the subject property to the west and is designated as a local street in the Salem Transportation System Plan (TSP).

- o The standard for this street classification is a 30-foot improvement within a 60-foot-wide right-of-way.
- o This street has an approximate 20-foot improvement within a 30-foot right-of-way along the frontage abutting the subject property.

Parks:

The proposed development is served by an undeveloped park (Hilfiker Park) abutting the southern boundary of the subject property.

3. Applicant's Plans and Statement

Land use applications must include a statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The written statement provided by the applicant summarizing the request and addressing the applicable approval criteria, as well as the tentative subdivision plan illustrating the proposed development on the property, are attached to this report as follows:

- Tentative Subdivision Plan: Attachment B
- Applicant's Written Statement: Attachment C

4. Summary of Record

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

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5. Land Use History

• **Property Line Adjustment (Case No. LLA95-09):** A proposed to adjust the lot lines between two parcels identified as Tax Lots 3000 and 3200 resulting in lots approximately 24.58 acres and 5.16 acres in size. This property line adjustment was not finalized and has expired.

6. Public and Private Agency Review

Building and Safety Division – The Building and Safety Division has reviewed the proposal and indicated no concerns.

Fire Department – The Salem Fire Department has reviewed the proposal and indicated that the street grade on 12th Street SE is existing. Due to the difficulty for emergency vehicles to access 12th Street SE because of existing/proposed street grade, development of homes accessing the portion of 12th Street SE exceeding 12 percent grade will require fire sprinklers in the structures and the installation of a new fire hydrant along 12th Street near the subject property to fully comply with Fire Department access and fire prevention standards. The remaining development will require two separate and approved means of fire department access and fire hydrants will be required to be located within 600 feet of all structures as measured along an approved route. Any fire department access roads over 150 feet in length will require an approved turn around if the road is a dead end.

Condition 2: Dwellings constructed on proposed lots 82-87, which access portions of 12th Street SE that exceed 12 percent street grade, shall require installation of fire sprinklers in compliance with applicable Fire Department access and fire prevention standards.

Public Works Department – The City of Salem Public Works Department, Development Services Section, reviewed the proposal and has provided comments included in full as **Attachment D**.

Salem-Keizer Public Schools – Planning and Property Services staff for the Salem-Keizer School District reviewed the proposal and submitted comments included in full as **Attachment E**.

7. Neighborhood Association Comments and Public Comments

The subject property is located within the boundaries of the Morningside Neighborhood Association (MNA).

<u>Applicant Neighborhood Association Contact</u>. SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On June 23, 2021, the applicant contacted the MNA Chair and Land Use Chair informing them of the proposed project.

Homeowners Association

The subject property is not located within a Homeowners Association.

<u>Neighborhood Association and Public Comment:</u> Notice of the application was provided to MNA pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. Notice was provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property, posted notice was also provided on each street frontage during the comment period pursuant to SRC 300.520(b)(2). Morningside Neighborhood Association, adjacent South Gateway Neighborhood Association and 72 public comments (**Attachment F**) were provided prior to the comment period ending, which are summarized below followed by a staff response. The applicant has also provided a statement addressing public comments which is included as **Attachment G**.

A. Tree Removal. Several comments received express concern regarding the removal of trees, including significant Oregon White Oaks, which will be required to accommodate the proposed subdivision.

Staff Response: Tree preservation and removal in conjunction with proposed subdivisions is regulated under the City's tree preservation ordinance (SRC Chapter 808). As required under SRC Chapter 808, the applicant submitted a tree conservation plan in conjunction with the proposed subdivision that identifies a total of 808 trees on the property, 28 of which are significant trees (Oregon white oaks with a diameter at breast height of 24 inches or greater).

The tree conservation plan approval criteria require in part that no significant trees are designated for removal, no trees or native vegetation in a riparian corridor are designated for removal, and not less than 25 percent of all trees located on the property are designated for preservation. Of the 808 total existing trees on the property, the proposed tree conservation plan identifies 355 trees (43.9%) for preservation and 453 trees (56.1%) for removal. The proposal protects all trees and native vegetation in the riparian corridor located at the northwest corner of the subject property.

Of the 453 trees proposed for removal, four are significant oaks which the applicant has identified for removal based on their location within either the future building envelopes of lots or adjacent to required street and/or sidewalk improvements. Tree 2823 is proposed for removal due to grading for Lot 40, Tree 3213 is proposed for removal due to grading for Lot 60, Tree 3228 is proposed for removal due to grading for Lot 62, and Tree 3194 is proposed for removal due to grading for Hilfiker Lane SE. Their removal is necessary because of no reasonable design alternatives that would enable their preservation. The tree conservation plan is being reviewed by staff and, if approved, will be binding on the lots until final occupancy is granted for the construction of dwelling units on the lots.

In addition to the trees located on the subject property, there are also several trees located within the existing right-of-way for 12th Street SE and Hillrose Street SE, including one

significant tree. Pursuant to the tree preservation ordinance (SRC Chapter 808), tree conservation plans are required to identify and preserve the minimum required number of trees on private property. Trees located within the existing right-of-way of 12th Street SE and Hillrose Street SE are not located on the property; they are not subject to the provisions of SRC Chapter 808 and are not counted toward the total number of trees on the site. These trees are instead considered trees on City owned property and subject to the provisions of SRC Chapter 86. Based on the current under-improved width of 12th Street SE and Hillrose Street SE, the existing trees within the right-of-way, including one significant tree (tree 2579), will likely need to be removed to accommodate the required widening, sidewalk installation, and grading associated with required street improvements. Removal of street trees requires a permit pursuant to SRC 86.090.

B. Traffic Impact and Safety. Comments received expressed concern with traffic impacts related to the subdivision. Concerns were also expressed regarding the intersection of Hilfiker Street SE and Commercial Street SE, and the proposed intersection of Battle Creek Road SE and Hilfiker Street SE.

Staff Response: Addressing traffic safety, the applicant submitted a traffic impact analysis that demonstrated what improvements needed to be made to mitigate the traffic impacts from the proposed subdivision. All interior and abutting streets are being constructed to meet Public Works Design Standards, except where alternative street standards have been authorized.

The City of Salem has recognized the lack of east-west connectivity in this area. The Salem Transportation System Plan has long identified this extension of Hilfiker Lane as necessary to provide the missing east-west connectivity. The nearest east-west connections are Madrona Avenue SE and Kuebler Boulevard SE. The street was originally classified as a "minor arterial" street. The design of a "minor arterial" street has one travel lane in each direction with a center two-way-left-turn-lane, bike lanes, no on-street parking, and single-family residential driveways are not allowed. About 10 to 15 years ago, the neighborhood association requested that the City downgrade the street to a "collector" street. The design of a "collector" street is one lane in each direction, bike lanes, with provisions for on-street parking (collector B), and single-family residential driveways are allowed.

Per the City of Salem Street Design Standards, the design speed for a "minor arterial" is 45 MPH, meaning the curves would be very flat and would encourage faster traffic along this extension of Hilfiker Lane. The design speed for a "collector" street is 35 MPH, but the developer has requested a "design exception" to allow for a design speed of 25 MPH. At a design speed of 25 MPH the curves are considerably sharper than for a "minor arterial" and will encourage slower travel speeds. The addition of on-street parking and driveways along the roadway will also naturally slow traffic along this route.

The City of Salem will be rebuilding the intersection of Hilfiker Lane SE and Commercial Street SE. The intersection will have a new traffic signal with eastbound and westbound left turn lanes on Hilfiker Lane. This project is expected to be constructed in 2023-2024. The Traffic Impact Analysis accurately reflects the operational conditions of the improved intersection including the traffic generated from this site.

There will be additional traffic using this new connection between Commercial Street and Battle Creek Road but estimating that number of vehicles is impossible to predict. Those additional vehicles that will be traveling along the new extension of Hilfiker Lane, are existing traffic that is being diverted. These vehicles will alleviate congestion on Madrona Avenue SE, Kuebler Boulevard SE and will certainly reduce the number of vehicles that currently cut-through the residential neighborhood using Suntree Drive SE, Mandy Avenue SE, and Albert Drive SE.

This development is not responsible to mitigate existing traffic issues; they are required to mitigate the impacts from their development. The traffic counts used in the analysis is the best information available. Given the on-going COVID-19 Pandemic, traffic volumes have decreased. Kittelson & Associates used the best methodology to adjust traffic volumes upwards to account for Pandemic traffic. The traffic volumes were adjusted upwards on Battle Creek Road by 41% and by 24% on Commercial Street. They were additionally grown by 1.5% per year to reflect general background growth of traffic in Salem.

The improvements at the intersection with Battle Creek Road and Hilfiker Lane will be constructed to ensure there is adequate sight distance for the vehicles turning left from Battle Creek Road, as well as vehicle turning onto Battle Creek Road from Hilfiker Lane.

C. Loss of Wildlife Habitat and Open Space. Several comments received express concern regarding the loss of wildlife habitat and open space that will result from tree removal, grading, and development of the subject property.

Staff Response: The subject property is located within the Urban Growth Boundary and within Salem City Limits and has been designated on the City of Salem Comprehensive Plan Map as "Single Family Residential", which anticipates existing or future residential development similar to the subdivision proposed with this application. Loss of wildlife habitat is not a criterion for granting or denying a phased subdivision tentative plan.

In regard to impacts on open space, the Salem Area Comprehensive Plan has adopted goals, policies, and plan map designations to protect identified open space areas. The subject property has not been identified as a natural open space area. Instead, the Comprehensive Plan Map designates the subject property as "Single Family Residential", and the site has been zoned RS (Single Family Residential). While the subject property is mostly undeveloped with one home on approximately 29.68 acres, the subject property is surrounded by an already developed residential area within the corporate limits of the City of Salem and as the City continues to grow, development is expected to occur in areas designated for residential development.

D. Parks. Several comments received suggested that the property should remain as dedicated open space with walking trails, bike paths, and could be used as an extension of abutting Hilfiker Park.

Staff Response: The subject property is served by Hilfiker Park, which is an undeveloped park site located southeast of and abutting the subject property. Though many neighborhood comments express a desire for the subject property to be used as park land,

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there is no regulatory authority to require that the applicant dedicate all or a portion of the subject property to the City for use as park land. Recent park acquisitions in the area include a community park in the Fairview Development District to the north and a neighborhood park near the intersection of Reed Road and Battle Creek Road.

E. Impact on Neighborhood Character and Livability. Several comments received expressed concern about the impact the proposed subdivision will have on adjacent properties and the character of the existing neighborhood due to loss of open space and development of a higher density development with smaller lots sizes than those in the surrounding area.

Staff Response: The single-family dwelling parcels proposed within the subdivision range from approximately 4,000 square feet to approximately 3.64 acres in size, which is consistent with the minimum lot size requirement of 4,000 square feet. Their size and layout are consistent with the expected development pattern of properties in the "Single Family Residential" Comprehensive Plan Map designation and RS (Single Family Residential) zone. There is no approval criterion or development standard which requires single family residential lots to resemble adjacent existing developments.

F. Climate Action Plan. Comments received express concern that the 139-lot subdivision, which proposes removal of significant trees and will create additional traffic in the area, is contrary to the City's goals for reducing greenhouse gas emissions.

Staff Response: While the Salem Area Climate Action Plan will be used to guide policies aimed at achieving community-wide reductions in greenhouse gas emissions, and adoption of the plan may lead to future changes to the City's Unified Development Code, this subdivision application has to be reviewed based on the development standards and tree protection standards that are currently adopted. The proposed single-family subdivision is an allowed use under the current zoning for the subject property, the proposed lots meet minimum lot size and dimensional standards, and the proposed tree removal is consistent with tree removal standards in SRC Chapter 808.

G. Historic Significance of the Site. Comments received express concern for development of the property given the historic significance of the site.

Staff Response: The subject property does not contain any known archaeological sites; however, the area is within a high probability archaeological zone, so an Inadvertent Discovery Plan would be required for any ground disturbing activity associated with development. The existing house is not designated as a Salem Historic Resource; therefore, SRC Chapter 230 does not apply to the proposed development. However, the house was built in 1915 and could be eligible for designation as a local historic resource.

H. Support for Increased Residential Density. Comments received indicate that the proposed subdivision does not go for far enough to address housing affordability an accessibility and that multi-family residential development should be required for this property.

Staff Response: The subject property is currently zoned RA (Residential Agriculture) and will change to RS (Single Family Residential) upon recording of a final subdivision plat. The RA and RS zones do not permit multi-family residential uses. While the community needs more diverse housing options, including multi-family residential development, the City has to evaluate development requests as designed by the applicant for conformance with approval criteria and development standards. The City cannot require an applicant to develop a use that is not permitted under current zoning regulations. The City is required to allow middle housing (duplex, triplex, quadplex, townhouse and cottage cluster developments) in the RS zone with the passage of House Bill 2001. The City is expected to adopt regulations that comply with House Bill 2001 by the end of the year. The proposed lots are of sufficient size to each allow a duplex, at a minimum. The developer or future building has the option of building middle housing if they so choose.

I. Impact of Stormwater Runoff. Comments received express concern regarding potential stormwater, drainage and flooding impacts on adjacent properties.

Staff Response: As described in further detail in findings included under Section 9 of this decision regarding compliance with the standards set forth in SRC Chapter 71 (Stormwater), the proposed subdivision is required to meet flow control requirements which limit runoff to levels not exceeding pre-existing conditions. The applicant's engineer is required to demonstrate that there is no increase in stormwater runoff from the subject property based on a variety of storm frequencies up to a 100-year storm. All stormwater infrastructure, including flow control and treatment facilities, will be constructed pursuant to Public Works Design Standards.

J. School Capacity. Comments received express concern regarding the impact the proposal will have on school capacity.

Staff Response: Salem-Keizer Public Schools has reviewed the proposal and provided a memo dated September 29, 2021, included in the attachments, which outlines the anticipated impact of the proposed development on the school district. The City and the School District work closely together on development potential and impacts on school capacity. However, school capacity is not an approval criterion for a tentative subdivision and cannot be applied as such to this application.

8. Criteria for Granting a Subdivision Tentative Plan

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subdivision process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created lots at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to approval of the final subdivision plat.

SRC 205.010(d) and 205.015(d) sets forth the criteria that must be met before approval can be granted for a phased subdivision tentative plan request. The following subsections are organized with approval criteria shown in bold, followed by findings of fact upon which the Planning Administrator's decision is based. The requirements of SRC 205.010(d) and 205.015(d) are addressed within the specific findings which evaluate the proposal's conformance with the applicable criteria. Lack of compliance with the following criteria is grounds for denial of tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

SRC 205.010(d)(1): The tentative subdivision complies with all standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to, the following:

(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines.

<u>SRC Chapter 510 (Residential Agriculture) and 511 (Single Family Residential)</u>: The proposed subdivision would divide the 29.68-acre property in two phases with a total of 139 lots and four open space areas. The subject property is currently split zoned RA (Residential Agriculture) and RS (Single Family Residential). SRC Chapter 265.015 provides that any land within an RA zone district that is subject to a subdivision approval shall automatically be re-classified to an RS zone district on the date the subdivision plat is recorded. This provision applies to the RA zoned portion of the subject property. Because the zoning of the subject property will be changed to RS with the recording of the final plat for each respective phase, the following analysis of the subdivision for conformance with the requirements of the UDC is based upon the property being rezoned to RS (Single Family Residential). The development standards of the RS zone are established under SRC 511.010 and are addressed as follows:

Requirement	Standard
Lot Area (Single Family)	4,000 square feet
Lot Width	40 feet
Lot Depth (Single family and two family)	Min. 70 feet, max. 300% of av. lot width
Lot Depth (Double frontage lots)	Min. 120 feet, max. 300% of av. lot width
Street Frontage	40 feet, or 30 feet applicable to lots fronting a cul-de-sac or curved street. Not applicable to flag lots.

Lot Standards for RS zone (SRC Chapter 511, Table 511-2)

Proposed lots in the subdivision range from approximately 4,000 square feet to 3.64 acres in size and are in compliance with applicable minimum lot area, dimension, and frontage standards. The proposed lots within the subdivision are also of sufficient size and dimension to permit future development of uses allowed within the RS zone.

Setback Requirements: SRC Chapter 511 establishes the following setback standards for development within an RS (Single Family Residential) zone:

Front Yards and Yards Adjacent to Streets:

- Minimum 12 feet (minimum 20 feet when adjacent to a street designated 'Collector', 'Arterial', or 'Parkway')
- Minimum 20 feet for garages

Rear Yards:

- Minimum 14 feet (for any portion of a main building not more than one story in height); or
- Minimum 20 feet (for any portion of a main building greater than one story in height)

Interior Side Yards:

• Minimum 5 feet

Setback requirements for future development will be reviewed at the time of application for building permits on individual lots.

SRC Chapter 800 (General Development Standards):

SRC 800.020 (Designation of Lot Lines): SRC 800.020 establishes front lot line designation requirements for corner lots, double frontage lots, flag lots, and all other lots. Corner lots are lots located at the intersection of two or more streets, typically with street frontage on two sides. Provided that lot dimension standards are met, the front lot line for a corner lot shall be the property line abutting a street designated by the building permit applicant. The following proposed lots are corner lots; due to the proposed lot configuration and dimensions, the front lot lines shall be designated as conditioned below. Corner lots not identified in the table may be designated at the time of building permit by the applicant. The lot numbers indicated in the condition are based on the applicant's tentative plan, actual lot numbers may vary at the time of final plat.

Lot Number	Front Lot Designation
5	North line abutting Aldridge Ave
6	East line abutting Hillrose St
21	North line abutting Hilfiker Ln
25	North line abutting Hilfiker Ln
39	West line abutting Ramsay Rd
50	North line abutting Hilfiker Ln
69	South line abutting Hilfiker Ln
76	East line abutting Hilfiker Ln

Condition 3: The front property lines for corner lots shall be designated as follows:

81	North line chutting Droylor Dr
	North line abutting Drexler Dr
88	South line abutting Drexler Dr
90	South line abutting Drexler Dr
97	South line abutting Walton Wy
108	West line abutting Walton Wy
109	East line abutting Hilfiker Ln
119	North line abutting Walton Wy
121	South line abutting McCollum St
122	North line abutting McCollum St
126	East line abutting Hilfiker Ln
133	East line abutting Hilfiker Ln
134	West line abutting Porter PI

Proposed lot 66 is a flag lot that takes access from a flag lot accessway. For a flag lot, the front lot line shall be the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street from which access is provided to the flag lot. The front lot line for Lot 66 may be designated by the building permit applicant.

Proposed lot 139, the 3.64-acre lot containing the existing homestead, is a double frontage lot. The front lot line for proposed lot 139 shall be the lot line abutting Hilfiker Lane SE.

The proposal conforms to the requirements of SRC Chapter 800.

Flag Lots:

SRC 800.025 establishes the following development standards for flag lot accessways serving residentially zoned lots:

Flag Lot Accessway Standards (Residential Zones)		
	1 to 2 Lots Served by Accessway	3 to 4 Lots Served by Accessway
Length	150 ft. Max.	400 ft. Max.
Width	Min. 20 ft.	25 ft. Min.
Paved Width	Min. 15 ft.	20 ft. Min.
Parking	Not Allowed	Not Allowed
	Required for flag lot accessway	s greater than 150 feet in length.
Turnaround	(Unless the buildings served by the flag lot accessway are equipped with approved automatic fire sprinkler systems or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal)	

Proposed lot 66 is a flag lot. As shown on the applicant's tentative subdivision plan, the flag lot accessway is approximately 115 feet in length and located within a 20-foot wide

flagpole/easement, in conformance with the standards for flag lot accessways serving 1-2 lots.

In order to ensure the proposed flag lot accessway conforms to the requirements of SRC 800.025(d), the following condition of approval shall apply:

Condition 4: The flag lot accessway shall be paved in accordance with the requirements of SRC 800.025(c), Table 800-1. "NO PARKING—FIRE LANE" signs shall be posted on both sides of that segment of the flag lot accessway that is a fire apparatus roadway and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

SRC 800.025(e) provides that within a subdivision, up to 15 percent of the lots may be flag lots. The proposed phased subdivision tentative plan includes 139-lots with one lot (0.7 percent) proposed to be a flag lot, less than the 15 percent maximum.

(B) City Infrastructure Standards.

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative subdivision plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

<u>SRC Chapter 71 (Stormwater)</u>: The proposed subdivision is subject to the stormwater requirements of SRC Chapter 71 and the revised Public Works Design Standards as adopted in Administrative Rule 109, Division 004. To demonstrate that the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative located of stormwater facilities.

As conditioned below, the proposal meets the requirements of SRC Chapter 71.

<u>SRC Chapter 200 (Urban Growth Management)</u>: The Urban Growth Management Program requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to development of property outside the Salem Urban Service Area. The subject property is located inside of the Urban Service Area and is served by adequate City utilities.

<u>SRC Chapter 205 (Land Division and Reconfiguration)</u>: SRC 205.035(f) provides that where facilities and common property, including but not limited to, private streets, parking areas, privately owned pedestrian walkways and bikeways, and landscape strips, are included within the development, the recorded covenants, conditions, and restrictions for the development shall include a provision that such facilities and common property be perpetually operated and maintained by a property owners' association.

The proposed subdivision includes four open space areas: 1) a 2,319 square foot open space area in Phase 1 at the southeast corner of Hilfiker Lane and Hillrose Street; 2) a 0.53 acre open space and stormwater detention area in Phase 1 north of the intersection of Hilfiker Land and Hillrose Street; 3) a 0.41 acre open space area in Phase 1 accessible by a pedestrian walkway connecting between Hilker Lane SE and Ramsay Road SE; and 4) a 3.14 acre open space area in Phase 2 containing a mapped waterway, natural area, and stormwater detention area located at the northwest corner of the subject property. A private walkway will be provided from Hilfiker Lane SE to Hillrose Street SE. Where these common facilities will be privately owned, the applicant shall include provisions for operation and maintenance of these facilities in compliance with SRC 205.035(f).

Condition 5: Recorded covenants, conditions, and restrictions for the development shall be provided prior to final plat approval that shall include a provision that such facilities and common property be perpetually operated and maintained by a property owners' association consistent with the requirements of SRC 205.035(f).

<u>SRC Chapter 802 (Public Improvements)</u>: Comments from the Public Works Department indicate that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the proposed subdivision. Specifications for required public improvements are summarized in the Public Works Department memo (Attachment D).

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards. The Schematic Utility Plan included in the proposal as application shows that each lot can be served by City utilities designed and constructed according to the applicable provisions of the SRC and PWDS.

SRC Chapter 803 (Streets and Right-of-Way Improvements):

SRC 803.015 (Traffic Impact Analysis): The proposed 139-lot subdivision generates more than 1,000 average daily vehicle trips to the Collector street system. Therefore, a TIA was required as part of the proposed subdivision submittal. The applicant provided a TIA prepared by Kittelson and Associates dated July 9, 2021.

SRC 803.020 (Public and Private Streets): The applicant proposes for all internal streets within the subdivision to be public streets.

SRC 803.025 (*Right-of-Way and Pavement Widths*): Right-of-way width for streets shall conform to the standards set forth in Table 803-1.

Hillrose Street SE and 12th Street SE abut the subject property; both streets do not meet the current right-of-way or improvement width standards for a Local street. In implementing boundary street requirements pursuant to SRC 803.040, conditions of approval require the applicant to dedicate additional right-of-way for 12th Street SE and Hillrose Street SE. Hilfker Lane SE abuts the property to the south. Additional right-of-way will be dedicated along the southern boundary and through the development site for Hilfiker Lane SE in

compliance with applicable right-of-way and improvement width standards for a Collector street.

Proposed internal local streets, Drexler Drive SE, Porter Place SE, McCollum Street SE, Mandy Avenue SE, Walton Way SE, Ramsay Road SE, and Aldrige Avenue SE comply with applicable standards for local street right-of-way and pavement width as specified in SRC 803.025.

SRC 803.030 (Street Spacing): The street spacing requirements specifies maximum block lengths of 600 feet along one axis, and between 120 feet minimum and 400 feet maximum along the other axis. Street spacing may be increased based on one or more of the conditions set forth in subsection (b).

The applicant is requesting alternative street standards for street spacing and connectivity as follows:

1) Along north boundary, approximately 730' between Mandy Avenue SE and Hilfiker Lane SE, exceeds 600 feet.

Existing homes along Roseway Court SE physically preclude streets meeting the spacing requirements meeting the street spacing and connectivity standards, with no physical location for an additional street connection to be made along the northern boundary, this alternative street standard request is consistent with 803.030(b)(2) and 803.035(a)(2).

2) Along Hilfiker Lane SE, approximately 980' between Chaparral Drive SE and Ramsay Road SE.

Topography and existing trees in this area make a street connection difficult, consistent with 803.030(b)(1) and 803.035(a)(1). Further, a street connection here would not provide much benefit to vehicles, however the applicant is proposing a mid-block bicycle and pedestrian pathway which provides an equal or better transportation alternative consistent with 803.030(b)(4).

3) Along Ramsay Road SE, approximately 680' between Hilfiker Lane SE and Aldridge Avenue SE.

Topography in this area make a street connection difficult, consistent with 803.030(b)(1) and 803.035(a)(1). Further, a street connection here would not provide much benefit to vehicles, however the applicant is proposing a mid-block bicycle and pedestrian pathway which provides an equal or better transportation alternative consistent with 803.030(b)(4).

4) Along Hillrose Street SE, approximately 810' between Hilfiker Lane SE and Aldridge Avenue SE.

Topography in this area make a street connection difficult, consistent with 803.030(b)(1) and 803.035(a)(1). Further, a street connection here would not provide much benefit to

vehicles, however the applicant is proposing a mid-block bicycle and pedestrian pathway which provides an equal or better transportation alternative consistent with 803.030(b)(4).

5) Along 12th Street SE, approximately 675' between northwest boundary and Drexler Drive SE.

The applicant is proposing to leave an open space area approximately 3.14 acres in size in the northwest corner along 12^{th} Street SE. Due to topography, wetlands, and mapped waterway in this open space area, a street connection would be impractical, consistent with 803.030(b)(1) and 803.035(a)(1).

SRC 803.035 (Street Standards): All public and private streets are subject to the street standards in this section.

Finding: Subsection (a) requires streets within the subdivision to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property. With the exception of alternative street standards granted for connectivity identified above, the proposed subdivision provides for adequate street connectivity in compliance with 803.035(a).

The tentative subdivision plat shows property line sidewalks for all proposed internal local streets, except for two cul-de-sac bulb areas where the sidewalk shifts to curbline, which is consistent with SRC 803.035(I). Generally, sidewalks along the frontage of lots platted for single family residential development are installed at the time of home construction. This allows eventual building permit applicants for single family dwellings to select driveway alignment and apron placement along the lot frontage prior to installing sidewalks.

The applicant is requesting an alternative street standard for the sidewalk along 12th Street SE to allow a portion of the sidewalk to be constructed at the curbline instead of the property line. The Public Works Department memorandum indicates that the change in sidewalk location is warranted along the portion of 12th Street SE abutting the natural area due to topographic constraints to limit the need for steep side slopes or retaining walls and to limit the impact to existing trees and the riparian area consistent with SRC 803.035(I)(2)(B).

The applicant is proposing an alternative street standard to increase the street grade for 12th Street SE from a maximum of 12% for a Local street to 17.9%, and for Hilfiker Street SE from a maximum of 8% for a Collector street to 9.3%. Pursuant to SRC 803.065(a)(3), the Director may authorize the use of one or more alternate street standards where topography or other conditions make the construction that conforms to the standards impossible or undesirable. The alternative street standards requested are due to existing topography, trees, improvements, and other constraints on the subject property that would make compliance with the standard impossible or undesirable, meeting the criteria for approval of an alternative street standard.

A 10-foot-wide public utility easement is required along street frontages pursuant to SRC 803.035(n). As shown on the Wildridge subdivision plat, a one-foot-wide reserve strip is

located along the north line of Hilfiker Lane SE. As shown on the Georgetown subdivision plat, a one-foot-wide reserve strip is located along the southerly terminus of Mandy Avenue SE. As shown on the Dickson's Addition subdivision plat, a one-foot-wide reserve strip is located along the east line of 12th Avenue SE. As shown on the R.M. Tone Subdivision plat, a one-foot-reserve strip is located along the west line of Hillrose Avenue. The applicant shall coordinate with the City to eliminate the reserve blocks located along the existing rights-of-way abutting the subject property.

- **Condition 6:** Provide a 10-foot public utility easement along the street frontage of all internal streets.
- **Condition 7:** Coordinate with the City to eliminate the reserve blocks located along the existing rights-of-way abutting the subject property.

SRC 803.040 (Boundary Streets): Hilfiker Lane SE, 12th Street SE, and Hillrose Street SE are boundary streets, running along the southern, western, and eastern frontage of the subject property.

Hilfiker Lane SE does not meet the current standard for a Collector street, and 12th Street SE and Hillrose Street SE do not meet the current right-of-way or improvement standard for a Local street. In implementing boundary street requirements pursuant to SRC 803.040, the applicant is required to dedicate additional right-of-way, provide sidewalk, and other street improvements along all boundary streets.

(C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

<u>SRC Chapter 601 (Floodplain Overlay Zone)</u>: The Public Works Department has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

<u>SRC Chapter 808 (Preservation of Trees and Vegetation)</u>: The City's tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet.

In addition, SRC 808.035(a) requires a Tree Conservation Plan for a development proposal involving the creation of lots or parcels to be used for single-family or two-family uses where trees are proposed for removal. A Tree Conservation Plan was submitted in conjunction with the subdivision tentative plan identifying a total of 808 trees on the subject property, with 355 trees proposed for preservation, or 43.9 percent of the total trees on-site, and is proposing the removal of 453 trees, or 56.1 percent of the trees on-site. The proposal protects all trees and native vegetation in the riparian corridor located at the northwest corner of the subject property.

Of the 453 trees proposed for removal, four are significant oaks which the applicant has identified for removal based on their location within either the future building envelopes of lots or adjacent to required street and/or sidewalk improvements. Tree 2823 is proposed for removal due to grading for Lot 40, Tree 3213 is proposed for removal due to grading for Lot 60, Tree 3228 is proposed for removal due to grading for Lot 62, and Tree 3194 is proposed for removal due to grading for Hilfiker Lane SE. Their removal is necessary because of no reasonable design alternatives that would enable their preservation.

In addition to the trees located on the subject property, there are also trees located within the existing right-of-way along 12th Street SE and Hillrose Street SE. Pursuant to the tree preservation ordinance (SRC Chapter 808), tree conservation plans are required to identify and preserve the minimum required number of trees on the property. Because there are trees located within the existing right-of-way's which are not located on the property, they are not subject to the provisions of SRC Chapter 808 and are not counted toward the total number of trees on the site. These trees are instead considered trees on City owned property and subject to the provisions of SRC Chapter 86. To ensure that the street trees are reviewed under SRC 86, the following condition applies:

Condition 8: Trees proposed for removal that are located within the right-of-way of abutting streets shall follow the procedures of SRC Chapter 86.

The proposal is consistent with the criteria for approval of a tree conservation plan in SRC 808.035(d).

<u>SRC Chapter 809 (Wetlands):</u> Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

The Salem-Keizer Local Wetland Inventory (LWI) shows that there are wetland channels and/or hydric soils mapped on the property. Wetland notice was sent to the Oregon Department of State Lands (DSL) pursuant to SRC 809.025. The response from DSL indicates that they are currently reviewing a wetland delineation (WD2021-0342) for the project site. The applicant should contact DSL to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s).

<u>SRC Chapter 810 (Landslide Hazards)</u>: City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are 2 and 3-point mapped landslide hazard areas on the subject property. The proposed single-family residential subdivision adds 3 activity points to the proposal, which results in a total of 5 to 6 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment and/or geotechnical report.

A preliminary geotechnical report, prepared by Geo Consultants Northwest and dated April 13, 2021, was submitted with the subdivision application. This report demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties if constructed based on recommendations included in the report. The engineer shall provide a technical report prior to construction pursuant to SRC Chapter 82 (Clearing and Grading).

Final Plat:

The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. The applicant is advised that the subject property appears to have several easements that shall be either shown on the final plat or the interest released prior to final plat. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), and *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

SRC 205.010(d)(2): The tentative subdivision plan does not impede the future use or development of the property or adjacent land.

Finding: The lots within the proposed subdivision, as proposed and conditioned, are of sufficient size and dimensions to permit future development of permitted, special, or conditional uses in the RS (Single Family Residential) zone SRC Chapter 511. There is no evidence that the subdivision and subsequent development of the lots will adversely affect public services to any surrounding properties. Approval of the subdivision does not impede future use of the subject property or access to abutting properties.

As conditioned, the proposal meets this criterion.

SRC 205.010(d)(3): Development within the tentative subdivision plan can be adequately served by City infrastructure.

Finding: Water, sewer, and stormwater infrastructure are available along the perimeter of the site and appear to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

Condition 9: Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

The subject property is located within the S-1 and S-2 water service levels. Water meters serving the S-1 water service level shall be connected to the S-1 water system, and water meters serving the s-2 water service level shall be connected to the S-2 water system except as authorized by Public Works Design Standards (PWDS).

Condition 10: Water meters serving the S-1 water service level shall be connected to the S-1 water system, and water meters serving the S-2 water service level shall be connected to the S-2 water system except as authorized by PWDS.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

Condition 11: Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

Condition 12: All necessary (existing and proposed) access and utility easements must be shown on the final plat.

As conditioned above, the proposal meets this criterion.

SRC 205.010(d)(4): The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.

Finding: Hilfiker Lane SE is a future collector street designated in the Salem Transportation System Plan to be extended through the subject property. Based on topographic constraints, the maximum street grade for Hilfiker Lane shall be 10 percent. Pursuant to the applicant's Traffic Impact Analysis, Hilfiker Lane SE at the intersection of Pringle Road and Battle Creek Road SE shall include an eastbound to northbound left turn lane and an eastbound to southbound right turn lane, and the applicant shall construct a left turn lane from northbound Battle Creek Road SE to westbound Hilfiker Lane SE as described in the applicant's TIA.

Proposed Hilfiker Lane SE, Ramsay Road SE, and Hillrose Street SE may exceed the 600foot block length and 600-foot street connectivity standards in SRC Chapter 803 based on topographic constraints. A pedestrian access easement as shown on the application materials shall be provided between Hilfiker Lane SE and Ramsay Road SE to mitigate the long block lengths, to be constructed at the time of Phase 1. The subject property abuts 12th Street SE, Hillrose Avenue SE, and Hilfiker Lane SE. Pursuant to SRC 803.040, the applicant is required to convey land for dedication of a 30foot half-width right-of-way and to construct a half-street improvement along the entire frontage of all abutting streets. The street grade along 12th Street SE may exceed the standard of 12 percent because the existing grade of 12th Street SE exceeds 12 percent. The sidewalk along 12th Street may be located on the curb line because of topographic constraints to limit the need for steep side slopes or retaining walls. The applicant shall construct a three-quarter-street improvement along the frontage of Hillrose Street SE to Local street standards.

To accommodate future access to abutting properties along Hilfiker Lane SE, the applicant shall provide a 30-foot-wide public access easement along the south line of the subject property from Chaparral to the west line of tax lot 083W11BC03200. In order to preserve existing trees, no pedestrian improvements are appropriate at this time to serve future development. The easement may be revoked if permanent transportation facilities are provided in a different alignment upon full build-out of the future phase on the subject property.

The following conditions apply to Phase 1 of the subdivision.

- **Condition 13:** Construct Hilfiker Lane SE from the intersection with 12th Street SE to the intersection of Pringle Road SE and Battle Creek Road SE to Collector B Street standards and in compliance with PWDS. Hilfiker Lane SE at the intersection of Pringle Road SE and Battle Creek Road SE shall include an eastbound to northbound left turn lane and an eastbound to southbound right turn lane. The maximum street grade for Hilfiker Lane shall be 10 percent.
- **Condition 14:** Construct a left turn lane from northbound Battle Creek Road SE to westbound Hilfiker Lane SE as described in the applicant's TIA.
- **Condition 15:** Construct internal streets to Local street standards, with the following exceptions: proposed Hilfiker Lane SE, Ramsay Road SE, and Hillrose Street SE may exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803 as shown on the application materials.
- **Condition 16:** Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Hillrose Street SE. Construct a three-quarter-street improvement along the frontage of Hillrose Street SE to Local street standards.
- **Condition 17:** From Chaparral to the west line of tax lot 083W11BC03200, provide a 30foot-wide public access easement along the south line of the subject property. The easement may be revoked if permanent transportation facilities are provided in a different alignment upon full build-out of the future phase on the subject property.

Condition 18: Provide a minimum 15-foot-wide pedestrian access easement and construct a minimum 10-foot-wide pedestrian walkway pursuant to PWDS between Hilfiker Lane and Ramsay Road and through the proposed open space.

The following conditions apply to Phase 2 of the subdivision.

- **Condition 19:** Construct internal streets to Local street standards.
- **Condition 20:** Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of 12th Street SE, including sufficient right-of-way to accommodate public infrastructure at the property corners. Construct a half-street improvement along the frontage of 12th Street SE to local street standards except as follows:
 - a. The street grade may exceed the standard of 12 percent by matching the existing grade of 12th Street SE.
 - b. The sidewalk may be located along the curb line abutting the open space area.

As proposed and conditioned, the subdivision conforms to the TSP. The proposal meets this criterion.

SRC 205.010(d)(5): The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

Finding: Conditions above implement required improvements to the street system in and adjacent to the subject property. The proposed network of boundary and internal streets serving the subdivision provides for direct access to all lots within the subdivision. The subdivision, as proposed and conditioned, is served with adequate transportation infrastructure. The street system adjacent to the subject property will conform to the Salem Transportation System Plan, and provide for safe, orderly, and efficient circulation of traffic into, through and out of the subdivision.

The proposal meets this criterion.

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. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

Finding: The subject property is served by Hilfiker Park, which is an undeveloped park site located southeast of and abutting the subject property. To provide additional access to the

park from Hilfiker Street SE, the applicant shall provide a 30-foot-wide public access easement along the south line of the subject property from Chaparral to the west line of tax lot 083W11BC03200. This easement may be used in the future for access to Hilfiker Park unless the future phase of the subject property is developed prior to the park development.

Construction of Hilfiker Lane through the subject property provides a needed east-west connection in the area, connecting the neighborhoods abutting Battle Creek Road and Pringle Road to Commercial Street SE. Bicycle and pedestrian access will be provided from within the subdivision to shopping areas and transit stops along Commercial Street SE and along Battle Creek Road and Pringle Road.

The proposal meets this criterion.

SRC 205.010(d)(7): The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, where applicable.

Finding: The proposed 139-lot subdivision generates more than 1,000 average daily vehicle trips to a Collector street system. Therefore, a Traffic Impact Analysis was required as part of the proposed subdivision submittal. The applicant provided a TIA dated July 9, 2021 and prepared by Kittelson and Associates that included the following traffic recommendations to mitigate impact to the transportation system:

- Construct a left-turn lane on Battle Creek Road SE with at least 50 feet of storage at the intersection of Pringle/Hilfiker/Hillrose. The left-turn lane shall include tapers and meet PWDS and sight-distance.
- Hilfiker Lane SE at the intersection of Pringle Road and Battle Creek Road SE shall include an eastbound to northbound left turn lane and an eastbound to southbound right turn lane

The proposal meets this criterion.

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. The configuration of lots on the subject property makes logical use of developable land. As described in findings, the lot configuration proposed by the applicant meet applicable development standards minimizing the need for any variances. No existing conditions of topography or vegetation have been identified on the site which would necessitate variances during future development of the property. The layout allows for reasonable development of all lots within the subdivision without variances from the UDC.

Proposed lot 139 (3.64-acre lot labelled as "Area to Remain") is large enough that it could be further divided or developed in the future. The applicant has provided a shadow plan demonstrating that future further division of the lot may readily be made without violating the development standards of the UDC. A complete review for conformance with applicable standards of the UDC will occur at the time a future land use application is submitted.

The proposal meets this criterion.

SRC 205.010(d)(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.

Finding: The tentative subdivision plan configures lots and streets to allow for residential development of the site while minimizing disruptions to topography and vegetation. The City's tree preservation standards require that a minimum of 25 percent of existing trees with a diameter at breast height (dbh) of 10 inches or more, the applicant is proposing to retain 355 of the 808 existing trees on site, approximately 43.9 percent of the total trees. No riparian trees or vegetation are proposed for removal on the subject property. Four of the 28 significant trees on the subject property have been identified for removal based on their location within either the future building envelopes of lots or adjacent to required street and/or sidewalk improvements. Tree 2823 is proposed for removal due to grading for Lot 40, Tree 3213 is proposed for removal due to grading for Lot 62, and Tree 3194 is proposed for removal due to grading for Hilfiker Lane SE. Their removal is necessary because of no reasonable design alternatives that would enable their preservation. The proposal meets this criterion.

SRC 205.010(d)(10): When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC Chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.

Finding: The subject property is located inside of the Urban Service Area. Compliance with the City's growth management plan and availability of infrastructure is addressed in this report, an Urban Growth Preliminary Declaration under SRC Chapter 200 is not required. This criterion has been met.

SRC 205.015(d)(1): The tentative phased subdivision plan meets all of the criteria for tentative subdivision plan approval set forth in SRC 205.010(d).

Finding: The tentative subdivision plan approval criteria set forth in SRC 205.010(d) has been addressed above.

SRC 205.015(d)(2): Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.

Finding: Phase 1 includes dedication and construction of Hilfiker Lane, Ramsay Road, Aldridge Avenue, and boundary improvements to Hillrose Avenue. This phasing plan allows for connection to Battle Creek Road with the first phase and provides access for heavy construction equipment from Battle Creek during construction of Phase 1. Phase 2 includes boundary improvements to 12th Street, and dedication and construction of Drexler Drive, Porter Place, McCollum Street, and Mandy Avenue, and Walton Way. Public improvements can be constructed efficiently among all phases.

SRC 205.015(d)(3): Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.

Finding: Public improvements serving each phase area substantially and functionally self-contained within each phase.

SRC 205.015(d)(4): Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.

Finding: The subject property is located within the S-1 and S-2 water service levels. Water meters serving the S-1 water service level shall be connected to the S-1 water system, and water meters serving the S-2 water service level shall be connected to the S-2 water system except as authorized by PWDS. The phasing plan allows for S-1 and S-2 water service to be taken from the appropriate service levels. All other infrastructure supports the phased subdivision as a whole.

8. Conclusion

Based upon review of SRC Chapter 205, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

ORDER

Phased Subdivision Tentative Plan Case No. SUB21-09 is hereby **APPROVED** subject to SRC Chapter 205, the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- **Condition 1:** An Inadvertent Discovery Plan shall be filed with the City prior to any ground disturbing activity associated with development.
- **Condition 2:** Lots accessing 12th Street SE shall comply with all applicable Fire Department access and fire prevention standards. Dwellings constructed on proposed lots 82-87 shall require installation of fire sprinklers.
- **Condition 3:** The front property lines for corner lots shall be designated as follows:

Lot Number	Front Lot Designation
5	North line abutting Aldridge Ave
6	East line abutting Hillrose St
21	North line abutting Hilfiker Ln
25	North line abutting Hilfiker Ln
39	West line abutting Ramsay Rd
50	North line abutting Hilfiker Ln
69	South line abutting Hilfiker Ln
76	East line abutting Hilfiker Ln
81	North line abutting Drexler Dr
88	South line abutting Drexler Dr
90	South line abutting Drexler Dr
97	South line abutting Walton Wy
108	West line abutting Walton Wy
109	East line abutting Hilfiker Ln
119	North line abutting Walton Wy
121	South line abutting McCollum St
122	North line abutting McCollum St
126	East line abutting Hilfiker Ln
133	East line abutting Hilfiker Ln
134	West line abutting Porter Pl

- **Condition 4:** The flag lot accessway shall be paved in accordance with the requirements of SRC 800.025(c), Table 800-1. "NO PARKING—FIRE LANE" signs shall be posted on both sides of that segment of the flag lot accessway that is a fire apparatus roadway and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.
- **Condition 5:** Recorded covenants, conditions, and restrictions for the development shall be provided prior to final plat approval that shall include a provision that such facilities and common property be perpetually operated and maintained by a property owners' association consistent with the requirements of SRC 205.035(f).
- **Condition 6:** Provide a 10-foot public utility easement along the street frontage of all internal streets.
- **Condition 7:** Coordinate with the City to eliminate the reserve blocks located along the existing rights-of-way abutting the subject property.
- **Condition 8:** Trees proposed for removal that are located within the right-of-way of abutting streets shall follow the procedures of SRC Chapter 86.
- **Condition 9:** Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

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- **Condition 10:** Water meters serving the S-1 water service level shall be connected to the S-1 water system, and water meters serving the S-2 water service level shall be connected to the S-2 water system except as authorized by PWDS.
- **Condition 11:** Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots.
- **Condition 12:** All necessary (existing and proposed) access and utility easements must be shown on the final plat.
- **Condition 13:** Construct Hilfiker Lane SE from the intersection with 12th Street SE to the intersection of Pringle Road SE and Battle Creek Road SE to Collector B Street standards and in compliance with PWDS. Hilfiker Lane SE at the intersection of Pringle Road SE and Battle Creek Road SE shall include an eastbound to northbound left turn lane and an eastbound to southbound right turn lane. The maximum street grade for Hilfiker Lane shall be 10 percent.
- **Condition 14:** Construct a left turn lane from northbound Battle Creek Road SE to westbound Hilfiker Lane SE as described in the applicant's TIA.
- **Condition 15:** Construct internal streets to Local street standards, with the following exceptions: proposed Hilfiker Lane SE, Ramsay Road SE, and Hillrose Street SE may exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803 as shown on the application materials.
- **Condition 16:** Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Hillrose Street SE. Construct a three-quarter-street improvement along the frontage of Hillrose Street SE to Local street standards.
- **Condition 17:** From Chaparral to the west line of tax lot 083W11BC03200, provide a 30foot-wide public access easement along the south line of the subject property. The easement may be revoked if permanent transportation facilities are provided in a different alignment upon full build-out of the future phase on the subject property.
- **Condition 18:** Provide a minimum 15-foot-wide pedestrian access easement and construct a minimum 10-foot-wide pedestrian walkway pursuant to PWDS between Hilfiker Lane and Ramsay Road and through the proposed open space.
- **Condition 19:** Construct internal streets to Local street standards.
- **Condition 20:** Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of 12th Street SE, including sufficient right-of-way to accommodate public infrastructure at the property corners. Construct a half-street improvement along the frontage of 12th Street SE to local street standards except as follows:

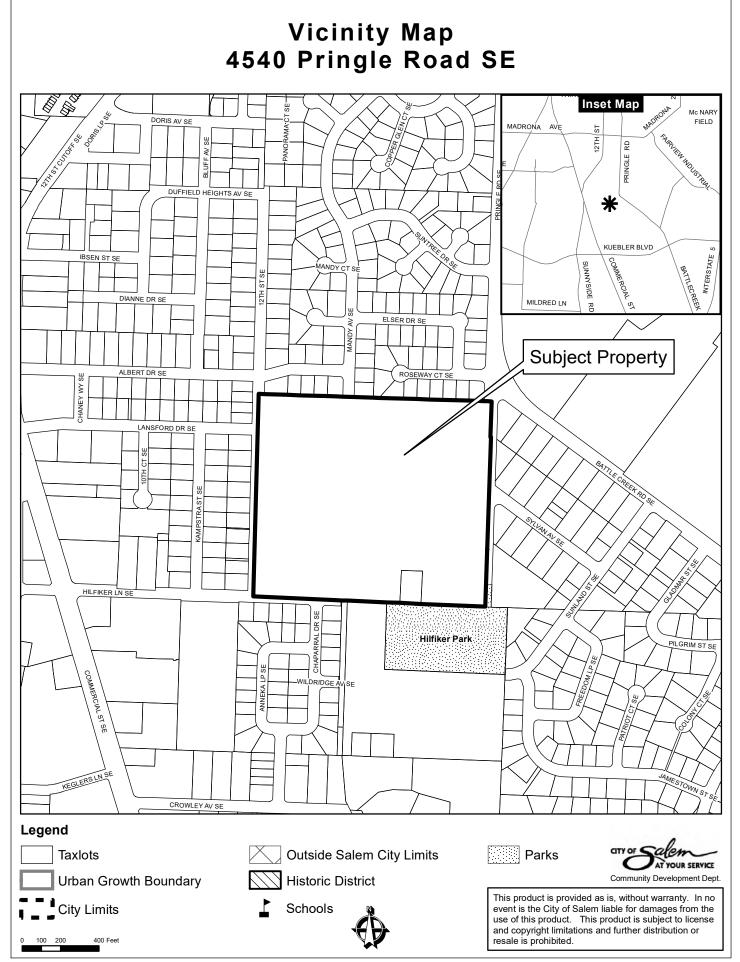
- a. The street grade may exceed the standard of 12 percent by matching the existing grade of 12th Street SE.
- b. The sidewalk may be located along the curb line abutting the open space area.

Aaron Panko, Planner III, on behalf of Lisa Anderson-Ogilvie, AICP Planning Administrator

Attachments: A. Vicinity Map

- B. Tentative Subdivision Plan
- C. Applicant's Written Statement
- D. City of Salem Public Works Department Memo
- E. Salem-Keizer Public Schools Comments Dated September 29, 2021
- F. Neighborhood Association and Public Comments
- G. Applicant's Response to Public Comments

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138-LOT SUBDIVISION - TENTATIVE SUBDIVISION IMPROVEMENT PLANS SW1/4 NW1/4 SECTION 11, T. 8S, R. 3W, W.M. **CITY OF SALEM, OREGON**



PROJECT CONTACTS

<u>OWNER:</u>

HENRY A. MEYER REVOCABLE LIVING TRUST 4540 PRINGLE ROAD SE SALEM, OR 97403

GEOTECHNICAL ENGINEER:

GEO CONSULTANTS NW 2839 SE MILWAUKIE AVENUE PORTLAND, OR 97202 RANDALL GOODE (503) 616-9425 (P)

<u>SURVEYOR:</u> EMERIO DESIGN, LLC 6445 SW FALLBROOK PLACE, SUITE 100 BEAVERTON, OR 97008 CONTACT: DAN ADSIT, PLS (503) 746-8812 (P)

<u>CIVIL ENGINEER:</u>

EMERIO DESIGN, LLC 2677 WILLAKENZIE ROAD, SUITE 1A EUGENE, OR 97401 CONTACT: ROY W. HANKINS, P.E. (503) 746-8812 (P) (503) 639-9592 (F)

SITE DATA

SITE AREA:	25.63 A
CURRENT ZONING:	RS/RA
TAX MAP:	083W11
TAX LOTS:	3000 &
NO OF LOTS:	138

MEYER FARM

ACRES

1BC

& 3002



0

EXISTING UTILITY POLE EXISTING GUY WIRE

EXISTING COMMUNICATION PEDESTAL

EXISTING ELECTRICAL METER

EXISTING JUNCTION BOX

EXISTING BOLLARD

EXISTING DOWNSPOUT

EXISTING WETLAND FLAG

EXISTING STORM LINE

EXISTING LIGHT

VICINITY MAP SCALE: 1"=1000'

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ZNY

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P19.0	TENTATIVE SLOPE ANALYSIS PLAN

ATTACHMENT B SE 8002 BC 0 LEGEND 454 2 EXISTING SANITARY SEWER LINE BOUNDARY LIN _____ \$\$ _____ EXISTING WATER LINE _ __ _ ASEMEN XISTING 1' CONTOUR LIN EXISTING OVERHEAD POWER LINE EXISTING 5' CONTOUR LINE EXISTING GAS LINE EXISTING CROWN (CENTER LINE OF ROAD) EXISTING DITCH LINE S Q. Q. EXISTING TREE EXISTING WETLAND LINE EXISTING STORM DRAIN MANHOLE EXISTING HEDGE LINE EXISTING SANITARY SEWER MANHOLE EXISTING WOODEN FENC EXISTING CATCH BASIN EXISTING RAIL FENCE **ND** EXISTING CLEANOUT EXISTING CHAIN LINK FENCE W EXISTING WATER METER PROPOSED STORM LINE \otimes^{W} EXISTING WATER VALVE PROPOSED SANITARY LINE S AND Ø U EXISTING FIRE HYDRANT PROPOSED WATERLINE MIN \square EXISTING MAIL BOX ROPOSED STORM LATERAL

ENGINEER'S NOTE TO CONTRACTOR THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES OR STRUCTURES SHOWN ON THESE PLANS ARE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT THOSE SHOWN ON THESE PLANS. THE

CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN ON THESE DRAWINGS. THE CONTRACTOR FURTHER ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR THE UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN OR NOT SHOWN ON THESE DRAWINGS

PROPOSED SANITARY LATERAL

PROPOSED STORM MANHOLE

PROPOSED SANITARY MANHOLE

PROPOSED BLOWOFF

PROPOSED WATER VALVE

PROPOSED 1' CONTOUR LINE

PROPOSED 5' CONTOUR LINE

PROPOSED SEDIMENT FENCE

PROPOSED SINGLE WATER METER

PROPOSED CATCH BASIN/AREA DRAIL

THE CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY: THAT THIS SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.

THIS DESIGN COMPLIES WITH ORS 92.044 (7) IN THAT NO UTILITY INFRASTRUCTURE IS DESIGNED TO BE WITHIN ONE (1) FOOT OF A SURVEY MONUMENT LOCATION SHOWN ON A SUBDIVISION OR PARTITION PLAT. NO DESIGN EXCEPTIONS NOT FINAL FIELD LOCATION CHANGES SHALL BE PERMITTED IF THAT CHANGE WOULD CAUSE ANY UTILITY INFRASTRUCTURE TO BE PLACED WITHIN THE PROHIBITED AREA.

BENCHMARK INFORMATION

VERTICAL BENCHMARK IS BASED ON NAVD (GEOID 2012A) BASED ON (RTK) CORRECTIONS FROM THE OREGON STATE REFERENCE NETWORK.

DATUM = NAVD 88



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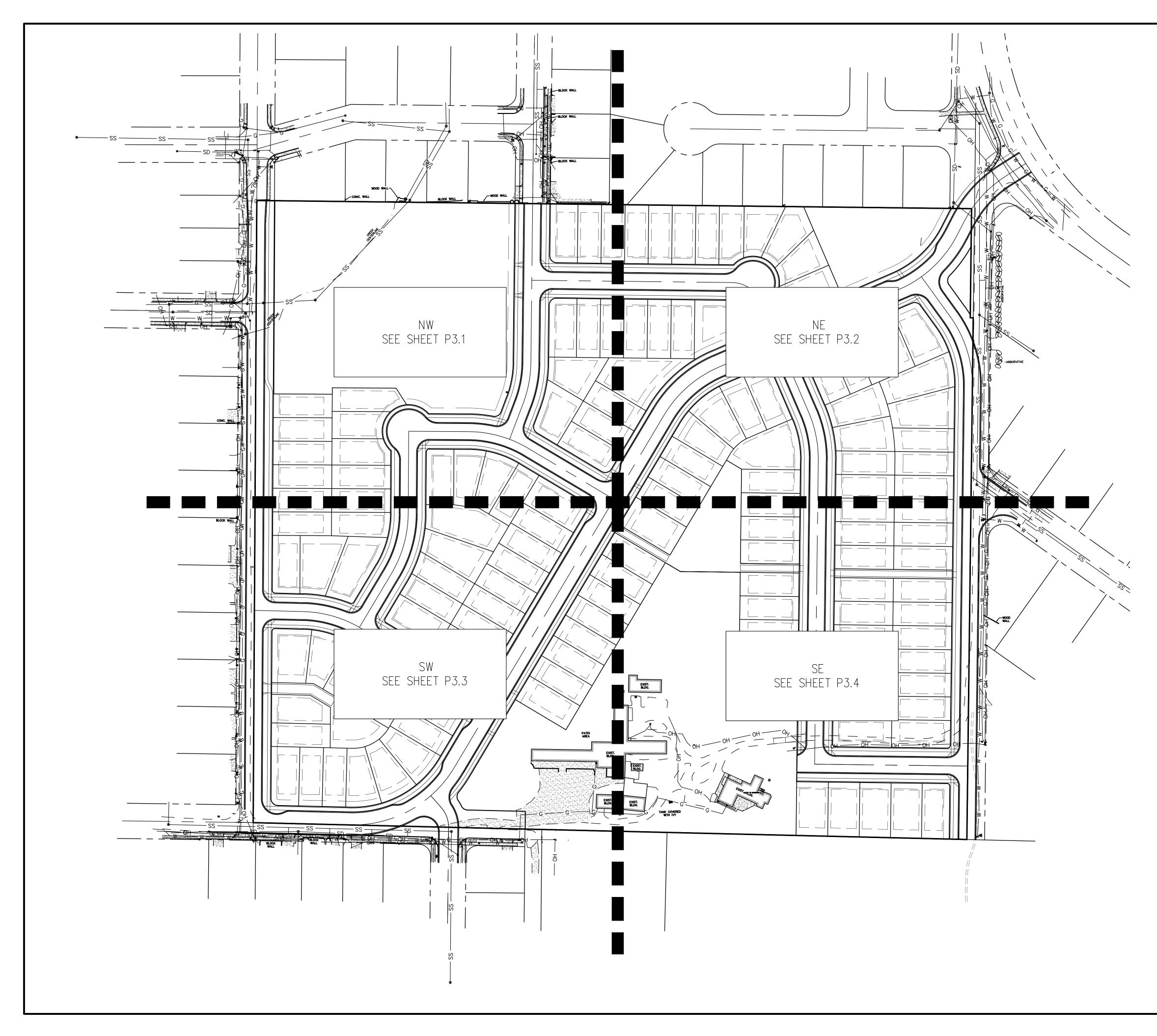
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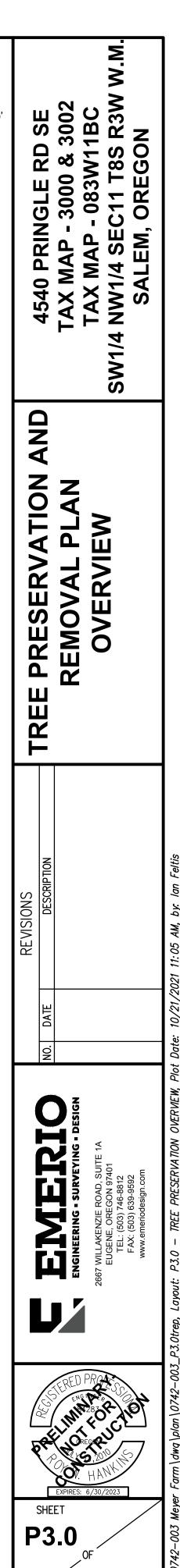
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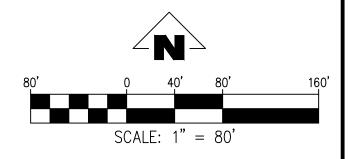
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- TREE PROTECTION SPECIFICATIONS
- 1. PRECONSTRUCTION CONFERENCE. PRIOR TO THE START OF CONSTRUCTION ACTIVITY, THE CONTRACTOR SHALL COORDINATE WITH THE PROJECT ARBORIST IN A TIMELY MANNER TO REVIEW THE TREE PROTECTION PLAN, VERIFY THAT TREES TO BE RETAINED ARE IDENTIFIED WITH NUMBERED TAGS ON THE GROUND, AND TO INSPECT AND VERIFY THE INSTALLATION OF TREE PROTECTION MEASURES.
- 2. FENCING. TREES TO REMAIN ON SITE SHALL BE PROTECTED BY INSTALLATION OF TREE PROTECTION FENCING AS DEPICTED ON SITE PLANS IN ORDER TO PREVENT INJURY TO TREE TRUNKS OR ROOTS, OR SOIL COMPACTION WITHIN THE ROOT PROTECTION AREA. FENCES SHALL BE A MINIMUM 6-FOOT HIGH 2-INCH CHAIN LINK MESH SECURED TO METAL POSTS DRIVEN INTO THE GROUND. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH THE PROJECT ARBORIST PRIOR TO OPENING, ADJUSTING OR REMOVING TREE PROTECTION FENCING.

TREE PROTECTION ZONE. WITHOUT AUTHORIZATION FROM THE PROJECT ARBORIST, NONE OF THE FOLLOWING SHALL OCCUR BENEATH THE DRIPLINE OF ANY PROTECTED TREE:

- a) GRADE CHANGE OR CUT AND FILL;
- NEW IMPERVIOUS SURFACES;
- UTILITY OR DRAINAGE FIELD PLACEMENT;
- STAGING OR STORAGE OF MATERIALS AND EQUIPMENT; OR
- VEHICLE MANEUVERING.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING THE PROJECT ARBORIST IN A TIMELY MANNER PRIOR TO WORKING BENEATH PROTECTED TREE DRIPLINES. ROOT PROTECTION ZONES MAY BE ENTERED FOR TASKS LIKE SURVEYING, MEASURING AND SAMPLING. FENCES MUST BE CLOSED UPON COMPLETION OF THESE TASKS.
- 4. TREE AND STUMP REMOVAL. TREES TO BE REMOVED SHALL BE CLEARLY IDENTIFIED WITH TREE-MARKING PAINT OR OTHER METHODS APPROVED IN ADVANCE BY THE PROJECT ARBORIST. PROTECTION FENCING MAY BE TEMPORARILY OPENED IN TRACT B FOR REMOVAL OF TREES #6654 AND #6655, IN THE REAR OF LOT 3 FOR REMOVAL OF TREE #6248 AND #6375, IN THE REAR OF LOT 9 FOR REMOVAL OF TREE #50316 AND IN THE REAR OF LOT 10 FOR REMOVAL OF TREES #50398 AND #50399. WITHIN TREE PROTECTION ZONES, TREE REMOVAL SHALL BE PERFORMED WITH HAND TOOLS ONLY AND TREES SHALL BE DIRECTIONALLY FELLED OR SURGICALLY REMOVED TO AVOID DAMAGE TO REMAINING NEARBY TREES. THE STUMPS OF THESE PARTICULAR TREES SHALL REMAIN IN THE GROUND, BE REMOVED APPROXIMATELY 6-INCHES BELOW THE GROUND SURFACE USING A STUMP GRINDER, OR ELSE EXTRACTED FROM THE GROUND UNDER ARBORIST SUPERVISION.

5. PRUNING. PRUNING MAY BE NEEDED TO PROVIDE OVERHEAD CLEARANCE AND TO REMOVE DEAD AND DEFECTIVE BRANCHES FOR SAFETY. THE PROJECT ARBORIST CAN HELP IDENTIFY WHERE PRUNING IS NECESSARY ONCE TREES RECOMMENDED FOR REMOVAL HAVE BEEN REMOVED AND THE SITE IS PREPARED FOR CONSTRUCTION. TREE REMOVAL AND PRUNING SHALL BE PERFORMED BY A QUALIFIED TREE SERVICE.

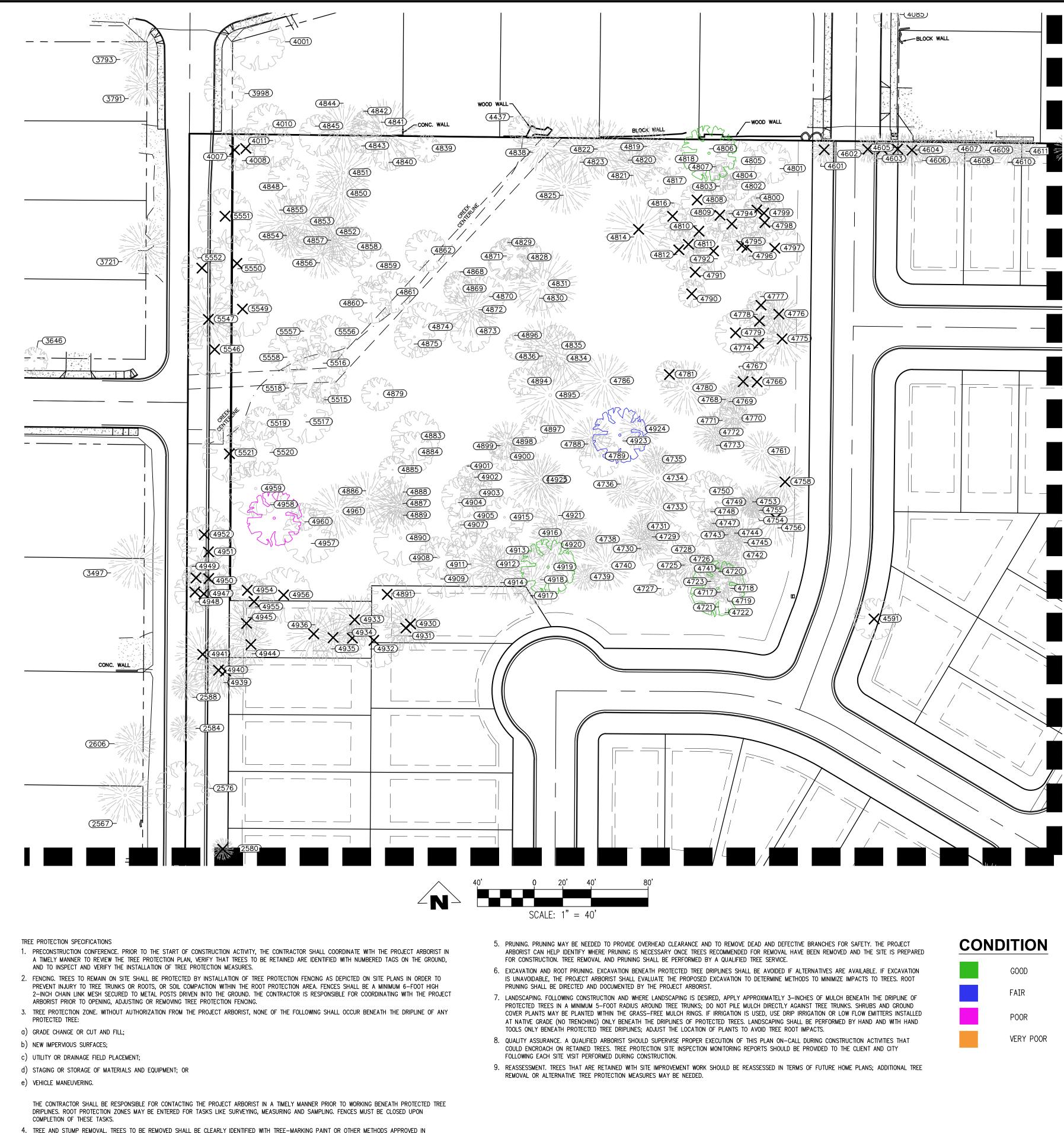
EXCAVATION AND ROOT PRUNING. EXCAVATION BENEATH PROTECTED TREE DRIPLINES SHALL BE AVOIDED IF ALTERNATIVES ARE AVAILABLE. IF EXCAVATION IS UNAVOIDABLE, THE PROJECT ARBORIST SHALL EVALUATE THE PROPOSED EXCAVATION TO DETERMINE METHODS TO MINIMIZE IMPACTS TO TREES. ROOT PRUNING SHALL BE DIRECTED AND DOCUMENTED BY THE PROJECT ARBORIST.

7. LANDSCAPING. FOLLOWING CONSTRUCTION AND WHERE LANDSCAPING IS DESIRED, APPLY APPROXIMATELY 3-INCHES OF MULCH BENEATH THE DRIPLINE OF PROTECTED TREES IN A MINIMUM 5-FOOT RADIUS AROUND TREE TRUNKS; DO NOT PILE MULCH DIRECTLY AGAINST TREE TRUNKS. SHRUBS AND GROUND COVER PLANTS MAY BE PLANTED WITHIN THE GRASS-FREE MULCH RINGS. IF IRRIGATION IS USED, USE DRIP IRRIGATION OR LOW FLOW EMITTERS INSTALLED AT NATIVE GRADE (NO TRENCHING) ONLY BENEATH THE DRIPLINES OF PROTECTED TREES. LANDSCAPING SHALL BE PERFORMED BY HAND AND WITH HAND TOOLS ONLY BENEATH PROTECTED TREE DRIPLINES; ADJUST THE LOCATION OF PLANTS TO AVOID TREE ROOT IMPACTS.

8. QUALITY ASSURANCE. A QUALIFIED ARBORIST SHOULD SUPERVISE PROPER EXECUTION OF THIS PLAN ON-CALL DURING CONSTRUCTION ACTIVITIES THAT COULD ENCROACH ON RETAINED TREES. TREE PROTECTION SITE INSPECTION MONITORING REPORTS SHOULD BE PROVIDED TO THE CLIENT AND CITY FOLLOWING EACH SITE VISIT PERFORMED DURING CONSTRUCTION.

9. REASSESSMENT. TREES THAT ARE RETAINED WITH SITE IMPROVEMENT WORK SHOULD BE REASSESSED IN TERMS OF FUTURE HOME PLANS; ADDITIONAL TREE REMOVAL OR ALTERNATIVE TREE PROTECTION MEASURES MAY BE NEEDED.

TREE PRESERVATION						
PROPOSED PLAN	NUMBER OF TREES					
ONSITE TREES REMOVED	449					
ONSITE SIGNIFICANT TREES REMOVED	4					
TOTAL TREES REMOVED	453					
ONSITE TREES PRESERVED	355					
TOTAL ONSITE TREES (INCLUDING SIGNIFICANT)	808					
PERCENTAGE OF TREES PRESERVED	43.94%					



4. TREE AND STUMP REMOVAL. TREES TO BE REMOVED SHALL BE CLEARLY IDENTIFIED WITH TREE-MARKING PAINT OR OTHER METHODS APPROVED IN ADVANCE BY THE PROJECT ARBORIST. PROTECTION FENCING MAY BE TEMPORARILY OPENED IN TRACT B FOR REMOVAL OF TREES #6654 AND #6655, IN THE REAR OF LOT 3 FOR REMOVAL OF TREE #6248 AND #6375, IN THE REAR OF LOT 9 FOR REMOVAL OF TREE #50316 AND IN THE REAR OF LOT 10 FOR REMOVAL OF TREES #50398 AND #50399. WITHIN TREE PROTECTION ZONES, TREE REMOVAL SHALL BE PERFORMED WITH HAND TOOLS ONLY AND TREES SHALL BE DIRECTIONALLY FELLED OR SURGICALLY REMOVED TO AVOID DAMAGE TO REMAINING NEARBY TREES. THE STUMPS OF THESE PARTICULAR TREES SHALL REMAIN IN THE GROUND, BE REMOVED APPROXIMATELY 6-INCHES BELOW THE GROUND SURFACE USING A STUMP GRINDER, OR ELSE EXTRACTED FROM THE GROUND UNDER ARBORIST SUPERVISION.

2576	OAK	18	
2580	FIR	12	
2584	PINE	14	
2588	PINE	12	
2606	PINE	24	
3497	FIR	30	
3646	DECD	12	
3721	FIR	24	
3791	FIR	20	
3793			
	FIR	20	
3998	OAK	16	
4001	OAK	20	
4007	ΟΑΚ	16	REMOVE
4008	ΟΑΚ	10	REMOVE
4010	OAK	14	
4011	OAK	12	
4437	MAPLE	16	
4591	WALNUT	22	REMOVE
4601	FIR (x2)	12	REMOVE
4602	FIR	14	REMOVE
4603	FIR	22	REMOVE
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4725	FIR	12	
4726	OAK	22	
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4734 4735 4738 4738 4739 4740 4740 4740 4740 4741 4742 4743 4744 4745 4745 4747 4748 4750 4753 4753 4750 4753 4753 4753 4758 4758 4761 4763 4763 4764 4758 4763 4763 4764 4758 4758 4761 4763 47761 4765 4766 4777 4778 4778 4778 4763 47761	FIR FIR FIR FIR FIR FIR FIR FIR FIR OAK (x3) OAK (x3) OAK FIR DECD DECD (x2) OAK OAK OAK FIR OAK (x2) FIR OAK FIR OAK FIR FIR OAK FIR <td>26 36 10 12 12 12 28 12 28 12 28 12 28 12 20 10 18 22 20 10 18 22 20 21 10 18 22 20 21 10 16 12 20 21 22 23 24 10 16 12 20 14 14 16 16 16 16 16 16 16 18 20 16 16 16</td> <td>REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE</td>	26 36 10 12 12 12 28 12 28 12 28 12 28 12 20 10 18 22 20 10 18 22 20 21 10 18 22 20 21 10 16 12 20 21 22 23 24 10 16 12 20 14 14 16 16 16 16 16 16 16 18 20 16 16 16	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
4734 4735 4738 4738 4738 4739 4740 4740 4741 4742 4743 4744 4745 4745 4747 4745 4753 4750 4753 4753 4756 4758 4758 4761 4763 4763 4761 4763 4763 4764 4758 4758 4761 4763 47761 4763 47761 4765 4766 4770 47770 47771 4775 4775 4776 4777	FIR FIR FIR FIR FIR FIR FIR FIR FIR OAK (x3) OAK (x3) OAK (x3) OAK FIR OAK FIR FIR FIR FIR FIR FIR OAK FIR OAK FIR OAK FIR OAK FIR <	26 36 10 16 12 28 12 28 12 28 12 28 12 20 10 18 22 20 10 18 22 20 21 10 18 22 20 22 24 16 12 20 22 24 10 16 12 20 21 22 23 14	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
4734 4735 4738 4738 4739 4739 4740 4740 4741 4742 4743 4745 4745 4745 4745 4753 4753 4753 4753 4753 4753 4753 4753 4758 4758 4758 4761 4767 4768 4767 4768 47770 47770 47773 47773 47773 47773 47773 47773 47773 47773	FIR FIR FIR FIR FIR FIR FIR FIR FIR OAK (x3) OAK (x2) FIR FIR FIR FIR FIR FIR FIR FIR FIR OAK (x2) FIR OAK (x2) FIR OAK (x2) FIR OAK FIR	26 36 10 12 12 12 28 12 28 12 28 12 20 10 12 20 10 12 20 10 18 22 20 21 20 22 20 21 10 16 12 20 22 24 10 16 12 20 21 14 10 16 12 14 10 16 18 20 14 12 14 12 14 12 14	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
4734 4735 4738 4738 4739 4740 4740 4740 4740 4741 4742 4743 4744 4745 4745 4745 4753 4753 4753 4753 4755 4758 4758 4758 4761 4763 4761 4763 4763 4764 4758 4758 4761 4758 4761 4758 4761 4758 4761 4763 4764 4755 4765 4766 4777 4777 4777 4775 4776 4775 4777 4777 4777 4775 4775 4775 4775 4775 4775 4775 4775 4775 <td>FIR FIR FIR FIR FIR FIR FIR FIR FIR OAK (x3) OAK (x3) OAK (x3) OAK FIR OAK FIR FIR FIR FIR FIR FIR OAK FIR OAK FIR OAK FIR OAK FIR <</td> <td>26 36 10 16 12 28 12 28 12 28 12 28 12 20 10 18 22 20 10 18 22 20 21 10 18 22 20 22 24 16 12 20 22 24 10 16 12 20 21 22 23 14 </td> <td>REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE</td>	FIR FIR FIR FIR FIR FIR FIR FIR FIR OAK (x3) OAK (x3) OAK (x3) OAK FIR OAK FIR FIR FIR FIR FIR FIR OAK FIR OAK FIR OAK FIR OAK FIR <	26 36 10 16 12 28 12 28 12 28 12 28 12 20 10 18 22 20 10 18 22 20 21 10 18 22 20 22 24 16 12 20 22 24 10 16 12 20 21 22 23 14	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE

TREE # SPECIES DBH* REMOVE CEDAR 40

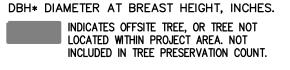
4781

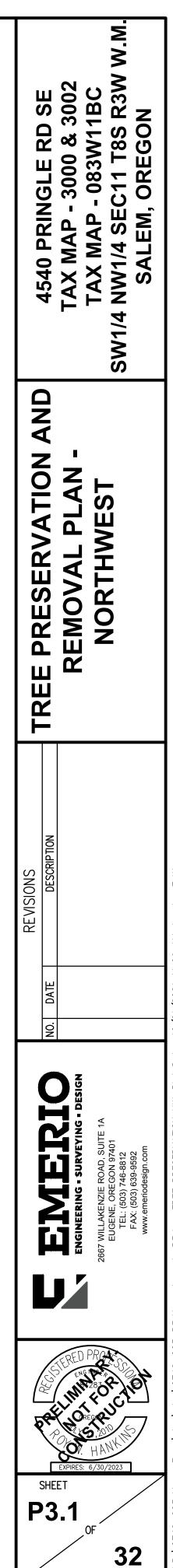
OAK | 12 |

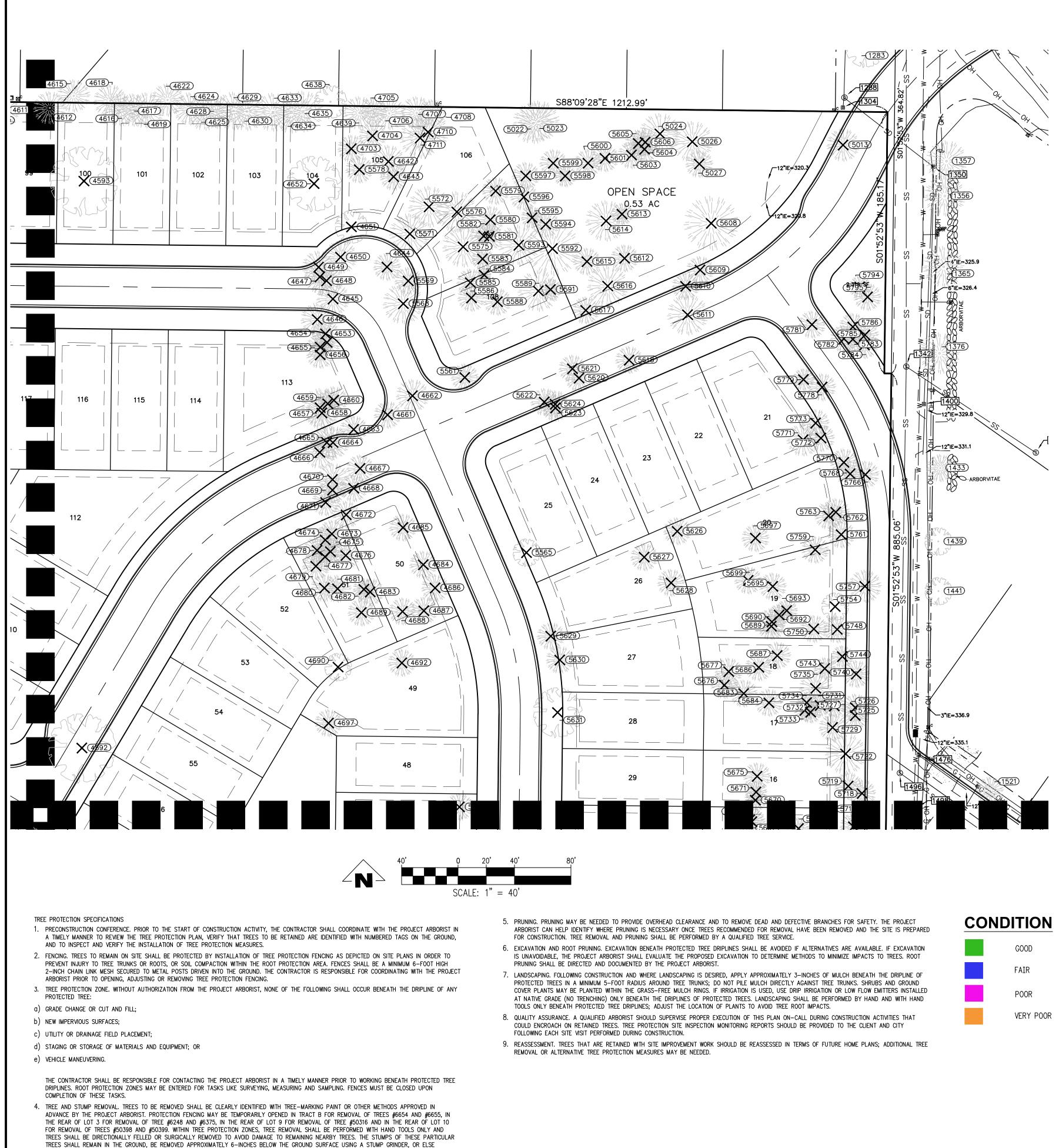
REMOVE

TREE #	SPECIES	DBH*	REMOVE
4786	FIR	20	
4788	FIR	14	
4789 4790	ALDER OAK	10 14	REMOVE
4791	OAK	16	REMOVE
4792	OAK (x2)	14	REMOVE
4794 4795	OAK OAK	14 18	REMOVE REMOVE
4795 4796	OAK	12	REMOVE
4797 4798	OAK OAK	18 16	REMOVE REMOVE
4799	0AK (x3)	12	REMOVE
4800 4801	OAK (x2) OAK	10 16	REMOVE
4802 4803	OAK OAK	10 10	
4803	0AK OAK	10	
4805 4806	OAK OAK	14 24	
4807	OAK	10	
4808 4809	OAK OAK	12 14	REMOVE REMOVE
4810	MAPLE (x3)	10	REMOVE
4811 4812	OAK OAK	10 14	REMOVE REMOVE
4814	FIR	28	REMOVE
4816 4817	OAK OAK	10 10	REMOVE
4817	OAK OAK	10	
4819 4820	FIR DECD	20 10	
4821	FIR	20	
4822 4823	FIR FIR (x2)	24 24	
4825	FIR	24	
4828 4829	OAK OAK (x2)	14 10	
4830 4831	OAK FIR	16 30	
4834	FIR	18	
4835 4836	OAK FIR	16 20	
4838	FIR	32	
4839 4840	DECD OAK	12 10	
4841	FIR	32	
4842 4843	OAK OAK	10 14	
4844 4845	FIR OAK	24 16	
4848	OAK	12	
4850	FIR	30	
4851	FIR	28	
4852 4853	FIR FIR	30 28	
4854	FIR	12	
4855 4856	FIR FIR	32 16	
4857 4858	FIR OAK	16 12	
4859	OAK (x2)	12	
4860 4861	OAK OAK	13 16	
4862	OAK (x2)	12	
4868 4869	OAK OAK	14 14	
4870	OAK	14	
4871 4872	OAK (x2) FIR	12 28	
4873 4874	OAK OAK (x3)	12 12	
4875	OAK	14	
4879	ALDER	10	
4883	ALDER	14	
4884 4885	OAK OAK	16 10	
4886	FIR	18	
4887 4888	FIR FIR	24 14	
4889	FIR	10	
4890 4891	OAK OAK (x2)	20 14	REMOVE
4894 4895	OAK FIR	10 30	
4896	OAK (x2)	10	
4897	OAK	12	

	SDECIES	DBH*	BEMOVE
TREE #	SPECIES		REMOVE
4898	FIR	14	
4899	OAK	14	
4900	OAK	12	
4901	OAK	10	
4902	OAK	12	
4903	OAK	10	
4904	OAK	14	
4905	OAK	16	
4907	OAK	12	
4908	OAK	16	
4909	OAK	18	
4911	0AK (x3)	16	
4912	FIR	10	
4913	OAK	16	
4914	FIR	36	
4915	OAK (x4)	12	
4916	OAK	22	
4917	FIR	18	
4918	OAK	12	
4919	ΟΑΚ	28	
4920	FIR	24	
4921	FIR	24	
4923	ΟΑΚ	28	
4924	FIR	25	
4925	FIR	18	
4926	FIR	24	
rJZU		<u> </u>	
4070			
4930	FIR	26	REMOVE
4931	OAK	12	REMOVE
4932	OAK (x2)	18	REMOVE
4933	FIR	16	REMOVE
4934	OAK	10	REMOVE
4935	FIR	16	REMOVE
4936	FIR	28	REMOVE
4939	FIR	22	REMOVE
4940	FIR	18	REMOVE
4941	FIR	18	REMOVE
+5+1			
40.4.4			
4944	FIR	22	REMOVE
4945	FIR	18	REMOVE
4947	OAK	12	REMOVE
4948	OAK	16	REMOVE
4949	OAK	12	REMOVE
4950	OAK (x2)	14	REMOVE
4951	ΟΑΚ	22	REMOVE
4952	OAK	18	REMOVE
4954	OAK	14	REMOVE
4955	OAK	12	REMOVE
4956	OAK	18	REMOVE
	0AK 0AK (x2)		
4957	$\bigcup_{x \in \mathcal{X}} (x \neq y)$	18	
4055			
4959	OAK	16	
4960	OAK	12	
4961	FIR	28	
5515	ALDER	12	
5516	CTNWD	20	
5517	OAK	22	
5518	ΟΑΚ	12	
5519	ΟΑΚ	14	
5520	OAK	19	
5521	OAK	16	REMOVE
5546	OAK	22	REMOVE
5547	FIR	30	REMOVE
5549	OAK (x2)	16	REMOVE
5550	OAK	16	REMOVE
5551	ΟΑΚ	16	REMOVE
5552	OAK	14	REMOVE
5556	ΟΑΚ	14	
5557	0AK (x3)	12	
5558	ΟΑΚ	14	



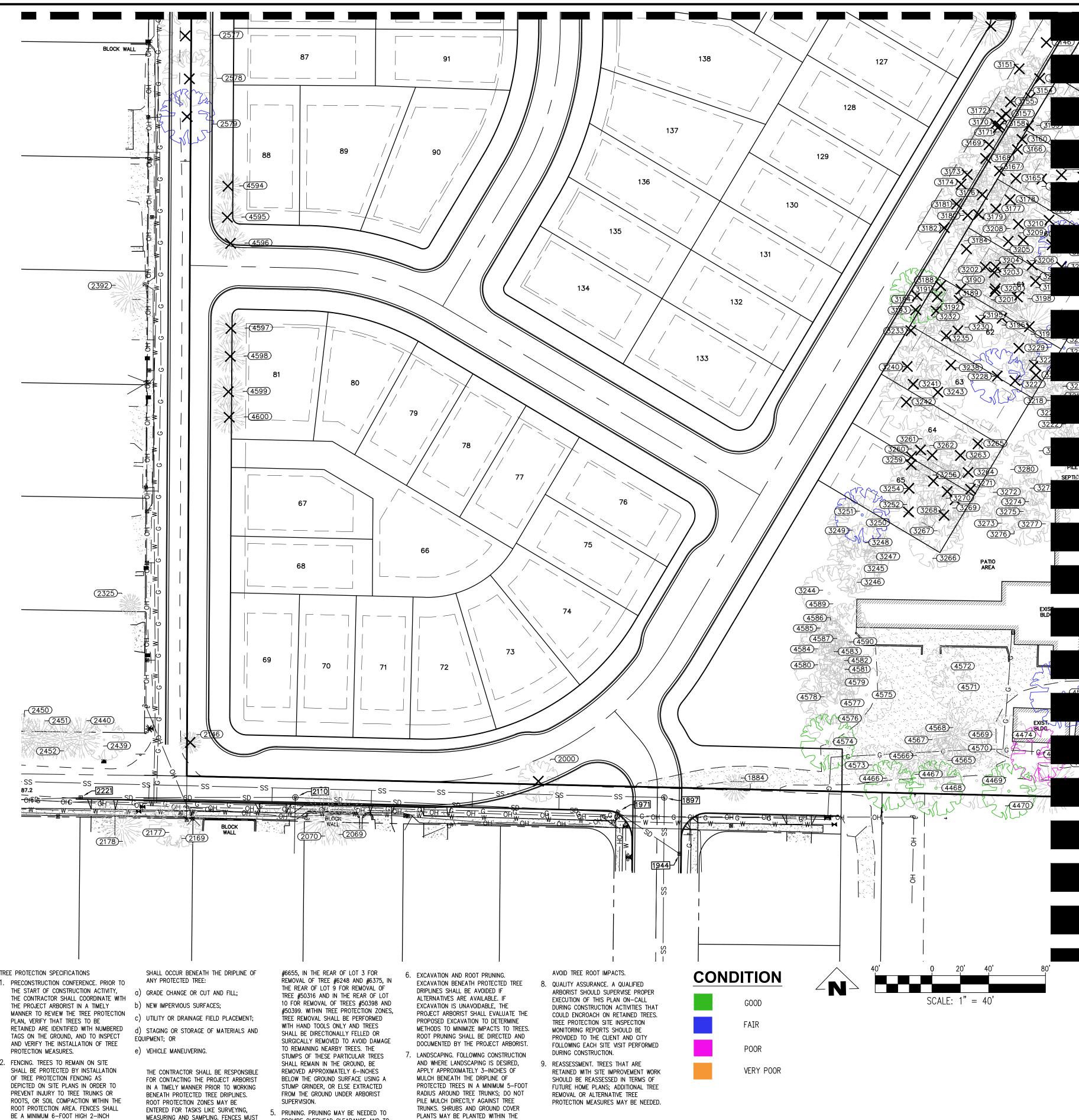




EXTRACTED FROM THE GROUND UNDER ARBORIST SUPERVISION.

TREE #	SPECIES OAK	DBH*	REMOVE	TREE #	SPECIES FIR	DBH*	REMOVE REMOVE	TREE #	SPECIES	DBH*	REMOVE	Σ
		12		4711	FIR	18	REMOVE	5683	PINE	10	REMOVE	M. M.
				5013	MADRONA	12	REMOVE	5684	FIR	12	REMOVE	щ С С С Щ
1356	FIR	18						5686	FIR	10	REMOVE	N R3
1357	FIR	18		5022 5023	FIR FIR	16 32		5687	PINE	12	REMOVE	
1365	FIR	20		5024	FIR	18	REMOVE	5689	FIR	12	REMOVE	
1376 1433	FIR FIR	14 10		5026	FIR	28	REMOVE	5690	PINE	12	REMOVE	$\square \square \square \square \square \square \square \square$
1439	BIRCH	12		5027	FIR	16	REMOVE	5692 5693	FIR FIR	10 12	REMOVE REMOVE	
1439	BIRCH	12						5693		12	REMOVE	PRIN AP - AP - SE(
								5695	PINE	14	REMOVE	
				5561	FIR	14	REMOVE	5697	PINE	14	REMOVE	540 F X M/ X M/ V1/4 SAL
1521	PINE	18						5699	PINE	12	REMOVE	4540 -AX N TAX N NW1 SA
4592	WALNUT	32	REMOVE					5716	PINE	12		
4593 4612	WALNUT FIR (x2)	24 14	REMOVE	5565	MADRONA	10	REMOVE	5718	PINE	10	REMOVE	- SW1/4
4615	FIR	12						5719	FIR	12	REMOVE	S
4616 4617	FIR FIR	14 14		5568 5569	FIR FIR	20 16	REMOVE REMOVE					
4618	PINE	14		5574		- 10		5722	FIR	16	REMOVE	9
4619 4622	FIR FIR	16 14		5571 5572	FIR FIR	18 20	REMOVE REMOVE					
4624	FIR	16						5725	PINE PINE	12	REMOVE	
4625 4628	FIR FIR	18 16		5575	FIR	20	REMOVE	5726 5727	PINE	12 10	REMOVE REMOVE	AN T
4629 4630	FIR FIR	22 16		5576	FIR	20	REMOVE	5729	PINE	14	REMOVE	ATIC PLAI AST
4633	FIR	18		5578	FIR	18	REMOVE	5729	FINE	14	REMOVE	A PL
4634 4635	FIR (x2) FIR	22 20		5579 5580	FIR FIR	16 18	REMOVE REMOVE	5731 5732	PINE PINE	10 10	REMOVE REMOVE	
4638	DECD	14		5581	FIR	16	REMOVE	5733	PINE	10	REMOVE	RESERV MOVAL NORTHE
4639 4642	FIR FIR	14 16	REMOVE	5582 5583	FIR FIR	14 10	REMOVE REMOVE	5734 5735	PINE PINE	10 10	REMOVE REMOVE	R > S
4643	FIR	16	REMOVE	5584	FIR	12	REMOVE					ЩОŌ
4644 4645	FIR FIR	14 18	REMOVE REMOVE	5585 5586	FIR FIR	16 12	REMOVE REMOVE					E PRESE REMOV NOR
4646	FIR	12	REMOVE									Г Щ —
4647 4648	FIR	18 14	REMOVE REMOVE	5588 5589	FIR FIR	16 22	REMOVE REMOVE	5740	PINE	10	REMOVE	
4649	FIR	18	REMOVE									RE
4650 4651	FIR MADRONA	18 10	REMOVE REMOVE	5591 5592	FIR FIR	14 26	REMOVE REMOVE	5743 5744	PINE FIR	10 10	REMOVE REMOVE	F
4652	WALNUT	28	REMOVE	5593	FIR	20	REMOVE					
4653 4654	FIR FIR	12 16	REMOVE REMOVE	5594 5595	FIR FIR	16 10	REMOVE REMOVE					
4655	FIR	14	REMOVE	5596	FIR	16	REMOVE	5748	FIR	10	REMOVE	
4656 4657	FIR	14 20	REMOVE REMOVE	5597 5598	FIR FIR	16 14	REMOVE REMOVE	5750	PINE	12	REMOVE	
4658	FIR	18	REMOVE	5599	FIR	18	REMOVE					N
4659 4660	FIR FIR	18 12	REMOVE REMOVE	5600 5601	FIR FIR	16 16	REMOVE REMOVE	5754	MADRONA	10	REMOVE	DESCRIPTION
4661	FIR	12	REMOVE	5007	510			6767	DINE			E VISIONS DESC
4662 4663	FIR FIR	14 14	REMOVE REMOVE	5603 5604	FIR FIR	16 18	REMOVE REMOVE	5757	PINE	12	REMOVE	VISI
4664	FIR	18	REMOVE	5605	FIR	18	REMOVE	5759	PINE	12	REMOVE	RE
4665 4666	FIR FIR	20 14	REMOVE REMOVE	5606 5608	FIR FIR	18 26	REMOVE REMOVE	5761	FIR	10	REMOVE	
4667 4668	FIR FIR	14 14	REMOVE REMOVE	5609 5610	FIR FIR	10 18	REMOVE REMOVE	5762 5763	FIR PINE	10 10	REMOVE REMOVE	ш
4669	FIR	14	REMOVE	5611	FIR	20	REMOVE	5785	FINE		REMOVE	DATE
4670 4671	FIR FIR	14 16	REMOVE REMOVE	5612 5613	FIR FIR	14 10	REMOVE REMOVE	5766	PINE	12	REMOVE	NO.
4672	FIR	10	REMOVE	5614	FIR	18	REMOVE	5700		12		
4673 4674	FIR FIR	16 16	REMOVE REMOVE	5615 5616	FIR FIR	18 18	REMOVE REMOVE	5768	PINE	10	REMOVE	
4675	FIR	10	REMOVE	5617	FIR	16	REMOVE	5770	FIR	10	REMOVE	
4676 4677	FIR FIR	14 12	REMOVE REMOVE	5618	FIR	16	REMOVE	5771 5772	FIR FIR	12 10	REMOVE REMOVE	
4678	FIR	18	REMOVE	5620	FIR	16	REMOVE	5773	PINE	10	REMOVE	
4679 4680	FIR FIR	18 24	REMOVE REMOVE	5621 5622	FIR FIR	18 18	REMOVE REMOVE					SURVEYIN SURVEYIN OAD, SUITE ON 97401 6-8812 9-9592 sign.com
4681	FIR	18	REMOVE	5623	FIR	16	REMOVE					50 500 539-9 639-9 639-9
4682 4683	FIR FIR	12 18	REMOVE REMOVE	5624	FIR	14	REMOVE	5778	FIR	10	REMOVE	ENZIE SNZIE CRE (503) (503) merioo
4684	FIR	12	REMOVE	5626	FIR	18	REMOVE	5779	PINE	12	REMOVE	TEL: (503) 639-9592 www.emeriodesign.com
4685	FIR	10	REMOVE	5627	FIR	16	REMOVE	5791	DINE	10		EEERING - SURVEYING ENGINEERING - SURVEYING 2667 WILLAKENZIE ROAD, SUITE 1A EUGENE, OREGON 97401 TEL: (503) 746-8812 FAX: (503) 639-9592 www.emeriodesign.com
4686 4687	FIR FIR	10 16	REMOVE REMOVE	5628 5629	FIR FIR	12 12	REMOVE REMOVE	5781 5782	PINE PINE	10 12	REMOVE REMOVE	
4688	FIR (x2)	12	REMOVE	5630	FIR	12	REMOVE	5783	FIR	10	REMOVE	
4689 4690	FIR MADRONA	24 10	REMOVE REMOVE	5631	CTNWD	28	REMOVE	5784 5785	PINE FIR	10 10	REMOVE REMOVE	
				5633	FIR	12		5786	FIR	10	REMOVE	
4692	FIR	16	REMOVE	5669 5670	FIR FIR	12 12	REMOVE					FRED PROATE
				5671	PINE	10	REMOVE					
				5672	PINE	10						ELINIE OF THE
4697	FIR	10			 /							REAL CORE OF CONTRACT
	FIR FIR	20 18	REMOVE REMOVE	5675 5676	PINE FIR	10 14	REMOVE REMOVE	5794	PINE	10	REMOVE	HANK
4703 4704			·	5677	FIR	12	REMOVE	5795	PINE	12	REMOVE	
4704 4705	FIR	12		5677								EXPIRES: 6/30/2023
4704	FIR FIR FIR	12 16 16	REMOVE					DBH* DI			IEIGHT, INCHES. OR TREE NOT	SHEET
4704 4705 4706	FIR	16	REMOVE					DBH∗ DI	INDICATES OFFS	SITE TREE, N PROJECT	OR TREE NOT	

<u>C(</u>	ONDITION
	GOOD
	FAIR
	POOR
	VERY POOR



CHAIN LINK MESH SECURED TO METAL POSTS DRIVEN INTO THE GROUND. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH THE PROJECT ARBORIST PRIOR TO OPENING, ADJUSTING OR REMOVING TREE PROTECTION FENCING. TREE PROTECTION ZONE. WITHOUT AUTHORIZATION FROM THE PROJECT ARBORIST, NONE OF THE FOLLOWING

MEASURING AND SAMPLING. FENCES MUST BE CLOSED UPON COMPLETION OF THESE TASKS.

4. TREE AND STUMP REMOVAL. TREES TO BE REMOVED SHALL BE CLEARLY IDENTIFIED WITH TREE-MARKING PAINT OR OTHER METHODS APPROVED IN ADVANCE BY THE PROJECT ARBORIST. PROTECTION FENCING MAY BE TEMPORARILY OPENED IN TRACT B FOR REMOVAL OF TREES #6654 AND

PROVIDE OVERHEAD CLEARANCE AND TO REMOVE DEAD AND DEFECTIVE BRANCHES FOR SAFETY. THE PROJECT ARBORIST CAN HELP IDENTIFY WHERE PRUNING IS NECESSARY ONCE TREES RECOMMENDED FOR REMOVAL HAVE BEEN REMOVED AND THE SITE IS PREPARED FOR CONSTRUCTION. TREE REMOVAL AND PRUNING SHALL BE PERFORMED BY A QUALIFIED TREE SERVICE.

GRASS-FREE MULCH RINGS. IF IRRIGATION IS USED, USE DRIP IRRIGATION OR LOW FLOW EMITTERS INSTALLED AT NATIVE GRADE (NO TRENCHING) ONLY BENEATH THE DRIPLINES OF PROTECTED TREES. LANDSCAPING SHALL BE PERFORMED BY HAND AND WITH HAND TOOLS ONLY BENEATH PROTECTED TREE DRIPLINES; ADJUST THE LOCATION OF PLANTS TO

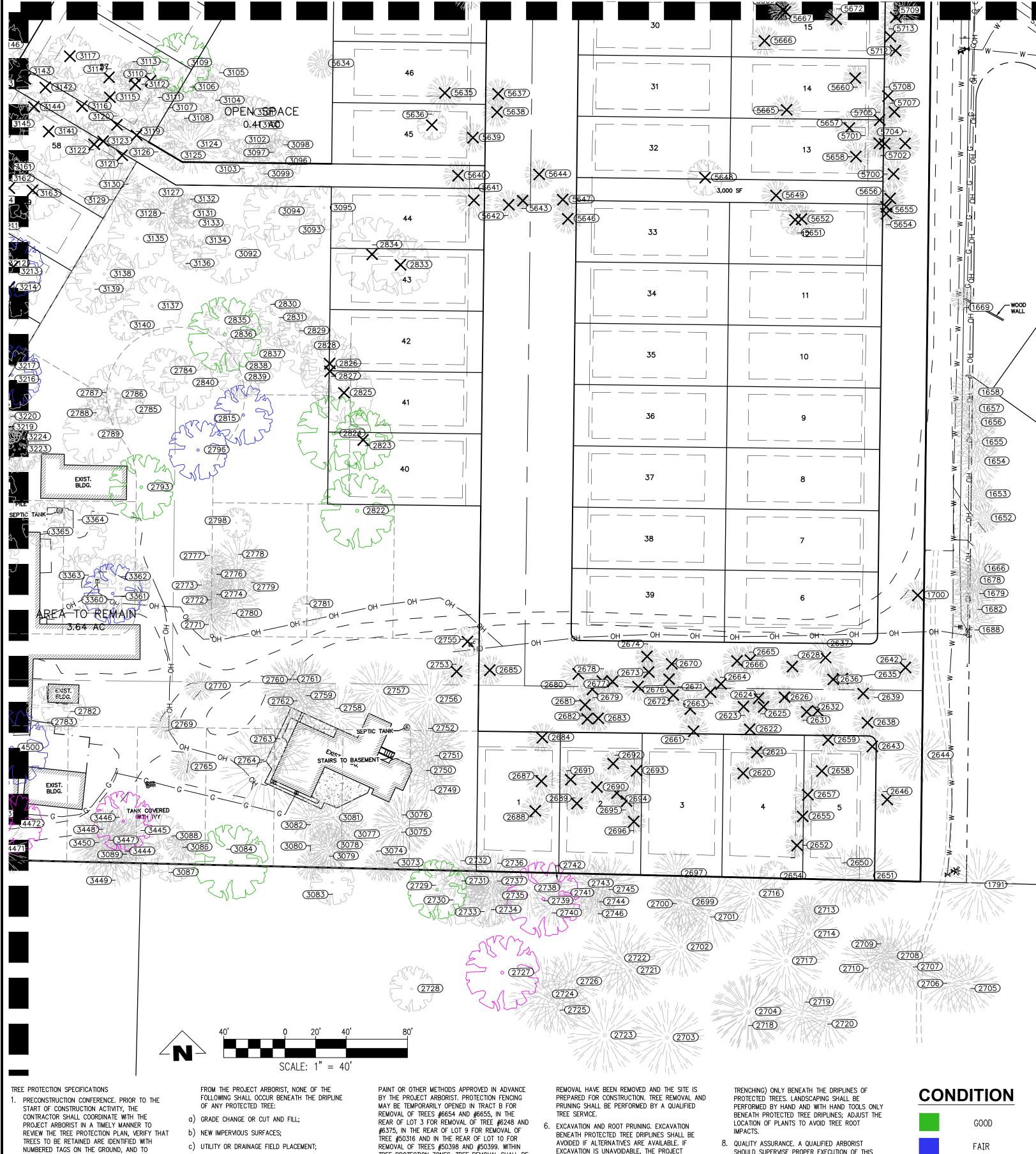
TREE #	SPECIES	DBH*	REMOVE
2000	OAK	16	REMOVE
2069 2070	FIR FIR	36 32	
2146 2169	FIR BIRCH	16 12	REMOVE
2177 2178	BIRCH	14 22	
2256	PINE	10	
2325	FIR FIR	12 30	
2439 2440	OAK FIR	12 16	
2449	ALDER	16	
2450 2451	FIR FIR	16 16	
2452 2577	FIR OAK	16 20	
2578 2579	OAK OAK	20 32	
3146	OAK (x2)	18	REMOVE
3149	FIR	16	REMOVE
3151	OAK	14	REMOVE
3153	OAK (x2)	14	REMOVE
3154	OAK (x2)	18	REMOVE
3155	OAK	18	REMOVE
3157 3158	OAK OAK	18 12	REMOVE REMOVE
3159	OAK	10	REMOVE
3160 3161	OAK OAK	16 12	REMOVE
3162 3163	OAK (x3) OAK	16 22	
3164	0AK (x2)	14	REMOVE
3165 3166	OAK OAK	12 10	REMOVE REMOVE
3167	OAK (x2)	14	REMOVE
3168 3169	OAK (x2) OAK (x2)	12 10	REMOVE REMOVE
3170	OAK	18	REMOVE
3171 3172	OAK OAK	10 10	REMOVE REMOVE
3173 3174	OAK OAK	10 10	REMOVE REMOVE
3176	OAK	12	REMOVE
3177 3178	OAK OAK	14 16	REMOVE REMOVE
3179	0AK (x2)	18	REMOVE
3180 3181	OAK OAK (x2)	12 18	REMOVE REMOVE
3182	ΟΑΚ	18	REMOVE
3184	OAK	10	REMOVE
3188 3189	OAK (x3) OAK	12 14	REMOVE REMOVE
3190 3191	OAK (x2) OAK	10 10	REMOVE REMOVE
3192	OAK	14	REMOVE
3193 3194	OAK (x3) OAK	14 24	REMOVE REMOVE
3195	OAK (x2)	16	REMOVE
3196 3197	OAK FIR	14 24	REMOVE REMOVE
3198 3199	OAK OAK	12 14	REMOVE REMOVE
3200	OAK OAK	10	REMOVE
3201 3202	OAK OAK	16 12	REMOVE REMOVE
3203	OAK	12	REMOVE
3204 3205	OAK OAK	14 10	REMOVE REMOVE
3206 3207	OAK OAK	14 10	REMOVE REMOVE
3208	OAK	14	REMOVE
3209 3210	OAK OAK	14 12	REMOVE REMOVE
3211	OAK	14	REMOVE
3212 3213	OAK OAK	12 28	REMOVE REMOVE
3214 3216	OAK (x2) OAK	16 18	REMOVE
3217	OAK	24	
3218 3219	OAK OAK	16 10	++++
	OAK	12	
3220 3221	OAK	16	

TREE # 3226 3227 3228	SPECIES		
3226 3227 3228	0, 20,20	DBH*	REMOVE
3227 3228	OAK	12	REMOVE
3228	0AK (x2)	12	REMOVE
	OAK	32	REMOVE
3229	OAK	12	REMOVE
3230	OAK	10	REMOVE
3232	OAK	16	REMOVE
3233	OAK	12	REMOVE
3235	0AK (x2)	12	REMOVE
7079	0.41/	10	
3238	OAK	16	REMOVE
3240	OAK	10	REMOVE
3241	OAK (x2)	16	REMOVE
3242	0AK (x3)	16	REMOVE
3243	0AK (x3)	16	REMOVE
3244	0AK (x5)	14	
3245	ΟΑΚ	14	
3246	0AK (x2)	16	
3247	OAK	15	
3248	OAK	18	
3249	OAK (x2)	12	
3250		16	
3251	OAK	24	
3252	OAK	14	REMOVE
3254	OAK	10	REMOVE
3256	OAK	10	REMOVE
3259	OAK	12	REMOVE
3260	OAK	14	REMOVE
3261	OAK (x3)	12	REMOVE
3262	OAK	10	REMOVE
3263	0AK (x3)	10	REMOVE
3264	OAK	10	REMOVE
3265	OAK	16	REMOVE
3266	OAK	16	
3267	OAK	10	
3268	OAK	16	REMOVE
3269	OAK	10	REMOVE
3270	OAK	18	REMOVE
3271	OAK (x3)	12	REMOVE
3272	OAK (x2)	12	
3273	OAK	18	
3274	OAK	10	
3275	0AK (x2)	18	
3276	OAK	12	
3277	OAK	22	
3278	OAK	10	
3280	OAK	18	
	OAK (x2)	16	
3281			
3281			
		30	
4466	OAK	30	
4466 4467	OAK OAK	18	
4466 4467 4468	ОАК ОАК ОАК	18 24	
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REE #	SPECIES	DBH*	REMOVE
)BH∗ DI	AMETER AT BE	REAST H	EIGHT, INCHES.
	INDICATES OFFS	ITE TREE,	

LOCATED WITHIN PROJECT AREA. NOT INCLUDED IN TREE PRESERVATION COUNT. INDICATES TREE LOCATED WITHIN AREA TO REMAIN. INCLUDED IN TREE PRESERVATION COUNT.

Contraction Revisions Revisions Contraction Date Description Description Contraction Date Description Description Contraction Date Description Description Contraction Description Description Description Description Contract
REVISI REVISI
EXPIRES: 6/30/2023
EXPIRES: 6/30/2023 SHEET P3.3



- d) STAGING OR STORAGE OF MATERIALS AND EQUIPMENT; OR
- e) VEHICLE MANEUVERING.

INSPECT AND VERIFY THE INSTALLATION OF TREE

FENCING. TREES TO REMAIN ON SITE SHALL BE

PROTECTED BY INSTALLATION OF TREE PROTECTION

PREVENT INJURY TO TREE TRUNKS OR ROOTS, OR

SOIL COMPACTION WITHIN THE ROOT PROTECTION

2-INCH CHAIN LINK MESH SECURED TO METAL

CONTRACTOR IS RESPONSIBLE FOR COORDINATING

WITH THE PROJECT ARBORIST PRIOR TO OPENING,

TREE PROTECTION ZONE. WITHOUT AUTHORIZATION

ADJUSTING OR REMOVING TREE PROTECTION

POSTS DRIVEN INTO THE GROUND. THE

AREA. FENCES SHALL BE A MINIMUM 6-FOOT HIGH

FENCING AS DEPICTED ON SITE PLANS IN ORDER TO

PROTECTION MEASURES.

FENCING.

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING THE PROJECT ARBORIST IN A TIMELY MANNER PRIOR TO WORKING BENEATH PROTECTED TREE DRIPLINES. ROOT PROTECTION ZONES MAY BE ENTERED FOR TASKS LIKE SURVEYING, MEASURING AND SAMPLING. FENCES MUST BE CLOSED UPON COMPLETION OF THESE TASKS.
- 4. TREE AND STUMP REMOVAL. TREES TO BE REMOVED SHALL BE CLEARLY IDENTIFIED WITH TREE-MARKING

TREE PROTECTION ZÖNES, TREE REMOVAL SHALL BE PERFORMED WITH HAND TOOLS ONLY AND TREES SHALL BE DIRECTIONALLY FELLED OR SURGICALLY REMOVED TO AVOID DAMAGE TO REMAINING NEARBY TREES. THE STUMPS OF THESE PARTICULAR TREES SHALL REMAIN IN THE GROUND, BE REMOVED APPROXIMATELY 6-INCHES BELOW THE GROUND SURFACE USING A STUMP GRINDER, OR ELSE EXTRACTED FROM THE GROUND UNDER ARBORIST SUPERVISION.

- PRUNING. PRUNING MAY BE NEEDED TO PROVIDE OVERHEAD CLEARANCE AND TO REMOVE DEAD AND DEFECTIVE BRANCHES FOR SAFETY. THE PROJECT ARBORIST CAN HELP IDENTIFY WHERE PRUNING IS NECESSARY ONCE TREES RECOMMENDED FOR
- EXCAVATION IS UNAVOIDABLE, THE PROJECT ARBORIST SHALL EVALUATE THE PROPOSED EXCAVATION TO DETERMINE METHODS TO MINIMIZE IMPACTS TO TREES. ROOT PRUNING SHALL BE DIRECTED AND DOCUMENTED BY THE PROJECT ARBORIST.
- 7. LANDSCAPING. FOLLOWING CONSTRUCTION AND WHERE LANDSCAPING IS DESIRED, APPLY APPROXIMATELY 3-INCHES OF MULCH BENEATH THE DRIPLINE OF PROTECTED TREES IN A MINIMUM 5-FOOT RADIUS AROUND TREE TRUNKS; DO NOT PILE MULCH DIRECTLY AGAINST TREE TRUNKS. SHRUBS AND GROUND COVER PLANTS MAY BE PLANTED WITHIN THE GRASS-FREE MULCH RINGS. IF IRRIGATION IS USED, USE DRIP IRRIGATION OR LOW FLOW EMITTERS INSTALLED AT NATIVE GRADE (NO

1653	FIR	18	
1654	FIR	18	
1655	FIR	16	
1656	FIR	16	
1657	FIR	14	
1658	FIR	22	
1666	FIR	20	
1669	CEDAR	10	
-1003			
1678	FIR	12	
1679	FIR	14	
1682	FIR	16	
1688	FIR	18	
1700	PINE	12	REMOVE
1701		70	
1791	FIR	36	
2620	PINE	12	REMOVE
2621	PINE	12	REMOVE
2622	PINE	10	REMOVE
2623	PINE	12	REMOVE
2624	PINE	10	REMOVE
2625	PINE	10	REMOVE
2626	PINE	12	REMOVE
2628	PINE	16	REMOVE
2020			
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2631	PINE	12	REMOVE
2632	PINE	13	REMOVE
			-
0075		40	
2635	PINE	12	REMOVE
2636	PINE	12	REMOVE
2637	PINE	16	REMOVE
2638	PINE	16	REMOVE
2639	PINE	10	REMOVE
2642	PINE	12	REMOVE
2643	PINE	14	REMOVE
2644	FIR	32	
2044		52	
2646		10	BENOVE
2646	PINE	18	REMOVE
2650	FIR	28	
2650 2651	FIR FIR	28 28	
			REMOVE
2651	FIR	28	REMOVE
2651	FIR PINE	28 12	REMOVE
2651 2652 2654	FIR PINE OAK (x2)	28 12 15	
2651 2652	FIR PINE	28 12	REMOVE
2651 2652 2654 2655	FIR PINE OAK (x2) PINE	28 12 15 11	REMOVE
2651 2652 2654 2655 2657	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18	REMOVE
2651 2652 2654 2655 2657 2658	FIR PINE OAK (x2) PINE PINE PINE	28 12 15 11 18 12	REMOVE REMOVE REMOVE
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2651 2652 2654 2655 2657 2658 2659	FIR PINE OAK (x2) PINE PINE PINE PINE	28 12 15 11 18 12 12 12	REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659	FIR PINE OAK (x2) PINE PINE PINE PINE	28 12 15 11 18 12 12 12	REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661	FIR PINE OAK (x2) PINE PINE PINE PINE PINE	28 12 15 11 18 12 12 12 12	REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2661 2663 2664	FIR PINE OAK (x2) PINE PINE PINE PINE PINE PINE PINE	28 12 15 11 18 12 12 12 12 12	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2663 2664 2665	FIR PINE OAK (x2) PINE PINE PINE PINE PINE PINE PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 13	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2661 2663 2664	FIR PINE OAK (x2) PINE PINE PINE PINE PINE PINE PINE	28 12 15 11 18 12 12 12 12 12 12	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2663 2664 2665	FIR PINE OAK (x2) PINE PINE PINE PINE PINE PINE PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 13	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
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2651 2652 2654 2655 2657 2658 2659 2661 2661 2663 2664 2665 2666	FIR PINE OAK (x2) PINE PINE PINE PINE PINE PINE PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 13 13	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2663 2664 2665 2666 2665	FIR PINE OAK (x2) PINE PINE PINE PINE PINE PINE PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 13	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
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2651 2652 2654 2655 2657 2658 2659 2661 2663 2664 2665 2666 2666 2666 2665 2666	FIR PINE OAK (x2) PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 10 10	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2663 2664 2665 2666 2666 2666 2665 2666	FIR PINE OAK (x2) PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 10 10	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2655 2658 2659 2661 2661 2663 2664 2665 2666 2666 2666 2666 2665 2666	FIR PINE OAK (x2) PINE PINE PINE PINE PINE PINE PINE PINE PINE PINE PINE PINE PINE PINE PINE PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13 13	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2655 2658 2659 2661 2663 2664 2665 2666 2665 2666 2665 2666 2671 2672 2671 2672 2673 2674	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13 13 13 13	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2655 2658 2659 2661 2661 2663 2664 2665 2666 2666 2666 2666 2665 2666 2670 2671 2672 2673 2674 2674	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 12 12 12 12	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2655 2658 2659 2661 2663 2664 2665 2666 2665 2666 2665 2666 2671 2671 2672 2673 2674 2677 2678 2676	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 12 12 12 12	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2655 2658 2659 2661 2661 2663 2664 2665 2666 2665 2666 2670 2671 2672 2673 2674 2673 2674 2677 2678 2679 2680	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 12 12 12 12	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2655 2658 2659 2661 2663 2664 2665 2666 2665 2666 2665 2666 2671 2672 2673 2674 2673 2674 2675 2676 2677 2678 2679 2680 2681	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 12 12 12 12	REMOVE REMOVE
2651 2652 2654 2655 2655 2658 2659 2661 2661 2663 2664 2665 2666 2665 2666 2670 2671 2672 2673 2674 2673 2674 2677 2678 2677 2678 2679 2680 2681 2682	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13 13 13 13	REMOVE REMOVE
2651 2652 2654 2655 2655 2658 2659 2661 2663 2664 2665 2666 2665 2666 2665 2666 2671 2672 2673 2674 2673 2674 2675 2676 2677 2678 2679 2680 2681	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 12 12 12 12	REMOVE REMOVE
2651 2652 2654 2655 2655 2658 2659 2661 2661 2663 2664 2665 2666 2665 2666 2670 2671 2672 2673 2674 2673 2674 2677 2678 2677 2678 2679 2680 2681 2682	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13 13 13 13	REMOVE REMOVE
2651 2652 2654 2655 2655 2658 2659 2661 2661 2663 2664 2665 2666 2665 2666 2665 2666 2670 2671 2672 2672 2673 2674 2672 2673 2674 2677 2678 2677 2678 2677 2678 2679 2680 2681 2682	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 12 12 12 12	REMOVE REMOVE
2651 2652 2654 2655 2655 2658 2659 2661 2663 2664 2665 2666 2665 2666 2665 2666 2670 2671 2672 2673 2674 2677 2678 2674 2676 2677 2678 2679 2680 2681 2682 2683 2684	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 12 12 12 12	REMOVE REMOVE
2651 2652 2654 2655 2655 2658 2659 2661 2663 2664 2665 2666 2665 2666 2665 2666 2670 2671 2672 2673 2674 2672 2673 2674 2675 2674 2675 2674 2675 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13 13 13 13	REMOVE REMOVE
2651 2652 2654 2655 2655 2658 2659 2661 2663 2664 2665 2666 2665 2666 2665 2666 2671 2672 2673 2674 2673 2674 2675 2677 2678 2677 2678 2677 2678 2679 2680 2681 2682 2683	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 12 12 12 12	REMOVE REMOVE
2651 2652 2654 2655 2655 2658 2659 2661 2663 2664 2665 2666 2665 2666 2670 2671 2672 2673 2674 2672 2673 2674 2675 2674 2677 2678 2677 2678 2677 2678 2679 2680 2681 2682 2683 2684 2685 2685	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13 13 13 13	REMOVE REMOVE
2651 2652 2654 2655 2655 2658 2659 2661 2663 2664 2665 2666 2665 2666 2665 2666 2670 2671 2672 2673 2674 2670 2671 2672 2673 2674 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685 2685 2687	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 12 12 12 12	REMOVE REMOVE
2651 2652 2654 2655 2655 2658 2659 2661 2663 2664 2665 2666 2665 2666 2670 2671 2672 2673 2674 2672 2673 2674 2675 2674 2677 2678 2677 2678 2679 2680 2681 2682 2683 2684 2685 2684 2685 2685 2687 2688	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13	REMOVE REMOVE
2651 2652 2654 2655 2655 2658 2659 2661 2661 2663 2664 2665 2666 2665 2666 2670 2671 2672 2673 2674 2672 2673 2674 2675 2674 2677 2678 2679 2680 2674 2677 2678 2674 2675 2674 2675 2674 2675 2674 2675 2674 2675 2675 2675 2675 2675 2675 2675 2675	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13 13 13 13	REMOVE RE
2651 2652 2654 2655 2655 2658 2659 2661 2663 2664 2665 2666 2665 2666 2665 2666 2671 2672 2673 2674 2673 2674 2675 2674 2675 2674 2675 2674 2675 2674 2675 2674 2675 2674 2675 2674 2675 2674 2675 2675 2675 2675 2675 2675 2675 2675	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13	REMOVE RE
2651 2652 2654 2655 2655 2658 2659 2658 2659 2661 2663 2664 2665 2664 2665 2666 2670 2671 2672 2673 2674 2672 2673 2674 2672 2673 2674 2672 2673 2674 2672 2673 2674 2675 2674 2675 2674 2675 2675 2674 2675 2675 2675 2675 2675 2675 2675 2675	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13	REMOVE RE
2651 2652 2654 2655 2655 2658 2659 2661 2661 2663 2664 2665 2666 2665 2666 2670 2671 2672 2673 2674 2672 2673 2674 2675 2674 2675 2674 2672 2673 2674 2672 2673 2674 2675 2674 2675 2674 2675 2674 2675 2675 2674 2675 2674 2675 2674 2675 2674 2675 2674 2675 2675 2674 2675 2674 2675 2674 2675 2675 2674 2675 2675 2675 2675 2675 2675 2675 2675	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13 13 13 13	REMOVE RE
2651 2652 2654 2655 2655 2658 2659 2658 2659 2661 2663 2664 2665 2664 2665 2666 2670 2671 2672 2673 2674 2672 2673 2674 2672 2673 2674 2672 2673 2674 2672 2673 2674 2675 2674 2675 2674 2675 2675 2674 2675 2675 2675 2675 2675 2675 2675 2675	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13	REMOVE RE

TREE # SPECIES DBH* REMOVE

FIR | 16

1652

			I
TREE #	SPECIES	DBH* 22	REMOVE
2700	FIR	34	
2701	FIR	48	
2702	FIR	28	
2703	FIR FIR	24 42	
2704	FIR	28	
2706	FIR	28	
2707	FIR	26	
2708	FIR FIR	40 14	
2709	FIR	32	
2713	FIR	12	
2714	FIR	28	
2716	FIR	28	
2717	FIR	32	
2718	FIR	40	
2719	FIR	28	
2720	FIR FIR	28 32	
2722	FIR	44	
2723	FIR	40	
2724	FIR	48	
2725	FIR FIR	22 24	
2720	OAK	38	
2728	OAK	16	
2729	OAK	24	
2730 2731	OAK OAK	18 12	
2731	FIR		
2733	OAK	14	
2734	OAK	14	
2735 2736	FIR FIR	30 18	
2730	FIR	14	
2738	FIR	30	
2739	OAK	24	
2740	FIR FIR	22 12	
2742	FIR	12	
2743	FIR	28	
2744	FIR	24	
2745 2746	FIR FIR	23 14	
2749	FIR	18	7777
2750	FIR	30	
2751	FIR FIR	32	
2752	FUR .	24	
			REMOVE
2753 2755	PINE	14 10	REMOVE REMOVE
2753 2755 2756	PINE DECD FIR	14 10 40	
2753 2755 2756 2757	PINE DECD FIR FIR	14 10 40 32	
2753 2755 2756 2757 2758	PINE DECD FIR	14 10 40	
2753 2755 2756 2757	PINE DECD FIR FIR FIR FIR FIR	14 10 40 32 32 32 30	
2753 2755 2756 2757 2758 2759 2760 2760	PINE DECD FIR FIR FIR FIR FIR FIR	14 10 40 32 32 32 32 30 16	
2753 2755 2756 2757 2758 2759 2760 2761 2762	PINE DECD FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 32 32 30 16 22	
2753 2755 2756 2757 2758 2759 2760 2760	PINE DECD FIR FIR FIR FIR FIR FIR	14 10 40 32 32 32 30 16 22 36	
2753 2755 2756 2757 2758 2759 2760 2760 2761 2762 2763	PINE DECD FIR FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 32 32 30 16 22	
2753 2755 2757 2757 2758 2759 2760 2761 2762 2763 2763 2764	PINE DECD FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 32 30 16 22 36 52	
2753 2755 2757 2757 2758 2759 2760 2761 2762 2763 2763 2764	PINE DECD FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 32 30 16 22 36 52	
2753 2755 2757 2757 2758 2759 2760 2761 2762 2763 2763 2764	PINE DECD FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 32 30 16 22 36 52	
2753 2755 2756 2757 2758 2769 2760 2761 2762 2763 2764 2765 2764 2765	PINE DECD FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 32 30 16 22 36 52 12 22 12 22 16	
2753 2755 2757 2758 2759 2760 2761 2763 2763 2764 2765 2764 2765 2769 2769 2770	PINE DECD FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 30 16 22 36 52 12 22 16 16 16	
2753 2755 2756 2757 2758 2769 2760 2761 2762 2763 2764 2765 2764 2765	PINE DECD FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 32 30 16 22 36 52 12 12 22 16 16 16 16 14	
2753 2755 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2764 2765 2764 2769 2770 2770	PINE DECD FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 30 16 22 36 52 12 22 16 16 16	
2753 2755 2756 2757 2758 2769 2760 2761 2762 2763 2764 2764 2765 2764 2765 2764 2765 2776 2770 2770 2770 2777	PINE DECD FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 30 16 22 36 52 12 22 16 16 16 16 16 14 16 10	
2753 2755 2756 2757 2758 2769 2760 2761 2762 2763 2764 2765 2764 2765 2764 2765 2776 2770 2771 2772 2773 2774	PINE DECD FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 30 16 22 36 52 12 12 16 16 14 16 14 16 14 16 10	
2753 2755 2756 2757 2758 2769 2760 2761 2762 2763 2764 2764 2765 2764 2765 2764 2765 2776 2770 2770 2770 2777	PINE DECD FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 30 16 22 36 52 12 22 16 16 16 16 16 14 16 10	
2753 2755 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2764 2765 2764 2776 2776 2770 2770 2771 2778 2776 2777 2778 2777	PINE DECD FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 32 30 16 22 36 52 12 12 16 16 14 16 14 16 14 16 14 16 14 12 12 12 26 26	
2753 2755 2756 2757 2758 2769 2760 2761 2762 2763 2764 2765 2764 2765 2776 2770 2770 2770 2770 2777 2778 2777 2778 2777 2778 2779 2779	PINE DECD FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 32 32 30 16 22 36 52 12 36 52 12 12 12 12 12 12 12 12 12 12 12 12 12	
2753 2755 2756 2757 2758 2769 2760 2761 2762 2763 2764 2765 2764 2765 2764 2776 2776 2776 2776 2777 2778 2777 2778 2778	PINE DECD FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 32 30 16 22 36 52 12 12 16 16 16 16 16 16 16 16 16 16 16 12 26 26 26 30 12	
2753 2755 2756 2757 2758 2769 2760 2761 2762 2763 2764 2765 2764 2765 2776 2770 2770 2770 2770 2777 2778 2777 2778 2777 2778 2779 2779	PINE DECD FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 32 30 16 22 36 52 12 12 16 16 14 16 14 16 12 12 12 12 26 26 30 12 12 12	
2753 2755 2756 2757 2758 2759 2760 2761 2762 2763 2764 2764 2765 2764 2765 2764 2776 2770 2770 2770 2770 2777 2778 2777 2778 2779 2779 2780 2781 2782	PINE DECD FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 32 30 16 22 36 52 12 16 14 16 14 16 10 12 12 26 30 12 14 14 18	
2753 2755 2756 2757 2758 2769 2760 2761 2762 2763 2764 2765 2764 2765 2776 2776 2776 2776 2777 2778 2778 2778	PINE DECD FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 32 30 16 22 36 52 12 36 52 12 12 12 12 12 12 12 12 12 12 12 12 12	
2753 2755 2756 2757 2758 2759 2760 2760 2762 2763 2764 2765 2764 2765 2764 2776 2776 2776 2776 2777 2778 2776 2777 2778 2778	PINE DECD FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 32 30 16 22 36 52 12 36 52 12 16 16 16 16 16 14 16 16 14 16 16 14 16 16 14 16 10 12 12 26 26 30 12 12 12 12 12 12 12 12 12 12 12 12 12	
2753 2755 2756 2757 2758 2769 2760 2761 2762 2763 2764 2765 2764 2765 2776 2776 2776 2776 2777 2778 2778 2778	PINE DECD FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 32 30 16 22 36 52 12 36 52 12 12 12 12 12 12 12 12 12 12 12 12 12	
2753 2755 2756 2757 2758 2759 2760 2760 2761 2762 2763 2764 2765 2764 2765 2764 2776 2776 2776 2776 2776 2777 2778 2776 2777 2778 2778	PINE DECD FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 32 32 32 30 16 22 36 52 12 16 16 14 16 14 16 14 16 14 16 14 16 14 16 14 16 14 16 10 12 12 12 12 12 12 12 12 12 12	
2753 2755 2756 2757 2758 2769 2760 2761 2762 2763 2764 2765 2764 2765 2776 2776 2776 2776 2777 2778 2778 2777 2778 2778	PINE DECD FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 32 32 32 32 32 32 32 32	
2753 2756 2757 2758 2759 2760 2760 2760 2762 2763 2764 2764 2764 2764 2765 2764 2776 2776 2776 2777 2778 2776 2777 2778 2778	PINE DECD FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 32 32 30 16 22 36 52 12 16 16 14 16 16 14 16 16 14 16 10 12 12 26 30 12 12 12 12 12 12 12 12 12 12	
2753 2755 2756 2757 2758 2769 2760 2761 2762 2763 2764 2765 2764 2765 2776 2776 2776 2776 2777 2778 2778 2777 2778 2778	PINE DECD FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 52 52 30 16 22 36 52 12 16 16 16 16 16 16 16 14 16 10 12 12 26 50 12 12 12 12 12 12 12 12 12 12	
2753 2756 2757 2758 2759 2760 2760 2761 2762 2763 2764 2765 2764 2765 2764 2776 2776 2776 2776 2777 2778 2776 2777 2778 2776 2777 2778 2778	PINE DECD FIR FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 30 16 22 16 17 18 10 18 14	
2753 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2764 2765 2764 2765 2776 2776 2776 2776 2777 2778 2778 2778	PINE DECD FIR FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 32 32 32 32 32 32 32 32 32 32 32 32 32 32 32 30 16 22 16 12 16 16 16 16 16 16 16 16 16 16 16 16 16 17 18 10 18 10 18 24 24 24 24 24 24 24 24 24 24 24	
2753 2756 2757 2758 2759 2760 2760 2761 2762 2763 2764 2764 2764 2764 2764 2764 2764 2764	PINE DECD FIR FIR	14 10 40 32 32 32 32 32 32 32 32 32 32 32 32 32 32 32 32 32 30 16 22 16 16 16 16 16 16 16 16 16 16 16 16 16 16 16 17 18 10 18 10 18 10 18 14 14 14 14 14 14 14 14 14	REMOVE
2753 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2764 2765 2764 2765 2776 2776 2776 2776 2777 2778 2778 2778	PINE DECD FIR FIR FIR FIR FIR FIR FIR FIR	14 10 40 32 32 32 32 32 32 32 32 32 32 32 32 32 32 32 32 32 30 16 22 16 12 16 16 16 16 16 16 16 16 16 16 16 16 16 17 18 10 18 10 18 24 24 24 24 24 24 24 24 24 24 24	
2753 2756 2757 2758 2759 2760 2760 2761 2762 2763 2764 2764 2764 2764 2764 2764 2764 2776 2776	PINE DECD FIR FIR	14 10 40 32 32 32 32 32 32 32 32 32 32 30 16 22 36 52 12 16 16 16 16 16 16 16 16 16 16 16 16 16 16 16 16 16 16 17 18 10 18 10 18 10 18 14 14 26 20 16 14 26 20 16 14	REMOVE
2753 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2764 2765 2764 2776 2776 2776 2776 2777 2778 2776 2777 2778 2776 2777 2778 2776 2777 2778 2778	PINE DECD FIR FIR	14 10 40 32 36 52 12 16 14 18 10 18 10 18 10 18 10 18 10 18 24 26 24 26 24 26 24	REMOVE
2753 2756 2757 2758 2759 2760 2760 2761 2762 2763 2764 2764 2765 2764 2765 2764 2765 2774 2776 2776 2777 2778 2776 2777 2778 2777 2778 2778	PINE DECD FIR FIR	14 10 40 32 32 32 32 32 32 30 16 22 36 52 12 16 16 16 16 16 16 16 16 16 16 16 16 16 16 16 16 16 16 16 17 18 10 18 10 18 10 18 14 18 10 18 14 26 24 26 20 16 14 26 26	REMOVE
2753 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2764 2765 2764 2776 2776 2776 2776 2777 2778 2776 2777 2778 2776 2777 2778 2776 2777 2778 2778	PINE DECD FIR FIR	14 10 40 32 36 52 12 16 14 18 10 18 10 18 10 18 10 18 10 18 24 26 24 26 24 26 24	REMOVE

- SHOULD SUPERVISE PROPER EXECUTION OF THIS PLAN ON-CALL DURING CONSTRUCTION ACTIVITIES THAT COULD ENCROACH ON RETAINED TREES. TREE PROTECTION SITE INSPECTION MONITORING REPORTS SHOULD BE PROVIDED TO THE CLIENT AND CITY FOLLOWING EACH SITE VISIT PERFORMED DURING CONSTRUCTION.
- 9. REASSESSMENT. TREES THAT ARE RETAINED WITH SITE IMPROVEMENT WORK SHOULD BE REASSESSED IN TERMS OF FUTURE HOME PLANS; ADDITIONAL TREE REMOVAL OR ALTERNATIVE TREE PROTECTION MEASURES MAY BE NEEDED.

FAIR POOR

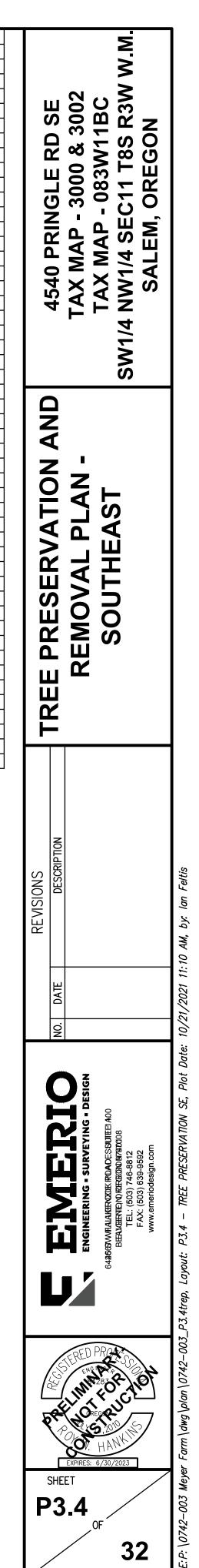
VERY POOR

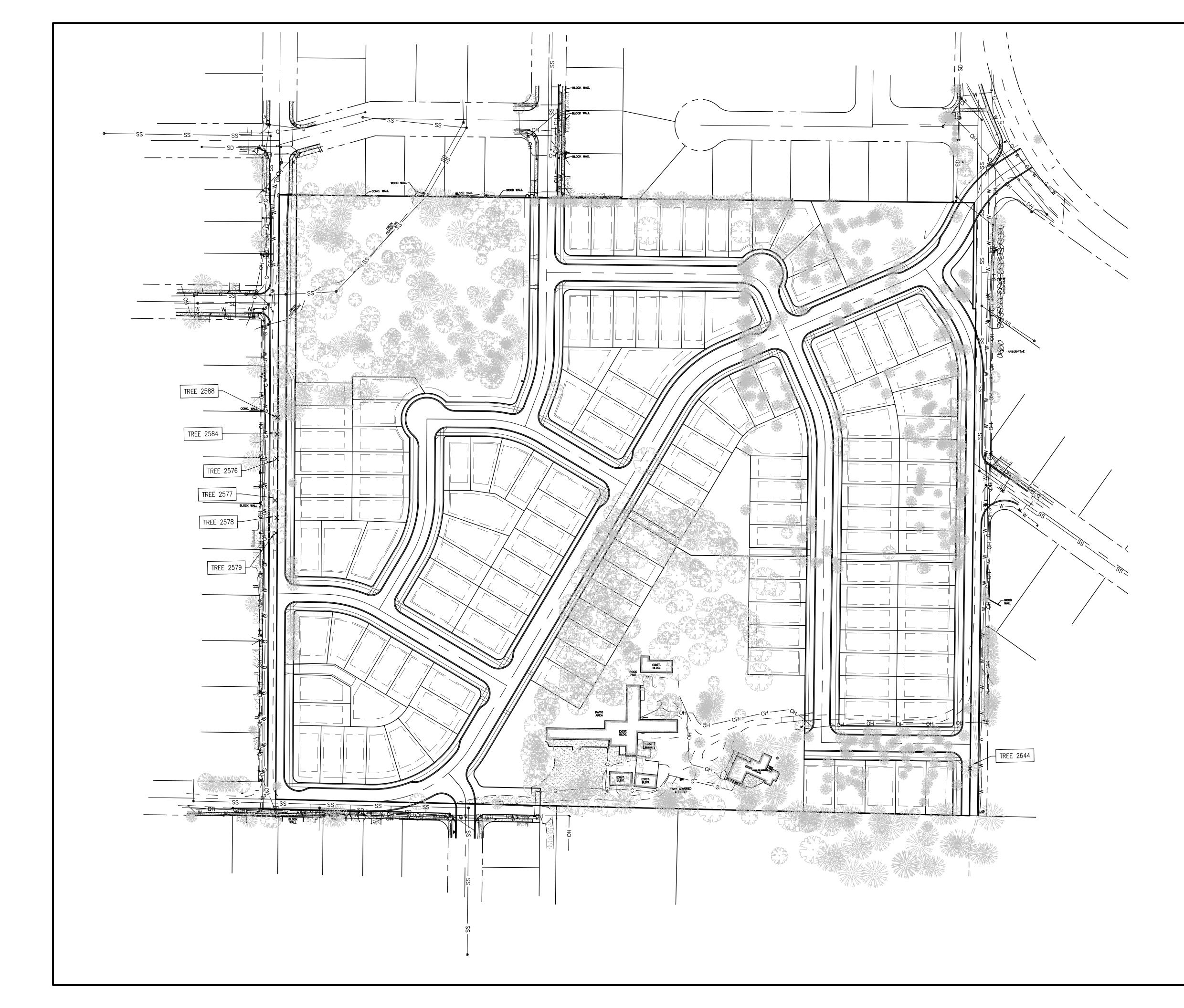
TREE #	SPECIES	DBH*	REMOVE
2833 2834	OAK (x2) OAK	16 22	REMOVE REMOVE
2835	OAK	10	
2836 2837	OAK OAK	30 18	HH
2838	0AK (x3)	18	
2839	0AK (x2)	12	\square
2840 3073	OAK FIR	20 14	++++
3074	FIR	14	
3075	FIR	36	
3076 3077	FIR	26 24	HH
3078	FIR	24	
3079	FIR	24	
3080 3081	FIR FIR	15 26	HH
3081	FIR	20	++++
3083	WALNUT	10	
3084	OAK	28	
3086	FIR	10	
3087	0AK	17	
3088	OAK	22	\square
3089 3092	0AK (x2) 0AK (x2)	16 18	HH
3092	OAK (XZ) OAK	22	
3094	OAK	20	
3095	OAK (x3)	14	
3096 3097	OAK OAK	14 10	
3097	OAK OAK	10	
3099	0AK (x2)	12	
3100	OAK	20	
3101 3102	OAK OAK (x2)	12 16	
3102	OAK (x2) OAK (x2)	16	
3104	ΟΑΚ	12	
3105	OAK	16	
3106 3107	OAK (x2) OAK	18 12	
3108	OAK	12	
3109	OAK	28	
3110	OAK (x2)	14	REMOVE
3111 3112	OAK OAK	14 10	REMOVE
3113	OAK	10	REMOVE
3114	OAK	14	REMOVE
3115	ΟΑΚ	16	REMOVE
3116	0AK (x2)	16 16	REMOVE
3117	OAK	10	REMOVE
3119	OAK	12	REMOVE
3120	OAK	18	REMOVE
3121	OAK	12	REMOVE
3122 3123	OAK OAK	14 10	REMOVE REMOVE
3124	FIR	30	
3125	OAK	14	
3126 <i>3</i> 127	OAK OAK	12 12	
3128	FIR	20	
3129	FIR	36	
3130	OAK	12	
3131 3132	OAK OAK	12 12	HHH
3133	OAK	12	
31.34	0AK (x2)	22	
3135 3136	OAK OAK	22 14	HH
3136 3137	OAK	22	++++
3138	0AK (x2)	20	
3139	OAK	18	
3140	OAK OAK	14 22	PEMOVE
3141 3142	OAK OAK	22	REMOVE REMOVE
3143	OAK	20	REMOVE
3144	OAK	10	REMOVE
3145 3222	OAK OAK	12 12	REMOVE
3222	OAK	14	+++++
3224	OAK	16	
3360	OAK	24	$\langle / / / \rangle$
3361 3362	OAK OAK	22 18	HH
3363	OAK OAK (x2)	18	HH
3364	0AK (x2)	18	
3365	0AK (x2)	12	
3444	FIR	16	
3445	FIR	24	
3446	OAK	24	
3447	FIR	24	4/77
3448 3449	FIR	20 22	HH
3449 3450	FIR	22 36	HH
5634	FIR	16	
5635	FIR	14	REMOVE

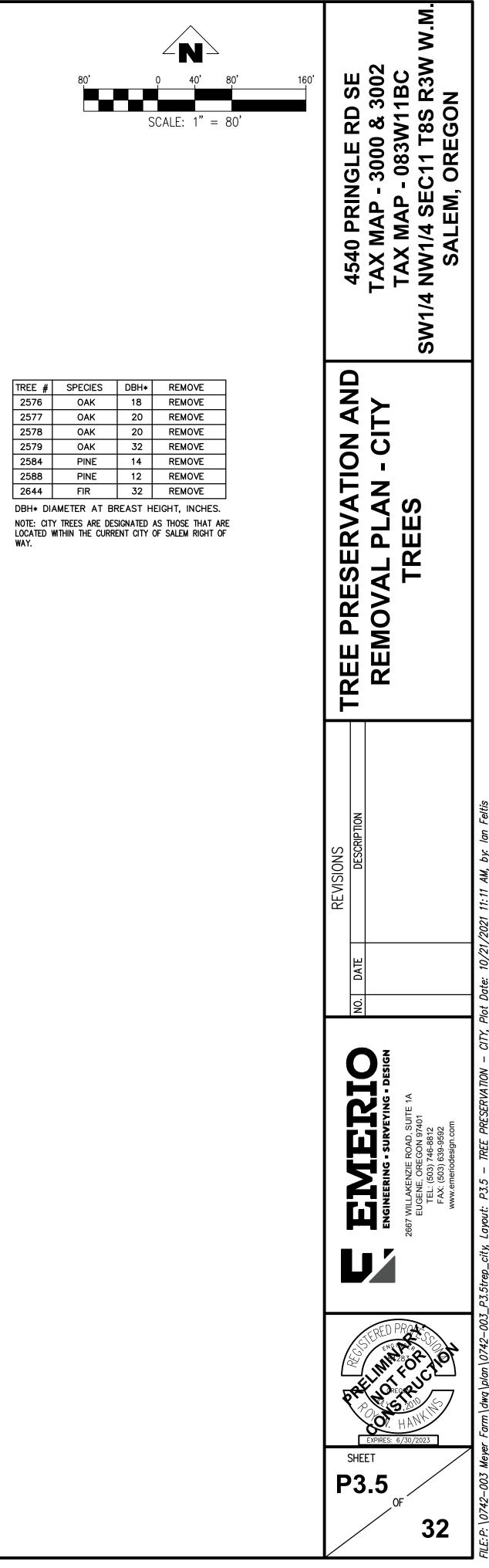
TREE #	SPECIES	DBH*	REMOVE		
5636	MADRONA	10	REMOVE		
5637	FIR (x2)	14	REMOVE		
5638	FIR	16	REMOVE		
5639	FIR	14	REMOVE		
5640	FIR (x2)	16	REMOVE		
5641	FIR	26	REMOVE		
5642	FIR	18	REMOVE		
5643	FIR	16	REMOVE		
5644	FIR	16	REMOVE		
5646	FIR	14	REMOVE		
5647	FIR	16	REMOVE		
5648	CTNWD	18	REMOVE		
5649	PINE	10	REMOVE		
5651	MADRONA	12	REMOVE		
5652	PINE	14	REMOVE		
5654	PINE	12	REMOVE		
5655	PINE	10	REMOVE		
5656	PINE	10	REMOVE		
5657	PINE	12	REMOVE		
5658	PINE	12	REMOVE		
5660	PINE	10	REMOVE		
5665	PINE	10	REMOVE		
5666	PINE	10	REMOVE		
5667	PINE	12	REMOVE		
5669	FIR	12	REMOVE		
5700	PINE	12	REMOVE		
5701	FIR	14	REMOVE		
5702	PINE	10	REMOVE		
E704					
5704	PINE	10	REMOVE		
5705	PINE	10	REMOVE		
5707	DINE	10			
5707 5708	PINE	10 16	REMOVE REMOVE		
5708	FIR	10	REMOVE		
5709	E IN				
5712	PINE	12	REMOVE		
5712	PINE	12	REMOVE		
5/15		12			
	DBH* DIAMETER AT BREAST HEIGHT, INCHES.				

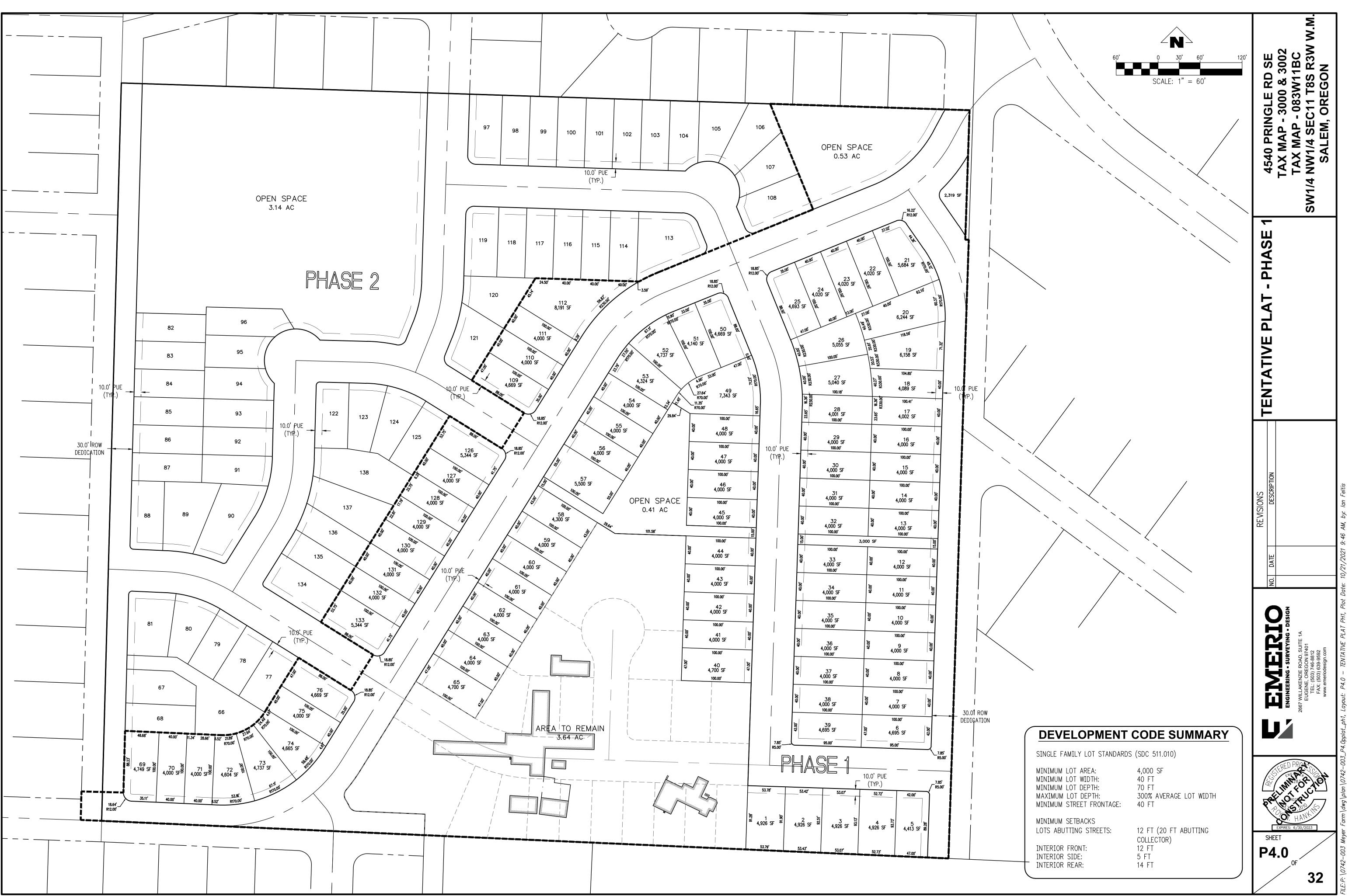
INDICATES OFFSITE TREE, OR TREE NOT LOCATED WITHIN PROJECT AREA. NOT INCLUDED IN TREE PRESERVATION COUNT.

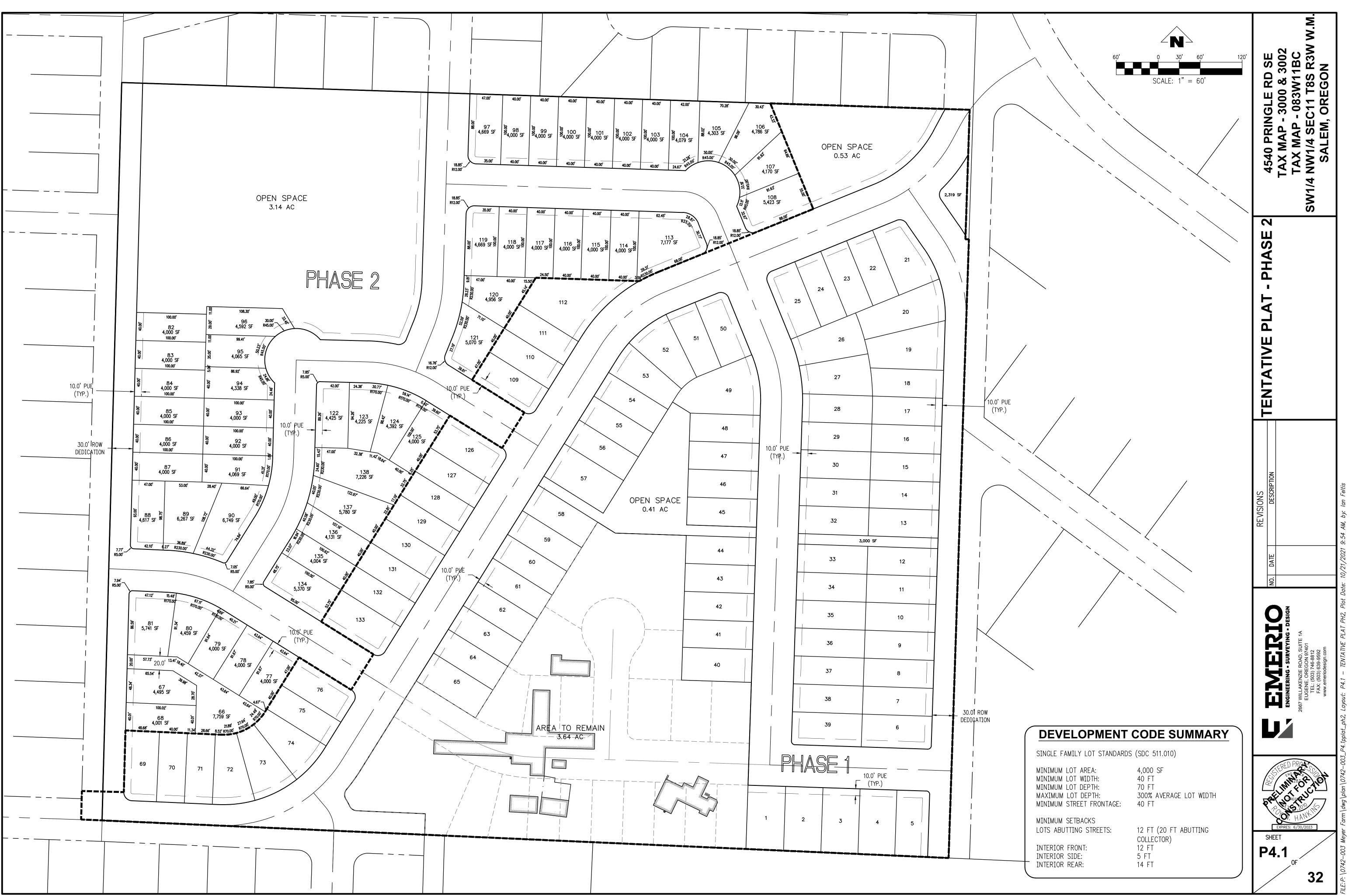
INDICATES TREE LOCATED WITHIN AREA TO REMAIN. INCLUDED IN TREE PRESERVATION COUNT.

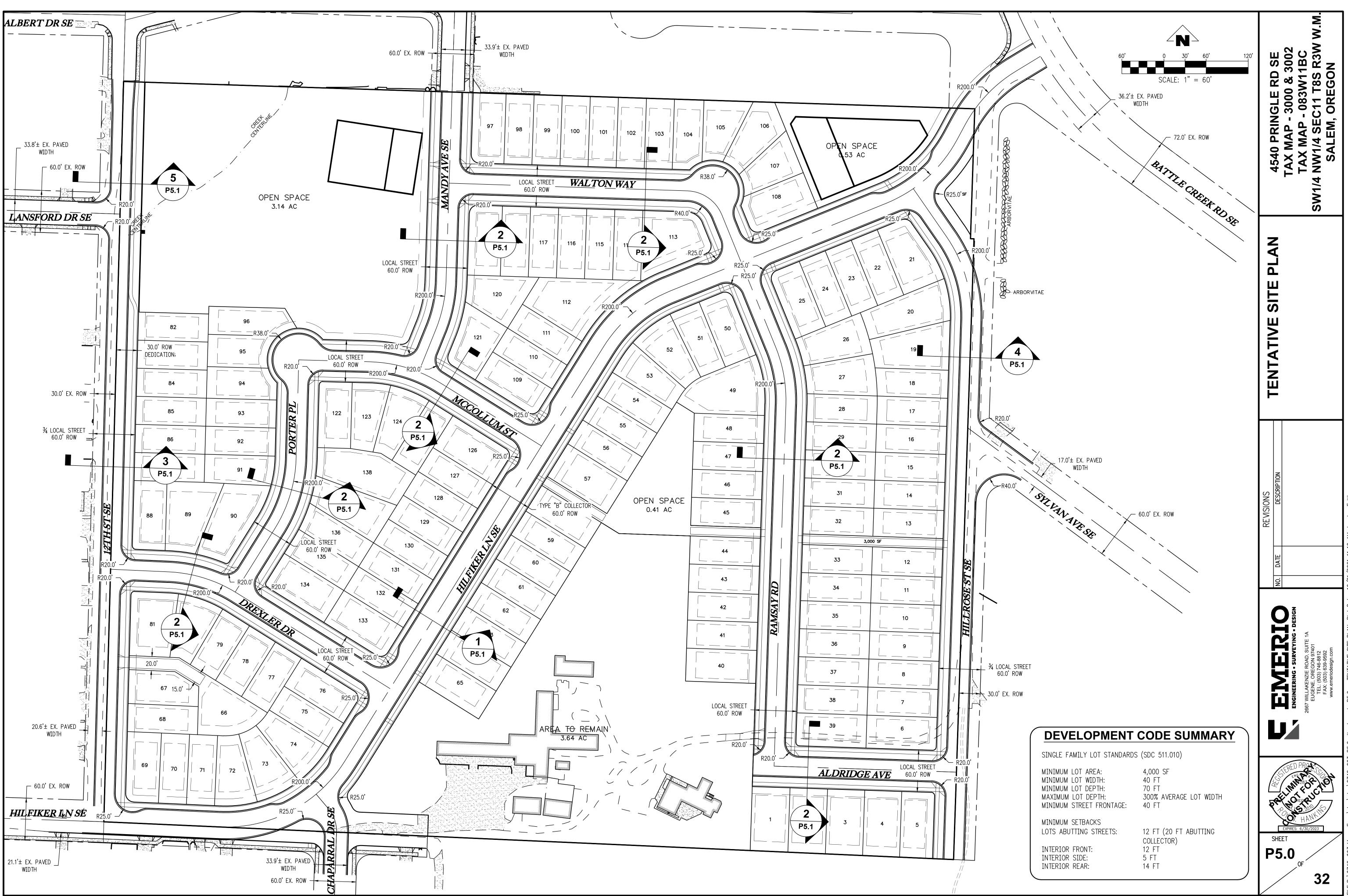




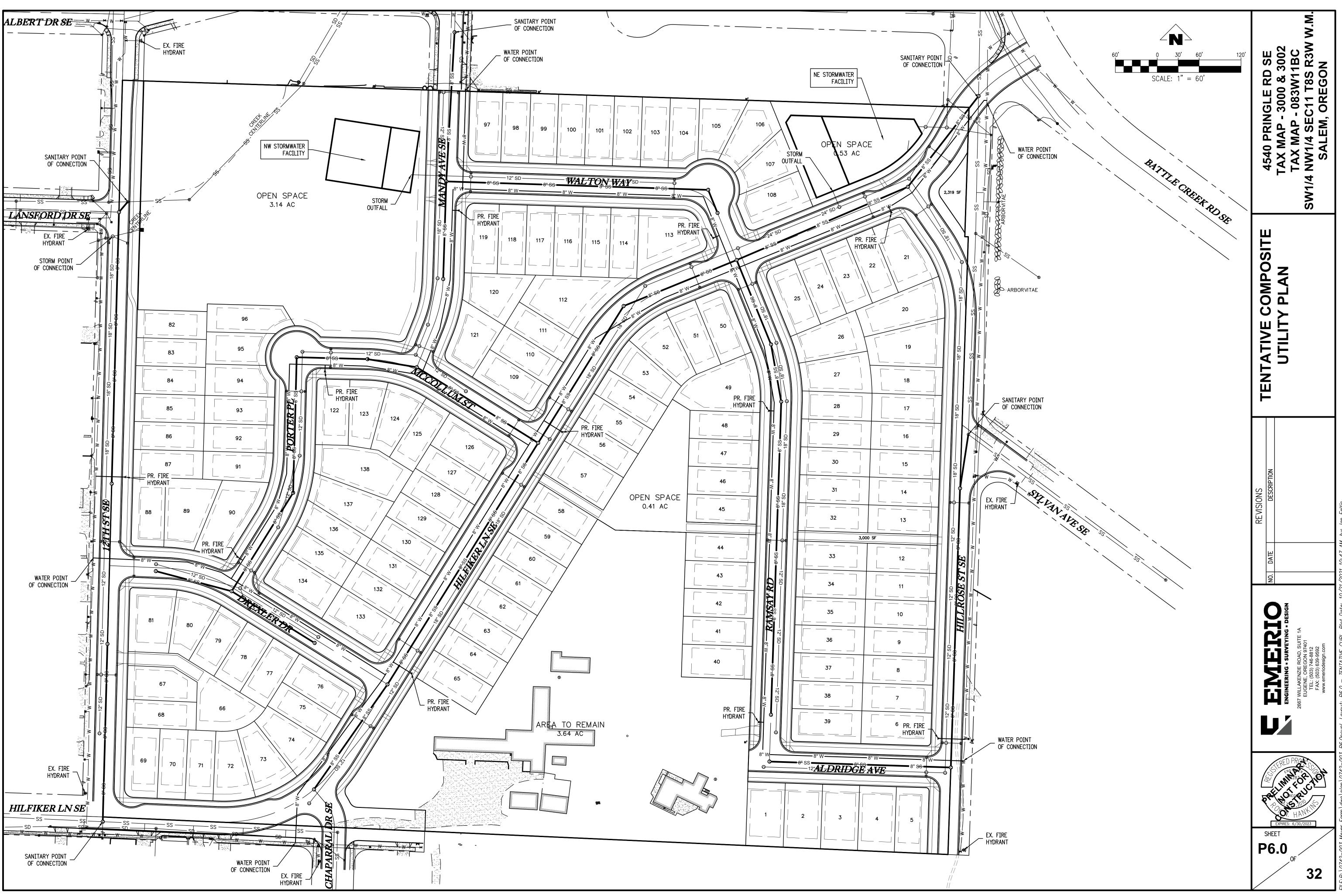








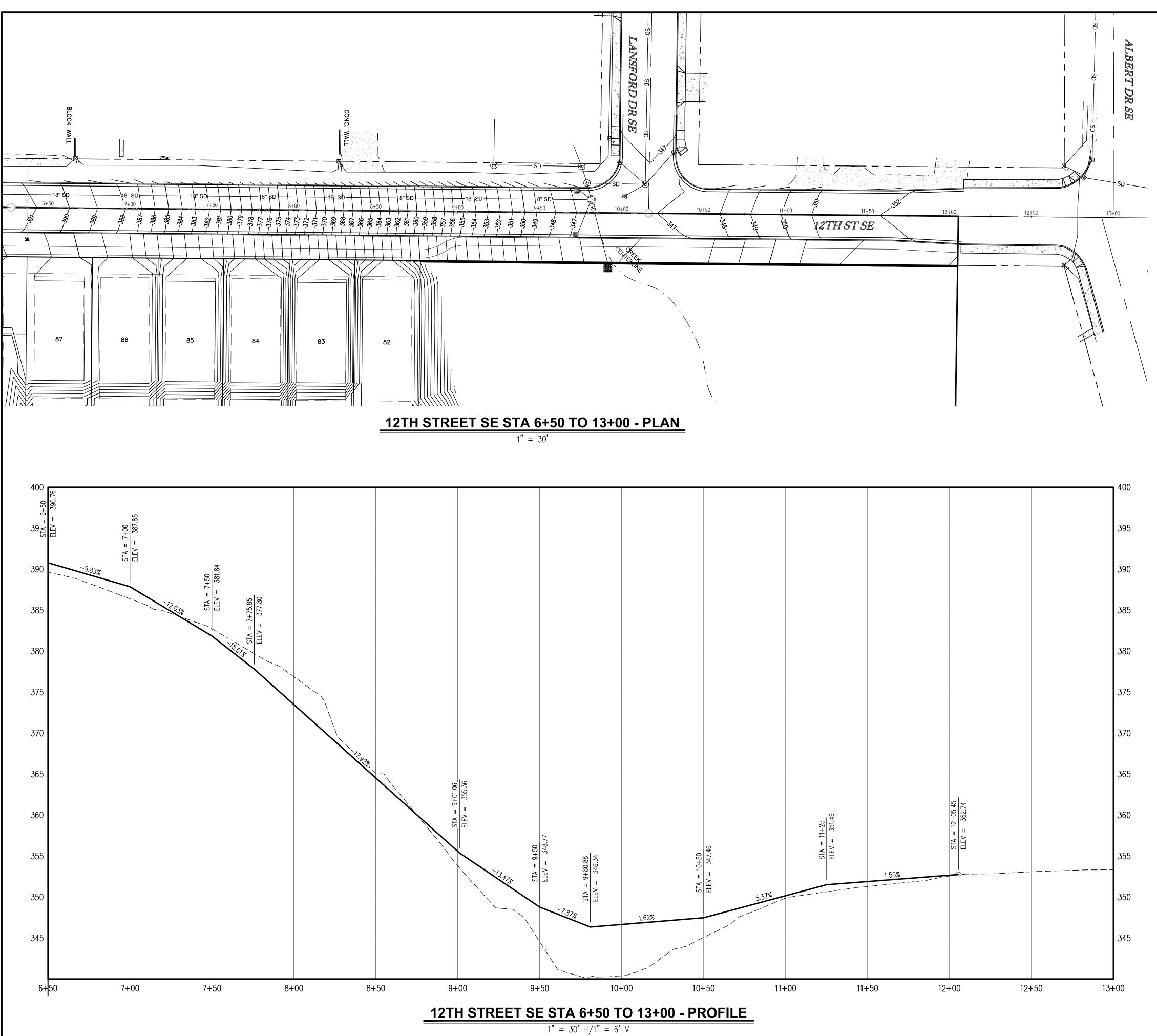
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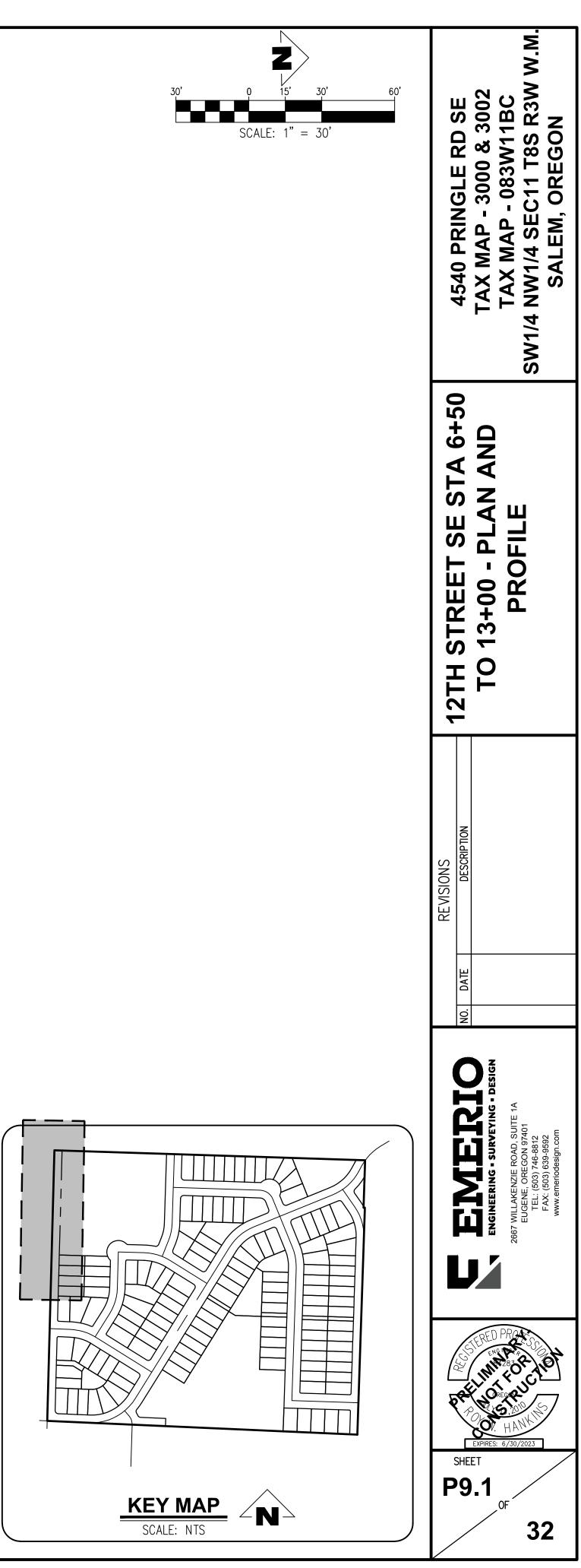


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Meyer Farm Phased Subdivision

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CITY OF SALEM UNIFIED DEVELOPMENT CODE TITLE X

SRC: 205.010: Subdivision Tentative Plan
SRC: 205.015: Phased Subdivision Tentative Plan
SRC: 510.010: Development Standards – Residential Agriculture Zone
SRC: 511.010: Development Standards – Single-Family Residential Zone
SRC: 800.000: General Development Standards
SRC: 802.000: Public Improvements
SRC: 803.000: Streets and Right-Of-Way Improvements
SRC: 804.000: Driveway Approaches
SRC: 805.000: Vision Clearance
SRC: 806.000: Off-Street, Loading and Driveways
SRC: 807.000: Landscaping and Screening
SRC: 808.000: Preservation of Trees and Vegetation
SRC: 810.000: Landslide Hazards

VI. CONCLUSION



I. PROJECT DESCRIPTION

APPLICANT: Kehoe Northwest Properties 11627 S. Summerville Ave. Portland, OR 97219

CIVIL ENGINEER,

PLANNING &

SURVEYOR: Emerio Design, LLC 6445 SW Fallbrook Pl., Suite 100 Beaverton, OR 97008

> Roy Hankins, P.E. – Director of Operations (Eugene) (541) 521-9797 roy@emeriodesign.com

Jennifer Arnold, Senior Land Use Planner (541) 263-0933 jarnold@emeriodesign.com

TRANSPORTATION

ENGINEER:	Kittelson & Associates, Inc.
	851 SW 6 th Avenue, Suite 600
	Portland, OR 97204

ARCHAEOLOGIST: NV5

Karry Blake, MA, RPA 9450 SW Commerce Circle, Suite 300 Wilsonville, OR 99707

SITE

- **LOCATION:** The approximate 29-acre subject property is located at 4540 Pringle Road SE on the north side of Hilfiker Lane SE and on the west side of Pringle Road SE.
- TAX LOTS: 083W11BC: Tax Lots 3000 and 3200
- SITE SIZE: The subject site totals approximately 30 acres in size.
- ZONING: Residential Agriculture (RA) & Single-Family Residential (RS), City of Salem, Oregon
- **REQUEST:** The applicant is seeking approval to subdivide the 25.63-acre property into 138 single-family lots.



II. SITE DESCRIPTION/EXISTING CONDITIONS

The subject property is approximately 25.63 acres, located at 4540 Pringle Road SE, and split zoned between Residential Agriculture (RA) and Single Family Residential (RS). The subject property is surrounded by single-family development and has a small creek located in the northwest corner. Of the total 817 identified trees, 217 trees (including 5 significant Oak trees) are proposed to be preserved. The property is best described as having rolling hills with low areas at 133 feet near the creek and high areas in the southwest corner at 395 feet. An existing conditions map, grading plan, and road profile sheets are included with this submittal.

III. NEEDED HOUSING APPLICATION

As a subdivision application for a housing development, this Application is subject to Oregon's "Needed Housing" statutes – ORS 197.303(1), 197.307(4) and (6), 197.522, 227.173(2) and 227.175(4). Oregon law defines "needed housing" as:

all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. "Needed housing" includes the following housing types:

(a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 (Policy) to 197.490 (Restriction on establishment of park);

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and

(e) Housing for farmworkers.

ORS 197.303(1). This Application falls under the definition of "needed housing" because (a) it is on land zoned for residential use that is within an urban growth boundary; and (b) will consist of attached and/or detached single-family housing for owner and/or renter occupancy. *Id*.

The Needed Housing statutes require, among other things, that approval criteria for such developments be analyzed using only "clear and objective" standards, conditions of approval, and procedures. ORS 197.307(4). "Generally, approval standards [as well as procedures and conditions of approval] are clear and objective if they do not impose 'subjective, value-laden analyses that are designed to balance or mitigate impacts." *Warren v. Washington County*, (Or LUBA 2018) (citing *Rogue Valley Assoc. of*



Realtors v. City of Ashland, 35 Or LUBA 139, 158 (1998), *aff'd* 158 Or App 1, 970 P.2d 685, *rev den* 328 Or 549 (1999)). Moreover, all standards for needed housing must be "clear and objective on the face of the ordinance." ORS 227.173(2).

However, the local government is allowed to "adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section."

ORS 197.307(6).

Further, Oregon <u>requires</u> local governments to approve "an application for a permit, authorization or other approval necessary for the subdivision or partitioning of, or construction on, any land for needed housing that is consistent with the comprehensive plan and applicable land use regulations." ORS 197.522(2). If a subdivision application is not consistent with the comprehensive plan and applicable land use regulations, the local government must, prior to making a final decision, "allow the applicant to offer an amendment or to propose conditions of approval that would make the application consistent with the plan and applicable regulations." ORS 197.522(3).

Finally, a city "may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including clear and objective design standards contained in the city comprehensive plan or land use regulations." ORS 227.175(4)(b)(A).

The City of Salem has not adopted an alternate approval process as allowed by ORS 197.307(6). As such, the City may only apply clear and objective approval criteria, standards, and processes to this Application, and must impose only clear and objective conditions of approval on the Application. Any approval criteria, standards, procedures, or conditions that are subjective (i.e. not clear and objective) cannot be applied to this Application. And, the City must approve this Application if it meets the applicable clear and objective approval criteria.

Applicant has identified the approval criteria, standards, and procedures below that are not clear and objective.

IV. LIMITED LAND USE APPLICATION

The subdivision application is also considered a "limited land use application" as defined by ORS 197.015(12) and is thus subject to ORS 197.195(1), which allows only those Comprehensive Plan and



Transportation System Plan ("TSP") policies that have been properly incorporated into land use regulations to apply as approval criteria.

Specifically, a city whose code incorporates its comprehensive plan or TSP policies must do more than provide a "broad injunction to comply with unspecified portions" of the plan and/or TSP. *Paterson v. City of Bend*, 49 Or LUBA 160, 167 (2005), *aff'd in part, rev'd and rem'd on other grounds*, 201 OR App 344, 118 P.3d 842 (2005); *see also Oster v. City of Silverton*, Slip Op. at 9 (Or. LUBA 2019). "In order to 'incorporate' a comprehensive plan standard into a local government's land use regulations within the meaning of ORS 197.195(1), the local government must at least amend its land use regulations to make clear what specific policies or other provisions of the comprehensive plan apply to a limited land use decision as approval criteria." *Paterson*, 49 Or LUBA at 167; *see also Oster*, Slip Op. at 9. In other words, a city's code provisions must "make clear what specific policies, action items, or performance standards contained in the [comprehensive plan or] TSP apply as approval criteria for a limited land use decision." *Oster*, Slip. Op. at p. 12. "Incorporation by reference of the entirety of each of the city's public facilities plan falls far short." *Id.*

The City of Salem has not properly incorporated many of its Comprehensive Plan and TSP policies into the approval criteria relevant to this Application. As such, they cannot be applied.

Applicant has identified the approval criteria below that do not properly incorporate the Comprehensive Plan and TSP policies.

V. RESPONSE TO APPLICABLE CODE STANDARDS & APPROVAL CRITERIA

SECTION 205.010. - SUBDIVISION TENTATIVE PLAN

- (a) *Applicability.* No land shall be divided into four or more lots within a calendar without receiving tentative subdivision plan approval as set forth in this section.
- (b) *Procedure type.* A tentative subdivision plan is processed as a Type II procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for tentative subdivision plan shall include the information required in SRC 205.030.
- (d) *Criteria.* A tentative subdivision plan shall be approved if all of the following criteria are met:
 - (1) The tentative subdivision plan complies with the standards of this chapter and with all applicable provisions of the UDC, including, but not limited to, the following:
 - (A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage and designation of front and rear lot lines.
 - (B) City infrastructure standards.



(C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

<u>Applicant Response:</u> The provisions of the UDC for lot standards (area, width, depth, frontage), and designation of front and rear lot lines are addressed below in this narrative. The city infrastructure standards and vision clearance standards are addressed below in this narrative. This application submittal also includes a geotechnical analysis. The criteria are met.

However, criterion 1 (subsection (d)(1)) is not clear and objective. Simply citing "applicable provisions of the UDC," without specifying which provisions are applicable, does provide the Applicant sufficient information. Further, the phrase "including, but not limited to" is subjective and allows for discretion. Further, "City infrastructure standards" does not provide any information as to what those standards are that must be complied with. As such, this criterion cannot be applied to the Application.

- (2) The tentative subdivision plan does not impede the future use or development of the property or adjacent land.
- (3) Development within the tentative subdivision plan can be adequately served by city infrastructure.

<u>Applicant Response</u>: This proposed subdivision plan does not impede the future use or development of the property or adjacent land. A future development plan is shown over the existing farmhouse tract to comply with UDC standards. A composite utility plan and a right-of-way improvement plan have been included with this application to demonstrate that the tentative subdivision can be adequately served by city infrastructure. The criteria are met.

However, criterion 2 (subsection (d)(2)) is not clear and objective because it does not define how such tentative subdivision plan could "impede the future use or development of the property or adjacent land" – rather, it allows for discretion by the review authority. As such, this criterion cannot be applied to this Application.

Criterion 3 (subsection (d)(3)) is similarly not clear and objective because it does not define "adequately served" – this phrase is subjective and allows for discretion by the review authority. As such, it cannot be applied to this Application.

- (4) The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.
- (5) The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.



- (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. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.
- (7) The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable.

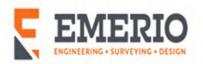
<u>Applicant Response:</u> The existing and proposed street systems in and adjacent to the subject site conform to the Salem Transportation System Plan (see sheet P5.0 Tentative Site Plan). The proposed street system and associated improvements provide safe, orderly, and efficient circulation into, through and out of the subdivision. The applicant proposes to install a pedestrian trail from Hillrose Street from the east side of the subject site to the sidewalks on the west side of Hilfiker Lane. Sidewalks are proposed throughout the subdivision where practical. There are no transit stops or employment centers in or adjacent to the subject property. A traffic impact analysis has been included with this submittal and proposes to follow the recommendations made by Kittelson and Associates. The criteria are met.

However, criterion 4 (subsection (d)(4)) is not clear and objective because it includes the phrase "conforms to," which is subjective and allows for discretion. Moreover, the Transportation System Plan (TSP) is not properly incorporated into this criterion because it includes merely a general reference to the plan and does not specify which provisions of the TSP are applicable. As such, criterion 4 cannot be applied to this Application.

Criterion 5 (subsection (d)(5)) is not clear and objective for "provid[ing] for the safe, orderly, and efficient circulation of traffic." This phrase includes subjective terms and allows for discretion by the review authority. As such, it cannot be applied to this Application.

Criterion 6 (subsection (d)(6)) is not clear and objective because "safe and convenient" are subjective, undefined terms that allow for discretion. Moreover, this criterion leaves open the definition of "neighborhood activity centers" by including "but are not limited to" in its definition, making the requirement subjective. As such, this criterion cannot be applied to this Application.

Criterion 7 (subsection (d)(7)) is not clear and objective because it requires the plan to "mitigate impacts to the transportation system," which is subjective. It also only applies "where applicable," which allows for discretion. As such, this criterion cannot be applied to this Application.



- (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.
- (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.
- (10) When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.

<u>Applicant Response:</u> An existing conditions map has been included with this submittal and the tentative subdivision plan accounts for the topography and vegetation without a need for a variance. The applicant has taken these factors into account and only proposes the disruption of the site due to reasonable development of the lots. This proposal does not require an Urban Growth Preliminary Declaration under SRC 200. The criteria are met.

However, criterion 8 (subsection (d)(8)) requires the tentative subdivision plan to "take into account" certain features, and does not adequately define what must be considered. Further, "minimized" and "to the greatest extent practicable" are subjective terms with no numerically or otherwise defined bounds. As such, this criterion is not clear and objective and cannot be applied to this Application.

Criterion 9 (subsection (d)(9)) similarly requires the tentative subdivision plan to "take into account" certain features, and does not adequately define what must be considered. Further, "the least disruption" is a subjective term with no numerically or otherwise defined bounds. As such, this criterion is not clear and objective and cannot be applied to this Application.

Criterion 10 (subsection (d)(10)) is not clear and objective because it does not define the manner in which the plan can "ensure[] that the conditions requiring the construction of on-site infrastructure . . . will occur." As such, it cannot be applied to this Application.

(e) Expiration. Tentative subdivision plan approval shall expire as provided in SRC 300.850, unless an application for final plat is submitted within the time limits set forth in SRC 300.850, or an extension is granted pursuant to SRC 300.850(b).

<u>Applicant Response:</u> The applicant understands the expiration criteria of SRC 300.850. The criterion is met.



SECTION 205.015. – PHASED SUBDIVISION TENTATIVE PLAN

- (a) *Applicability.* The subdivision of land may be phased. No land shall be divided as a phased subdivision without receiving tentative phased subdivision plan approval as set forth in this section. When the subdivision of land is phased, one tentative plan is approved for the entire phased subdivision, and each individual phase receives separate final plat approval.
- (b) *Procedure type.* A tentative phased subdivision plan is processed as a Type II procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for tentative phased subdivision plan shall include:
 - (1) The information required in SRC 205.030; and
 - (2) A phasing plan that indicates the tentative boundaries of each phase, the sequencing of the phases, the tentative configuration of lots in each phase, and a plan for the construction of all required city infrastructure in each phase.
- (d) *Approval criteria*. A tentative phased subdivision plan shall be approved if all of the following criteria are met:
 - (1) The tentative phased subdivision plan meets all of the criteria for tentative subdivision plan approval set forth in SRC 205.010(d).
 - (2) Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.
 - (3) Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.
 - (4) Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.

<u>Applicant Response:</u> This application includes a phasing plan which includes phasing boundaries, tentative configuration, and plan for construction of required infrastructure. Per the submitted plans included with this application, and as shown above, the requirements of SRC 205.010(d) are met. Public improvements are noted on each subdivision phase. Each phase is self-contained and supports the infrastructure requirements for the subdivision as a whole. The criteria are met.

However, criterion 1 (subsection (d)(1)) is not clear and objective because the criteria set forth in SRC 205.010(d) are not clear and objective, as explained above. Thus, to the extent the criteria set forth in SRC 205.010(d) cannot be applied, this criterion also cannot be applied to this Application.

Criterion 2 (subsection (d)(2)) is not clear and objective because "orderly and efficient construction" is not defined, is subjective, and allows for discretion. As such, this criterion cannot be applied to the Application.



Criterion 3 (subsection (d)(3)) is not clear and objective because "substantially and functionally self-contained and self-containing" is not defined, is subjective, and allows for discretion. As such, this criterion cannot be applied to the Application.

Criterion 4 (subsection (d)(4)) is not clear and objective because it does not define the manner in which each phase can be "defined in such a manner that all phases support the infrastructure requirements." As such, it cannot be applied to this Application.

- (e) *Modification pursuant to final plat approval.* If the approval of a final plat for a phase of a phased subdivision requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the tentative phased subdivision plan shall be modified prior to approval of the final plat.
- (f) *Expiration.* Tentative phased subdivision plan approval shall expire as provided in SRC **300.850**, unless an application for final plat is submitted for each phase within the time limits set forth in SRC **300.850**, or an extension is granted pursuant to SRC **300.850**(b).

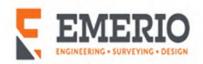
<u>Applicant Response:</u> No modifications pursuant to final plat approval are included with this application. The applicant understands the expiration requirements of SRC 300.850. The criteria are met.

SECTION 510.010. – DEVELOPMENT STANDARDS: Residential Agriculture Zone

Development within the RA zone must comply with the development standards set forth in this section.

Table 510-2 Lot Standards					
Requirement Standard Limitations & Qualificat					
Lot Area	Lot Area				
Single Family	Min. 4,000 sq. ft.				
Lot Width					
Single Family and Two Family	Min. 40 ft.				
Lot Depth					
Single Family	Min. 70 ft.				
	Min. 120 ft.	Applicable to double frontage			
		lots.			
Max. 300% of average lot width					
Street Frontage					
Single Family and Two Family	Min. 40 ft.				
	Min. 30 ft.	Applicable to lots fronting on			
		the turnaround of a cul-de-sac			
		street or the outside curve of a			
		curved street having a radius of			

(a) *Lot standards.* Lots within the RA zone shall conform to the standards set forth in Table 510-2.



200 feet or less and a direction change of 60 degrees or more.	
In no case shall the lot width be less than 40 ft. at the front building setback line.	

<u>Applicant Response:</u> As shown on the tentative plat, the lot dimension standards (width, depth, frontage & area) of Table 510-2 are met.

(b) *Setbacks.* Setbacks within the RA zone shall be provided as set forth in Table 510-3.

<u>Applicant Response:</u> Setback lines are shown on the tentative site plan and comply with the standards of Table 510-3. The criteria are met.

(c) Lot coverage; height. Buildings and accessory structures within the RA zone shall conform to the lot coverage and height standards set forth in Table 510-4.

<u>Applicant Response:</u> Lot coverage and building height standards are to be evaluated for compliance with the standards prior to issuance of a building permit. The criterion is met.

- (d) Garages required.
 - (1) Except as otherwise provided in SRC 700.025 for manufactured homes on individual lots, each dwelling constructed after February 8, 2006, within the RA zone shall have, at the time of original construction, a garage that is constructed of like materials and color as the dwelling. The garage may be attached to, or detached from, the dwelling. Nothing in this subsection shall prevent subsequent removal or conversion of the garage, so long as the minimum number of required off-street parking spaces is maintained.
 - (2) Exception to this standard may be made if, at the time of building permit review, the applicant can show that the construction of the dwelling is being provided by a not-for-profit organization to families at or below the City's 60 percent median income level, as defined by the U.S. Department of Housing and Urban Development; and provision is made for a minimum of 480 cubic feet of on-site storage within a portion of the dwelling unit, or within a detached accessory structure. Such exemption shall only be made for those dwellings built on lots created through a subdivision.



<u>Applicant Response:</u> Garages are proposed with the single-family home development and compliance with these standards is to be evaluated prior to issuance of a building permit. The criteria are met.

However, the requirement in subsection (d)(1) for a garage to be constructed of "like materials and color as the dwelling" is subjective and allows for discretion. As such, it is not clear and objective and cannot be applied to this Application.

- (e) *Development standards for continued uses.* Buildings or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the following standards:
 - (1) The altered, enlarged, or rebuilt building or structure shall conform to development standards set forth in this chapter, and to all other applicable provisions of the UDC.
 - (2) Any building or structure altered or enlarged shall not exceed the square footage and height of the original building or structure by more than 20 percent.
 - (3) Any building or structure rebuilt shall be located on the same location on the lot as the original building or structure, or in compliance with the setbacks set forth in Table 510-3. The square footage and height of the rebuilt building or structure shall not exceed the square footage and height of the original building or structure by more than 20 percent.

<u>Applicant Response:</u> The existing farmhouse and associated accessory structures are proposed to be preserved on a 3.64 ac parcel. A future development plan has been shown over this area indicated how this parcel could be developed consistent to the adjacent area. No other existing uses are proposed to remain or be altered with this application. The criteria are met.

However, subsection (e)(1) includes a requirement to "conform to development standards set forth in this chapter, and to other applicable provisions of the UDC." Without specific inclusion of which standards and provisions are applicable, this requirement is subjective and allows for discretion. As such, it cannot be applied to this Application.

SECTION 511.010: DEVELOPMENT STANDARDS – Single Family Residential

Development within the RS zone must comply with the development standards set forth in this section.

(a) *Lot standards.* Lots within the RS zone shall conform to the standards set forth in Table 511-2.



Table 511-2 Lot Standards			
Requirement	Standard	Limitations & Qualifications	
Lot Area			
Single Family	Min. 4,000 sq. ft.		
Lot Width			
All Uses	Min. 40 ft.		
Lot Depth			
Single Family and Two Family	Min. 70 ft. Min. 120 ft.	Applicable to double frontage lots.	
	Max. 300% of average lot width		
Street Frontage			
Single Family and Two Family	Min. 40 ft. Min. 30 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be	
		less than 40 ft. at the front building setback line.	

<u>Applicant Response:</u> As shown on the tentative plat, the lot dimension standards (width, depth, frontage & area) of Table 511-2 are met.

(b) *Setbacks.* Setbacks within the RS zone shall be provided as set forth in Table 511-3.

<u>Applicant Response:</u> Setback lines are shown on the tentative site plan and comply with the standards of Table 511-3. The criteria are met.

(c) Lot coverage; height. Buildings and accessory structures within the RS zone shall conform to the lot coverage and height standards set forth in Table 511-4.

<u>Applicant Response:</u> Lot coverage and building height standards are to be evaluated for compliance with the standards prior to issuance of a building permit. The criterion is met.

(d) *Maximum square footage for all accessory structures.* In addition to the maximum coverage requirements established in Table 511-4, accessory structures to single family and two family uses shall be limited to the maximum aggregate total square footage set forth in Table 511-5.



<u>Applicant Response:</u> No accessory structures are proposed with this application. The criterion does not apply.

- (e) Garages required.
 - (1) Except as otherwise provided in SRC 700.025 for manufactured homes on individual lots, each dwelling constructed after February 8, 2006, within the RS zone shall have, at the time of original construction, a garage that is constructed of like materials and color as the dwelling. The garage may be attached to, or detached from, the dwelling. Nothing in this subsection shall prevent subsequent removal or conversion of the garage, so long as the minimum number of required off-street parking spaces is maintained.
 - (2) Exception to this standard may be made if, at the time of building permit review, the applicant can show that the construction of the dwelling is being provided by a not-for-profit organization to families at or below the City's 60 percent median income level, as defined by the U.S. Department of Housing and Urban Development; and provision is made for a minimum of 480 cubic feet of on-site storage within a portion of the dwelling unit, or within a detached accessory structure. Such exemption shall only be made for those dwellings built on lots created through a subdivision.

<u>Applicant Response:</u> Garages are proposed with the single-family home development and compliance with these standards is to be evaluated prior to issuance of a building permit. The criteria are met.

However, the requirement in subsection (e)(1) for a garage to be constructed of "like materials and color as the dwelling" is subjective and allows for discretion. As such, it is not clear and objective and cannot be applied to this Application.

- (f) *Development standards for continued uses.* Buildings or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the following standards:
 - (1) The altered, enlarged, or rebuilt building or structure shall conform to development standards set forth in this chapter, and to all other applicable provisions of the UDC.
 - (2) Any building or structure altered or enlarged shall not exceed the square footage and height of the original building or structure by more than 20 percent.
 - (3) Any building or structure rebuilt shall be located on the same location on the lot as the original building or structure, or in compliance with the setbacks set forth in Table 511-3. The square footage and height of the rebuilt building or structure shall not exceed the square footage



and height of the original building or structure by more than 20 percent.

<u>Applicant Response:</u> The existing farmhouse and associated accessory structures are proposed to be preserved on a 3.64 ac parcel. A future development plan has been shown over this area indicated how this parcel could be developed consistent to the adjacent area. No other existing uses are proposed to remain or be altered with this application. The criteria are met.

However, subsection (f)(1) includes a requirement to "conform to development standards set forth in this chapter, and to other applicable provisions of the UDC." Without specific inclusion of which standards and provisions are applicable, this requirement is subjective and allows for discretion. As such, it cannot be applied to this Application.

SECTION 800. - GENERAL DEVELOPMENT STANDARDS

Sec. 800.001. - Purpose.

The purpose of this chapter is to establish certain standards that apply generally to development throughout the City, regardless of zone.

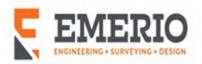
Sec. 800.005. - Applicability.

The standards set forth in this chapter apply to all development in every zone unless otherwise exempted by the UDC. In the event of a conflict between the standards set forth in this chapter and any other provision of the UDC, the more restrictive provision shall apply.

Sec. 800.010. - Definitions.

Unless the context otherwise specifically requires, as used in this chapter, the terms identified in this section shall have the following meanings. Where a term used under SRC 800.055 (Solid Waste Service Areas) is not defined in this section, the definitions under SRC chapters 47 (Solid Waste Management) and 50 (Property Maintenance) shall apply.

- Compactor means any self-contained, power-driven, mechanical equipment designed for the containment and compaction of solid waste or recyclable materials.
 Drop box means a single container designed for the storage and collection of large volumes of solid waste or recyclable materials, which is usually ten cubic yards or larger in size, and requires a special vehicle for pick up.
- *Enclosure* means a structure built consistent with the State of Oregon Structural Specialty Code designed to provide screening for permanent compactors, receptacles, drop boxes, or any other solid waste, recycling, and compostable containment facilities.
- *Receptacle* means any vessel approved by the Director and used for the storage of solid waste, recycling, and compostable material, excluding drop boxes and compactors.



Solid waste service area means an area designed and established for the purpose of satisfying the local collection franchise service requirements for servicing receptacles, drop boxes, and compactors singularly or collectively.

Sec. 800.015. - Lot standards, generally.

- (a) Buildings to be on a lot. Every building or structure shall be entirely located on a lot. Where two or more lots are under single ownership to accommodate a single development, the entire combined area shall be considered as a single lot for purposes of the UDC. Buildings that are attached at a common property line, but which otherwise meet all requirements of SRC chapter 56 as separate buildings shall be considered as separate buildings for purposes of this subsection.
- (b) Side lot lines. As far as is practicable, side lot lines shall run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.

Sec. 800.020. - Designation of lot lines.

- (a) Front lot line. The front lot line shall be designated as set forth in this subsection (see Figure 800-1).
 - (1) *Interior lot.* For an interior lot, the front lot line shall be the property line abutting the street.
 - (2) *Corner lot.* For a corner lot, the front lot line shall be the property line abutting a street designated by the building permit applicant; provided, however, that lot dimension standards are met.
 - (3) *Double frontage lot.* For a double frontage lot, the front lot line shall be the property line abutting a street designated by the building permit applicant; provided, however, that lot dimension requirements are met.
 - (4) Flag lot. For a flag lot, the front lot line shall be the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street from which access is provided to the flag lot, unless the Planning Administrator otherwise directs, in which case the front lot line shall be set forth in the conditions of approval for the tentative plan of the plat, which shall be recorded on deeds conveying lots.
 - (5) Other lots. In the case of any lot not covered by subsections (a)(1) through (4) of this section, the front lot line shall be the property line that the architecturally designed front of the building faces.
- (b) *Rear lot line.* The rear lot line shall be designated as set forth in this subsection (see Figure 800-2).
 - (1) *Generally.* For all lots, except those identified in subsection (b)(2) of this section, the rear lot line shall be the property line that is opposite and most parallel to, and located the greatest distance from, the front lot line.



- (2) *Trapezoidal, triangular, diamond, or other shaped lots.* For trapezoidal, triangular, diamond, or other shaped lots with a distance between the side lot lines at the rear of the lot of less than ten feet, the rear lot line for purposes of determining required setbacks shall be a line ten feet in width drawn between the side lot lines and located parallel to and at the maximum distance from the front lot line (see Figure 800-3).
- (c) *Side lot line.* A side lot line is any lot line which is not a front or rear lot line.

<u>Applicant Response:</u> The applicant understands the definitions as they pertain to this application. However, with respect to Sec. 800.010, the definitions and procedure for applying the definitions are not clear and objective to the extent a decision maker is allowed to determine that "context otherwise specifically requires" a different definition. This procedure cannot be applied to this Application. Moreover, the definition of "drop box" includes subjective terms such as "large volumes" and "usually" and "special vehicle"; and the definition of "enclosure" includes subjective terms such as "consistent with" – these are not clear and objective.

Sec. 800.025. – Flag Lots.

- (a) *Lot area.* The lot area of a flag lot shall conform to the lot area standards of the UDC. Lot area shall be calculated exclusive of the flag lot accessway.
- (b) *Lot dimensions.* The lot dimensions of a flag lot shall conform to the lot dimension standards of the UDC. Lot dimensions shall be calculated exclusive of the flag lot accessway.
- (c) *Flag lot accessways.* Flag lot accessways shall be developed and maintained in conformance with the standards set forth in Table 800-1 and this subsection.

TABLE 800-1 FLAG LOT ACCESSWAY STANDARDS					
Number of Lots Served Maximum Length Total Width Paved Width					
by Accessway					
1-2 lots	150 ft. ⁽¹⁾	Min. 20 ft.	Min. 15 ft.		
(Residential zoned					
property)					
Limitations and Qualifications					

⁽¹⁾ Maximum flag lot accessway length shall not apply where geographic features make it impractical, and when approved by the Planning Administrator following review and recommendation by the Fire Marshal.

<u>Applicant Response:</u> This application includes one flag lot (proposed lot 66). The area of lot 66 (excluding the flag accessway) is approx. ±5,100 sq ft. The proposed accessway width is 20 feet and a minimum of 15 feet is proposed to be paved as shown on the tentative plan. The proposed grade of the flag accessway is approx. 3% and intersects 12th Street SE at a



90-degree angle. The flag accessway is also proposed to be paved, only serve one lot and is shown to comply with the standards of Table 800-1. The criteria are met.

With respect to Sec. 800.025(a) - (c), the requirement that a lot "conform to" or "be in conformance with" certain standards is not clear and objective. Further, Table 800-1 includes in the "limitations and qualifications" the subjective term "impractical" and allow for discretion by the Planning Administrator and the Fire Marshal. Sections 800.025(c)(3)(A) - (B) also include the subjective term "impractical" and allow for discretion by the Planning Administrator and the Fire Marshal. As such, those limitations and qualifications are not clear and objective and cannot be applied.

- (1) *Maximum number of lots served by flag lot accessway.* A maximum of four lots may be served by a flag lot accessway.
- (2) *Flag lot accessway grade.* Flag lot accessway grade shall conform to the Salem Fire Prevention Code.
- (3) *Fire Department access and flag lot accessway turnarounds.*
 - (A) Unobstructed fire apparatus access shall be provided to within 150 feet of any facility, building, or portion of a building, unless the building is equipped with an approved automatic fire sprinkler system or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal.
 - (B) Flag lot accessways greater than 150 feet in length shall include a turnaround meeting Salem Fire Prevention Code standards, unless the buildings served by the flag lot accessway are equipped with approved automatic fire sprinkler systems or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal.

<u>Applicant Response:</u> This application only proposes one flag lot and the flag accessway provides access to one lot. The proposed grade for the flag accessway is approx. 3% and the length of the accessway is less than 150 feet in length. The criteria are met.

However, subsections (3)(A) and (3)(B) include the subjective term "impractical," which allows for discretion by the Fire Marshal. As such, these standards are not clear and objective and cannot be applied to the Application.

(d) Parking prohibited on flag lot accessways. Parking shall be prohibited on flag lot accessways. No parking signs shall be posted and maintained on both sides of the accessway. The signs shall read "NO PARKING"; provided, however, where parking is prohibited because of a fire lane, the signs shall read "NO PARKING - FIRE LANE" and shall be installed in accordance with Salem Fire Prevention Code standards.



Maximum percentage of flags lots within a subdivision. Within a subdivision, (e) up to 15 percent of the lots may be flag lots.

Applicant Response: This application includes a subdivision proposal of 138 lots with only one proposed to be a flag lot, which is below the 15 percent threshold. No parking is proposed within the flag accessway. The criteria are met.

However, the phrase "in accordance with," in subsection (d) above, is not clear and objective, and cannot be applied to this Application.

Sec. 800.035. - Setbacks.

- Setbacks to be unobstructed. Except as otherwise provided under subsection (a) (b) of this section, required setbacks shall be unobstructed.
- Permitted projections into required setbacks. Permitted projections into (b) required setbacks are set forth in Table 800-2.

Maximum Projection Front Abutting Street;		
Front Abutting Street		
Side Abutting Street; Interior Front	Interior Side	Rear Abutting Street; Interior Rear ⁽¹⁾
24 in.	24 in.	24 in.
24 in.	One-third the width of the interior side setback or 3 ft., whichever is less.	24 in.
Not Allowed	One-third the width of the interior side setback or 3 ft., whichever is less.	24 in.
Not Limited	One-third the width of the interior side setback or 3 ft., whichever is less.	24 in.
Not limited, provided: (1) The floor area does not exceed 4 ft. above grade; and (2) In no case shall the wheelchair ramp come closer than 10 ft. to the property line.	Not limited, provided the floor area does not exceed 3 ft. above grade	Not limited, provided the floor area does not exceed 4 ft. above grade.
Not limited, provided: (1) The structure covering the porch or deck does not exceed 15 ft. above grade; (2) The floor area of the porch or deck does not exceed 4 ft. above grade; and (2) In po eace shall the severed	Not allowed	Not limited, provided: (1) The structure covering the porch or deck does not exceed 15 ft. above grade; (2) The floor area of the porch or deck does not exceed 4 ft. above grade; and
	Interior Front 24 in. 24 in. 24 in. Not Allowed Not Limited Not Limited Not limited, provided: (1) The floor area does not exceed 4 ft. above grade; and (2) In no case shall the wheelchair ramp come closer than 10 ft. to the property line. Not limited, provided: (1) The structure covering the porch or deck does not exceed 15 ft. above grade; (2) The floor area of the porch or deck does not exceed 4 ft.	Interior Front24 in.24 in.24 in.24 in.24 in.One-third the width of the interior side setback or 3 ft., whichever is less.Not AllowedOne-third the width of the interior side setback or 3 ft., whichever is less.Not AllowedOne-third the width of the interior side setback or 3 ft., whichever is less.Not LimitedOne-third the width of the interior side setback or 3 ft., whichever is less.Not limited, provided:Not limited, provided the floor area does not exceed 4 ft. above grade; and(2) In no case shall the wheelchair ramp come closer than 10 ft. to the property line.Not allowed(1) The structure covering the porch or deck does not exceed 15 ft. above grade;Not allowed(2) The floor area of the porch or deck does not exceed 4 ft. above grade; andNot allowed

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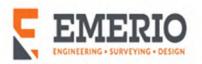


	porch or deck come closer		
	than 10 ft. to the property line.		(3) In no case shall the covered porch or deck come closer than 8 ft. to the rear property line.
Patios – Covered, but enclosed	Not limited, provided:	Not allowed	Not limited, provided:
	 (1) The structure covering the patio does not exceed 15 ft. above grade; (2) The floor area of the patio 		(1) The structure covering the patio does not exceed 15 ft. above grade;
	does not exceed 4 ft. above grade; and		(2) The floor area of the patio does not exceed 4 ft. above grade; and
	(3) In no case shall the covered patio come closer than 10 ft. to the property line.		(3) In no case shall the covered patio come closer than 8 ft. to the
			rear property line.
Patios – Uncovered	Not limited, provided:	Not limited, provided the floor area of the patio	Not limited, provided the floor area of the
	(1) The floor area of the patio does not exceed 3 ft. above grade; and	does not exceed 3 ft. above grade.	patio does not exceed 4 ft. above grade.
	(2) A landscaped area 4 ft. in depth is maintained between the property line and the patio.		
Balconies; outside stairways; and other unenclosed, unroofed projections	Not allowed	Not allowed	5 ft., provided in no case shall such projection come closer than 6 ft. to any property line.

an accessory structure.

<u>Applicant Response:</u> Setback lines have been indicated on the preliminary plan and all homes will be evaluated for compliance with the standards of Table 800-2 prior to issuance of any building permits.

- (c) Zone-to-zone setbacks abutting property outside City limits or urban growth boundary.
 - (1) Property located outside city limits. Where a zone-to-zone setback is required abutting a property located outside the City limits, the abutting zone for purposes of determining the required zone-to-zone setback shall be the equivalent City zone identified under SRC Chapter 260, Table 260-1, based on the comprehensive plan designation for the property and its zoning in the county.



- (2) *Property located outside UGB.* Where a zone-to-zone setback is required abutting a property located outside the urban growth boundary (UGB), the abutting zone for purposes of determining the required zone-to-zone setback shall be considered a residential zone.
- (d) Setbacks abutting an interstate freeway, railroad right-of-way, or alley.
 - (1) The required setback abutting an interstate freeway, railroad right-ofway, or alley shall be considered either an interior front setback, an interior side setback, or an interior rear setback depending upon the dimensions and configuration of the lot.
 - (2) Where the required interior front, interior side, or interior rear setback abutting an interstate freeway or railroad right-of-way is a zone-to-zone setback, the minimum required in interior front, interior side, or interior rear setback shall be five feet in-lieu of the zone-to-zone setback.

<u>Applicant Response:</u> The subject property is within the city limits and is not abutting property with a county zoning designation. The subject property is also not directly adjacent to an interstate freeway, railroad right-of-way or alley. The above criteria do not apply.

Sec. 800.040. - Special setbacks.

- (a) *Generally.* To afford better light, air, and vision on public streets and to permit the eventual widening of streets without creating nonconforming structures, special setbacks are hereby established. No structures or paving, other than those identified under subsection (d) of this section, shall be placed within a special setback.
- (b) Setback distance required; how measured. The special setback shall equal onehalf of the right-of-way width specified in the Salem Transportation System Plan for the street's applicable classification. Special setbacks shall be measured at right angles to the centerline of the street, or, where there is no street, from the centerline of the right-of-way. Where the centerline is not designated, the Director shall designate the location of the centerline.
- (c) *Relationship to other required setbacks.* The special setback shall apply in addition to other setbacks required under the UDC. Setbacks required elsewhere under the UDC shall be measured from the special setback line.
- (d) *Permitted structures and paving within special setbacks.* The following structures and paving are permitted within a special setback with a removal agreement as set forth in subsection (e) of this section:
 - (1) Transit stop shelters.
 - (2) Signs and their supporting members.
 - (3) Fences.
 - (4) Off-street parking, other than minimum required off-street parking, provided such parking is developed in conformance with the setback and landscaping requirements set forth in SRC chapter 806.



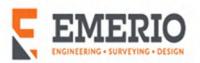
<u>Applicant Response:</u> No special setbacks are requested with this application. All setback requirements of the underlying zoning designation are shown on the tentative site plan. This application does not include the placement of a transit stop shelter, signs, or additional off-street parking above the minimum requirement for each single-family home. Fencing is proposed to be installed during the time of construction of the homes. The above criteria are met.

However, Sec. 800.040(a) includes the subjective term "better"; as such, this standard is not clear and objective and cannot be applied.

Moreover, Sec. 800.040(b) improperly incorporates the TSP because it does not identify specific sections applicable to the standard. As such, it cannot be applied to the Application. Sec. 800.040(b) is also not clear and objective because it allows the Director to use discretion to designate location of centerline in certain situations. For this additional reason it cannot be applied to the Application.

Sec. 800.040(c) is not clear and objective due to the vague, general reference to "other setbacks required under the UDC."

- (e) *Removal agreement.* Where structures or paving, as permitted under subsection (d) of this section, are proposed to be placed within a special setback, a removal agreement shall be required as provided in this subsection.
 - (1) The removal agreement shall be entered into by:
 - (A) The owner of the property and the local transit operator, for transit stop shelters located within a special setback. The local transit operator shall have the obligation to remove the shelter when required.
 - (B) The owner of the property and/or owner of the sign, for signs and their supporting members located within a special setback.
 - (C) The owner of the property, for fences and off-street parking, other than minimum required off-street parking, located within a special setback.
 - (2) The removal agreement shall be in a form approved by the City Attorney and shall provide that:
 - (A) Within six months after notice by the City, any structure, paving, or portion thereof that extends into the special setback shall be completely removed at no expense to the City;
 - (B) Where off-street parking set forth in subsection (d) of this section is removed, any remaining portion of the parking area located outside of the special setback shall be brought into conformance with the setback and landscaping requirements set forth in SRC chapter 806 at no expense to the City;



- (C) If the owner or transit operator fails or refuses to make the removal, or fails or refuses to make required improvements to any remaining portion of the parking area located outside of the special setback, the City may cause the removal, or the required parking area improvement, to be made, and the costs incurred shall:
 - Be a lien against the property if the removal agreement was entered into by the owner of the property, which may be foreclosed in the manner provided by law;
 - (ii) Be the obligation of the transit operator if the removal agreement was entered by the owner and the local transit operator, and that, in the event an action must be brought to enforce the obligation, that the City shall be entitled to its attorney's fees and costs incurred in enforcing the obligation.
- (D) The property owner, sign owner, or transit operator shall not be entitled to damages or compensation as the result of City's exercise of its rights under the removal agreement; provided, however, the property owner shall retain his or her right to just compensation for the unimproved value of any land taken for the widening of the street.
- (3) The removal agreement shall be recorded with the county in which the property is located. Notice to remove any structure, paving, or portion thereof shall not be given until the City or the State proceeds with a project to widen the street in front of the property.

<u>Applicant Response:</u> This application does not include the placement of any structures within identified special setbacks, and therefore no removal agreement is included with this application. The above criteria do not apply.

Sec. 800.045. - Height

- (a) *Generally.* Unless otherwise provided under the UDC, standards relating to height shall apply to all buildings and structures. Height shall be measured as set forth in SRC chapter 112.
- (b) *Height exceptions.* Except as otherwise provided in this subsection, the following height exceptions are permitted under the UDC:
 - (1) Towers, steeples, chimneys, wind-driven electrical generating equipment, flag poles, and monuments may project above the maximum height limits set forth in the UDC, provided:
 - (A) They do not exceed 185 feet in height;
 - (B) They do not contain any habitable space;
 - (C) The horizontal section of the structure does not exceed 625 square feet at the top of the main building or structure; and



(D) The sum of the horizontal section of all such projections measured at the maximum height limit applicable to the building or structure on which they are located does not exceed 20 percent of the horizontal area of the roof of the building or structure on which they are located.

<u>Applicant Response:</u> This application is for residential land division (subdivision). Singlefamily structures will be reviewed for compliance with height standards at the time a building permit is submitted. Sec. 800.045(b)(1)(B), however, cannot be applied to the Application because it includes the subjective term "habitable space," which is undefined.

- (2) Radio, television, and microwave antennas, and structures used exclusively for their support, are exempt from all height limitations.
- (3) Mechanical equipment necessary for the operation or maintenance of a building or structure, including, but not limited to, ventilators, plumbing and vent stacks, cooling towers, water tanks, panels or collectors for solar energy, and window washing equipment, together with enclosures for any such equipment, may project above the maximum height limits set forth in the UDC, provided:
 - (A) They do not project more than 15 feet above the roof;
 - (B) They do not contain any habitable space;
 - (C) The sum of the horizontal section of all such projections measured at the maximum height limit applicable to the building or structure on which they are located does not exceed 60 percent of the horizontal area of the roof of the building or structure on which they are located;
- (4) Relationship to FAA Part 77 Surfaces. Notwithstanding subsections (b)(1) through (3) of this section, nothing in this subsection shall authorize the projection of a building or structure into an FAA Part 77 surface established under SRC chapter 602.
- (c) Height of structures within 165 feet of capitol mall district. Except as provided under subsection (b) of this section, no portion of a building or structure located outside of, but within 165 feet of, the external boundary of the Capitol Mall (PM) Zone shall exceed a height of 70 feet.

<u>Applicant Response:</u> No exempt equipment described in the above criteria are included with this application. No mechanical equipment (water tanks, cooling towers, vent stacks, ventilators) as described above are included with his application. The subject property is not within 165 feet of the capitol mall district. The above criteria do not apply.

Sec. 800.050. - Fences, walls, hedges, gates, and retaining walls.

Unless otherwise provided under the UDC, the standards set forth in this section shall apply to fences, walls, hedges, gates, and retaining walls in all zones. Where screening is required under the UDC in the form of a fence, wall, or hedge, it shall meet the standards set forth in SRC chapter 807, in addition to



the standards set forth in this section. For purposes of this section, the term "front yard" means that portion of a lot located between the front property line and a line parallel to the front property line extended from the wall of the main building lying at the greatest distance from the front property line.

- (a) *Location, height, and density.* Fences, walls, hedges, gates, and retaining walls shall comply with the location, height, and density standards set forth in this subsection.
 - (1) Fences and walls.
 - (A) Residential zones and property used for uses falling under household living in other zones. Fences and walls within residential zones, or on property used for uses falling under household living in other zones, shall not exceed a maximum height of eight feet; provided, however:
 - (i) Front yard abutting street. Fences and walls within a front yard abutting a street shall not exceed a maximum height of four feet when located within 20 feet of the property line abutting the street; provided, however, within ten feet of the property line abutting the street any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.
 - (ii) Side and rear yards abutting street. Fences and walls within a side or rear yard abutting a street shall not exceed a maximum height of six feet when located within ten feet of a property line abutting a street.

<u>Applicant Response</u>: Fences are proposed to be installed during the time of the home construction and will be evaluated for compliance with height standards at that time. Retaining walls are proposed in the rear of steeply graded lots, but not to exceed the maximum height requirements. An additional retaining wall is proposed along the east side of 12th Street due to the steep slope and required ³/₄ right-of-way improvements. The 12th Street retaining wall is proposed to be within the right-of-way and not in the required front yard of the proposed lots. Within the northwest open space tract, there are additional retaining walls proposed to be constructed as part of the required stormwater facilities, per City of Salem Public Works Design Standards. In order to meet the treatment, flow control, and detention requirements for stormwater, as outlined in the Public Works Design Standards, retaining walls ranging from two to eight feet in height are required. The criteria are met.

(B) Nonresidential zones. Except for fences and walls on property used for uses falling under household living, fences and walls within nonresidential zones shall not exceed a maximum height of 12 feet; provided, however:



(i) Front, side, and rear yards abutting street. Fences and walls within a front, side, or rear yard abutting a street shall not exceed a maximum height of eight feet when located within ten feet of a property line abutting a street; provided, however, any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.

<u>Applicant Response:</u> The subject site is located within split residential zoning designations. The western edge of the subject site is zoned Single-Family Residential (RS), and most of the subject site is zoned Residential Agriculture (RA). The standards for nonresidential zones do not apply to this application.

- (2) Hedges. There is no maximum height limitation for hedges; provided, however, where a hedge is located within ten feet of a property line abutting a street, any portion of the hedge more than 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the hedge.
- (3) Gates. Where a gate is part of a fence, wall, or hedge it shall conform to the height limitations applicable to fences and walls set forth under SRC 800.050(a)(1). Gates shall not swing open onto a public right-ofway or vehicle or pedestrian easement.
- (4) *Retaining walls.* Retaining walls shall not exceed a maximum height of four feet when located at the property line abutting a street. Retaining walls not located at the property line abutting a street may exceed four feet in height.
- (b) *Vision clearance.* Notwithstanding any other provision of this section, fence, walls, hedges, gates, and retaining walls shall conform to the vision clearance requirements of SRC chapter 805.

<u>Applicant Response:</u> This application is for land division for a single-family home subdivision. The landscaping associated with this application are limited to tree planting for street trees and tree mitigation. Additional landscaping such as the planting of hedges is proposed to occur at the time of construction of the single-family homes. No gates are proposed with this subdivision. Fencing is proposed to be installed at the time of construction of each single-family home and will be evaluated for compliance with height standards at that time. A retaining wall is proposed along the east side of 12th Street due to the steep slope and required ³/₄ right-of-way improvements. Vision clearance provisions are met because no walls, fences, or hedges are proposed in clear vision areas. The criteria are met.



However, sections 800.050(a)(3) and 800.050(b) include a subjective requirement to "conform to" certain requirements; these standards are thus not clear and objective and cannot be applied to the Application.

- (c) Material.
 - (1) Fences. Fences shall be constructed of materials specifically designed and manufactured for fencing purposes, including, but not limited to, wooden pickets, vinyl, wrought iron, and chain link fencing, with or without plastic or wood slats. Materials not specifically designed as fencing material, including, but not limited to, corrugated cardboard, corrugated metal, plywood, wooden pallets, garage doors, concrete rubble, and other junked material, are prohibited. Chicken wire may be used within the Residential Agriculture (RA) Zone if used to raise livestock. Fencing for raising livestock in other zones may be replaced if the use was an allowed use on the property prior to December 31, 2002. Fencing used for the establishment and protection of vegetation is permitted for a period not to exceed six months.
 - (2) *Walls.* Walls shall be constructed of materials specifically designed and manufactured for use as walls, including, but not limited to, masonry, rock, concrete, concrete block, or other similar material.

<u>Applicant Response</u>: This application is for land division for a residential subdivision. Fencing is proposed to be installed at the time of construction of each single-family home and will be evaluated for compliance with height standards at that time. A retaining wall is proposed along the east side of 12th Street due to the steep slope and required ³/₄ right-ofway improvements. Additional retaining walls are proposed in the northwest open space tract for the purposes of constructing the stormwater management facility and the Mandy Avenue SE extension. Retaining walls less than four feet in height are proposed to be keystone block walls and any retaining walls exceeding four feet in height are proposed to be concrete or UltraBlock (larger modular block walls) The criteria are met.

However, Section 800.050(c) is not clear and objective because the requirements for both fences and walls include the subjective phrase "including, but not limited to," which allows for discretion. They cannot be applied to this Application.

(d) *Hazardous materials.* Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, upturned barbed selvage, broken glass, spikes, or any other hazardous or dangerous material, except as follows:

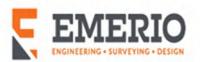
- (1) *Concertina wire.* Concertina wire is permitted around state and county correctional facilities and secure mental health facilities.
- (2) Barbed wire and upturned barbed selvage.
 - (A) Location. Barbed wire and upturned barbed selvage is permitted within the following locations:



- (i) Any zone where the fence will be used to enclose livestock; and
- (ii) The Retail Commercial (CR) and General Commercial(CG) Zones, and any industrial or public zone.
- (B) *Standards.* Where allowed as set forth this subsection, barbed wire or upturned barbed selvage shall comply with the following additional standards:
 - (i) Enclosure of livestock. Fences with barbed wire or upturned barbed selvage enclosing livestock shall be clearly posted with warning signs notifying persons of a dangerous fence. The signs shall be posted at an interval of not less than 15 feet.
 - (ii) CR and CG zones; industrial and public zones. Fences with barbed wire or upturned barbed selvage located within a Retail Commercial (CR) or General Commercial (CG) Zone, or within an industrial or public zone, shall comply with the following:
 - (aa) The barbed wire or upturned barbed selvage shall be located more than six feet above grade;
 - (bb) The barbed wire or upturned barbed selvage shall be setback a minimum of one foot from the public right-of-way, when designed to slant towards the public right-of-way;
 - (cc) The barbed wire or upturned barbed selvage shall not extend over a street or alley; and
 - (dd) The fence shall be clearly posted with warning signs notifying persons of a dangerous fence.
 The signs shall be posted at an interval of not less than 15 feet.

<u>Applicant Response</u>: This application includes a proposal for a single-family home subdivision. No concertina wire or barbed wire or otherwise hazardous fencing and/or wall materials are proposed with this application. Residential privacy fencing is proposed to be installed at the time of the home construction on each lot. The above criteria, to the extent they apply, are met.

- (3) Electric fencing.
 - (A) *Location.* Electric fencing is permitted within the following locations:
 - (i) Any zone where the fence will be used to enclose livestock; and
 - (ii) Around outdoor storage areas, including vehicle storage areas, for any nonresidential use within the General Commercial (CG) zone or any industrial zone.



- (B) Standards. Where allowed as set forth in this subsection, electric fencing shall comply with the following additional standards:
 - Enclosure of livestock. Electric fencing enclosing livestock shall be clearly posted with warning signs notifying persons of a dangerous fence. The signs shall be posted at an interval of not less than 15 feet.
 - (ii) Outdoor storage areas for nonresidential uses within the CG Zone and industrial zones. Electric fencing around outdoor storage areas, including vehicle storage areas, for any nonresidential use within the General Commercial (CG) zone or any industrial zone shall comply with the following:
 - (aa) The fence shall not exceed ten feet in height and shall be completely surrounded by a nonelectric fence or wall a minimum of six feet in height.
 - (bb) A minimum one-foot separation shall be maintained between the electric fence and the surrounding non-electric fence or wall.
 - (cc) An electrical permit and inspection shall be obtained prior to installation.
 - (dd) The electric fence shall be listed by a testing laboratory approved by the State, and shall be installed and used in accordance with the testing laboratory listing.
 - (ee) The fence shall be clearly posted with warning signs in English and Spanish notifying persons of a dangerous fence. The signs shall include the statement, "DANGER - ELECTRIC FENCE," or an equivalent, together with a pictorial warning. The signs shall be posted at an interval of not more than 60 feet.
 - (ff) Emergency access. Fire department access shall be provided in accordance with the Salem Fire Prevention Code. An approved method to manually disconnect electrical power to all portions of the fence and gates shall be provided at an exterior location. The method and location of the electrical disconnect shall be approved by the Salem Fire Code Official.

<u>Applicant Response:</u> No electric fencing is included with this application. The criteria do not apply.



(e) Maintenance. Fences and walls shall be structurally maintained in safe condition. Wooden materials shall be protected from rot, decay, and insect infestation, and replaced as necessary. Failure to maintain an electric fence in conformance with the standards set forth in this section shall result in the fence being declared a public nuisance subject to abatement under SRC chapter 50.

<u>Applicant Response:</u> All fencing and retaining wall maintenance associated with this singlefamily residential subdivision will be the responsibility of the property owner or established Homeowners Association (HOA). Only wood or metal fencing will be installed, and no electric fencing is included. Retaining wall materials are proposed to be low maintenance block walls or cast in place concrete walls. The criterion is met.

However, the terms "safe condition," "protected from," and "in conformance with" are subjective and allow for discretion. This standard or any condition of approval requiring compliance cannot be applied to the Application.

Sec. 800.055. - Solid waste service areas.

Solid waste service areas shall provide for the safe and convenient collection of solid waste and recyclable and compostable materials by the local solid waste collection franchisee.

- (a) Applicability. Solid waste service area design standards shall apply to:
 - (1) All new solid waste, recycling, and compostable service areas, where use of a solid waste, recycling, and compostable receptacle of one cubic yard or larger is proposed; and
 - (2) Any change to an existing solid waste service area for receptacles of one cubic yard or larger that requires a building permit.
- (b) Solid waste receptacle placement standards. All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of four inches thick, or on an asphalt pad that is a minimum of six inches thick. The pad shall have a slope of no more than a three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
 - (1) *Pad area.* In determining the total concrete pad area for any solid waste service area:
 - (A) The pad area shall extend a minimum of one foot beyond the sides and rear of the receptacle; and
 - (B) The pad area shall extend a minimum three feet beyond the front of the receptacle.
 - (C) In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.
 - (2) Minimum separation.
 - (A) A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure.



- (B) A minimum separation of five feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.
- (3) Vertical clearance.
 - (A) Receptacles two cubic yards or less. Receptacles two cubic yards or less in size shall be provided with a minimum of eight feet of unobstructed overhead or vertical clearance for servicing.
 - (B) Receptacles greater than two cubic yards. Receptacles greater than two cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing; provided, however, overhead or vertical clearance may be reduced to eight feet:
 - For enclosures covered by partial roofs, where the partial roof over the enclosure does not cover more than the rear eight feet of the enclosure, as measured from the inside of the rear wall of the enclosure (see Figure 800-6); or
 - Where a physical barrier is installed within, and a maximum of eight feet from the front opening of, the enclosure preventing the backward movement of the receptacle (see Figure 800-7).

<u>Applicant Response:</u> Each single-family home will have individual solid waste receptacles rather than one general location for the entre subdivision community. Each dwelling unit's waste receptacles will be appropriately sized for the need of each home. No solid waste pad or enclosure are proposed with this application. The above criteria do not apply.

- (f) Solid waste service area vehicle access.
 - (1) Vehicle operation area.
 - (A) A vehicle operation area shall be provided for solid waste collection service vehicles that is free of obstructions and no less than 45 feet in length and 15 feet in width; provided, however, where the front opening of an enclosure is wider than 15 feet, the width of the vehicle operation area shall be increased to equal the width of the front opening of the enclosure. Vehicle operation areas shall be made available perpendicular to the front of every receptacle, or, in the case of multiple receptacles within an enclosure, perpendicular to every enclosure opening.
 - (B) For solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located:
 - Perpendicular to the permanent location of the receptacle or the enclosure opening (see Figure 800-8);



- (ii) Parallel to the permanent location of the receptacle or the enclosure opening (see Figure 800-9); or
- (iii) In a location where the receptacle can be safely maneuvered manually not more than 45 feet into a position at one end of the vehicle operation area for receptacle servicing.
- (C) The vehicle operation area may be coincident with a parking lot drive aisle, driveway, or alley provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicles.
- (D) Vertical clearance. Vehicle operation areas shall have a minimum vertical clearance of 14 feet.
- (E) In the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle, a turnaround, in conformance with the minimum dimension and turning radius requirements shown in Figure 800-10, shall be required to allow safe and convenient access for collection service.

<u>Applicant Response:</u> Each home within this proposed subdivision is proposed to have rollaway carts for individual solid waste disposal. No central solid waste area is proposed with this application and as such these criteria do not apply.

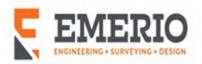
However, to the extent they are deemed applicable to this application, subsection (f)(1)(B)(iii) includes the phrase "safely maneuvered"; subsection (f)(1)(C) includes the term "normal"; and subsection (f)(1)(E) includes the phrase "safe and convenient access"; all of which are subjective. These standards thus cannot be applied to the Application.

(g) Notice to solid waste collection franchisee. Upon receipt of an application to vary or adjust the standards set forth in this section, notification and opportunity to comment shall be provided to the applicable solid waste collection franchisee. Notice required under this subsection shall be in addition to the notification required for a variance or adjustment under SRC chapter 300.

<u>Applicant Response:</u> The applicant understands that notice will be provided to the local solid waste collection franchisee if an application to vary or adjust the standards in this section is submitted. The applicant does not propose any variance or adjustments to the standards set forth in this section.

Sec. 800.060. - Exterior lighting.

(a) Exterior lighting shall not shine or reflect onto adjacent properties, or cast glare onto the public right-of-way.



- (b) Exterior light fixtures shall be located and designed so that the light source, when viewed at a height of five feet above the ground at a distance of five feet outside the boundary of the lot, shall be either:
 - (1) Completely shielded from direct view; or
 - (2) No greater than five foot-candles in illumination.

<u>Applicant Response:</u> Exterior lighting on each single-family home shall be evaluated at the time of construction and not as part of this application. The criteria do not apply.

Sec. 800.065. - Pedestrian access.

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, two family, three family, four family, and multiple family developments, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section.

- (a) *Pedestrian connections required.* The on-site pedestrian circulation system shall provide pedestrian connectivity throughout the development site as follows:
 - (1) Connection between building entrances and streets.
 - (A) A pedestrian connection shall be provided between the primary building entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street (see Figure 800-11).
 - (B) Where an adjacent street is a transit route and there is an existing or planned transit stop along street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop (see Figure 800-12).
 - (2) *Connection between buildings on the same development site.* Where there is more than one building on a development site, a pedestrian connection, or pedestrian connections, shall be provided to connect the primary building entrances of all of the buildings.

<u>Applicant Response:</u> Sidewalks are shown on both sides of all dedicated public right-ofway associated with this subdivision. Each proposed residential lot has direct access onto the public right-of-way and the associated sidewalk. A pedestrian trail is indicated on the tentative plat extending from Hillrose Street SE to 12th Street SE. There are no transit stops within the proposed subdivision or adjacent to the subject site. The criteria are met.

However, the requirement of Sec. 800.065 that the pedestrian circulation system be developed "in conformance with the standards in this section" is subjective because it



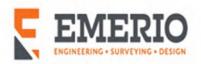
allows for discretion. As such, this is not clear and objective, and this section cannot be applied to the Application.

(3) Connection through off-street parking areas.

- (A) Surface parking areas. Except as provided under subsection (a)(3)(A)(iii) of this section, off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance or where there is no building, through the parking area as provided in this subsection.
 - (i) The pedestrian connections shall be:
 - (aa) Provided in a minimum amount of either one connection for every four drive aisles or one connection for every 250 feet (See Figure 800-13); provided, however, in no case shall less than one pedestrian connection be provided. Where the pedestrian connection requirements of this subsection result in a fractional number, any fractional number greater than 0.5 shall be round up to require an additional pedestrian connection;
 - (bb) Spaced a minimum of two drive aisles apart; and
 - (cc) Connected to a pedestrian connection, or pedestrian connections, that lead to the primary building entrance. Where there is no building, the pedestrian connections shall connect to the street either at the sidewalk or at the public street right-of-way when there is no sidewalk.

<u>Applicant Response:</u> Each residential lot proposed in this application is large enough to accommodate a driveway and garage for the purposes of off-street parking. No surface parking greater than 25,000 square feet or associated drive aisles are proposed with this application. The criteria do not apply.

 Where the off-street surface parking area is adjacent to a street that is a transit route and there is an existing or planned transit stop along the street frontage of the development site, at least one of the required pedestrian



connections shall connect to the street within 20 feet of the transit stop.

- (iii) A pedestrian connection provided between a primary building entrance and a street may be counted as a required connection through an offstreet surface parking area.
- (iv) Regardless of the size of the off-street parking area, pedestrian connections are not required through off-street surface parking areas that have a depth, in all locations, of not more than 124 feet. For purposes of this subsection, parking area depth is measured through the parking area from its outside edge towards the building.
- (v) For purposes of this subsection, offstreet surface parking area means:
 - (aa) An off-street surface parking area that is separated from other off-street surface parking areas on the development site by either a driveway, which begins at the street and extends into the site, or other physical separation; or
 - (bb) An off-street surface parking area located in a separate location on the development site from other off-street surface parking areas.
- (B) Parking structures and parking garages. Where an individual floor of a parking structure or parking garage exceeds 25,000 square feet in size, a pedestrian connection shall be provided through the parking area on that floor to an entrance/exit.

<u>Applicant Response:</u> Each residential lot proposed in this application is large enough to accommodate a driveway and garage for the purposes of off-street parking. No parking structures/garages or surface parking for transit stops are proposed with this application. The streets, both internal and external, associated with this application are not proposed to be transit routes, and therefore the residential off-street parking on each lot does not require formal pedestrian connections to a transit stop. Pedestrian paths are shown on the submitted site plan but are for the purposes of general circulation and not associated with a



transit route or surface parking. All proposed off-street parking is to be within a residential driveway or garage and the average lot depth is 100 feet. No surface parking greater than 25,000 square feet or associated drive aisles are proposed with this application. To the extend these criteria apply, the criteria are met.

- (4) Connection to existing or planned paths and trails. Where an existing or planned path or trail identified in the Salem Transportation System Plan (TSP) or the Salem Comprehensive Parks System Master Plan passes through a development site, the path or trail shall:
 - (A) Be constructed, and a public access easement or dedication provided; or
 - (B) When no abutting section of the trail or path has been constructed on adjacent property, a public access easement or dedication shall be provided for future construction of the path or trail.

<u>Applicant Response:</u> Newer residential developments adjacent to the subject site have sidewalks that are shown to be extended through this proposed subdivision. No additional paths or trails are identified in the Salem Transportation System Plan (TSP) for this site. This application includes a proposed trail east to west from Hillrose Street between lots 12 and 13, through an open space tract near the center of the property and connects with the sidewalk on McCollum Street. Ownership and maintenance of the trail and open space tract is proposed to be the responsibility of the HOA. The criteria are met.

However, this standard cannot be applied because it does not comply with the limited land use application requirements of properly incorporating the TSP or Parks System Master Plan – the references to those Plans are general and do not specify which sections apply.

- (5) *Connection to abutting properties.* Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided. A pedestrian connection is not required, however:
 - (A) To abutting properties used for activities falling within the following use classifications, use categories, and uses under SRC Chapter 400:
 - Single family;
 - (ii) Two family;
 - (iii) Group living;
 - (iv) Industrial;
 - (v) Infrastructure and utilities; and
 - (vi) Natural resources.
 - (B) Where the use of an abutting property has specific security needs that make providing a connection impractical or undesirable;



- (C) Where on-site activities on abutting properties, such as the operation of trucks, forklifts, and other equipment and machinery would present safety conflicts with pedestrians;
- (D) Where buildings or other improvements on abutting properties physically preclude a connection now or in the future; or
- (E) Where physical conditions of the land, such as topography or existing natural resource areas, including, but not limited to, wetlands, ponds, lakes, streams, or rivers, make providing a connection impractical.

<u>Applicant Response:</u> This application includes land division for a single-family residential development. Hilfiker Lane SE is proposed to be extended diagonally through the subject site to intersect with Hillrose Street SE. In addition to the internal circulation, two additional proposed roads intersect external streets near adjacent residential developments. Mandy Avenue SE is stubbed to the northern property line of the subject property and proposed to be extended into this proposed subdivision. A pedestrian trail is also shown on the tentative plan to traverse through the subject site in an area where topography and other factors limit the construction of a public street. The criteria are met.

However, subsection (5)(B) above includes the terms "specific security needs," "impractical," and "undesirable"; subsection (5)(C) includes the term "safety conflicts"; and subsection (5)(D) requires knowledge of when a building or improvement may preclude a connection in the future, which cannot be determined now; all of which are subjective and allow for discretion. As such, these subsections cannot be applied to the Application.

- (b) *Design and materials.* Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza.
 - (1) Walkways shall conform to the following:
 - (A) Material and width. Walkways shall be paved with a hardsurface material meeting the Public Works Design Standards, and shall be a minimum of five feet in width.
 - (B) Where a walkway crosses driveways, parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through the use of elevation changes, a physical separation, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.
 - (C) Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping or other physical separation. If the walkway is raised above the



auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.

- (2) Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.
- (c) *Lighting.* The on-site pedestrian circulation system shall be lighted to a level where the system can be used at night by employees, customers, and residents.

<u>Applicant Response:</u> Sidewalks are shown on the preliminary plat along all new public streets and along the frontage on existing streets. Also shown on the preliminary plat is a pedestrian trail connection from the far east side of the subdivision along Hillrose Street, through an open space tract, intersects with Hilfiker Lane and then extends over to 12th Street. All sidewalks proposed with this application are shown to be paved with a hard surface and differentiated from the street using elevation changes above the travel lane. This differentiation also complies with the wheel stop standard as the sidewalk is a minimum of four inches in height. A lighting plan has been included with this application to demonstrate compliance with the above criteria. The criteria are met.

However, subsection (b)(1) includes the requirement to "conform to the following" criteria listed below it; and subsection (b)(1)(A) does not specify which Public Works Design Standards apply. These are subjective standards and thus not clear and objective. They cannot be applied to the Application.

Moreover, subsection (c) includes the subjective phrase "to a level where the system can be used at night" is subjective; this is not clear and objective. This standard also cannot be applied to the Application.

Sec. 802.001 – Purpose.

The purpose of this chapter is to establish the means and standards whereby public improvements are provided for development within the City.

Sec. 802.005 – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City utilities means public improvements providing water, wastewater, and stormwater facilities.

Public improvements means infrastructure necessary to provide city utilities to customers.



Public utilities means privately owned improvements providing the following services: natural gas; electricity; telephone, internet, and other electronic data or communication services; and cable television.

Public Works Design Standards means the design standards and specifications adopted pursuant to SRC 802.010.

Utility or*utilities* means water; wastewater; stormwater facilities; natural gas; electricity; telephone, internet, and other electronic data or communication services; and cable television.

Watercourse means the route, up to and including the top of bank, formed by natural processes or constructed by humans, generally consisting of a channel with a bed, banks, or sides, in which water flows. By way of illustration, but not of limitation, as used in this chapter, watercourse includes perennial and intermittent streams and creeks, swales, drainage ditches, and culverts. As used in this chapter, watercourse does not include the Willamette River.

<u>Applicant Response:</u> The applicant understands the definitions as they pertain to this application.

However, to the extent a decision maker determines that "context clearly indicates a different meaning," "clearly indicates" is subjective, and thus, the definitions are not clear and objective.

Sec. 802.010. - Design standards and specifications.

The Director shall prepare and adopt by administrative rule design standards and specifications consistent with sound engineering principles for the construction, reconstruction, or repair of public improvements within areas under the City's jurisdiction. The design standards and specifications shall be kept on file in the office of the Director. All public improvements shall conform to the adopted design standards and specifications, and with any other adopted plans and policies adopted by the City.

Sec. 802.015. - Development to be served by city utilities.

Except as provided under SRC 802.035 and 802.040, all development shall be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and the Public Works Design Standards.

<u>Applicant Response:</u> A utility plan was included with this application and will be reviewed for compliance with the Public Works Design Standards prior to a City issued Decision on this application.

However, in Sec. 802.010, the phrase "sound engineering principles" is subjective, and the phrase "conform to" is vague and subjective. This section is not clear and objective and cannot be applied to this Application.

Further, in Sec. 802.015, the phrase "all applicable provisions" is not clear and objective; and the reference to the "Salem Revised Code" and "Public Works Design Standards" is



vague without reference to specific sections. This is not clear and objective and thus cannot be applied to the Application.

Sec. 802.020. - Easements.

Subject to any constitutional limitations, the conveyance or dedication of easements for city utilities may be required as conditions of development approval. Easements may be required that are necessary for the development of adjacent properties. Easements shall, where possible, be centered on, or abut property lines, and shall be not less than ten feet in width. No building, structure, tree, or other obstruction other than landscaping shall be located within an easement required by this section.

<u>Applicant Response:</u> Public utilities have been located within the public right-of-way proposed within and adjacent to the subject property. No additional easements are proposed with this application. The criterion is met.

However, the phrases "may be required" and "where possible" leave room for discretion; and the word "necessary" is subjective. This criterion is not clear and objective and cannot be applied to the Application.

Sec. 802.025. - Utilities to be placed underground.

- (a) Except as otherwise provided in this section, all utility service shall be provided by underground facilities.
- (b) In industrial and employment and commercial zones, electrical service may be provided by overhead wires where underground utility service is unavailable.
- (c) Stormwater management shall be provided by above ground and below ground facilities.

<u>Applicant Response:</u> All new public utilities proposed with this application are to be located underground. There are no existing overhead powerlines on the subject property and no new overhead powerlines are proposed with this application. Stormwater management lines are below ground but the water quality facility is located above ground. The criteria are met.

However, subsection (a) above is not clear and objective on its face because it does not explain "as otherwise provided" or refer to specific sections where this requirement is different. As such, it cannot be applied to the Application.

Sec. 802.030. - Watercourses.

- (a) Any modification to a watercourse shall conform to SRC chapter 601 and the Public Works Design Standards.
- (b) Public improvement and maintenance easements for watercourses may be required. The easements shall, at a minimum, extend 15 feet in each direction from the waterway centerline, ten feet from the top of a recognizable bank, or a sufficient width to pass ten-year flood flows or to accommodate the 100year floodway on a FEMA regulated stream, whichever is greater. Such



easements shall be of a width sufficient to allow both initial improvements and future maintenance and operations. Larger widths may be required.

<u>Applicant Response:</u> The subject site is identified within Zone X on the FEMA Flood Insurance Rate Map which is not a regulated floodplain. The subject site has a small creek in the northwest corner which is identified in a large open space tract. No modification to the watercourse is proposed with this application. The above criteria are met.

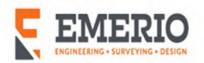
However, in subsection (a) the phrase "conform to" is not clear and objective; nor is the reference to "Public Works Design Standards" without more information. And in subsection (b), the phrases "may be required" and "a sufficient width," and the word "accommodate" leave room for discretion and/or are subjective. These standards are not clear and objective and thus cannot be applied to the Application.

Sec. 802.035. - Partitions in areas unserved by city wastewater system. A partition located more than 300 feet from an available sewer may be approved if the applicable requirements for partitions located more than 300 feet from an available sewer contained within SRC chapter 205 are met.

<u>Applicant Response:</u> This application includes an application for a single-family subdivision and City wastewater lines are available to serve the property. This criterion does not apply.

Sec. 802.040. - Private stormwater, wastewater, and water systems. A private stormwater, wastewater, or water system may be approved by the Director if each of the following conditions are met:

- (a) City utilities necessary to serve adjacent properties and to provide needed links in the overall collection and distribution system are provided.
- (b) If the system is a water system:
 - (1) The water system conforms to the water distribution standards of the City;
 - (2) Except as authorized by state law, water from the system is not submetered or resold to other parties;
 - (3) Each building under separate ownership has a separate water meter; and
 - (4) The properties served are located within a commercial or an industrial and employment zone.
- (c) If the system serves multiple properties under separate ownership:
 - (1) If the system is a wastewater system, the properties served are located within a commercial or an industrial and employment zone, and each building under separate ownership must have a separate wastewater monitoring manhole. Exceptions to the requirement for monitoring manholes may be granted by the Director if the owner of the system shows that no proposed use has any likelihood of



discharging hazardous or illegal materials into the City's wastewater system.

- (2) An agreement is executed by the utility owner and the owner of the property served by the system. The agreement shall be recorded in the deed records of the applicable county and provide that:
 - (A) The system serving the property is private;
 - (B) The City has no responsibility to maintain the system;
 - (C) The system will not be accepted by the City unless the system was constructed in a manner that conforms to the Public Works Design Standards;
 - (D) A perpetual right of access to read and maintain the meters and inspect the system is granted to the City; and
 - (E) Persons served by the system assume responsibility for any repairs required for the City.

<u>Applicant Response:</u> All utilities proposed with this application are public. The above criteria do not apply.

Sec. 803.010. - Streets, generally.

Except as otherwise provided in this chapter, all streets shall be improved to include the following: adequate right-of-way, paving, curbing, bike lanes (where required), sidewalks, street lighting, stormwater facilities; utility easements, turnarounds, construction strips, landscape strips, parking lanes, adequate right-of-way geometry, paving width, grade, structural sections and monumentation, that conforms to the Public Works Design Standards.

<u>Applicant Response:</u> All roads proposed with this application include adequate right-ofway widths, geometry, pavement, curbing, and sidewalks where possible. A street plan is included with this application to address the criterion above. No turnarounds are included with this application as adequate circulation is proposed. The criterion is met.

However, the word "adequate" is not clear and objective because it allows for discretion by the review authority. The phrase "conforms to" is not clear and objective and requiring conformance to the "Public Works Design Standards" is subjective and does not provide information on which standards are applicable. As such, this standard cannot be applied to the Application.

Sec. 803.015. - Traffic impact analysis.

- (a) *Purpose.* The purpose of a traffic impact analysis is to ensure that development generating a significant amount of traffic provides the facilities necessary to accommodate the traffic impacts of the proposed development.
- (b) *Applicability.* An applicant shall provide a traffic impact analysis if one of the following conditions exists:
 - (1) The development will generate 200 or more daily vehicle trips onto a local street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major arterial, or parkway. Trips shall be calculated using the



adopted Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the trips shall be calculated based on the proposed development that will occur on all lots that will be created by the land division.

- (2) The increased traffic resulting from the development will contribute to documented traffic problems, based on current accident rates, traffic volumes or speeds, and identified locations where pedestrian and/or bicyclist safety is a concern.
- (3) The City has performed or reviewed traffic engineering analyses that indicate approval of the development will result in levels of service of the street system that do not meet adopted level of service standards.
- (c) Improvements may be required. On-site and off-site public or private improvements necessary to address the impacts identified in the traffic impact analysis may be required as conditions of development approval. Improvements include, but are not limited to, street and intersection improvements, sidewalks, bike lanes, traffic control signs and signals, parking regulation, access controls, driveway approach location and design, and street lighting.
- (d) *Exception.* An exception to the requirement for a traffic impact analysis may be granted for development that generates more than the trips specified in subsection (b)(1) of this section if the Director determines the traffic impact analysis is not necessary to satisfy the purposes set forth in subsection (a) of this section.

<u>Applicant Response:</u> A traffic impact analysis prepared by Kittelson and Associates has been included with this application to satisfy the above criteria. Right-of-way improvements are proposed in conformance with the recommendations included in the traffic impact analysis and otherwise required by the City of Salem Public Works Design Standards. The criteria are met.

However, subsection (a) includes the phrase "significant amount of traffic," which is undefined and allows for discretion. As such, it is not clear and objective, and cannot be applied to this Application.

Subsection (b)(2) is not clear and objective because it does not define what "increased" means; it also does not explain how "pedestrian and/or bicyclist safety" is measured or at what point it becomes a "concern." As such, this standard cannot be applied to the Application.

Subsection (c) is not clear and objective because it does not provide an applicant a way of knowing how the review authority will decide whether conditions of development approval will be required. As such, this standard cannot be applied to the Application.

Subsection (d) is discretionary ("if the Director determines . . .") and as such is not clear and objective and cannot be applied to the Application.



Sec. 803.020. - Public and private streets.

- Public streets. Except as provided in subsection (b) of this section, all streets (a) shall be public streets.
- Private streets. (b)
 - Internal streets in subdivisions, partitions, and planned unit (1)developments may be either public or privately owned; provided that the internal streets may be required to be public, given the connectivity, size, configuration, location, and number of lots or dwelling units, and the nature and location of public and common facilities and proposed uses.
 - (2) Private streets shall conform to this chapter and the Public Works Design Standards, unless otherwise required by state law.
 - (3) Any subdivision, partition, or planned unit development that includes private streets shall have recorded covenants, conditions, and restrictions which provide that all common property owners shall be members of a property owners' association. The covenants, conditions, and restrictions shall, at a minimum, require that the association be responsible for the perpetual maintenance and operation of all private streets and related facilities in the development, including, but not limited to, parking areas, private streets, privately owned pedestrian/bikeways, and landscape strips. Such association shall have the power to levy and assess against privately owned property in the development all necessary costs for maintenance and operation of the private streets and related facilities.

Applicant Response: All streets shown on the tentative plan are to be dedicated public right-of-way and no private streets are included with this subdivision application. The criteria are met.

To the extent any private streets are created, subsection (b)(1) is not clear and objective because it does not provide information on how the listed features (connectivity, size, configuration, etc.) are analyzed or measured in making the decision to require public streets; as such, it cannot be applied to this Application.

Sec. 803.025. - Right-of-way and pavement widths.

(a) Except as otherwise provided in this chapter, right-of-way width for streets and alleys shall conform to the standards set forth in Table 803-1.

TABLE 803-1. RIGHT-OF-WAY WIDTH		
Right-of-Way	Width	Limitations & Qualifications
Parkway	Min. 120 ft	Applicable for up to 4 motor vehicle travel lanes
	Min. 144 ft.	Applicable for greater than 4 motor vehicle travel lanes
Major Arterial	Min. 96 ft.	



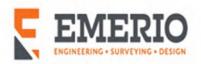
Minor	Min. 72 ft.	
Arterial		
Collector	Min. 60 ft.	
Local Street	Min. 50 ft.	
	Min. 50 ft.	Applicable to the stem of the cul-de-sac
Cul-de-sac	Min. 45 ft.	Applicable to the turnaround of the cul-de-sac
	radius	
Alley	Min. 10 ft.	
	Max. 20 ft.	

(b) Except as otherwise provided in this chapter, streets shall have an improved curb-to-curb pavement width as set forth in Table 803-2.

TABLE 803-2. PAVEMENT WIDTH		
Street Type	Width	Limitations & Qualifications
Parkway	Min. 80 ft	
Major	Min. 68 ft.	
Arterial		
Minor	Min. 46 ft.	
Arterial		
Collector	Min. 34 ft.	Applicable to Type A Collector
	Min. 40 ft.	Applicable to Type B Collector
	Min. 34 ft.	Applicable to Type C Collector
Local Street	Min. 30 ft.	
	Min. 30 ft.	Applicable to the stem of the cul-de-sac
Cul-de-sac	Min. 38 ft.	Applicable to the turnaround of the cul-de-
	radius	sac

<u>Applicant Response</u>: The typical right-of-way cross section proposed with this application is 60 feet and includes a sidewalk, planter strip, two travel lanes, and potential for on-street parking (on one side) or a bike lane. Hilfiker Lane is proposed to be extended through the subject site, classified as a Type B Collector, and shown to have a proposed pavement width 40 feet. All other streets proposed with this application are classified as local streets and shown to be a 60-foot right-of-way width (30-foot pavement width). The criteria are met.

- (c) Additional right-of-way, easements, and improvements may be required to accommodate the design and construction of street improvement projects due to steep slopes, soils, water features, wetlands, transit bus bays, and other physical constraints.
- (d) Additional right-of-way and roadway improvements at the intersections of parkways, major arterial, minor arterial, and collector streets, and at intersections and access points for high traffic generators, including, but not limited to, shopping centers, schools, major recreational sites, and office



complexes, may be required. The design of all intersections shall conform to the Public Works Design Standards.

When an area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant, dedication and improvement of streets to greater widths than those provided in subsection (a) of this section may be required.

<u>Applicant Response:</u> All right-of-way improvements included with this application are proposed to meet the standards of the Public Works Design Standards. No area within this proposed subdivision is zoned or proposed to be used as commercial or industrial. The criteria are met.

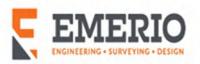
However, subsection (c) is not clear and objective because it does not define or explain how the listed features (steep slopes, soils, water features, etc.) are analyzed or measured in making the determination to require additional ROW, easements, and improvements. As such, it cannot be applied to this Application.

Further, subsection (d) is not clear and objective because it simply states that certain improvements "may be required" without explaining how that determination is made. As such, it cannot be applied to this Application.

Subsection (e) is not clear and objective because it simply states that certain improvements "may be required" without explaining how that determination is made. As such, it cannot be applied to this Application.

Sec. 803.030. - Street spacing

- (a) Streets shall have a maximum spacing of 600 feet from right-of-way line to right-of way line along one axis, and not less than 120 feet and not more than 400 feet from right-of-way line to right-of-way line along the other axis.
- (b) Street spacing may be increased where one or more of the following exist:
 - (1) Physical conditions preclude streets meeting the spacing requirements. Physical conditions include, but are not limited to, topography or the existence of natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes, or a resource protected by state or federal law.
 - (2) Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude streets meeting the spacing requirements, considering the potential for redevelopment.
 - (3) An existing public street or streets terminating at the boundary of the development site exceed the spacing requirements, or are situated such that the extension of the street or streets into the development site would create a block length exceeding the spacing requirements. In such cases, the block length shall be as close to the spacing requirements as practicable.



(4) Strict application of the spacing requirements would result in a street network that is no more beneficial to vehicular, pedestrian, or bicycle traffic than the proposed street network, and the proposed street network will accommodate necessary emergency access.

<u>Applicant Response:</u> The street spacing along the majority of streets included with this application (Hilfiker Lane, Walten Way, Mandy Avenue, Drexler Drive, Porter Place, McCollum Street, and Aldridge Avenue) as shown on the tentative plat, meet the SRC 803.030(a) requirements that streets have a maximum 600 feet from right-of-way line to right-of-way line along one axis. The spacing, as shown on the tentative plat, is not less than 120 feet and not more than 400 feet from right-of-way line to right-of-way line along the other axis.

However, due to the physical conditions of the area- including topography, existing streets, and the existing farm (which is proposed for preservation) – some street spacing must exceed the maximum spacing requirements, as allowed by SRC 803.030(b)(1). The maximum street spacing proposed, on Ramsay Road (on site), is approximately 746.17 feet. More than the maximum spacing is required on this street specifically because of the preservation of the existing farm, the preservation of a large grove of trees and general topography with intersecting existing streets. To bisect this distance, the applicant has proposed a pedestrian walking path. The street spacing and pedestrian walking path for Ramsay Road are shown on the tentative plat.

In addition, the proposed block along Hillrose Street SE (off site) is approximately 650 feet and is also proposed to be bisected with a walking path. More than the maximum spacing is required on the street specifically because of the intersection spacing in relation to existing streets, due to topography and natural resource protection (tree grove open space). In addition, the block length from the intersection of Hillrose/Aldridge intersection to the pedestrian path is approximately 280 feet; and from the pedestrian path up to Hillrose/Hilfiker intersection, the block length is approximately 470 feet.

Natural features preclude the development of the proposed pedestrian path from becoming right-of-way, due to the amount of significant tree removal to accommodate the required grading for a street. The significant trees are proposed to be preserved and an open space tract including the trees has been proposed as a community asset. In addition to the significant tree preservation, the existing farm and associated accessory structures are proposed to be retained.

Because most street spacing within the proposed subdivision meets the requirements of subsection (a), and because subsection (b)(1) applies as described above, the street spacing criteria are met.



However, subsection (b) includes the word "may," which allows for discretion, even if one of the conditions listed in (1)-(4) exist. Thus, it is not clear and objective and cannot be applied to this Application.

Subsection (b)(1) does not explain how it is determined that physical conditions preclude meeting the spacing requirements. Thus, it is not clear and objective and cannot be applied to this Application.

Subsection (b)(2) does not explain how it is determined that development physically precludes meeting the spacing requirements. Thus, it is not clear and objective and cannot be applied to this Application.

Subsection (b)(3) includes the phrase "as close to the spacing requirements as practicable," which allows for discretion; this is not clear and objective. This standard cannot be applied to the Application.

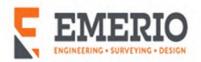
Subsection (b)(4) does not explain how the review authority would determine how beneficial a given proposal is. It is thus not clear and objective and cannot be applied to the Application.

Sec. 803.035. - Street standards.

All public and private streets shall be improved as follows:

- (a) <u>Connectivity</u>. Local streets shall be oriented or connected to existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one-half-mile of the development. Local streets shall be extended to adjoining undeveloped properties for eventual connection with the existing street system. Connections to existing or planned streets and adjoining undeveloped properties for eventual connection with the existing street system shall be provided at no greater than 600-foot intervals unless one or more of the following conditions exist:
 - (1) Physical conditions or the topography, including, but not limited to, freeways, railroads, steep slopes, wetlands, or other bodies of water, make a street or public accessway connection impracticable.
 - (2) Existing development on adjacent property precludes a current or future connection, considering the potential and likelihood for redevelopment of the adjacent property; or
 - (3) The streets or public accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, that by their terms would preclude a current or future connection.

<u>Applicant Response:</u> All roads stubbed to the subject site are proposed to be extended through the property. These existing stubbed streets include Hilfiker Lane, Mandy Avenue, a section of Hillrose Street, and Chaparral Drive. Lansford Drive SE terminates at the



intersection of 12th Street but cannot be extended across 12th Street due to the natural resource of the existing stream and existing topography. Hilfiker Lane SE is classified as a Collector B and extended through the site. Mandy Avenue is a local street and proposed to be extended through the subject site to intersect with proposed McCollim Street. Chaparral Drive, a local street, is extended to the intersection of Hilfiker Lane near the southern boundary of the subject site. All other roads proposed with this application are classified as local streets. Aldridge Avenue is stubbed to the large existing farm parcel, which allows the option for future extension if the farm parcel is developed in the future. Findings are provided below to address alternative street standards for street grades subject to SRC 803.065 below. The criteria are met.

However, subsections (a)(1)-(3) are not clear and objective and thus they cannot be applied to the Application. Subsection (a)(1) does not explain how such features would make a street or public accessway connection impracticable, or what impracticable means. Subsection (a)(2) does not explain how the review authority determines whether existing development would preclude a current or future connection. Subsection (a)(3) is not clear and objective on its face because it cannot show what any lease/easement/covenant/restriction/or "other agreement" shows.

- (b) <u>Improvements</u>. All street improvements, including sub-base, base, pavement, curbs, sidewalks, and surface drainage shall conform to all provisions of the Salem Revised Code and the Public Works Design Standards.
- (c) <u>Alignment and grade</u>. All streets shall be designed with a vertical alignment that conforms to the Public Works Design Standards. No grade of parkway, major arterial, or minor arterial shall exceed six percent. No grade of a collector street shall exceed eight percent. No grade of a local street shall exceed 12 percent.
- (d) <u>Dead-end streets</u>. When it appears necessary to provide connectivity into or through an abutting undeveloped area, a dead-end street shall be provided to the boundary of the undeveloped area. The street may be constructed and right-of-way may be dedicated without a turnaround unless the Planning Administrator finds that a turnaround is necessary.

<u>Applicant Response</u>: This application does not include any dead-end streets. Hilfiker Lane is proposed to be a Type B Collector and as shown on the submitted plan sheet 7.1, the maximum grade is proposed to be 9.30% and a minimum of 1%. Findings are provided below to address alternative street standards subject to SRC 803.065 below. All other street grades within the subject property are proposed to meet the local street standards and not exceed 12 percent (see submitted street profile sheets beginning on sheet 7.1). All streets within this proposed subdivision were designed using the Salem Revised Code and Public Works Design Standards and meet the requirements set forth therein. The proposal is consistent with the codes and standards for public right-of-way. The criteria are met.



However, subsection (b) is not clear and objective because it requires that the proposal "conform to" "all provisions" of the SRC and Public Works Design Standards and does not distinguish between those that are applicable or not applicable to the subject Application. As such, it cannot be applied.

Subsection (c) is not clear and objective because the phrase "conforms to" is subjective and allows for discretion. Further, the "Public Works Design Standards," without more information on which portions apply, is not clear and objective. As such, it cannot be applied.

Subsection (d) is not clear and objective because it does not explain how the required apparent necessity is determined. It also gives the Planning Administrator discretion to decide whether a turnaround is necessary.

- (e) <u>Reserve blocks</u>. Reserve blocks controlling access to a street or alley may be required to be dedicated to address one or more of the following:
 - (1) To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street.
 - (2) To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in SRC 803.025.
 - (3) To prevent access to land abutting a street of the development, but not within the development itself.
 - (4) To prevent access to land unsuitable for development.
 - (5) To prevent access prior to payment of street improvement assessments or connection charges.
 - (6) To prevent access to an arterial or collector street.
- (f) <u>Cul-de-sacs</u>.
 - (1) Cul-de-sacs shall not exceed 800 feet in length.
 - (2) No portion of a cul-de-sac shall be more than 400 feet from an intersecting street or cul-de-sac unless physical constraints make it impractical.
 - (3) Cul-de-sacs shall have a turnaround with a property line radius of not less than that specified in SRC 803.025(a) from the center of the turnaround to the property lines.
- (g) <u>Intersections; property line radius</u>.
 - (1) Intersections shall conform to the Public Works Design Standards; provided, however, additional right-of-way and roadway improvements at or adjacent to the intersections of parkways, major arterials, minor arterials, and collector streets may be required for intersections and access points for high traffic generators, including, but not limited to, shopping centers, schools, major recreational sites, and office complexes.



(2) The property line radius at intersections shall be not less than the curb line radius as set forth in the Public Works Standards.

<u>Applicant Response:</u> No reserve blocks or cul-de-sacs are proposed with this application. Intersections and property line radii are proposed to meet the Public Works Design Standards as shown on the Tentative Site Plan sheet 5.0. The criteria are met.

However, subsection (e), to the extent it is deemed applicable, includes the word "may," which allows for discretion, even if one or more of the listed conditions are met. To the extent a reserve block is part of this Application, this standard cannot apply. Further, subsection (e)(1) includes the terms "proper extension" and "orderly development of land," which are undefined subjective terms. Subsection (e)(4) includes the phrase "unsuitable for development," which is undefined and subjective. As such, these standards cannot be applied to the Application.

Subsection (f)(2), to the extent it is deemed applicable, is not clear and objective because "physical constraints" and "impractical" are not defined and/or are subjective terms. As such, it cannot be applied to the application.

Subsection (g)(1) includes the word "may" and the phrase "including, but not limited to," which allow for discretion. This is not clear and objective and cannot be applied to the Application.

Subsection (g)(2) includes only a general reference to the Public Works Standards rather than specifying which apply, which is vague and as such cannot be clear and objective. As such, this standard cannot be applied.

(h) <u>Cut and fill slopes</u>. Fill slopes shall begin no closer than two feet from the rear edge of the sidewalk, or if there is no sidewalk, from to the rear edge of the curb. Cut and fill slopes shall not exceed two horizontal to one vertical, provided that slopes not exceeding one to one may be approved upon certification by a qualified engineer or geologist that the slope will remain stable under foreseeable conditions.

<u>Applicant Response:</u> The cut and fill slopes for the majority of the subject site begin beyond the 10-foot Public Utility Easement (PUE) and are not proposed to exceed 2:1. In areas without a PUE, there will be a minimum of a 2-foot bench before the cut and fill slopes and not proposed to exceed 2:1. The criterion is met.

(i) <u>Slope easements</u>. Slope easements shall be provided on both sides of the right-of-way where required by Public Works Design Standards.

<u>Applicant Response:</u> No slope easements are currently proposed and therefore this criterion does not apply.



However, to the extent it is deemed applicable, subsection (i) includes only a general reference to the Public Works Standards rather than specifying which apply, which is vague and as such cannot be clear and objective. As such, this standard cannot be applied to this Application.

(j) <u>Street alignment</u>. Consistent with good engineering practice, street alignment shall, so far as possible, avoid natural and constructed obstacles, including, but not limited to, mature trees.

<u>Applicant Response:</u> The street alignment is consistent with good engineering practices and avoids natural/constructed obstacles as shown on the submitted tentative site plan.

However, subsection (j) is not clear and objective because "so far as possible" and "including, but not limited to" leave room for discretion. This standard cannot be applied to the application.

(k) <u>Street trees</u>. Development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC chapter 86.

<u>Applicant Response:</u> The applicant proposes the planting of street trees along all the proposed public right-of-way throughout the site. The street planning area details are shown on the submitted typical street sections sheet. The criterion is met.

- (I) Sidewalks.
 - (1) <u>Sidewalk construction required</u>. Sidewalks conforming to this chapter, the Public Works Design Standards, the Americans with Disabilities Act, the Salem Transportation System Plan, and SRC chapter 78 shall be constructed as a part of street improvement projects.
 - (2) Sidewalk location; width.
 - (A) Sidewalks shall be located parallel to and one foot from the adjacent right-of-way; provided, however, on streets having a right-of-way of 50 feet or less, sidewalks shall be located parallel to and abutting the curb.
 - (B) If topography or other conditions make the construction of a sidewalk impossible or undesirable in a location required by this subsection, a different location may be allowed.
 - (C) Except as otherwise provided in this subsection, all sidewalks shall be a minimum of five feet in width.
 - (D) Sidewalks connecting with the direct access to the primary entrance of a school shall be a minimum of eight feet in width along the right-of-way for a distance of 600 feet from the point of connection.



(E) Sidewalks shall have an unobstructed four-foot wide clearance around street lights, signs, mailboxes, and other streetscape facilities.

<u>Applicant Response:</u> As shown on the tentative site plan, sidewalks are located parallel to the proposed streets. Sidewalks are shown to meet the minimum 5 foot in width standard of sidewalks. No sidewalks within this proposed subdivision connect with school property. As shown on the submitted plan sheets (see sheets 5.1 and 7.1-18) the sidewalks conform to the standards of this chapter, Public Works Design Standards, ADA, SRC Ch. 78, and therefore the criteria are met.

However, subsection (l)(1) is not clear and objective because it requires "conform[ance] to" various undefined and unspecified standards. Moreover, the TSP is generally referenced and is therefore improperly incorporated into this standard. As such, it cannot be applied to this Application.

Subsection (l)(2)(B) includes the phrase "undesirable," which is subjective. As such, it is not clear and objective and cannot be applied to this Application.

(m) <u>Bicycle facility standards</u>. Streets identified in the Salem Transportation System Plan Bicycle System Map as requiring a bicycle facility must conform to the designation of the Salem Transportation System Plan and the Public Works Design Standards.

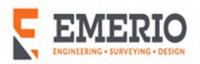
<u>Applicant Response:</u> Per the Salem Transportation System Plan Bicycle System Map, Hilfiker Lane is recommended to be a family-friendly bikeway from 12th Street to Pringle Road. The proposed right-of-way improvements within this area include bicycle lanes. The criterion is met.

However, subsection (m) is not clear and objective because of the phrase "conform to"; it also includes reference to unspecified standards in the Public Works Standards. As such, it cannot be applied to this Application.

(n) <u>Utility easements</u>. Public utility easements may be required for all streets.
 Unless otherwise specified by the Director, public utility easements shall be a minimum of ten feet in width on each side of the right-of-way.

<u>Applicant Response:</u> Utility easements have been shown on the face of the tentative plan and included with this application. The criterion is met.

However, subsection (n) is not clear and objective because it allows for the Director to have discretion in specifying the size of the public utility easements. It also uses the word "may," without explaining in what situations such easements may or may not be required. As such, it cannot be applied to this Application.



(o) <u>Streetlights</u>. All subdivisions and partitions, and all development on units of land for which site plan review is required, shall include underground electric service, light standards, wiring, and lamps for streetlights that conform to the Public Works Design Standards. The developer shall install such facilities. Upon the City's acceptance of improvements, the street lighting system shall become the property of the City.

<u>Applicant Response:</u> Street lights are proposed to be installed within the public right-ofway and installed by the developer to conform with the Public Works Design Standards. The criterion is met.

However, subsection (o)'s requirement to "conform to" unspecified Public Works Design Standards is not clear and objective. As such, this standard cannot be applied to the Application.

- (p) <u>Landscape strips</u>. Landscape strips for signs, streetlights, and shade trees shall be provided that conform to the Public Works Design Standards.
- (q) <u>Landscaping.</u> Property owners shall cover at least 75 percent of the unimproved surface area within the right-of-way abutting the property with perennial living plant material which conforms to all other requirements of the UDC, and which is kept free of noxious vegetation.

<u>Applicant Response:</u> Landscape strips are shown on the face of the preliminary site plan. Landscaping will be provided on each individual residential lot and will meet the requirement that 75% of the unimproved surface area within the right-of-way abutting the property with the required perennial living plant material. The criteria are met.

However, subsections (p) and (q) require "conform[ance] to" unspecified Public Works Design Standards or the UDC, respectively. This is not clear and objective, and thus, these standards cannot be applied to the Application.

> (r) <u>Urban growth area street improvements</u>. Where a subdivision or partition is located in the Urban Growth Area or the Urban Service Area, and the construction of street improvements by the City has not yet occurred, the street improvements and dedications shall meet the requirements of SRC chapter 200.

<u>Applicant Response:</u> All street improvements included with this application are shown to meet the requirements of SRC Chapter 200 (See submitted road profile sheets and tentative site plan). The criterion is met.

Sec. 803.040. - Boundary streets

(a) *General.* Except as otherwise provided in this section, dedication of right-ofway for, and construction or improvement of, boundary streets of up to one-



half of the right-of-way and improvement width specified in SRC 803.025 shall be required as a condition of approval for the following:

- (1) Subdivisions;
- (2) Partitions;
- (3) Planned unit developments;
- (4) Manufactured dwelling parks; and
- (5) The construction or enlargement of any building or structure located on property abutting a boundary street and that requires a building permit under SRC chapter 56.
- (b) Three-quarter street improvement. If construction of a half-street improvement is insufficient to provide for a minimum of one 12-foot-wide travel lane in each direction or proper street grade, dedication of right-of-way for, and construction or improvement of, a three-quarter street improvement may be required.
- (c) Additional right-of-way and improvements. Dedication and improvement of streets to greater widths than those provided in SRC 803.025 may be required when:
 - (1) An area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant.
 - (2) Topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way width or slope easements may be required to allow for all cut and fill slopes.
 - (3) Additional area is required for stormwater facilities located within the right-of-way.

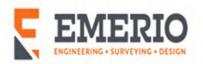
<u>Applicant Response:</u> All new and extended existing streets are proposed to be dedicated to the City of Salem as public right-of-way. Sidewalk improvements are proposed along the subject site's frontage on 12th Street and Hillrose Street. Full street and sidewalk improvements are proposed for all new roadways within the proposed subdivision. The criteria are met.

However, subsections (b) and (c) include the word "may," which allows for discretion. As such, those standards are not clear and objective and cannot be applied to the Application.

Further, subsection (c)(1) includes the phrase "probable future conditions warrant," which is undefined and is subjective in nature, leaving room for discretion. This is not clear and objective, and cannot be applied to this Application.

Subsection (c)(2) is not clear and objective because it does not provide information about what "topographical requirements" might "necessitate" cuts or fills, etc. As such, it cannot be applied to the Application.

(d) *Exceptions.* Notwithstanding subsections (a) and (b) of this section, the dedication of right-of-way for, and construction or improvement of, boundary streets is not required in the following circumstances:



- (1) Improvement of the boundary street abutting the property is a funded project in the Five Year Capital Improvement Program;
- (2) The erection or construction of a new building or structure in a complex, if the new building or structure is less than 2,000 square feet. This exception shall be based on the extent of development existing on December 31, 1995;
- (3) The enlargement of any building or structure, if the enlargement results in less than a 50 percent increase in gross building area. This exception shall be based on the extent of development existing on December 31, 1995;
- (4) The erection, construction, or enlargement of any building or structure to be used entirely for agriculture, the keeping of livestock and other animals, or animal services, as defined in SRC chapter 400, and which involve no retail sales; or
- (5) The erection, construction, or enlargement of any building or structure that will generate less than 20 new vehicle trips per day according to the Institute of Transportation Engineers' Trip Generation Manual.

<u>Applicant Response:</u> No exceptions to the required improvements are included with this application. Required right-of-way improvements are proposed to be made as shown on the face of the tentative plat. The criteria are met.

- (e) Improvement.
 - (1) All boundary street improvements shall conform to this chapter and the Public Works Design Standards.
 - (2) The maximum amount of street widening shall not exceed 17 feet on the development side, plus curb, gutters, sidewalks, bike lanes, stormwater facilities, street lights, and signing where appropriate. The minimum requirement for the opposite side of the centerline is a 12foot-wide paved travel lane. The boundary street improvement shall be provided along the full length of the boundary.
 - (3) If development is proposed for only a portion of a development site or complex, the boundary street improvement shall be provided as follows:
 - (A) Where the area of development exceeds 25 percent of the total development site or complex area, the street improvements shall be the greater of either the actual street frontage of the phase being developed, or the percentage of street frontage equal to the percentage of area being developed.
 - (B) Where the area of development is equal to or less than 25 percent of the total development site or complex area, the street improvement shall be provided in accordance with the following formula:



- (i) Frontage of Required Street Improvement = Proposed Area of Development ÷ Area of Undeveloped Site x Total Street Frontage of Entire Development Site or Complex.
- (C) As used in this subsection, the term "area of development" means that area required for structures, setbacks, off-street parking, landscaping, and any special setbacks.

<u>Applicant Response:</u> All proposed improvements for boundary streets adjacent to the subject property are proposed to conform to Public Works Design Standards and details are shown on the submitted typical street sections and street profile sheets. Right-of-way dedication of 30-feet on 12th Street to accommodate a 60-foot right-of-way as required by the Local Street Classification (per 3-8 Street System Element of the Salem TSP) is shown on the tentative plat. This required dedication and associated 25-feet of new pavement for the required ³/₄ Street improvements exceeds the maximum amount of street widening stated above due to the underimproved section of 12th Street along the subject property's frontage. A phasing plan has been included with the submitted plan sheets and all streets within the proposed phases are to be constructed during the completion of each phase. The entire subject property is proposed to be subdivided for single-family residential development. The above criteria are met.

However, the requirement in subsection (e)(1) to "conform to" unspecified Public Works Design Standards is not clear and objective. As such, it cannot be applied to this Application.

Further, the phrase in subsection (e)(2), "where appropriate," leaves room for discretion. This is not clear and objective, and thus cannot be applied to the Application.

Sec. 803.045. - Monuments.

Proper monuments that conform to the Public Works Design Standards shall be constructed with street improvements.

<u>Applicant Response:</u> Monuments are proposed to be reviewed for compliance with the Public Works Design Standards prior to final plat approval.

However, the requirement to "conform to" unspecified Public Works Design Standards is not clear and objective. As such, it cannot be applied to this Application.

Sec. 803.050. - Public accessways.

(a) When necessary for public convenience or safety, public accessways may be required to connect to cul-de-sac streets, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths creating access to schools, parks, shopping centers, mass transportation stops, or other community services, or where it appears necessary to continue the public walkway into a future subdivision or abutting property or streets.



(b) Public accessways shall conform to the Public Works Design Standards, and have width and location as reasonably required to facilitate public use and, where possible, accommodate utility easements and facilities. Public accessways shall be dedicated on the plat.

<u>Applicant Response</u>: A public trail is proposed from Hillrose Street over to the west side of Hikfiker Lane. This public trail allows for efficient pedestrian access through the proposed subdivision, crossing through an open space tract. The path tract is proposed to be 15 feet wide through all tract sections. 15 feet is sufficient to construct a walking path to reasonably accommodate public use. Public utility easements are provided adjacent to the public right-of-way to accommodate the installation and undergrounding of public utilities. The criteria are met.

However, subsection (a) does not explain how it is decided that something is necessary for "public convenience or safety" or when something "appears necessary"; also "oddly shaped" and "unusually long" are subjective and leave room for discretion. This standard is not clear and objective and cannot be applied to the Application.

Also, subsection (b) is not clear and objective because "as reasonably required" and "where possible" are subjective phrases and leave room for discretion. As such, this standard cannot be applied to the Application.

Sec. 803.055. - Traffic control, parking regulation, and street signs and pavement markings.

The developer shall install all required traffic control, parking regulation, street signs, and pavement markings for all paved blocks of streets within a subdivision or partition prior to final acceptance of the public streets by the City, or prior to the issuance of any building permit for construction within the subdivision or partition for private streets. All traffic control, parking regulation, and street signs and pavement markings shall conform to the Public Works Design Standards and shall be installed at the developer's expense.

<u>Applicant Response</u>: The applicant proposes to install traffic control and parking regulation measures as conditioned by the approval of this application. Street signs and pavement markings are proposed with the construction of the improvements. A traffic impact analysis was included with this application and did not identify a need for additional traffic control devices such as a traffic light. The criterion is met.

However, the requirement to "conform to" unspecified Public Works Design Standards is not clear and objective. As such, this standard cannot be applied to the Application.

Sec. 803.060. - Conveyance by dedication.

All streets within subdivisions or partitions, other than private streets allowed under SRC 803.020, shall be dedicated to the City on the plat.



<u>Applicant Response:</u> All streets shown on the tentative plan are to be shown as dedicated to the City of Salem on the plat. The criterion is met.

Sec. 803.065. - Alternative street standards.

- (a) The Director may authorize the use of one or more alternative street standards:
 - (1) Where existing development or physical constraints make compliance with the standards set forth in this chapter impracticable;
 - (2) Where the development site is served by fully developed streets that met the standards in effect at the time the streets were originally constructed; or
 - (3) Where topography or other conditions make the construction that conforms to the standards impossible or undesirable.
- (b) Authorization of an alternative street standard may require additional or alternative right-of-way width, easements, and improvements to accommodate the design and construction using the alternative standard.

<u>Applicant Response:</u> Due to the topography of the subject property, grading the Hilfiker Lane right-of-way at or below 8% grade is impractical. Hilfiker Lane is proposed to be a Type B Collector and as shown on the submitted plan sheet 7.1, the maximum grade is proposed to be 9.30% and a minimum of 1%. In addition, the applicant is required to complete ³/₄ street improvements on 12th Street, which currently does not comply with grade standards for a local street. Submitted sheet P9.0 and P9.1 provide the existing and proposed details for 12th Street. Also shown on sheets P9.0-9.1 are the proposed improvements along 12th Street. The applicant has requested Hilfiker Lane, and the 12th Street right-of-way grading, and improvements be reviewed against SRC Sec. 803.065 using the alternative street standards due to existing grade and topography of each rightof-way. The criteria of Sec. 803.065(a)(1) are met.

However, Section 803.065 is not clear and objective. For example, subsection (a) provides for discretion by the Director, who "may authorize" use of an alternative street standard if certain conditions are present but does not *require* such authorization. Further, subsection (a)(1) allows for alternative street standards where "physical constraints" make compliance with the standards "impracticable," but does not define or describe what those terms mean. Subsection (a)(3) allows for alternative street standards where "topography" or "other conditions" make the conforming construction "undesirable," but does not explain what features of the topography or what "other conditions" would qualify an application for utilization of alternative street standards and does not define "undesirable." All of these terms leave room for discretion by a decision maker and are subjective. Further, subsection (b) provides that other "alternative right-of-way width, easements, and improvements" *may* be required to "accommodate the design and construction" of the streets using the alternative standard but does not include information on how that would be determined or in what situations such a determination would be made. This procedure



allows for discretion by the decision-maker and is thus subjective. As such, this section cannot be applied to this needed housing application.

Sec. 803.070. - Deferral of construction of certain improvements.

- (a) Applicant initiated deferral. An applicant may apply to defer the construction of the following improvements, upon filing an application and paying the application fee:
 - (1) Boundary streets.
 - (A) Construction of boundary streets may be deferred if:
 - The development site abuts a boundary street section, and the existing vertical or horizontal alignment for the street section neither meets nor can be constructed within the limits of the development site frontage in a manner that conforms to the Public Works Design Standards for future final street grades and alignment;
 - (ii) The development site abuts a local street, the development site has less than 150 feet of frontage, and the use will generate 20 or less new vehicle trips per day;
 - (iii) The development site abuts a local street and there is no improved street section or street improvement deferral for the boundary street within 150 feet of the property corners of the development site; or
 - (iv) Unusual or special conditions exist that, in the opinion of the Director, would warrant a deferral of all or a part of the improvement.

<u>Applicant Response:</u> This application does not include a proposal to defer construction or any improvements. The criteria do not apply.

- (2) Sidewalks.
 - (A) Construction of sidewalks may be deferred if:
 - (i) For property within all zones other than industrial and employment zones:
 - (aa) The sidewalk is not on a collector street or arterial street; and
 - (bb) Less than one-half of the required sidewalks on the side of the block where the sidewalk is to be constructed have already been constructed.
 - (ii) For property within industrial and employment zones:
 - (aa) The sidewalk would not be part of a pedestrian route to a school, shopping center, park, church, or other pedestrian traffic generator,



or identified in a local safe routes to school plan as a facility in need of improvement; and

- (bb) The deferral would not pose a threat to public safety and welfare, based upon review of pedestrian/vehicular traffic on the street, the width and condition of the street, and onstreet parking.
- (B) Unless otherwise provided in the deferral agreement, when sidewalk construction has been deferred, the property owner shall:
 - (i) Grade and slope the area to the future sidewalk grade;
 - (ii) Avoid planting trees in the sidewalk area, or building fences, retaining walls, steps, or other impediments to the future sidewalk; and
 - (iii) Note on the plans for the development that a deferment has been granted but that sidewalk construction may be ordered by the City at any time.

<u>Applicant Response:</u> Sidewalks are proposed to be constructed and no deferred improvements are included with this application. The criteria do not apply.

- (b) *City required deferral.* The Director may require deferral of the construction of part or all of one or more of the improvements identified in subsection (a) of this section at any time. Deferral pursuant to this subsection shall be at no cost to the applicant.
- (c) *Deferral agreement.* When a deferral is allowed or required pursuant to this section, the applicant shall enter into a deferral agreement. The deferral agreement shall be in a form approved by the City Attorney, shall be filed in the deed records of the appropriate county, and shall provide that the required improvements will be constructed at such time as the Director determines or at such other time as may be specified by resolution of the Council.
- (d) *Notation on plat.* The deferral of any improvements shall be noted on the final plat.

<u>Applicant Response:</u> The above criteria do not apply as no improvement deferrals are included with this application.

CHAPTER 804. - DRIVEWAY APPROACHES

Sec. 804.001. - Purpose.

The purpose of this chapter is to establish development standards for safe and efficient access to public streets.

Sec. 804.005. - Definitions.



The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned means a driveway approach that is no longer used for vehicle access.

Driveway approach means any access providing direct vehicle ingress and egress over public right-ofway to property.

One-way driveway means a driveway that provides only ingress or only egress.

Shared access means a driveway that jointly serves two or more lots or parcels.

Two-way driveway means a driveway that provides both ingress and egress.

Sec. 804.010. - Applicability.

This chapter applies to the design, construction, relocation, reconstruction, enlargement, or alteration of any driveway approach.

<u>Applicant Response:</u> The applicant understands the definitions and applicability of the requirements as they pertain to this application.

However, the phrase "safe and efficient" in Sec. 804.001 is subjective and allows for discretion; thus, it is not clear and objective and cannot be applied to this Application.

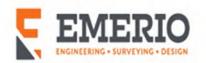
Further, as to Sec. 804.005, to the extent a decision maker determines that "context clearly indicates a different meaning," "clearly indicates" is subjective and thus the definitions are not clear and objective and cannot be applied to this application.

Sec. 804.015. - Driveway approach permit required.

- (a) Except as otherwise provided in this chapter, a driveway approach permit shall be obtained prior to constructing, relocating, reconstructing, enlarging, or altering any driveway approach.
- (b) Exceptions. A driveway approach permit is not required for:
 - The construction, relocation, reconstruction, enlargement, or alteration of any driveway approach that requires a state highway access permit; or
 - (2) The construction, relocation, reconstruction, enlargement or alteration of any driveway approach that is part of the construction of a publicly or privately engineered public improvement project.

<u>Applicant Response:</u> All driveways to single-family homes within this development shall be evaluated for compliance with standards prior to issuance of a building permit. The criteria are met.

However, the phrase "except as otherwise provided in this chapter" in subsection (a) is vague and as such, this standard is not clear and objective on its face; it cannot be applied to this Application.



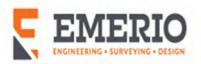
Sec. 804.020. - Class 1. Driveway approach permit.

- (a) *Required.* A Class 1 driveway approach permit is required for:
 - (1) A driveway approach onto a local or collector street providing access to a single family, two family, three family, or four family use.
 - (2) A driveway approach for any land-locked lot or parcel providing access onto a local or collector street, unless the driveway is part of an existing shared access.
 - (3) A driveway approach providing access to a corner lot that abuts only local or collector streets, where the driveway approach will provide access onto the street with the lower street classification.
 - (4) Maintenance, repair, or replacement of an existing permitted driveway approach, other than maintenance, repair, or replacement that is part of, or needed for, redevelopment of commercial or industrially zoned property.

<u>Applicant Response:</u> All driveways to single-family homes within this development shall be evaluated for compliance with standards prior to issuance of a building permit. Separate driveway approach permits are proposed to be filed prior to construction of any driveway. The criteria are met.

However, subsection (a)(4) includes the phrase "needed for." Whether something is "needed for" redevelopment is discretionary as such this standard is not clear and objective and cannot be applied to this Application.

- (b) *Procedure type.* A Class 1 driveway approach permit is processed as a Type I procedure under SRC chapter 300.
- (c) Submittal requirements. In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 1 driveway approach permit shall include the following:
 - (1) A completed application form.
 - (2) A site plan, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:
 - (A) The location and dimensions of the proposed driveway approach;
 - (B) The relationship to nearest street intersection and adjacent driveway approaches;
 - (C) The location of all utilities;
 - (D) The location of any existing or proposed buildings, structures, or vehicular use areas;
 - (E) The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to SRC chapter 808; and
 - (F) The location of any street trees adjacent to the location of the proposed driveway approach.



- (3) Identification of the uses or activities served, or proposed to be served, by the driveway approach.
- (4) Any other information, as determined by the Director, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.
- (d) *Criteria*. A Class 1 driveway approach permit shall be granted if the proposed driveway approach meets the standards of this chapter and the Public Works Design Standards.

<u>Applicant Response:</u> All driveways to single-family homes within this development shall be evaluated for compliance with standards prior to issuance of a building permit. Separate driveway approach permits are proposed to be filed prior to construction of any driveway. The criteria are met.

However, subsection (c)(4) includes the phrases "as determined by the Director" and "which may be required to adequately review and analyze," which necessarily allow for discretion; further, "conformance with" is vague and allows for discretion. Submittal requirement (4) is not clear and objective and cannot be applied to this Application.

Further, subsection (d) is not clear and objective because it does not set forth which Public Works Design Standards apply. As such, it cannot be applied to this Application.

Sec. 804.025. - Class 2 driveway approach permit.

- (a) *Required.* A Class 2 driveway approach permit is required for:
 - (1) A driveway approach onto a parkway, major arterial, or minor arterial;
 - (2) A driveway approach onto a local or collector street providing access to a use other than single family, two family, three family, or four family;
 - (3) A driveway approach providing access to a corner lot that abuts only local or collector streets, where the driveway approach will provide access onto the street with the higher street classification; or
 - (4) Maintenance, repair, or replacement of an existing permitted driveway approach, which is part of, or needed for, redevelopment of commercial or industrially zoned property.
- (b) *Procedure type.* A Class 2 driveway approach permit is processed as a Type II procedure under SRC chapter 300.
- (c) *Submittal requirements.* In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 2 driveway approach permit shall include the following:
 - (1) A completed application form.
 - (2) A site plan, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:
 - (A) The location and dimensions of the proposed driveway approach;

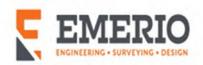


- (B) The relationship to nearest street intersection and adjacent driveway approaches;
- (C) Topographic conditions;
- (D) The location of all utilities;
- (E) The location of any existing or proposed buildings, structures, or vehicular use areas;
- (F) The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to SRC chapter 808; and
- (G) The location of any street trees adjacent to the location of the proposed driveway approach.
- (3) Identification of the uses or activities served, or proposed to be served, by the driveway approach.
- (4) Any other information, as determined by the Director, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.
- (d) Criteria. A Class 2 driveway approach permit shall be granted if:
 - (1) The proposed driveway approach meets the standards of this chapter and the Public Works Design Standards;
 - (2) No site conditions prevent placing the driveway approach in the required location;
 - (3) The number of driveway approaches onto an arterial are minimized;
 - (4) The proposed driveway approach, where possible:
 - (A) Is shared with an adjacent property; or
 - (B) Takes access from the lowest classification of street abutting the property;
 - (5) The proposed driveway approach meets vision clearance standards;
 - (6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;
 - (7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;
 - (8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and
 - (9) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

<u>Applicant Response:</u> All driveways to single-family homes within this development shall be evaluated for compliance with standards prior to issuance of a building permit. This application does not include a Class 2 driveway approach permit. The criteria do not apply.

Sec. 804.030. - Access onto local and collector streets.

(a) *Number of driveway approaches.* Except as otherwise provided in this chapter, a lot or parcel is entitled to one driveway approach onto a local or collector street. Additional driveway approaches from a single family, two family, three



family, or four family use onto a local or collector street may be allowed through Class 1 driveway permit approval.

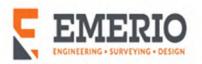
- (b) *Permitted access.*
 - (1) Driveway approaches onto local and collector streets shall only provide access to a permitted parking or vehicular use area, except where the driveway approach will provide access to a site controlled by a franchised utility service provider or a governmental entity.
 - (2) For a corner lot that abuts only local or collector streets, the driveway approach shall provide access to the street with the lower street classification.
- (c) *Spacing.* Driveway approaches providing direct access to a collector street shall be located no less than 200 feet from intersections with major arterials or minor arterials, measured from centerline to centerline.
- (d) *Vision clearance.* Driveway approaches onto local and collector streets shall comply with the vision clearance requirements set forth in SRC chapter 805.

<u>Applicant Response</u>: The driveway approaches for each residential lot are proposed to be installed and evaluated for compliance to these standards for approach, location for corner lots, and spacing at the time a building permit application is submitted. Hilfiker Lane is classified as a Collector B Street and all other streets within this subject site are classified as local streets, therefore all driveway approaches are onto local or collector streets. The applicant proposes compliance with the clear vision requirements for driveways and proposes to be reviewed with the building permit application. The criteria are met.

Sec. 804.035. - Access onto major and minor arterials.

- (a) Number of driveway approaches.
 - Except as otherwise provided in this chapter, a complex shall be entitled to one driveway approach onto a major or minor arterial.
 Additional driveway approaches for a complex may be allowed where:
 - (A) A complex has more than 370 feet of frontage abutting a major or minor arterial;
 - (B) There is a shared access agreement between two or more complexes; or
 - (C) It is impracticable to serve the complex with only one driveway approach.
 - (2) No driveway approach is allowed onto a major or minor arterial for development that is not a complex, unless:
 - (A) The driveway approach provides shared access;
 - (B) The development does not abut a local or collector street; or
 - (C) The development cannot be feasibly served by access onto a local or collector street.

<u>Applicant Response:</u> This application does not include any major or minor arterial classified roadways. The criteria do not apply.



- (b) *Traffic volume threshold.* No driveway approach onto a major or minor arterial shall be allowed unless the development generates 30 or more vehicle trips per day or the driveway approach provides access to a city park.
- (c) Permitted access.
 - (1) Driveway approaches onto major and minor arterials shall only provide access to a permitted parking or vehicular use area, except where the driveway approach will provide access to a site controlled by a franchised utility service provider or a governmental entity.
 - (2) For a corner lot that abuts a local or collector street, the driveway approach shall provide access to the street with the lower street classification.
 - (3) No access shall be provided onto a major or minor arterial from a single family or two family use constructed as part of a subdivision or partition.
 - (4) Only forward in/forward out access shall be allowed onto a major or minor arterial.

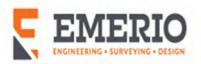
<u>Applicant Response:</u> A traffic study was submitted with this application to address traffic volumes associated with this application. This application does not include any major or minor arterial classified roadways. Proposed lots 21 - 25, 51 - 65, 70 - 75, 127 - 132, and 110 - 112 all take access directly onto Hilfiker Lane which is classified as a Collector B. All corner lots with frontage on Hilfiker Lane (Collector B) is proposed to take access via the lesser street classification. The criteria are met.

- (d) *Spacing.* Driveway approaches providing direct access to a major or minor arterial shall be no less than 370 feet from the nearest driveway or street intersection, measured from centerline to centerline.
- (e) *Vision clearance.* Driveway approaches onto major and minor arterials shall comply with the vision clearance requirements set forth in SRC chapter 805.

<u>Applicant Response:</u> Vision clearance provisions are addressed below in this narrative. No proposed driveways provide direct access onto a major or minor arterial. The criteria are met.

Sec. 804.040. - Access onto parkways.

- (a) Number of driveway approaches. No driveway approach shall be allowed onto a parkway unless the driveway approach is for a complex that generates 10,000 or more vehicle trips per day, or the driveway approach is a service driveway approach that provides access to a site controlled by a franchised utility service provider or a governmental entity.
- (b) *Permitted access.* Driveway approaches onto a parkway shall only provide access to a permitted parking or vehicular use area, except where the driveway approach will provide access to a site controlled by a franchised utility service provider or a governmental entity.



- (c) *Spacing.* Driveway approaches onto a parkway shall be no less than one mile from the nearest driveway approach or street intersection, measured from centerline to centerline.
- (d) *Vision clearance.* Driveway approaches onto a parkway shall comply with the vision clearance requirements set forth in SRC chapter 805.
- (e) *Temporary access.* Temporary direct access from a parkway to a development site may be granted until permanent access that conforms to this chapter can be established.
- (f) *No variance or adjustment.* The standards set forth in this section cannot be varied or adjusted.

<u>Applicant Response:</u> No proposed access onto a parkway is included with this application. The criteria do not apply.

Sec. 804.045. - Shared access.

- (a) Shared access may be required to serve two or more abutting lots or parcels, when necessary to mitigate or eliminate traffic impacts or safety concerns.
 Shared access may be provided at the request of an applicant; provided, however, that once the applicant's request has been approved, shared access shall not be eliminated without first obtaining a Class 2 driveway permit.
- (b) Shared access shall conform to this chapter and the Public Works Design Standards, and shall be provided by permanent irrevocable easements that are recorded in the appropriate county.
- (c) Lots and parcels shall be permitted to use temporary direct access onto a street until permanent shared access has been established.

<u>Applicant Response:</u> All lots created in this subdivision have direct, individual access onto the public right-of-way and no shared access is proposed with this application. The criteria do not apply.

Sec. 804.050. - Driveway approach development standards.

Driveway approaches shall conform to the following development standards:

- (a) *Design and construction.* Driveway approaches shall be designed and constructed in conformance with this chapter and the Public Works Design Standards.
- (b) Width.
 - (1) Driveway approach width for single family, two family, three family, and four family uses. Driveway approaches serving single family, two family, three family, and four family uses shall conform to the minimum and maximum widths set forth in Table 804-1.

TABLE 804-1. DRIVEWAY APPROACH WIDTH FOR SINGLE FAMILY, TWO FAMILY, THREE FAMILY,		
AND FOUR FAMILY USES		
	Width	



Number of Parking Spaces Served	Minimum	Maximum
1 Space	10 ft.	15 ft.
2 Spaces	15 ft.	24 ft.
3 or more spaces	18 ft.	36 ft.

(2) Driveway approach width for uses other than single family, two family, three family, and four family. Driveway approaches serving uses other than single family, two family, three family, and four family shall conform to the minimum and maximum widths set forth in Table 804-2.

TABLE 804-2. DRIVEWAY APPROACH WIDTH FOR USES OTHER THAN SINGLE FAMILY, TWO FAMILY, THRE FAMILY OR FOUR FAMILY

Type of Driveway	Width	
	Minimum	Maximum
One-way driveway approach	12 ft.	20 ft.
Two-way driveway approach	22 ft.	40 ft.

- (3) *Measurement.* For purposes of this subsection, driveway approach width shall be determined by measurement of the paved surface of the driveway at the property line.
- (c) *Marking and signage.* Where required by the Public Works Design Standards, driveway approaches shall be clearly marked or signed and maintained in conformance with the Public Works Design Standards.

<u>Applicant Response:</u> Driveway design, construction material, and widths are to be evaluated prior to issuance of a building permit. All driveways are proposed to access a single-family home and no marking or signage are proposed with this application. The criteria are met.

However, subsection (a) is not clear and objective because the applicable Public Words Design Standards are not identified and because it includes the phrase "in conformance with," which is subjective. As such, this standard cannot be applied to the Application.

Further, while the standards in Tables 804-1 and 804-2 are clear and objective, the requirement in subsections (b)(1)-(2) to "conform to" those standards is subjective. As such, subsections (b)(1)-(2) are not clear and objective and cannot be applied to the Application.

Subsection (c) includes the phrase "Clearly marked or signed," which leaves room for discretion. Further, its requirement to be maintained "in conformance with" unspecified standards in the Public Works Design Standards is not clear and objective. As such, this standard cannot be applied to the Application.



Sec. 804.055. - Driveway approach relocation, reconstruction, and maintenance.

- (a) *General.* The Director may require the relocation, reconstruction, or maintenance of a driveway approach where:
 - The driveway approach has become hazardous due to traffic congestion. The determination that a driveway approach is hazardous to the public's use of the right-of-way shall be based on traffic engineering principles and traffic investigations;
 - (2) The driveway approach is not constructed in conformance with this chapter and the Public Works Design Standards;
 - (3) The driveway approach is not maintained in a safe manner; or
 - (4) A public street improvement project is being constructed, and relocation of the driveway approach will more closely conform to the current driveway approach standards.
- (b) Notice. Notice of driveway approach relocation, reconstruction, or maintenance shall be given, in writing, to the property owner and any affected tenants stating the grounds for the relocation, reconstruction, or maintenance, the date upon which the requirement becomes effective, and the right to appeal.
- (c) Appeals. Any person entitled to notice under subsection (b) of this section may appeal the decision to the Hearings Officer by following the process set forth in SRC 20J.220. The hearing on the appeal shall follow the contested case procedures set forth in SRC 20J.240 through 20J.430.
- (d) *Effect.* If no appeal is filed within the time specified, the affected owner shall have 90 days from the date of the notice to relocate, reconstruct, or maintain the driveway approach in a manner that conforms to this chapter and the Public Works Design Standards.
- (e) *Failure to relocate, reconstruct, or maintain driveway approach.* If the owner fails to relocate, reconstruct, or maintain the driveway approach within 90 days, the Director may cause the relocation, reconstruction, or maintenance to be completed and all expenses will be assessed against the property owner.

<u>Applicant Response:</u> Driveways accessing the proposed lots included with this application are to be evaluated prior to issuance of a building permit. No driveway relocation has been required for this application. The criteria are met.

However, subsection (a) includes the phrase "may require," which leaves room for discretion. As such, it is not clear and objective and cannot be applied to the Application.

Subsection (a)(1) includes the phrase "has become hazardous"; whether something "has become hazardous" is subjective; further, this does not explain how "traffic engineering principles and traffic investigations" specifically will form the basis of such determination. This is not clear and objective, and cannot be applied to the Application.



Subsection (a)(2) requires the driveway approach to be constructed "in conformance" with the stated standards, which is subjective; this standard also does not list which Public Works Design Standards apply. Thus, the standard is not clear and objective and cannot be applied to the Application.

Subsection (a)(3) includes the phrase "maintained in a safe manner," which is subjective. Thus, the standard is not clear and objective and cannot be applied to the Application.

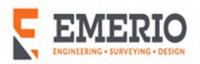
Subsection (a)(4) includes the phrase "more closely conform to," which is subjective. Thus, the standard is not clear and objective and cannot be applied to the Application.

Subsection (d) includes the phrase "conforms to," which is not clear and objective; nor is the "Public Works Design Standards" without detail as to which portions apply. Thus, the standard is not clear and objective and cannot be applied to the Application.

Subsection (e) includes the phrase "may cause," which allows for discretion. Thus, the standard is not clear and objective and cannot be applied to the Application.

Sec. 804.060. - Driveway approach closure.

- (a) *General.* The Director may require the closure of a driveway approach where:
 - (1) The driveway approach is not constructed in conformance with this chapter and the Public Works Design Standards;
 - (2) The driveway approach is not maintained in a safe manner;
 - (3) A public street improvement project is being constructed, and closure of the driveway approach will more closely conform to the current driveway approach standards;
 - (4) A new building or driveway is constructed on the property;
 - (5) A comprehensive plan change or zone change is proposed for the property served by the driveway;
 - (6) A change of use or activity in an existing building increases the amount of required parking;
 - (7) The driveway approach has been abandoned; or
 - (8) There is a demonstrated safety issue.
- (b) *Notice.* Notice of driveway approach closure shall be given, in writing, to the property owner and any affected tenants stating the grounds for closure, the date upon which the closure becomes effective, and the right to appeal.
- (c) Appeals. Any person entitled to notice under subsection (b) of this section may appeal the decision to the Hearings Officer by following the process set forth in SRC 20J.220. The hearing on the appeal shall follow the contested case procedures set forth in SRC 20J.240 through 20J.430.
- (d) Effect. Closure shall be effective immediately upon the mailing of notice. Unless otherwise provided in the notice, closure terminates all rights to continue the use of the driveway approach for which the notice of closure has been issued.



(e) *Failure to close driveway.* If the owner fails to close the driveway approach to conform to the notice within 90 days, the Director may cause the closure to be completed and all expenses will be assessed against the property owner.

<u>Applicant Response:</u> All driveways associated with this application are for single-family development access and no existing driveway is required or proposed to be closed. The criteria do not apply.

CHAPTER 805. - VISION CLEARANCE

Sec. 805.001. - Purpose.

The purpose of this chapter is to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways.

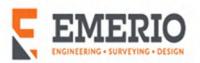
Sec. 805.005. - Vision clearance areas.

Vision clearance areas that comply with this section shall be provided at the corners of all intersections; provided, however, vision clearance areas are not required in the Central Business (CB) Zone.

- (a) *Street intersections.* Vision clearance areas at street intersections shall comply with the following:
 - (1) Uncontrolled intersections. At uncontrolled intersections, the vision clearance area shall have 30-foot legs along each street (see Figure 805-1).
 - (2) *Controlled intersections.* At controlled intersections, the vision clearance area shall have a ten-foot leg along the controlled street and a 50-foot leg along the uncontrolled street (see Figure 805-2).
 - (3) One-way streets. Notwithstanding subsections (a)(1) and (2) of this section, at an uncontrolled or controlled intersection of a one-way street, no vision clearance area is required on the corners of the intersection located downstream from the flow of traffic (see Figure 805-3).

<u>Applicant Response</u>: This application does not include any one-way streets. The clear vision clearance lines of site legs are met for all intersections within this proposed subdivision and addressed in the submitted Traffic Impact Analysis (TIA). The applicant proposes stop controlled intersections within the subdivision, and to follow the recommendations for intersections outside of the subdivision described in the submitted TIA. The criteria are met.

- (b) Intersections with driveways, flag lot accessways, and alleys. Vision clearance areas at intersections of streets and driveways, streets and flag lot accessways, streets and alleys, and alleys and driveways shall comply with the following:
 - (1) Driveways.



- (A) Driveways serving single family and two family uses. Driveways serving single family and two family uses shall have a vision clearance area on each side of the driveway. The vision clearance area shall have ten-foot legs along each side of the driveway, and ten-foot legs along the intersecting street or alley (see Figure 805-4).
- (B) Driveways serving uses other than single family and two family. Driveways serving uses other than single family and two family shall have a vision clearance area on each side of the driveway. The vision clearance area shall have ten-foot legs along the driveway and 50-foot legs along the intersecting street or alley (see Figure 805-5).

<u>Applicant Response:</u> All driveways included with this application are to access singlefamily homes. All intersections of driveways and public streets are shown on the tentative site plan as meeting the clear vision requirements. No proposed obstructions are proposed in clear vision areas. The criteria are met.

- (2) Flag lot accessways.
 - (A) Flag lot accessways serving single family and two family uses. Flag lot accessways serving single family and two family uses shall have a vision clearance area on each side of the flag lot accessway. The vision clearance area shall have ten-foot legs along each side of the flag lot accessway, and ten-foot legs along the intersecting street (see Figure 805-6).
 - (B) Flag lot accessways serving uses other than single family and two family. Flag lot accessways serving uses other than single family and two family shall have a vision clearance area on each side of the flag lot accessway. The vision clearance area shall have ten-foot legs along the flag lot accessway and 50foot legs along the intersecting street (see Figure 805-7).

<u>Applicant Response:</u> Proposed lot 66 is the only flag lot proposed with this application. Lot 66 is proposed for single-family residential use. The pole of the proposed flag lot intersects with 12th Street SE at a 90-degree angle with clear line of site in both directions on 12th Street SE. The proposed accessway width is 20 feet and a minimum of 15 feet is proposed to be paved. The criteria are met.

(3) Alleys. Alleys shall have a vision clearance area on each side of the alley. The vision clearance area shall have ten-foot legs along the alley and ten-foot legs along the intersecting street (see Figure 805-8).

<u>Applicant Response</u>: No alleys are proposed with this application and therefore this criterion does not apply.



(4) *Measurement.* The legs of a vision clearance area shall be measured along the right-of-way line and along the intersecting driveway, flag lot accessway, or alley.

<u>Applicant Response:</u> All driveway and right-of-way intersections shall comply with the clear vision measurements standards and are measured along the right-of-way line and along the intersecting driveway/flag lot accessway, as shown on the submitted plat sheet. No alleys are included with this application. The criterion is met.

Sec. 805.010. - Obstructions to vision prohibited.

Except as otherwise provided in this section, vision clearance areas shall be kept free of temporary or permanent obstructions to vision from 30 inches above curb level to 8.5 feet above curb level; provided, however, where there is no curb, the height shall be measured from the street shoulder. As used in this section, temporary or permanent obstruction includes any obstruction located in the right-of-way adjacent to the vision clearance area.

- (a) The following obstructions may be placed in a vision clearance area, unless the cumulative impact of the placement results in an obstruction to vision:
 - A column or post, so long as the column or post does not create a visual obstruction greater than 12 inches side-to-side.
 - (2) Utility poles and posts, poles, or supporting members of street signs, street lights, and traffic control signs or devices installed by, or at the direction of, the Public Works Department or any other public agency having jurisdiction over the installation.
 - (3) On-street parking.
- (b) Trees. Trees may be planted within a vision clearance area provided they are a species listed on the parks approved street tree list, and they comply with the following:
 - (1) The planting area is sufficient to support the tree when mature.
 - (2) The tree will not interfere with overhead utilities.
 - (3) The tree is a species that can be trimmed/pruned to provide necessary visibility.
- (c) Nothing in this chapter shall be deemed to waive or alter any requirements relating to setbacks or landscaping in the UDC. In the event of a conflict between the standards of this chapter and another chapter of the UDC, the standards in this chapter shall control.

<u>Applicant Response:</u> The submitted tentative site plan does not show any obstructions such as trees, columns, or posts to be place within the clear vision area per the submitted tentative site plan. Compliance with the clear vision areas is demonstrated in the submitted TIA. The criteria are met.

Sec. 805.015. - Alternative standards.



Alternative vision clearance standards that satisfy the purpose of this chapter, and that are consistent with recognized traffic engineering standards, may be approved where a vision clearance area conforming to the standards of this chapter cannot be provided because of the physical characteristics of the property or street, including, but not limited to, grade embankments, walls, buildings, structures, or irregular lot shape, or where the property has historic neighborhood characteristics, including, but not limited to, established plantings or mature trees, or buildings or structures constructed before 1950. Alternative vision clearance standards shall be approved through a Class 2 Adjustment under SRC chapter 250.

<u>Applicant Response:</u> This application does not include an alternative vision clearance standard as the provisions for vision clearance are satisfied. The criterion does not apply.

CHAPTER 806. - OFF-STREET PARKING, LOADING AND DRIVEWAYS

Sec. 806.001. - Purpose.

The purpose of this chapter is to establish standards for off-street parking and vehicle use areas, bicycle parking, loading areas, and driveways.

Sec. 806.005. - Off-street parking; when required.

- (a) *General applicability.* Off-street parking shall be provided and maintained as required under this chapter for:
 - (1) Each proposed new use or activity.
 - (2) Any change of use or activity, when such change of use or activity results in a parking ratio requiring a greater number of spaces than the previous use or activity.
 - (3) Any intensification, expansion, or enlargement of a use or activity.
- (b) *Applicability to Downtown Parking District.* Within the Downtown Parking District, off-street parking shall only be required and maintained for uses or activities falling under household living.
- (c) Applicability to nonconforming off-street parking areas.
 - (1) When off-street parking is required to be added to an existing offstreet parking area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.
 - Notwithstanding subsection (1) of this section, when a property is changed in use to any of the following uses or activities, or any of the following uses or activities are added to a property, any existing deficiency in the number of off-street parking spaces shall not be required to be remedied and only those additional spaces required for the change of use or addition of the new use shall be required:

 (A) Accessory dwelling unit.



<u>Applicant Response:</u> Each proposed residential lot will have a driveway large enough to park two standard vehicles. Each home is also designed to have a garage with capacity to house at a minimum one additional vehicle. The subject property is not within the Downtown Parking District and this application does not include any nonconforming off-street parking areas. The criteria are met.

Sec. 806.010. - Proximity of off-street parking to use or activity served. Required off-street parking shall be located on the same development site as the use or activity it serves or in the following locations:

- (a) *Residential zones.* Within residential zones, required off-street parking may be located within 200 feet of the development site containing the use or activity it serves.
- (b) *Nonresidential zones*. Within commercial, mixed-use, public, and industrial and employment zones, other than the CB, WSCB, and SWMU zones, required off-street parking may be located within 500 feet of the development site containing the use or activity it serves.
- (c) *Central business district zone.* Within the Central Business (CB) Zone:
 - (1) Off-street parking for customers may be located within 800 feet of the development site containing the use or activity it serves; and
 - (2) Off-street parking for employees or residents may be located within 2,000 feet of the development site containing the use or activity it serves.

<u>Applicant Response:</u> All proposed residential lots included with this application are to have driveways to satisfy off-street parking standards. Driveway parking and front door entry are to be within 200 feet of each other. The subject property is entirely within residential zoning designations and not considered commercial, mixed-use, public, or industrial/employment zone. The subject site is also not within the Central Business District Zone. The criteria are met.

- (d) South waterfront mixed-use zone. Within the South Waterfront Mixed Use (SWMU) Zone, required off-street parking may be located anywhere within the South Waterfront Mixed Use (SWMU) Zone. Required off-street parking shall not be located in a different zone.
- (e) Broadway/High Street Retail Overlay Zone, Broadway/High Street Housing Overlay Zone and Broadway/High Street Transition Overlay Zone. Within the Broadway/High Street Retail Overlay Zone, Broadway/High Street Housing Overlay Zone and Broadway/High Street Transition Zone, required off-street parking may be located within 800 feet of the development site containing the use or activity it serves.
- (f) *West Salem Central Business District Zone.* Within the West Salem Central Business (WSCB) Zone, required off-street parking may be located within 800 feet of the development site containing the use or activity it serves.



- (g) *Mixed Use-I (MU-I) and Mixed Use-II (MU-II).* Within the Mixed Use-I (MU-I) and Mixed Use-II (MU-II) zones, required off-street parking may be located within 800 feet of the development site containing the use or activity it serves.
- (h) *Exception.* Notwithstanding subsections (a) through (g) of this section, where required off-street parking is to be located off-site from the use or activity it serves, it shall only be located in a zone where the use or activity it serves is allowed, or where commercial parking is allowed.

<u>Applicant Response:</u> The subject property is not identified as being within the South Waterfront Mixed-Use Zone, Broadway/High Street Retail Overlay Zone (or any overlay included with 806.010.e), West Salem Central Business District Zone, Mixed-Use-I/Mixed-Use-II and does not include an exception. The above criteria do not apply.

Sec. 806.015. - Amount off-street parking.

- (a) *Minimum required off-street parking.* Unless otherwise provided under the UDC, off-street parking shall be provided in amounts not less than those set forth in Table 806-1.
- (b) *Compact parking.* Up to 75 percent of the minimum off-street parking spaces required under this chapter may be compact parking spaces.
- (c) *Carpool and vanpool parking.* New developments with 60 or more required off-street parking spaces, and falling within the public services and industrial use classifications, and the business and professional services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.

<u>Applicant Response:</u> Table 806-1 requires 2 off-street parking spaces for each single-family home. Each residential lot includes a driveway large enough to accommodate compliance with this standard. Due to the residential nature of this development, no specific compact or carpool/vanpool parking spaces are proposed with this application. The criteria are met.

- (d) Maximum off-street parking.
 - (1) Maximum off-street parking is based upon the minimum number of required off-street parking spaces. Except as otherwise provided in this section, and otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-2A.
 - (2) Maximum off-street parking where no minimum off-street parking is required. Where an activity does not require a minimum number of off-street parking spaces based on the requirements of Table 806-1, or because it is located in an area where no minimum off-street parking is required for the activity, maximum off-street parking shall be determined based on the assumed minimum off-street parking set forth in Table 806-2B. Parks and open space are exempt from maximum off-street parking standards.



<u>Applicant Response:</u> Off-street parking spaces are provided for each residential lot included with this application. Each lot is designed to include a building footprint large enough for a driveway and garage. The driveway and garage are to provide each singlefamily with up to four off-street parking spaces. Each lot provides for more than the minimum number of required off-street parking spaces but does not exceed the maximum number of spaces. The criteria are met.

- (e) Reductions to required off-street parking through alternative modes of transportation.
 - (1) Construction of transit related improvements. When adjacent to transit service, minimum required off-street parking may be reduced by up to ten percent for redevelopment of an existing off-street parking area for transit-related improvements, including transit stops, pullouts and shelters, park and ride lots, transit-oriented developments, and similar facilities.
 - (2) Satisfaction of off-street parking through implementation of a plan for alternative modes of transportation. Minimum required off-street parking for uses or activities other than household living may be reduced through implementation of a plan providing for the use of alternative modes of transportation to decrease the need for off-street parking. The plan shall be reviewed as a Class 2 Adjustment under SRC chapter 250.

<u>Applicant Response:</u> No proposed reduction in the required off-street parking standards is included with this application, and therefore the above criteria do not apply.

- (f) Reductions to required off-street parking for multiple family developments.
 - (1) For multiple family developments, the minimum number of required off-street parking spaces may be reduced through one or more of the following options, provided that the total number of off-street parking spaces reduced shall not exceed 25 percent:
 - (A) *Transit access.* The minimum number of required off-street parking spaces may be reduced by:
 - (i) 10 percent where developments are located within one-quarter mile of a transit stop as measured along a route utilizing public or private streets that are existing or will be constructed with the development; or
 - (ii) 20 percent where developments are located within one-quarter mile of a transit stop that has 15-minute transit service as measured along a route utilizing public or private streets that are existing or will be constructed with the development.
 - (B) *Covered bicycle parking.* The minimum number of required offstreet parking spaces may be reduced by one space for every four covered bicycle parking spaces provided in addition to the



minimum number of bicycle parking spaces required as set forth in SRC 806.055. The additional covered bicycle parking spaces must meet the standards of SRC 806.060 and must be located on site either outdoors or in a bike storage room that is accessible to all residents of the multiple family development.

(C) Shared car or van. The minimum number of required off-street parking spaces may be reduced by four spaces for every shared car or shuttle van that is provided on site and available for use by all residents.

<u>Applicant Response:</u> This application does not include any multiple family development or reductions to the parking requirements. This application also does not include any shared car or van spaces due to the single-family residential nature of this development. The above criteria do not apply.

Sec. 806.020. - Method of providing off-street parking.

- (a) *General.* Off-street parking shall be provided through one or more of the following methods:
 - (1) *Ownership.* Ownership in fee by the owner of the property served by the parking;
 - (2) *Easement.* A permanent and irrevocable easement appurtenant to the property served by the parking;
 - (3) *Lease Agreement.* A lease agreement with a minimum term of five years; such agreement may be utilized for:
 - (A) Uses or activities other than single family and two family in all zones other than the Central Business (CB) Zone; and
 - (B) All uses in the Central Business (CB) Zone;
 - (4) *Lease or rental agreement in parking structure.* A lease or rental agreement in an off-street parking facility established pursuant to ORS 223.805 to 223.845; such agreement may be utilized for:
 - (A) Uses or activities other than single family and two family in all zones other than the Central Business (CB) Zone; and
 - (B) All uses in the Central Business (CB) Zone;
 - (5) Joint parking agreement. A joint parking agreement between the owners of two or more uses or activities, buildings or structures, or lots may be approved by the City. Joint use of required off-street parking spaces through a joint parking agreement may occur where two or more uses or activities on the same or separate development sites are able to share the same parking spaces because their parking demands occur at different times. Joint parking shall meet the following standards:
 - (A) Proximity of joint parking to uses or activities served. Joint parking areas shall be located as set forth in SRC 806.010.



- (B) Compatible hours of operation. The hours of operation for the uses or activities subject to a joint parking agreement shall not substantially overlap and there shall be no substantial conflict in the principal operating hours.
- (b) *Review and filing of agreement*. Prior to execution of any lease, rental, or joint parking agreement set forth in this section, the form of such agreement shall be reviewed by the City Attorney. An executed copy of the approved agreement shall be filed with the Planning Administrator.
- (c) *Effect of expiration or termination of agreement.* Upon expiration or termination of any lease, rental, or joint parking agreement set forth in this section, the parking requirements set forth in this chapter shall be fully met within 60 days of the date of such expiration or termination or the use or activity discontinued until the parking requirements are met.

<u>Applicant Response:</u> Each proposed residential lot included with this application is to be within private ownership and off-street parking will be provided in that manner. No easements or lease agreements for residents of the lot to use the provided off-street parking will be required. No parking structures are included with this application or joint parking agreements. The criteria are met.

Sec. 806.025. - Off-street parking and vehicle storage area development standards for single family, two family, three family, and four family uses or activities.

Unless otherwise provided under the UDC, off-street parking and vehicle storage areas for single family, two family, three family, and four family uses or activities shall be developed and maintained as provided in this section.

- (a) Location within yards.
 - (1) *Front yard abutting street.* Within a front yard abutting a street, off-street parking and vehicle storage shall be allowed only:
 - (A) Within a garage or carport; or
 - (B) On a driveway leading to:
 - (i) A garage or carport;
 - (ii) A garage that has been legally converted to another use subsequent to its construction as a garage;
 - (iii) A screened off-street parking area; or
 - (iv) A screened vehicle storage area.

<u>Applicant Response:</u> Off-street vehicle parking/storage included with this application is proposed to be within a driveway abutting the street which leads to a garage/carport and/or within the garage/carport. The criteria are met.

However, this standard includes general reference to "the UDC," without specifying which sections are applicable; as such it is not clear and objective. As such, it cannot be applied to the Application.



- (2) Side and rear yards abutting street. Within side and rear yards abutting a street, off-street parking and vehicle storage shall be allowed only:
 - (A) Within a garage or carport;
 - (B) Within an off-street parking area or vehicle storage area that is screened as set forth in SRC 806.025(f); or
 - (C) On a driveway leading to:
 - (i) A garage or carport;
 - (ii) A garage that has been legally converted to another use subsequent to its construction as a garage;
 - (iii) A screened off-street parking area; or
 - (iv) A screened vehicle storage area.

<u>Applicant Response:</u> No side or rear yard areas are proposed to accommodate off-street parking or storage associated with this application. The criteria do not apply.

- (3) *Interior front, side, and rear yards.* Within interior front, side, and rear yards, off-street parking and vehicle storage shall be allowed only:
 - (A) Within a garage or carport;
 - (B) Within an off-street parking area or vehicle storage area that is screened as set forth in SRC 806.025(f); or
 - (C) On a driveway leading to:
 - (i) A garage or carport;
 - (ii) A garage that has been legally converted to another use subsequent to its construction as a garage;
 - (iii) A screened off-street parking area; or
 - (iv) A screened vehicle storage area.

<u>Applicant Response:</u> Off-street vehicle parking/storage included with this application is proposed to be within a driveway abutting the street which leads to a garage/carport and/or within the garage/carport. The criteria are met.

- (b) *Garage or carport vehicle entrance setback abutting street or flag lot accessway.* The vehicle entrance of a garage or carport facing a street or flag lot accessway shall be setback a minimum of 20 feet.
- (c) *Dimensions.* Off-street parking spaces shall conform to the minimum dimensions set forth in Table 806-3.
- (d) *Maneuvering.* Where access to off-street parking is taken from an alley, a minimum maneuvering depth of 24 feet shall be provided between the back of the parking space and the opposite side of the alley.
- (e) *Surfacing.* Any area that is used for off-street parking shall be paved with a hard surface material meeting the Public Works Design Standards. Vehicle storage areas are not required to be paved.



<u>Applicant Response</u>: This application does not include the construction of each singlefamily home. Setback areas have been indicated on the submitted site plan and setbacks for each home will be reviewed for compliance prior to issuing a building permit. No reduction in required setbacks is included with this application. No alleys are included with this application. All driveways are proposed to be paved with a hard surface material to be evaluated for compliance with the Public Works Design Standards prior to issuance of a building permit. The criteria are met.

However, subsection (e) includes only a general reference to the Public Works Design Standards, without inclusion of the specific standards applicable. As such, this standard is not clear and objective and cannot be applied.

- (f) *Screening.* Off-street parking areas and vehicle storage areas shall be screened as follows:
 - (1) Off-street parking areas located within a garage or carport or on a driveway are not required to be screened. All other off-street parking areas shall be screened from all public areas, public streets, and abutting residential uses by a minimum six-foot-tall sight-obscuring fence, wall, or hedge.
 - (2) Vehicle storage areas within an enclosed structure or on a driveway are not required to be screened. All other vehicle storage areas shall be screened from all public areas, public streets, and abutting residential uses by a minimum six-foot-tall sight-obscuring fence, wall, or hedge.

<u>Applicant Response:</u> No screening is required due to all off-street parking spaces being proposed within garage, carport, or driveway. No vehicle storage areas are proposed on these residential lots. The criteria are met.

Sec. 806.030. - Driveway development standards for single family, two family, three family, and four family uses or activities.

Unless otherwise provided under the UDC, driveways for single family, two family, three family, and four family uses or activities shall be developed and maintained as provided in this section.

- (a) *Location.* Driveways crossing from the lot line to a permitted off-street parking area by the shortest direct route shall be permitted within yards abutting streets.
- (b) Dimensions. Driveways shall conform to the minimum dimensions set forth in Table 806-4. The minimum width of a driveway serving more than one parking space must meet the standard set forth in Table 806-4 for only the first 20 feet of depth behind the parking spaces served; beyond 20 feet, the minimum width may be reduced to ten feet.
- (c) Surfacing.
 - (1) All driveways, except those serving developments on parcels within approved partitions located more than 300 feet from an available sewer, shall be paved with a hard surface material meeting the Public



Works Design Standards. Driveways serving developments on parcels within approved partitions located more than 300 feet from an available sewer are not required to be paved.

(2) Access to vehicle storage areas shall be paved with a hard surface material meeting the Public Works Design Standards when such access is being utilized for parking.

<u>Applicant Response</u>: Driveways are proposed to be installed and reviewed for compliance with the standards of Table 806-4 at the time of home construction but are proposed to accommodate two off-street parking spaces. All driveways are proposed to be paved with a hard surface and reviewed for compliance with the Public Works Design Standards prior to issuance of a building permit. No vehicle storage areas are proposed with this application. The criteria are met.

However, this Section includes only a general reference to the UDC, without inclusion of the specific standards applicable. As such, this standard is not clear and objective and cannot be applied.

Subsections (c)(1) and (c)(2) include the phrase "hard surface material," which is undefined and allows for discretion; and the general reference to the Public Works Design Standards without specific section is unclear. This standard is not clear and objective, and thus cannot be applied to the Application.

Sec. 806.035. - Off-street parking and vehicle use area development standards for uses or activities other than single family, two family, three family, and four family.

<u>Applicant Response</u>: This application only includes single-family residential development and all off-street parking spaces associated with this application are only proposed to for single-family development. This subchapter does not apply.

Sec. 806.040. - Driveway development standards for uses or activities other than single family, two family, three family, or four family.

<u>Applicant Response</u>: This application only includes single-family residential development and all driveways associated with this application are proposed to for single-family development. This subchapter does not apply.

Sec. 806.045. - Bicycle parking; when required.

- (a) General applicability. Bicycle parking shall be provided as required under this chapter for:
 - (1) Each proposed new use or activity.
 - (2) Any change of use or activity, when such change of use or activity results in a bicycle parking ratio requiring a greater number of spaces than the previous use or activity.



(3) Any intensification, expansion, or enlargement of a use or activity.
 (b) Applicability to nonconforming bicycle parking area. When bicycle parking is required to be added to an existing bicycle parking area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

<u>Applicant Response:</u> Each single-family home proposed with this application is to have a garage to accommodate parking for bicycles. This application is for a proposed land division and no change in use is proposed. The subject site does not contain or propose any nonconforming bicycle parking areas. The criteria are met.

Sec. 806.050. - Proximity of bicycle parking to use or activity served. Bicycle parking shall be located on the same development site as the use or activity it serves.

Sec. 806.055. - Amount of bicycle parking.

Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806-8.

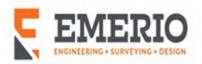
<u>Applicant Response:</u> Each single-family home proposed with this application is to have a garage to accommodate parking for bicycles. The criteria are met.

However, this standard is not clear and objective based on the reference to the UDC without reference to specific sections that are applicable. As such, it cannot be applied to the Application.

Sec. 806.060. - Bicycle parking development standards.

Unless otherwise provided under the UDC, bicycle parking shall be provided in racks or lockers developed and maintained as set forth in this section. The standards set forth in this section shall not apply to City approved bike share stations which utilize bike docking stations.

- (a) *Location.* Except as otherwise provided in this section, bicycle parking shall be located outside a building.
 - (1) Bicycle parking located outside a building shall be located within a convenient distance of, and be clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.
 - (2) Where bicycle parking cannot be located outside a building, it may be located inside a building within a convenient distance of, and accessible from, the primary building entrance.
- (b) *Access.* Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of



obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.

- (c) *Dimensions.* Except as provided in subsection (f) of this section, bicycle parking areas shall meet the following dimension requirements:
 - (1) *Bicycle parking spaces.* Bicycle parking spaces shall be a minimum of six feet in length and two feet in width with the bicycle rack centered along the long edge of the bicycle parking space. Bicycle parking space width may be reduced, however, to a minimum of three feet between racks where the racks are located side-by-side.
 - (2) Access aisles. Bicycle parking spaces shall be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

<u>Applicant Response:</u> Bicycle parking is proposed to be within the garage that will be constructed in conjunction with the single-family home. All driveways lead to the garage from the public right-of way. No specific dimensions are proposed for bike parking as they may vary based on the needs of the property owner. The criteria are met.

However, this Section is not clear and objective based on the reference to the UDC without reference to specific sections that are applicable. As such, it cannot be applied to the Application.

Further, subsection (a)(1) includes the phrases "convenient distance" and "clearly visible," which are subjective terms. This standard is not clear and objective and cannot be applied to the Application.

Subsection (a)(2) similarly includes the phrases "convenient distance" and "accessible from," which are subjective terms. This standard is not clear and objective and cannot be applied to the Application.

Subsection (b) includes the phrase "direct and accessible," which is a subjective phrase and leaves room for discretion. Thus, it is not clear and objective and cannot be applied to the Application.

- (d) *Surfacing.* Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.
- (e) *Bicycle racks.* Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards.
 - (1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.
 - (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;



- (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
- (4) Racks shall be securely anchored.
- (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.

<u>Applicant Response</u>: No bicycle parking located outside of a building is proposed, nor are any bicycle racks. The criteria do not apply.

- (f) *Bicycle lockers.* Where bicycle parking is provided in lockers, the lockers shall meet the following standards:
 - (1) Lockers, except for pie-shaped lockers, shall be a minimum of six feet in length, two feet in width, and four feet in height;
 - (2) Pie-shaped lockers shall be a minimum of six feet in length, 30 inches in width at the widest end, and four feet in height;
 - (3) Lockers shall be served by a minimum four-foot-wide access aisle in front of each locker opening. Access aisles may be located within the public right-of-way; and
 - (4) Lockers shall be securely anchored.

<u>Applicant Response:</u> No bicycle lockers are proposed with this single-family residential subdivision application. The criteria do not apply.

CHAPTER 807. - LANDSCAPING AND SCREENING

Sec. 807.001. - Purpose.

The purpose of this chapter is to establish standards for required landscaping and screening under the UDC to improve the appearance and visual character of the community, promote compatibility between land uses, encourage the retention and utilization of existing vegetation, and preserve and enhance the livability of the City.

Sec. 807.005. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Caliper means the diameter of a tree trunk measured one foot above ground level. If a tree is of a multi-trunk variety, the caliper of the tree is the average caliper of all of its trunks.

Ground cover means living plant species which normally reach a height of less than three feet at maturity, planted in such a manner so as to form a continuous cover over the ground.

Landscaped area means the area of a development site that is required to be landscaped as provided under this chapter.

Landscaping means a combination of living plants, such as trees, shrubs, vines, ground covers, flowers, and grass; natural features such as streams, wetlands, rocks, stone, bark chips and shavings; and



structural features, including, but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences, arbors, and benches.

Mature tree means:

- (a) A healthy tree of ten inches dbh or greater;
- (b) A significant tree, as defined under SRC chapter 808;
- (c) A heritage tree, as defined under SRC chapter 808; or
- (d) A grouping of three or more four-inch dbh or greater evergreen or hardwood trees.

Ornamental tree means a relatively low growing deciduous or evergreen tree typically reaching a height of 15 to 20 feet which usually provides color due to its flowers, leaves, or fruit (berries).

Shade tree means a deciduous tree, or, in rare occasions, an evergreen tree, planted primarily for its high crown of foliage or overhead canopy.

Shrub means a deciduous or evergreen woody plant, smaller than a tree, which consists of a number of small stems from the ground or small branches near the ground.

Sec. 807.010. - Applicability.

The provisions of this chapter apply to all required landscaping and screening under the UDC.

<u>Applicant Response</u>: The applicant understands the definitions as they pertain to this application. An arborist report memorandum dated August 28, 2021, has been included with this submittal. The arborist report memorandum includes, among other things, the identification of trees which have fallen, are dead, or have already been removed prior to the Applicant's involvement with the subject property.

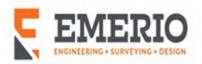
However, in Sec. 807.001, the phrase ""improve the appearance and visual character" is subjective, as is the phrase "compatibility between land uses," as is the term "livability." This standard is not clear and objective.

Further, as to Sec. 807.005, to the extent a decision maker determines that "context clearly indicates a different meaning," "clearly indicates" is subjective and thus the definitions are not clear and objective.

And, as to Sec. 807.010, without reference to the specific portions of the UDC applicable here, this standard is also not clear and objective.

Sec. 807.015. - Landscaping and screening.

Unless otherwise provided under the UDC, required landscaping and screening shall conform to the standards set forth in this section.



(a) *Landscaping types.* Required landscaping shall be provided according to one of the landscaping types set forth in Table 807-1. Where landscaping is required under the UDC without a reference to a specific landscaping type, the required landscaping shall meet the Type A standard.

TABLE 807.1. LANDSCAPING TYPES		
Landscaping	Required Plant Units (PU)	Required Screening
Туре		
A	Min. 1 PU per 20 sq. ft. of landscaped	None
	area	
В	Min. 1 PU per 20 sq. ft. of landscaped	Min. 6-foot-tall fence, wall, or
	area	hedge
С	Min. 1 PU 20 sq. ft. of landscaped area	Min. 6-foot-tall fence or wall
D	Min. 1 PU per 16 sq. ft. of landscaped	Min. 6-foot-tall sight-
	area	obstructing landscaping or
		wall
E	Min. 1 PU per 16 sq. ft. of landscaped	Min. 6-foot-tall wall
	area	

<u>Applicant Response:</u> Each proposed single-family lot will have general landscaping to be installed/planted prior to issuance of a certificate of occupancy for the home. The applicant proposes to comply with Landscaping Type A standards of Table 807.1. Street trees are proposed to be planted within the planter strip adjacent to the sidewalk. The applicant will comply with reasonable, clear and objective conditions of approval relating to landscaping standards.

However, without reference to the specific portion of the UDC applicable to this Section, the standard is not clear and objective and cannot be applied.

(b) Plant materials and corresponding plant unit values. Plant materials, their corresponding minimum plant unit values, and minimum plant material size at time of planting for landscaping within required landscaped areas are set forth in Table 807-2. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials shall provide for a minimum 75 percent coverage of required landscaped areas within five years.

TABLE 807.2. PLANT MATERIALS AND MINIMUM PLANT UNIT VALUES			
Plant Material	Plant Unit (PU) Value	Size at Planting	
1 mature tree	15 PU		
1 shade tree	10 PU	1.5 in. to 2 in. caliper	



1 evergreen/conifer tree	5 PU	6 ft. to 8ft. height
1 ornamental tree	2 PU	1 in. to 1.5 in caliper
1 large deciduous or evergreen shrub (at maturity: over 4 ft. wide; 4 ft. high)	2 PU	Min. 3 gallon or balled and burlapped
1 small to medium shrub (at maturity: Maximum 4 ft. wide; 4 ft. high)	1 PU	Min. 1 gallon
Lawn or other ground cover	1 PU per 50 sq. ft.	

<u>Applicant Response:</u> Each proposed single-family lot will have general landscaping to be installed/planted prior to issuance of a certificate of occupancy for the home. Street trees are proposed to be planted within the planter strip adjacent to the sidewalk. The applicant will comply with reasonable, clear and objective conditions of approval relating to landscaping standards. The criteria are met.

- (c) *Preservation of existing trees and vegetation.* The preservation of existing trees and vegetation is encouraged. If preserved, existing trees as defined under SRC chapter 808, existing trees less than ten inches dbh, and existing vegetation may be utilized to satisfy required landscaping if they conform to the minimum plant unit requirements specified in this chapter.
- (d) *Tree replanting requirements.* In addition to the landscaping required under this chapter, when existing trees, as defined under SRC chapter 808, are proposed for removal from within required setbacks or from a development site, replanting shall be required as provided in this subsection.
 - (1) *Removal of trees within required setbacks.* When an existing tree or trees, as defined under SRC chapter 808, within a required setback are proposed for removal, two new trees shall be planted for each tree removed. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper.
 - (2) Removal of trees from development site. When more than 75 percent of the existing trees, as defined under SRC chapter 808, on a development site are proposed for removal, two new trees shall be planted for each tree removed in excess of 75 percent. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper. For purposes of this section, existing trees within vision clearance areas, or within areas to be cleared for required roads, utilities, sidewalks, trails, or stormwater facilities, shall not be



counted in the total percentage of trees removed from the development site.

<u>Applicant Response</u>: The applicant proposes to retain the existing historic farmstead on a 3.64-acre parcel identified on the proposed plans as the 'area to remain'. The applicant shows tree preservation on the entire property of on-site trees at 43.94%. The 3.64-acre parcel around the historic farmstead was not originally considered by the applicant as 'on-site' for tree counting since the area is excluded from proposed development. Excluding the 3.64-acre 'area to remain' parcel, the applicant shows preservation of 30.72% of the trees. An arborist report prepared by Teragan & Associates has been included with this application. Also included is a tree removal and protection plan beginning on sheet 3 of the submitted Tentative Subdivision Improvement Plans. It is clearly shown on the tree removal and protection plans which trees are on-site, off-site and within the 'area to remain.' In areas of significant grading within required setback areas where trees could not be preserved, the applicant proposes a minimum of two trees be replanted. The replanting is proposed to occur prior to issuance of the certificate of occupancy of each single-family home, as to avoid root disturbance during construction. The above criteria are met.

However, the phrase "conform to" in subsection (c) is subjective. As such, it is not clear and objective and cannot be applied.

- (e) *Screening standards.* Unless otherwise provided under the UDC, where screening is required in the form of a fence, wall, or landscaping, it shall conform to the following standards:
 - Height. Fences and walls shall be a minimum of six feet in height. Landscaping shall be of a species that will attain a height of at least six feet within three years after planting.
 - (2) Opacity. Screening shall be sight-obscuring. Fences, walls, and landscaping shall be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence, wall, or landscaping. Landscaping shall be of an evergreen species that will attain required opacity within three years after planting.
 - (3) *Maintenance.* Fences and walls shall be maintained in safe condition, and shall be maintained as opaque. Landscaping shall be replaced within six months after dying or becoming diseased to the point that required opacity can no longer be maintained.

<u>Applicant Response:</u> No proposed fencing or landscaping screening is proposed with this application. Fencing could be installed at the time of home construction, but fencing will not be installed prior to home construction. Fencing and screening materials will be reviewed for compliance with these standards at the time a building permit is reviewed. All maintenance of private landscaped areas is to be the responsibility of the individual



property owners. Maintenance to public open space areas under the ownership of the neighborhood Homeowners Association (HOA) is the responsibility of the HOA. The criteria are met.

However, without reference to the specific portion of the UDC applicable to subsection (e), this standard is not clear and objective. Further, "conform to" is subjective. As such, this standard cannot be applied to the Application.

- (f) Berm. Unless otherwise provided under the UDC, where screening is required in the form a berm, the berm shall be an earthen mound no less than three feet in height above the existing grade, and shall be constructed with a slope no steeper than 3:1 on all sides. The berm shall be planted with plant materials to prevent erosion. The berm shall not alter natural drainage flows from abutting properties.
- (g) *Street trees.* Development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC chapter 86.

<u>Applicant Response</u>: No screening berms are proposed with this application. Street trees are shown to be provided in the planter strip adjacent to the sidewalk within the right-of-way. The criteria are met.

However, without reference to the specific portion of the UDC applicable to subsection (f), this standard is not clear and objective. As such, subsection (f) cannot be applied to the Application.

Sec. 807.020. - Landscaping plan.

- (a) All building permit applications for development subject to the landscaping requirements of this chapter shall include a landscaping plan.
- (b) Landscaping plans shall be of a size and form established by the Planning Administrator, and shall include the following:
 - (1) Scale and north arrow.
 - (2) Lot dimensions and footprint of structure(s).
 - (3) A legend indicating the linear footage of perimeter setbacks abutting a street or right-of-way; the linear footage of perimeter setbacks not abutting a street or right-of-way; total building square footage; total square footage of the interior area of the off-street parking area, calculated per SRC 806.035(d)(2); and total number of parking spaces.
 - (4) The location and size of plant materials, identified by common and botanical names, and their expected coverage within five years.
 - (5) The type and location of landscaping features other than plant materials, including, but not limited to, wetlands, creeks, ponds, sculpture, and benches.
 - (6) Fence or wall materials, when screening is required under the UDC.
 - (7) Abutting land uses.
 - (8) The type, size, and location of:



- (A) Existing trees, as defined under SRC chapter 808, existing trees less than ten inches dbh, and vegetation that will be retained to satisfy landscaping requirements of this chapter.
- (B) Existing trees, as defined under SRC chapter 808, proposed for removal.
- Notwithstanding subsection (b)(8) of this section, where the development site is heavily wooded, only those trees that will be affected by the proposed development need to be sited accurately. The remaining trees may be shown on the plan in the general area of their distribution.
- (10) An irrigation plan identifying the materials, size, and location of all components of the irrigation system.
- (11) A two-year plant establishment schedule for:
 - (A) Landscaped areas where a permanent underground or drip irrigation system is not required because of the use of drought resistant vegetation; or
 - (B) New vegetation located within stormwater facilities.

<u>Applicant Response:</u> The applicant understands and accepts the requirements to submit a landscape plan with the building permit for each single-family home. The criteria are met.

However, the requirement in subsection (b) that plans are to be in a "size and form established by the Planning Administrator" allows for discretion by the Planning Administrator and is thus not clear and objective.

Further, because subsection (b)(6) does not include a reference to the specific portions of the UDC that are applicable, this requirement is not clear and objective and cannot be applied to the Application.

Subsection (b)(9) includes the phrases "heavily wooded" and "trees that will be affected by the proposed development," which are subjective; this requirement is not clear and objective. As such, it cannot be applied to the Application.

Sec. 807.025. - Plant material standards.

All plant materials shall be, upon installation, vigorous and well-branched, with healthy and well-furnished root systems free of disease, insects, pests, and injuries.

Sec. 807.030. - Tree protection measures during construction.

Trees used to meet the landscaping requirements set forth in this chapter shall be protected during construction as provided under SRC chapter 808.

Sec. 807.035. - Installation.

(a) Landscaping shall be installed at the time of construction, unless seasonal conditions or temporary site conditions make installation impractical; in which



case, an acceptable performance guarantee to ensure installation of the landscaping shall be provided as set forth in SRC 807.050.

(b) Landscaping shall be installed in a manner that conforms to the standards of the American Association of Nurserymen, Inc.

<u>Applicant Response:</u> The applicant understands and accepts that landscaping shall be installed at the time of construction and installed in a manner that conforms to the standards of this subchapter. The criteria are met.

However, Section 807.025 includes the terms "vigorous," "well-branched," "healthy," "well-furnished," and "free of," which are all subjective terms. This standard is not clear and objective. As such, it cannot be applied to the Application.

Further Section 807.035(a) includes the phrases "seasonal conditions" and "temporary site conditions," which are not defined or described; and "impractical" and "acceptable," which are subjective terms. This standard is not clear and objective and thus cannot be applied to the Application.

Section 807.035(b) includes the phrase "conforms to" which is not clear and objective. In addition, the "standards of the American Association of Nurserymen, Inc." is not a phrase that is clear and objective on its face because the standards are not listed. As such, this standard cannot be applied to the Application.

Sec. 807.040. - Irrigation.

- (a) A permanent underground or drip irrigation system with an approved backflow prevention device shall be provided for all landscaped areas required under the UDC; provided, however, a permanent underground or drip irrigation system is not required for:
 - Existing healthy vegetation that has been established for at least two years and that is being preserved to meet the landscaping requirements under this chapter;
 - (2) New vegetation that is drought resistant, in which case a two-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a two-year time period and how that water will be distributed to the plant material; and
 - (3) New vegetation located within stormwater facilities as required by the Public Works Design Standards, in which case a two-year plant establishment schedule shall be provided with the landscaping plan describing the amount of water to be applied over a two-year time period and how that water will be distributed to the plant material.
- (b) Wherever feasible, sprinkler heads irrigating lawns or other high-waterdemand landscape areas shall be circuited so that they are on a separate zone or zones from those irrigating trees, shrubbery, or other reduced-waterrequirement areas.



<u>Applicant Response:</u> Irrigation for vegetation will be provided as needed and required depending on the vegetation type and location. Irrigation is proposed to be installed on an as needed basis within the stormwater facility based on the requirements established in the two-year plant establishment schedule. The two-year plant establishment schedule is proposed to be evaluated at the time of construction. The applicant will comply with reasonable, clear and objective conditions of approval relating to irrigation standards. The criteria are met.

Irrigation will be installed on individual residential lots at the time of home construction. The criteria are met.

However, subsection (a) references the UDC without mention of the specific portions that are applicable. As such, it is subjective rather than clear and objective, and cannot be applied to this Application.

Further subsection (a)(1) includes the term "healthy," which is subjective. This standard is also not clear and objective and cannot be applied to this Application.

Subsection (a)(3) includes only a general reference to the Public Works Design Standards. Without more specific reference, this standard is not clear and objective, and cannot be applied to the Application.

Subsection (b) includes the phrase "wherever feasible," which allows for discretion. Thus, this standard is not clear and objective, and cannot be applied to the Application.

Sec. 807.045. - Maintenance.

- (a) The owner and tenant shall be jointly and severally responsible for maintaining all landscaping material in good condition so as to present a healthy, neat, and orderly appearance.
- (b) Unhealthy or dead plant materials shall be replaced in conformance with the approved landscape plan.

<u>Applicant Response</u>: The applicant understands and accepts that the maintenance of all landscaping material is of the responsibility of the individual property owners. Any dead or unhealthy plants are to be replaced in conformance with the landscape plan submitted with the building permit. Private property is to be maintained by the property owners and shared open space tracts are to be maintained by the established HOA. The criteria are met.

However, the phrase "healthy, neat, and orderly appearance" in subsection (a) is subjective; this standard is not clear and objective. Thus, it cannot be applied to the Application.



Further, the "unhealthy" and the phrase "in conformance with" in subsection (b) are subjective; this standard is not clear and objective. Thus, it cannot be applied to the Application.

Sec. 807.050. - Compliance/performance assurance.

- (a) Planting and installation of all required landscaping shall be inspected and approved prior to the issuance of a certificate of occupancy; provided, however, a certificate of occupancy may be issued prior to the complete installation of all required landscaping if a performance guarantee equal to 100 percent of the cost of plant materials and labor, as determined by the Planning Administrator, is filed with the City assuring such installation within 12 months after the certificate of occupancy is issued.
- (b) A performance guarantee shall consist of a surety bond, cash, certified check, time certificate of deposit, an irrevocable letter of credit, or assignment of savings account in a form approved by the City Attorney and recorded in the deed records of the appropriate county.
- (c) If the installation of the required landscaping is not completed within the specified period, the performance guarantee may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned. The final landscape inspection shall be made prior to any security being returned. Any portions of the plan not installed, not properly installed, or not properly maintained shall cause the inspection to be postponed until the project is completed or cause the security to be used by the City to complete the project.

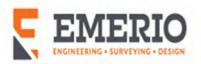
<u>Applicant Response:</u> Landscaping is proposed to be installed during the time of home construction and completed prior to the issuance of the certificate of occupancy. The applicant understands the performance guarantee requirements if landscaping could not be completed during this specified period. The criteria are met.

However, the inclusion of the phrase "as determined by the Planning Administrator" in subsection (a) allows for discretion; this standard is not clear and objective and cannot be applied to the Application.

In subsection (c), whether landscaping is "properly installed" or "properly maintained" is a subjective determination. This standard is not clear and objective and thus cannot be applied to the Application.

Sec. 807.055. - Administrative relief.

Unless otherwise provided under the UDC, when special circumstances or exceptional site characteristics are applicable to a property, the landscaping requirements of this chapter may be modified through a Class 3 site plan review, pursuant to SRC chapter 220, upon finding that one of the following criteria is met:



- (a) The proposed landscaping meets the intent of providing a buffer between adjacent uses of differing character;
- (b) The proposed landscaping incorporates the increased retention of mature tree(s);
- (c) The proposed landscaping provides protection for wildlife habitat and existing native vegetation and plant materials maintained in a natural state; or
- (d) The proposed landscaping incorporates elements to maintain solar access or provides for wind protection.

<u>Applicant Response:</u> This application does not include any special circumstances modifications pursuant to SRC Chapter 220. The criteria do not apply.

CHAPTER 808. - PRESERVATION OF TREES AND VEGETATION

Sec. 808.001. - Purpose.

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.

Sec. 808.005. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Arborist means a person who has met the criteria for certification from the International Society of Arboriculture, the American Society of Consulting Arborists, or similar professional organization, and maintains accreditation.

Caliper means the diameter of a tree trunk measured at six inches above ground level for trunks up to and including four-inch caliper size and at 12 inches above ground level for larger sizes, when measuring nursery stock.

Development means to construct or structurally alter a structure or to make alterations or improvements to land for the purpose of enhancing its economic value or productivity.

Development proposal means any land division, mobile home park permit, conditional use, variance, greenway permit, planned unit development, or site plan review.

Grove means a group of trees providing at least one-half acre of canopy.

Hazardous tree means a tree that is cracked, split, leaning, has a dead top or a large dead limb high in the crown, or is otherwise physically damaged, to the degree that it is likely to fall and injure persons or property. Hazardous trees include diseased trees, meaning those trees with a disease of a nature that, without reasonable treatment or pruning, is likely to spread to adjacent trees and cause such adjacent trees to become diseased or hazardous trees.

Heritage tree means a tree designated as a heritage tree pursuant to SRC 808.010(a).



Invasive non-native vegetation means plant species that are not indigenous to Oregon and which, due to aggressive growth patterns and lack of natural enemies spread rapidly into native plant communities, and which are designated as invasive, non-native vegetation in the tree and vegetation technical manual.

Preserved means the tree appears to be healthy and shows no signs of significant damage due to construction.

Restoration means the return of a stream, wetland, or riparian corridor to a state consistent with habitat that is needed to support a healthy ecosystem.

Significant tree means rare, threatened, or endangered trees of any size, as defined or designated under state or federal law and included in the tree and vegetation technical manual, and Oregon white oaks (Quercus garryana) with a dbh of 24 inches or greater.

Suitable for preservation means the health of the tree is such that it is likely to survive the process of development and construction in good condition and health.

Top of bank means the elevation at which water overflows the natural banks and begins to inundate the upland.

Tree means any living, woody plant, that grows to 15 feet or more in height, typically with one main stem called a trunk, which is ten inches or more dbh, and possesses an upright arrangement of branches and leaves. The term "tree" also means any tree planted under SRC 808.035, regardless of dbh. For the purposes of this chapter, in a riparian corridor, the term "tree" includes a dead or dying tree that does not qualify as a hazardous tree.

Tree and Vegetation Technical Manual means that document adopted by the Council which contains administrative regulations to implement the provisions of this chapter, including, but not limited to, lists of invasive non-native vegetation and nuisance vegetation, native vegetation which may be planted to fulfill the requirements of this chapter, identification of waterways, and planting techniques.

Tree removal means to cut down a tree or remove 30 percent or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline or die. The term "removal" includes, but is not limited to, topping, damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. The term "removal" does not include normal trimming or pruning of trees.

Waterway means any river, perennial stream, or creek within the City as designated by the Director.

Water-dependent activity means an activity which can be carried out only on, in, or adjacent to a waterway because the activity requires access to the waterway for water-borne transportation, recreation, energy production, or source of water.



<u>Applicant Response:</u> The applicant understands the definitions as they pertain to this application.

However, to the extent a decision maker determines that "context clearly indicates a different meaning," "clearly indicates" is subjective and thus the definitions are not clear and objective. Any definition that includes the phrase "includes but is not limited to" is not clear and objective. These cannot be applied to the Application.

Further, the definition of "hazardous" includes subjective phrases such as "likely to," "otherwise physically damaged," and "reasonable"; this is not clear and objective.

Further, the definition of "preserved" includes subjective phrases such as "appears to be" and "healthy" and "significant damage"; this is not clear and objective.

Further, the definition of "restoration" includes the subjective phrase "consistent with habitat that is needed to support a healthy ecosystem"; this is not clear and objective.

Further, the definition of "suitable for preservation" is wholly subjective in that it includes the following phrase: "likely to survive the process of development and construction in good condition and health.

Sec. 808.010. - Heritage trees.

- (a) *Designation of heritage trees.* The Council may, by resolution, designate a heritage tree upon nomination by the property owner, in recognition of the tree's location, size, or age; botanical interest; or historic or cultural significance.
- (b) *Protection of heritage trees.* No person shall remove a heritage tree unless the tree has been determined to be a hazardous tree by a certified arborist, and such determination is verified by the Planning Administrator.
- (c) *Rescinding heritage tree designation.* The Council shall rescind a heritage tree designation if the tree has been removed pursuant to subsection (b) of this section.

<u>Applicant Response:</u> The subject property does not have any identified heritage trees. An arborist report has been included with this application. The criteria do not apply.

Sec. 808.015. - Significant trees.

No person shall remove a significant tree, 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.

<u>Applicant Response:</u> A street tree removal permit for the removal of public trees has been submitted concurrently with this application. All other trees proposed for removal, including six significant trees, are included in a tree conservation plan application pursuant to SRC 808.035 and are included as part of the Applicant's tree and vegetation removal



permit under SRC 808.0360. An arborist report memorandum dated August 28, 2021, was also included with this application, and shows, among other things, that the tree removal is necessary. Tree Number 2579 (one of 6 significant trees proposed to be removed) is included in the city street tree removal permit as the removal of this tree is required for the 12th Street right-of-way improvements. The criteria are met.

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

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.

<u>Applicant Response:</u> The northeast corner of the subject property has an identified creek and riparian area. No tree removal is proposed within the riparian corridor. Adjacent to and outside of the riparian area is the proposed water quality facility. Proposed tree removal within the northeast corner open space tract is limited to the location and grading for the water quality facility. The criteria are met.

However, this standard allows the Director to use discretion in determining whether something is a "potential hazard or impediment to stream flow." It is not clear and objective. As such, it cannot be applied to this Application.

Sec. 808.025. - Trees on lots or parcels 20,000 square feet or greater.

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 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. 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 or two family residential.

<u>Applicant Response</u>: This application does not propose creation of lots greater than 20,000 square feet. Required tree removal permits have been included with this application. The area directly around the existing farmhouse is to remain a large parcel, but a proposed future development plan has been shown on the tentative plat for this area. The existing trees around the farmhouse are to be preserved and outside of grading areas. The criterion is met.

Sec. 808.030. - Tree and vegetation removal permits.

(a) Applicability.



- Except as provided in subsection (a)(2) of this section, no trees or native vegetation protected under SRC 808.015, SRC 808.020, or SRC 808.025 shall be removed unless a tree and vegetation removal permit has been issued pursuant to this section.
- (2) Exceptions. A tree and vegetation removal permit is not required for the removal of trees or native vegetation protected under SRC 808.015, SRC 808.020, or SRC 808.025 when the removal is:
 - (A) Necessary for maintenance of a vision clearance area, as required in SRC chapter 805;
 - (B) Required by the City or a public utility for the installation, maintenance, or repair of roads or utilities, including water lines, sewer lines, gas lines, electric lines, and telecommunications lines. This exception does not apply to new development or construction in a riparian corridor;
 - (C) Necessary for continued maintenance of existing landscaping. For the purposes of this exception, the term "existing landscaping" means an area within a riparian corridor which was adorned or improved through the planting of flowers and trees, contouring the land, or other similar activity prior to June 21, 2000;
 - (D) Necessary for the installation, maintenance, or repair of public irrigation systems, stormwater detention areas, pumping stations, erosion control and soil stabilization features, and pollution reduction facilities. Maintenance includes the cleaning of existing drainage facilities and trash removal;
 - (E) Removal of invasive non-native or nuisance vegetation in riparian corridors;
 - (F) Necessary for public trail or public park development and maintenance;
 - (G) Necessary to conduct flood mitigation;
 - (H) Necessary to effect emergency actions which must be undertaken immediately, or for which there is insufficient time for full compliance with this chapter, when it is necessary to prevent an imminent threat to public health or safety, prevent imminent danger to public or private property, or prevent an imminent threat of serious environmental degradation. Trees subject to emergency removal must present an immediate danger of collapse. For purposes of this subsection, the term "immediate danger of collapse" means that the tree is already leaning, with the surrounding soil heaving, and there is a significant likelihood that the tree will topple or otherwise fall and cause damage. The person undertaking emergency action shall notify the Planning Administrator within one working day following the commencement of the emergency activity. If the Planning Administrator determines that the action or part of



the action taken is beyond the scope of allowed emergency action, enforcement action may be taken;

(I) A commercial timber harvest conducted in accordance with the Oregon Forest Practices Act, ORS 527.610—527.992, on property enrolled in a forest property tax assessment program, and which is not being converted to a non-forestland use. Properties from which trees have been harvested under the Oregon Forest Practices Act may not be partitioned, subdivided, developed as a planned unit development, or developed for commercial uses or activities for a period of five years following the completion of the timber harvest;

<u>Applicant Response</u>: A tree and vegetation removal permit was submitted for the private tree/vegetation removal and an additional permit application was submitted for the public tree removal. The applicant understands which activities are exempt from the requirements of a tree removal permit. All significant trees proposed to be removed are included in the arborist report memorandum, the tree conservation plan permit, and or the street tree permit application for city tree removal.

However, subsection (a)(2)(A), (C), (D), (F), (G), and (H) do not explain how "necessary" is determined. As such, they are not clear and objective and cannot be applied to the Application.

Further, Subsection (a)(2)(H) allows for discretion by the Planning Administrator, and as such is not clear and objective.

- (J) Associated with mining operations conducted in accordance with an existing operating permit approved by the Oregon Department of Geology and Mineral Industries under Oregon Mining Claim law, ORS 517.750-517.955;
- (K) Removal of Oregon white oaks (Quercus garryana) on undeveloped lots or parcels of record as of August 9, 2005, that are less than 20,000 square feet. For the purposes of this section, the term "undeveloped" means that no single family dwelling unit or duplex dwelling unit has been constructed on the lot or parcel as of August 9, 2005;
- (L) Removal of Oregon white oaks (Quercus garryana) where the removal is necessary in connection with construction of a commercial or industrial facility;
- (M) Necessary as part of a restoration activity within a riparian corridor undertaken pursuant to an equivalent permit issued by the Oregon Division of State Lands and/or the United States Corps of Engineers; provided, however, that the permittee must provide, prior to the removal, a copy of the permit and all required monitoring reports to the Planning Administrator;



- (N) Removal of trees on a lot or parcel 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square feet or greater, and the removal does not result in:
 - Removal of more than five trees or 15 percent of the trees, whichever is greater, within a single calendar year;
 - (ii) Removal of more than 50 percent of the trees within any five consecutive calendar years; and
 - (iii) Removal of heritage trees, significant trees, and trees in riparian corridors;
- (O) Undertaken pursuant to a tree conservation plan, required in conjunction with any development proposal for the creation of lots or parcels to be used for single family or two family uses or activities, approved under SRC 808.035;
- (P) Undertaken pursuant to a tree conservation plan adjustment granted under SRC 808.040; or
- (Q) Undertaken pursuant to a tree variance granted under SRC 808.045.

<u>Applicant Response:</u> A tree and vegetation removal permit was submitted for the private tree/vegetation removal and an additional permit application was submitted for the public tree removal. The applicant understands which activities are exempt from the requirements of a tree removal permit.

However, subsection (a)(2)(L) and (M) do not explain how "necessary" is determined. As such, they are not clear and objective and cannot be applied to the Application.

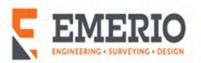
- (b) *Procedure type.* A tree and vegetation removal permit is processed as a Type I procedure under SRC chapter 300.
- (c) Submittal requirements. In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a tree and vegetation removal permit shall include the following:
 - (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) Site topography shown at two-foot contour intervals;
 - (C) The location of any existing structures on the site;
 - (D) The type, size, and location of trees and native vegetation to be preserved or removed;
 - (E) The locations and descriptions of staking or other protective devices to be installed for trees and native vegetation to be preserved; and



- (F) The site plan may contain a grid or clear delineation of phases that depict separate areas where the work is to be performed.
- In addition to the information required by subsection (c)(1) of this section, an application for tree or native vegetation removal connected with restoration activity in a riparian corridor shall include:
 - (A) A delineation of the boundaries of the riparian corridor on the site plan;
 - (B) A conceptual tree and vegetation planting or replanting plan;
 - (C) A completed wetland delineation or determination, if applicable;
 - (D) A grading plan, if grading is planned or anticipated;
 - (E) A verification from the Department of Public Works that erosion control measures will be initiated, if required; and
 - (F) A monitoring and maintenance plan, if required by Oregon Division of State Lands or the United States Corps of Engineers.
- (3) Waiver of submittal requirements for certain restoration activities in riparian corridors. The Planning Administrator may waive the requirement to submit all or part of the information required by subsections (c)(1) and (2) of this section for a restoration activity in a riparian corridor that affects less than one-quarter acre and does not require a permit from the Oregon Division of State Lands or United States Corps of Engineers.

<u>Applicant Response:</u> This application does not include a waiver to any submittal requirements for certain restoration activities. Supplemental required tree removal permits have been submitted and included with this application. The above criteria are met.

- (d) *Approval criteria.* An application for a tree and vegetation removal permit shall be granted if one or more of the following criteria are met:
 - (1) *Hazardous tree.* The condition or location of the tree presents a hazard or danger to persons or property; and the hazard or danger cannot reasonably be alleviated by treatment or pruning, or the tree has a disease of a nature that even with reasonable treatment or pruning is likely to spread to adjacent trees and cause such trees to become hazardous trees.
 - (2) Repair, alteration, or replacement of existing structures. The tree or native vegetation removal is reasonably necessary to effect the otherwise lawful repair, alteration, or replacement of structures existing as of June 21, 2000, the footprint of the repaired, altered, or replacement structure is not enlarged, and no additional riparian corridor area is disturbed beyond that essential to the repair, alteration, or replacement of the existing structure.



- (3) *Water-dependent activities.* The tree or native vegetation removal is necessary for the development of a water-dependent activity, and no additional riparian corridor area will be disturbed beyond that essential to the development of the water-dependent activity.
- (4) *Restoration activity within riparian corridor.* The tree or native vegetation removal is required for a restoration activity within a riparian corridor designed to improve the habitat, hydrology, or water quality function of the riparian corridor, and:
 - (A) The short-term impacts of the restoration activity will be minimized;
 - (B) Effective erosion control measures will be implemented;
 - (C) All necessary permits have been applied for or obtained; and
 - (D) No trees or native vegetation will be removed unless the removal is justified for the long term benefit of the environment and is in keeping with acceptable riparian restoration guidance.

<u>Applicant Response:</u> An arborist report has been included with this application which identifies tree type and tree condition. The applicant has submitted a tree preservation and removal plan (see plan sheets 3-3.4) which identifies the tree conditions, type, and size of all trees on the site in addition to those identified for removal. The proposed tree removal is due to the extensive grading required to develop the subject property combined with the condition of the tree. The trees identified for removal are or will become hazardous and therefore, the standards described above under Sec. 808.030.d.(1) are met. The proposed tree removal near the riparian corridor is associated with the required ³/₄ street improvements on the east side of 12th Street but outside of the riparian buffer area. Required supplemental tree removal permits have been included with this submittal. The criteria are met.

However, subsection (d)(1) allows for discretion based on the "condition or location of the tree" and determining whether it creates a "hazard or danger." This criterion is not clear and objective. As such, it cannot be applied to the Application.

Subsection (d)(2) includes the phrase "reasonably necessary," which is subjective and allows for discretion. This criterion is not clear and objective. As such, it cannot be applied to the Application.

Subsection (d)(3) includes the terms "necessary" and "essential," which determination allows for discretion. This criterion is not clear and objective. As such, it cannot be applied to the Application.

Subsection (d)(4) includes the terms "necessary," "minimized," "effective," "justified," "benefit," and "acceptable," which are all subjective; this criterion is not clear and objective. As such, it cannot be applied to the Application.



- (e) Conditions of approval.
 - (1) Conditions may be imposed on the approval of a tree and vegetation removal permit to ensure compliance with the approval criteria.
 - (2) In addition to the conditions imposed under subsection (e)(1) of this section, tree and vegetation removal permits for the removal of trees or native vegetation in connection with a restoration activity within a riparian corridor shall include the following condition:
 - (A) Trees and native vegetation removed shall be replaced in compliance with the tree and native vegetation replacement standards set forth in SRC 808.055.

<u>Applicant Response:</u> The applicant understands the conditions of approval that could be imposed onto a tree removal permit, and will comply with reasonable, clear and objective conditions of approval.

Sec. 808.035. - Tree conservation plans.

- (a) *Applicability.* A tree conservation plan is required in conjunction with any development proposal for the creation of lots or parcels to be used for single family or two family uses, if the development proposal will result in the removal of trees.
- (b) *Procedure type.* A tree conservation plan is processed as a Type I procedure under SRC chapter 300.
- (c) Submittal requirements. In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a tree conservation plan shall include the following:
 - (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) Proposed lot or parcel lines;
 - (C) Site topography shown at two-foot contour intervals;
 - (D) Identification of slopes greater than 25 percent;
 - (E) The location of any existing structures on the site;
 - (F) Identification of the type, size, and location of all existing trees on the property;
 - (G) Identification of those trees proposed for preservation and those designated for removal;
 - (H) The location of all utilities and other improvements;
 - (I) Required setbacks for the proposed lots or parcels;
 - (J) The locations and descriptions of staking or other protective devices to be used during construction; and
 - (K) The site plan may contain a grid or clear delineation of phases that depict separate areas in which work is to be performed



and identification of those trees proposed for preservation and those designated for removal with each phase.

<u>Applicant Response</u>: A tree conservation plan has been included with this application. All significant trees proposed to be removed are included in the arborist report memorandum, the tree conservation plan permit, and/or the street tree permit application for city tree removal. Sheets 3 through 3.4 submitted with this application indicate the tree locations and health. All site plan submittal requirements are shown on sheets P2, 3, 3.1-3.4, and 19. The criteria are met.

- (2) In addition to the information required by subsection (c)(1) of this section, when a riparian corridor is located on the property, the tree conservation plan shall include:
 - (A) A delineation of the boundaries of the riparian corridor on the site plan;
 - (B) A description of the vegetation within the riparian corridor;
 - (C) A tree and native vegetation replanting plan, in compliance with the standards set forth in SRC 808.055, if trees and native vegetation within the riparian corridor are proposed for removal.

<u>Applicant Response:</u> On submitted sheet 3.1 all trees are identified, including those within the riparian corridor. No trees within the riparian corridor are proposed to be removed. The riparian corridor is identified on the submitted existing conditions map and on Sheet 3.1. The criteria are met.

- (d) *Approval criteria.* An application for a tree conservation plan shall be granted if the following criteria are met:
 - (1) No heritage trees are designated for removal;
 - (2) No significant trees are designated for removal, unless there no reasonable design alternatives that would enable preservation of such trees;
 - (3) No trees or native vegetation in a riparian corridor are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees or native vegetation;
 - (4) Not less than 25 percent of all trees located on the property are designated for preservation; provided, however, if less than 25 percent of all trees located on the property are designated for preservation, only those trees reasonably necessary to accommodate the proposed development shall be designated for removal.
- (e) Conditions of approval.
 - (1) Conditions may be imposed on the approval of a tree conservation plan to ensure compliance with the approval criteria.



- (2) In addition to any conditions imposed under subsection (e)(1) of this section, every tree conservation plan shall include the following conditions:
 - (A) All trees and native vegetation designated for preservation under the tree conservation plan shall be marked and protected during construction. Any heritage tree or significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence, or its equivalent. Protection measures shall continue until the issuance of a notice of final completion for the single family dwelling or two family dwelling.
 - (B) Each lot or parcel within the development proposal shall comply with the tree planting requirements set forth in SRC 808.050.
- (f) *Expiration.* A tree conservation plan shall remain valid as long as the development proposal the tree conservation plan is issued in connection with remains valid.

<u>Applicant Response:</u> The subject property does not contain any identified heritage trees. All trees proposed to be removed are due to the health of the tree or because no reasonable alternative exists. No trees within the riparian corridor are proposed to be removed. The submitted tree protection and removal overview indicates the preservation of 43.94% of the existing trees. All significant trees proposed to be removed are included in the arborist report memorandum, the tree conservation plan permit, and or the street tree permit application for city tree removal. The applicant understands the conditions that could be imposed on this application and the expiration requirements. The criteria are met.

However, criteria (d)(2) and (d)(3), which include the phrase "reasonable design alternatives," allow for discretion; these criteria are not clear and objective, and cannot be applied to this Application.

Similarly, criterion (d)(4) includes the phrase "reasonably necessary to accommodate," allows for discretion; this criterion is not clear and objective, and cannot be applied to this Application.

Sec. 808.040. - Tree conservation plan adjustments.

- (a) Applicability.
 - (1) Except as provided under subsection (a)(2) of this section, no tree or native vegetation designated for preservation in a tree conservation plan shall be removed unless a tree conservation plan adjustment has been approved pursuant to this section.
 - (2) Exceptions. A tree conservation plan adjustment is not required for:



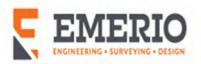
- (A) A tree that has been removed due to natural causes; provided, however, that evidence must be provided to the Planning Administrator demonstrating the removal was due to natural causes.
- (B) Removal of a hazardous tree, subject to a tree and vegetation removal permit issued under SRC 808.030.
- (C) Removal necessary to effect emergency actions excepted under SRC 808.030(a)(2)(H).
- (b) *Procedure type.* A tree conservation plan adjustment is processed as a Type I procedure under SRC chapter 300.

<u>Applicant Response:</u> The applicant understands that trees approved for preservation cannot be removed without an adjustment to the tree conservation plan. No tree removal exceptions are included with this application.

- (c) Submittal requirements. In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a tree conservation plan adjustment shall include the following:
 - (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north; and
 - (B) Identification of the type, size, and location of those trees proposed for removal under the tree conservation plan adjustment.
 - (2) In addition to the information required by subsection (c)(1) of this section, when a riparian corridor is located on the property, an application for a tree conservation plan adjustment shall include:
 - (A) A delineation of the boundaries of the riparian corridor on the site plan; and
 - (B) Identification of the type and location of any native vegetation within the riparian corridor proposed for removal under the tree conservation plan adjustment.

<u>Applicant Response:</u> No tree conservation plan adjustments are included with this application. The submittal criteria listed above do not apply.

- (d) *Approval criteria.* A tree conservation plan adjustment shall be approved if the following criteria are met:
 - (1) There are special conditions that could not have been anticipated at the time the tree conservation plan was submitted that create unreasonable hardships or practical difficulties which can be most effectively relieved by an adjustment to the tree conservation plan.



- (2) When the tree conservation plan adjustment proposes the removal of a significant tree, there are no reasonable design alternatives that would enable preservation of the tree.
- (3) When the tree conservation plan adjustment proposes the removal of a tree or native vegetation within a riparian corridor, there are no reasonable design alternatives that would enable preservation of the tree or native vegetation.
- When the tree conservation plan adjustment proposes to reduce the number of trees preserved in the original tree conservation plan below 25 percent, only those trees reasonably necessary to accommodate the proposed development are designated for removal.
- (e) *Conditions of approval.* Conditions may be imposed on the approval of a tree conservation plan adjustment to ensure compliance with the approval criteria and to fulfill the intent of the original tree conservation plan, including requiring additional plantings on or off site.

<u>Applicant Response:</u> No tree conservation plan adjustments are included with this application. A tree conservation plan application and narrative are included with this application. The above criteria above do not apply.

Sec. 808.045. - Tree variances.

- (a) *Applicability.* 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.
- (b) *Procedure type.* A tree variance is processed as a Type II procedure under SRC chapter 300.
- (c) Submittal requirements. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a tree variance shall include the following:
 - (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of any existing structures on the site;
 - (C) Identification of the type, size, and location of all existing trees on the property;
 - (D) Identification of those trees proposed for preservation and those designated for removal; and
 - (E) The location of roads, bridges, utilities, and other improvements;
 - (2) In addition to the information required by subsection (c)(1) of this section, when a riparian corridor is located on the property, an application for a tree variance shall include:



- (A) A delineation of the boundaries of the riparian corridor on the site plan;
- (B) Identification of the type and location of any native vegetation within the riparian corridor proposed for removal.

<u>Applicant Response:</u> No tree variances are included with this application. The criteria do not apply.

- (d) *Approval criteria.* A tree variance shall be granted if either of the following criteria is met:
 - (1) Hardship.
 - (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; or
 - (2) Economical use.
 - (A) Without the variance, the applicant would suffer a reduction in the fair market value of the applicant's property, or otherwise suffer an unconstitutional taking of the applicant's property;
 - (B) The proposed variance is the minimum necessary to prevent a reduction in the fair market value of the applicant's property or otherwise avoid a taking of property; and
 - (C) The proposed variance is consistent with all other applicable local, state, and federal laws.

<u>Applicant Response:</u> No tree variances are included with this application. The above approval criteria do not apply.

- (e) Conditions of approval.
 - Conditions may be imposed on the approval of a tree variance to ensure compliance with the approval criteria and to limit any adverse impacts that may result from granting the tree variance.
 - (2) In addition to any condition imposed under subsection (e)(1) of this section, where a variance is proposed to the requirements for the preservation of trees and native vegetation in riparian corridors, the approval shall include the following conditions:
 - (A) Altered riparian corridor areas that can be reasonably restored, shall be restored; and
 - (B) In no case shall alterations to the riparian corridor:
 - (i) Occupy more than 50 percent of the width of the riparian corridor measured from the upland edge of the corridor; or



(ii) Result in less than 15 feet of vegetated corridor on each side of the waterway.

<u>Applicant Response:</u> No tree variances are included with this application. The above criteria do not apply.

Sec. 808.050. - Tree planting requirements.

- (a) Within development proposals for the creation of lots or parcels to be used for single family or two family uses, each lot or parcel shall contain, at a minimum, the number of trees set forth in Table 808-1.
- (b) If there are insufficient existing trees on a lot or parcel to satisfy the number of trees required under Table 808-1, additional trees sufficient to meet the requirement shall be planted. The additional trees shall be a minimum 1.5-inch caliper.

TABLE 808-1. TREE PLANTING REQUIREMENTS		
Lot or Parcel Size	Minimum Trees Required	
6,000 ft. ² or less	2	
6,001 ft. ² to 7,000 ft. ²	3	
7,001 ft. ² to 8,000 ft. ²	4	
8,001 ft. ² to 9,000 ft. ²	5	
Greater than 9,000 ft. ²	6	

<u>Applicant Response</u>: The average lot size ranges from $\pm 4,000$ square feet to $\pm 5,500$ square feet and therefore will comply with the standard of planting a minimum of two required trees in accordance with this subchapter. For larger lots shown on the tentative plat, the requirements of Table 808-1 are proposed to be followed. All landscaping and tree planting are proposed to occur at the time of construction, as to not disturb newly planted vegetation with heavy equipment. The applicant will comply with reasonable, clear and objective conditions of approval regarding tree planting.

Sec. 808.055. - Tree and native vegetation replacement standards within riparian corridors.

Where replacement of trees and native vegetation within a riparian corridor is required by this chapter, the replacement shall comply with the following:

- (a) Trees and native vegetation removed shall be replaced at an area replacement ratio of one-to-one. If there is inadequate space for replanting at or near the location where the tree or native vegetation was removed, replanting may occur elsewhere within the riparian corridor on the property.
- (b) Replacement trees shall have a minimum 1.5-inch caliper and shall be of species authorized in the Tree and Vegetation Technical Manual.
- (c) Replacement vegetation shall be of sizes and species authorized in the Tree and Vegetation Technical Manual.



<u>Applicant Response:</u> Only invasive, nonnative vegetation is proposed to be removed from the riparian area in the northwest corner of the property. See submitted plan sheet 3.1. The criteria are met.

However, subsection (a) includes the phrase "inadequate space," which is subjective. This standard is not clear and objective and thus cannot be applied to this Application.

Sec. 808.060. - Tree canopy preservation fund.

- (a) Funds collected from any grants and donations for the planting, maintenance, and preservation of trees shall go into a tree canopy preservation fund, 95 percent of which funds shall be designated for the acquisition, maintenance, and preservation of groves of trees within the City or the Salem-Keizer Urban Growth boundary. The remaining five percent shall be used to promote the planting of new trees as follows, at the discretion of the Director:
 - (1) In a public or private park, school yard, riparian corridor, or nature area;
 - (2) In public rights-of-way, except in storm or sewer easements; or
 - (3) In the form of a donation to nonprofit organizations for the purposes of planting trees within the City or the Salem-Keizer Urban Growth boundary.
- (b) The City shall conduct a tree canopy study every census year, using the most economically feasible method, for the purposes of measuring the effectiveness of this chapter and other development-related ordinances in preserving and improving the amount of tree canopy area within the City or the Salem-Keizer Urban Growth boundary.

<u>Applicant Response:</u> No tree canopy preservation funds, grants, or donations are proposed with this application. The above criteria do not apply.

Sec. 808.065. - Enforcement.

- In any action brought under SRC 110.110 to enforce this chapter, the following shall apply:
- (a) Stop work order. If the applicant's site plan contains a grid or phases that designate areas in which work is to be performed, only that grid area or phase in which any violation occurred shall be affected by any stop work order.
- (b) Permit revocation. In addition to the grounds set forth under SRC 110.110, a permit may be revoked if the work is a hazard to property or public safety; is adversely affecting or about to adversely affect adjacent property or rights-ofway, a drainage way, waterway, riparian corridors, significant wetlands or storm water facility; or is otherwise adversely affecting the public health, safety, or welfare.
- (c) *Restoration.* Persons violating this chapter, or any permit issued hereunder, shall be responsible for restoring damaged areas in conformance with a plan approved by the Planning Administrator which provides for repair of any



environmental or property damage and restoration of the site. The plan shall result in conditions upon the site which, to the greatest extent practical, equal the conditions that would have existed had the violation not occurred, as verified by a qualified professional. Costs of restoration shall be not less than those determined equal to the monetary value of the regulated trees and/or native vegetation removed in violation of this chapter, or permit issued hereunder, as set forth in an appraisal acceptable to the Planning Administrator, based upon the latest edition of "Guide for Plant Appraisals" (International Society of Arboriculture, Council of Tree and Landscape Appraisers).

- (d) Prohibition of further approvals. The City shall not issue a notice of final completion for property on which a violation of this chapter has occurred or is occurring, until the violation has been cured by restoration or other means acceptable to the Planning Administrator and any penalty imposed for the violation is paid.
- (e) *Injunctive relief.* The City may seek injunctive relief against any person who has willfully engaged in a violation of SRC 808.035 or SRC 808.040, such relief to be in effect for a period not to exceed five years.

<u>Applicant Response:</u> No proposed action associated with this application require enforcement. The applicant understands the above listed actions could result in an enforcement action.

However, it should be noted that as to subsection (b), whether "a hazard," or "adversely affecting" is subjective; this standard is not clear and objective. As such, it cannot be applied to this Application.

Subsection (c) includes the subjective phrase "to the greatest extent practicable," which is not clear and objective. As such, it cannot be applied to this Application.

Subsection (d) allows the Planning Administrator to approve "other means acceptable" allows for discretion; this is not clear and objective. As such, it cannot be applied to this Application.

CHAPTER 810. - LANDSLIDE HAZARDS

Sec. 810.015. - Map adoption.

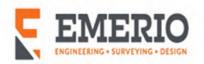
Areas subject to this chapter shall be shown on landslide hazard susceptibility maps, which shall be adopted by administrative rule by the Director pursuant to SRC chapter 20J. The landslide hazard susceptibility maps shall indicate the general location of areas of low, moderate, and high susceptibility to landslides, areas of known slide hazards, and slope contours. These maps shall be based on the best available information.



<u>Applicant Response:</u> The subject property is not identified on a landslide hazard map adopted by the Director. The criterion does not apply.

Sec. 810.020. - Landslide hazard construction permit.

- (a) Applicability.
 - (1) Except as provided in subsection (a)(2) of this section, no person shall engage in any of the following activities in areas designated as moderate or high total landslide hazard risk without first obtaining a landslide hazard construction permit.
 - (A) Excavation or fill, as independent activity, exceeding two feet in depth or 25 cubic yards of volume;
 - (B) Installation or construction of any structure greater than 500 square feet in area;
 - Alteration, enlargement, reconstruction, or relocation of a structure greater than 500 square feet in area that requires any modification to the foundation;
 - (D) Land division, planned unit development, or manufactured dwelling park; or
 - (E) Tree removal, as an independent activity, on regulated slopes greater than 60 percent.
 - (2) Exemptions. A landslide hazard construction permit is not required for the following:
 - (A) Excavation and fill exceeding two feet in depth or 25 cubic yards of volume within a public right-of-way or public utility easement.
 - (B) Activities otherwise identified in subsection (a)(1) of this section which must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property; provided, however:
 - (i) The person undertaking such emergency activity shall notify the Director within one working day following the commencement of the activity.
 - (ii) If the Director determines that the activity, or any part thereof, is beyond the scope of allowed emergency activity, enforcement action may be taken.
- (b) Procedure type. A landslide hazard construction permit is processed as a Type I procedure under SRC chapter 300.
- (c) Submittal requirements. In lieu of the application submittal requirements under SRC chapter 300, an application for a landslide hazard construction permit shall include the following:
 - (1) A completed application form.
 - (2) A geological assessment, geotechnical report, or both, as applicable.
- (d) Criteria. A landslide hazard construction permit shall be granted if:



- (1) The geological assessment, geotechnical report, or both, as applicable, meets the standards of this chapter; and
- (2) The geological assessment, geotechnical report, or both, as applicable:
 - (A) Indicates the development can proceed without a risk of landslide hazard; or
 - (B) Sets forth mitigation measures that will reduce or eliminate the risk of landslide hazard.
- (e) Director may have report re reviewed. The Director may, at the City's expense, elect to have an independent certified engineering geologist or geotechnical engineer, selected from a list of prequalified consultants, review the report or its conclusions.
- (f) Conclusions and recommendations. Conclusions and recommendations set forth in an approved geological assessment or geotechnical report shall be incorporated as conditions of approval of the landslide hazard construction permit. The landslide hazard construction permit shall be incorporated into any land use approval connected with the regulated activity.

<u>Applicant Response:</u> No landslide hazard construction permits are included with this application. The criteria do not apply.

Sec. 810.025. - Landslide hazard risk assessment.

- (a) Graduated Response Tables. The Graduated Response Tables set forth in this subsection are used to determine the total landslide hazard risk and required level of site investigation for regulated activities under this chapter. To determine the total landslide hazard risk, follow the steps set forth in this subsection. Where any portion of a proposed activity is identified under multiple landslide susceptibility ratings, the highest rating shall apply.
 - (1) Step One: Earthquake Induced Landslide Susceptibility. Select one assigned point value from Table 810-1A and proceed to step two.

TABLE 810.1A. EARTHQUAKE-INDUCED LANDSLIDE SUSCEPTIBLITY RATINGS		
Physiographic and Geologic Categories	Assigned Point Value	
Property identified under very low or low categories on IMS-17 or IMS-18	0 Points	
Property identified under a moderate category on IMS-17 or IMS-18	2 Points	
Property identified under high category on IMS-17 or IMS-18	3 Points	
References:		
Interpretive Map Series (IMS-17), Interpretive Map Series (IMS-18)		

(2) Step Two: Water-Induced Landslide Susceptibility. Select one assigned point value from Table 810-1B and proceed to step 3.

TABLE 810-1B. WATER-INDUCED LANDSLIDE SUSCEPTIBILITY RATINGS		
Physiographic and Geologic Categories Assigned Point Value		



Property Identified under Category 1 on IMS-5 and IMS-6 Reports	0 Points	
Property Identified under Categories 2 or 3 or IMS-5 or IMS-6 Reports	2 Points	
Property identified under Categories 2 or 3 on IMS-5 or IMS-6 Reports	2 Points	
Property identified under Categories 4, 5a, 5b or 6 on IMS-5 or IMS-6 Reports	3 Points	
Property identified in IMS-22 Report	3 Points	
Property outside the boundaries of IMS-5, IMS- 3 Points		
17, IMS-18, and IMS-22 and over 25% slopes		
Reference:		
Interpretive Map Series (IMS-5), Interpretive Map Series (IMS-6),		
Interpretive Map Series (IMS-17), Interpretive Map Series (IMS-18),		
Interpretive Map Series (IMS-22) and Slope Contour Map		

(3) *Step Three: Activity Susceptibility Ratings.* Select one assigned point value from Table 810-1C and proceed to step four.

TABLE 810.1C. ACTIVITY SUSCEPTIBLITY RATINGS		
Type of Activity		Assigned Point Value
Excavation or fill, as ar yards of volume	n independent activity, exceeding 2 feet in depth or 25 cubic	3 Points
Installation or construction of any	Single family, duplex, or manufactured dwelling building permit	1 Point
structure greater	Multiple family building permit	2 Points
than 500 square feet	Schools, hospitals, or public building permit	3 Points
in area	Commercial or industrial building permit	3 Points
Alteration, enlargement,	Single family, duplex, or manufactured dwelling building permit	1 Point
reconstruction, or	Multiple family building permit	2 Points
relocation of a	School, hospitals, or public building permit	3 Points
structure greater than 500 square feet in area that requires any modification to the foundation	Commercial or industrial building permit	3 Points
Installation or construction of any structure greater than 500 square feet, not otherwise identified in table.		1 Point
Land division,	Partition	2 Points
planned unit development, or	Subdivision, planned unit development, manufactured dwelling park	3 Points



manufactured dwelling park		
Tree removal, as an independent activity, on regulated slopes greater than 60%		3 Points

(4) *Step Four: Cumulative Score.* Add the sub-totals from Tables 810-1A, 810-1B, and 810-1C. Proceed to step five.

TABLE 810-1D. CUMULATIVE SCORE			
Step 1. Earthquake-Induced Landslide Susceptibility Rating	Step 2. Water-Induced Landslide Susceptibility Rating	Step 3. Activity Susceptibility Rating	Step 4. Cumulative Score
Points:	Points:	Points:	Total Points:

(5) Step Five: Total Landslide Risk. Determine the total landslide hazard risk from Table 810-1E. If the total landslide hazard risk meets or exceeds the thresholds for moderate or high landslide hazard risk set forth in Table 810-1E, a geological assessment, geotechnical report, or both, as applicable, shall be provided by the applicant, and the action specified therein undertaken or insured before any regulated activity may be permitted or approved.

TABLE 810-1E. TOTAL LANDSLIDE HAZARD RISK			
Cumulative Score	Landslide Hazard Risk	Requirement	
(From Table 810-1D)			
4 or fewer points	Category A – Low	No Requirements	
5 – 8 points	Category B – Moderate	Geologic Assessment/	
		Geotechnical Report	
9 or more points	Category C – High	Geotechnical Report	

(b) After determining the total landslide hazard risk under subsection (a) of this section, the following shall be required:

- (1) Low landslide hazard risk. If application of Table 810-1E indicates a low landslide hazard risk, all regulated activities may proceed without further investigation, permitting, or approval required by this chapter.
- (2) Moderate landslide hazard risk. If application of Table 810-1E indicates a moderate landslide hazard risk, a geological assessment shall be submitted for all regulated activities. If the geological assessment indicates that mitigation measures are necessary to safely undertake the regulated activity, a geotechnical report prepared by a certified engineering geologist and geotechnical engineer shall be submitted.



(3) High landslide hazard risk. If application of Table 810-1E indicates a high landslide hazard risk, a geotechnical report prepared by a certified engineering geologist and geotechnical engineer shall be submitted for all regulated activities.

<u>Applicant Response:</u> Per the City of Salem Natural Hazard Mitigation Plan the subject property is not identified as an area susceptible to landslides. The criteria do not apply.

Sec. 810.030. - Standards for geological assessments and geotechnical reports. Geological assessments and geotechnical reports required under this chapter shall include the information required by this section.

- (a) *Geological assessment.* A geological assessment shall include information and data regarding the nature, distribution of underlying geology, and the physical and chemical properties of existing soils; an opinion as to stability of the site; and conclusions regarding the effect of geologic conditions on the proposed development. The geological assessment shall bear the stamp of a certified engineering geologist.
- (b) Geotechnical report. A geotechnical report shall include a comprehensive description of the site topography and geology; an opinion as to the adequacy of the proposed development from an engineering standpoint; an opinion as to the extent that instability on adjacent properties may adversely affect the project; a description of the field investigation and findings; conclusions regarding the effect of geologic conditions on the proposed development; and specific requirements for plan modification, corrective grading, and special techniques and systems to facilitate a safe and stable development. The report shall provide other recommendations, as necessary, commensurate with the project grading and development. The geotechnical report shall bear the stamp of a certified engineering geologist and geotechnical engineer.

Sec. 810.035. - Certification of compliance.

No regulated activity requiring a geotechnical report shall receive final approval or be permitted for properties located in areas of high landslide hazard risk until the Director receives a written statement by a geotechnical engineer that all measures contained in the geotechnical report are completed, in place, and operable.

<u>Applicant Response:</u> A geotechnical report by GEO Consultants Northwest has been submitted with this application and serves as compliance with this subchapter. The criteria are met.

VI. CONCLUSION

Based upon the application materials submitted herein, the Applicant respectfully requests approval from the City's Planning Department of this application for a 138-lot residential subdivision.





- TO: Aaron Panko, Planner III Community Development Department
- FROM: Glenn J. Davis, PE, CFM, Chief Development Engineer Mary Com-Public Works Department
- DATE: November 2, 2021

SUBJECT: PUBLIC WORKS RECOMMENDATIONS SUB21-09 (21-113071) 4540 PRINGLE ROAD SE 139-LOT PHASED SUBDIVISION

PROPOSAL

A phased subdivision tentative plan to divide approximately 29.68 acres into 139 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

- 1. Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent.
- 2. Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent.
- 3. Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE, and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.
- 4. Increase the street spacing and connectivity standards in SRC Chapter 803 to allow the frontage along 12th Street SE between the northwest boundary and Drexler Drive SE, and the north boundary of the subject property between Mandy Avenue SE and Hilfiker Land SE, to exceed the 600-foot block length and 600-foot street connectivity standards.
- 5. Allow a section of sidewalk along 12th Street SE adjacent to the natural area to be constructed along the curbline instead of the property line.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

Code authority references are abbreviated in this document as follows: Salem Revised Code (SRC); Public Works Design Standards (PWDS); Salem Transportation System Plan (Salem TSP); and Stormwater Management Plan (SMP).

RECOMMENDED CONDITIONS OF PLAT APPROVAL

- 1. Coordinate with City to eliminate the reserve blocks located along the existing rights-of-way abutting the subject property.
- 2. Provide a 10-foot public utility easement along the street frontage of all internal streets.
- 3. Provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots.
- 4. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).
- 5. Water meters serving the S-1 water service level shall be connected to the S-1 water system, and water meters serving the S-2 water service level shall be connected to the S-2 water system except as authorized by PWDS.
- 6. All necessary (existing and proposed) access and utility easements must be shown on the final plat.

Phase 1 Conditions:

- 7. Construct Hilfiker Lane SE from the intersection with 12th Street SE to the intersection of Pringle Road SE and Battle Creek Road SE to Collector B Street standards and in compliance with PWDS. Hilfiker Lane SE at the intersection of Pringle Road SE and Battle Creek Road SE shall include an eastbound to northbound left-turn lane and an eastbound to southbound right-turn lane. The maximum street grade for Hilfiker Lane shall be 10 percent.
- 8. Construct a left-turn lane from northbound Battle Creek Road SE to westbound Hilfiker Lane SE as described in the applicant's TIA.
- 9. Construct internal streets to Local street standards, with the following exceptions: proposed Hilfiker Lane SE, Ramsay Road SE, and Hillrose Street SE may exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803 as shown on the application materials.
- 10. Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of Hillrose Street SE. Construct a three-quarter-street improvement along the frontage of Hillrose Street SE to Local street standards.
- 11. From Chaparral to the west line of tax lot 083W11BC03200, provide a 30-foot-wide public access easement along the south line of the subject property. The easement may be revoked if permanent transportation facilities are provided in a different alignment upon full build-out of the future phase on the subject property.

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12. Provide a minimum 15-foot-wide pedestrian access easement and construct a minimum 10-foot-wide pedestrian walkway pursuant to PWDS between Hilfiker Lane SE and Ramsay Road SE through the proposed open space area.

Phase 2 Conditions:

- 13. Construct internal streets to Local street standards.
- 14. Convey land for dedication to equal a half-width right-of-way of 30 feet on the development side of 12th Street SE, including sufficient right-of-way to accommodate public infrastructure at the property corners. Construct a half-street improvement along the frontage of 12th Street SE to local street standards except as follows:
 - a. The street grade may exceed the standard of 12 percent by matching the existing grade of 12th Street SE.
 - b. The sidewalk may be located along the curb line abutting the open space area.

FACTS AND FINDINGS

Streets

- 1. Hilfiker Lane SE
 - a. <u>Standard</u>—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 40-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. <u>Existing Condition</u>—This street has an approximate 15-foot improvement within a 30-foot-wide right-of-way abutting a portion of the subject property.
- 2. Hillrose Street SE
 - a. <u>Standard</u>—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. <u>Existing Condition</u>—This street has an approximate 10-foot turnpike improvement within a 30-foot-wide right-of-way abutting the subject property.
- 3. Mandy Avenue SE
 - <u>Standard</u>—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.

- b. <u>Existing Condition</u>—This street has an approximate 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.
- 4. <u>12th Street SE</u>
 - a. <u>Standard</u>—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. <u>Existing Condition</u>—This street has an approximate 20-foot improvement within a 30-foot-wide right-of-way abutting the subject property.

Water

- 1. Existing Conditions
 - a. The subject property is located within the S-1 and S-2 water service level.
 - b. A 12-inch water main is located in Hilfiker Lane SE.
 - c. A 12-inch water main is located in Hillrose Street SE.
 - d. An 8-inch water main is located in Mandy Avenue SE.
 - e. A 6-inch and 8-inch water main is located in 12th Street SE.

Sanitary Sewer

- 1. Existing Conditions
 - a. An 8-inch sewer main is located in Hilfiker Lane SE.
 - b. An 8-inch sewer main is located in Hillrose Street SE.
 - c. A 6-inch sewer main is located in Mandy Avenue SE.
 - d. An 8-inch sewer main is located in 12th Street SE. The 8-inch main extends across the northwestern corner of the subject parcel, connecting to Albert Road SE to the north.

Storm Drainage

- 1. Existing Conditions
 - a. A 10-inch storm main is located in Hilfiker Lane SE.
 - b. A 10-inch storm main is located in Hillrose Street SE at the northeast corner of the subject parcel.

- c. A 10-inch storm main is located in Mandy Avenue SE.
- d. A 24-inch storm main is located in 12th Street SE.

Parks

The proposed development is served by an undeveloped park (Hilfiker Park) abutting the southern boundary of the subject property.

CRITERIA AND FINDINGS

The following Code references indicate the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

<u>SRC 205.010(d)(1)</u>—The tentative subdivision plan complies with the standards of this Chapter and with all applicable provisions of the Unified Development Code, including, but not limited to the following:

- 1. Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;
- 2. City infrastructure standards; and
- 3. Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

Findings—The applicant shall provide the required field survey and subdivision plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. The applicant is advised that the subject property appears to have several easements that shall be either shown on the final plat or the interest released prior to final plat. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the subdivision plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), and *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

A 10-foot-wide public utility easement is required along street frontages pursuant to SRC 803.035(n). As shown on the Wildridge subdivision plat, a one-foot-wide reserve strip is located along the north line of Hilfiker Lane SE. As shown on the Georgetown

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subdivision plat, a one-foot-wide reserve strip is located along the southerly terminus of Mandy Avenue SE. As shown on the Dickson's Addition subdivision plat, a one-foot-wide reserve strip is located along the east line of 12th Avenue SE. As shown on the R.M. Tone Subdivision plat, a one-foot-reserve strip is located along the west line of Hillrose Avenue. The applicant shall coordinate with City to eliminate the reserve blocks located along the existing rights-of-way abutting the subject property.

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. Wetland notice was sent to the Oregon Department of State Lands (DSL) pursuant to SRC 809.025. The response from DSL indicates that they are currently reviewing a wetland delineation (WD2021-0342) for the project site. The applicant should contact DSL to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s).

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-point and 3-point landslide hazard areas on the subject property. The proposed activity of a subdivision adds 3 activity points to the proposal, which results in a total of 5 to 6 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment and/or geotechnical report. A Geotechnical Engineering Report, prepared by GEO Consultants Northwest and dated April 13, 2021, was submitted to the City of Salem with the subdivision application. This report demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties if constructed based on recommendations included in the report.

<u>SRC 205.010(d)(3)</u>—Development within the tentative subdivision plan can be adequately served by City infrastructure.

Findings—Water, sewer, and stormwater infrastructure are available along the perimeter of the site and appear to be adequate to serve the property as shown on the applicant's preliminary partition plan. As specified in the conditions of approval, private water, sewer, and storm services shall be constructed to serve each lot as a condition of plat approval. Construction of facilities in the right-of-way is required prior to final plat except as authorized in an improvement agreement per SRC 205.035(c)(7)(B).

The subject property is located within the S-1 and S-2 water service levels. Water meters serving the S-1 water service level shall be connected to the S-1 water system, and water meters serving the S-2 water service level shall be connected to the S-2 water system except as authorized by PWDS.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004. To demonstrate the proposed parcels can meet the PWDS, the applicant shall submit a tentative stormwater design prior to final plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results, the Simplified Method Form or Engineering Method Report as applicable, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

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All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(7)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. 2. A 10-foot public utility easement is required along the street frontage of all internal streets.

<u>SRC 205.010(d)(4) and SRC 205.0010(d)(5)</u>—The street system in and adjacent to the tentative subdivision plan conforms to the *Salem Transportation System Plan*. The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

Finding—Hilfiker Lane SE is a future Collector street designated in the Salem TSP to be extended through the subject property. Based on topographic constraints, the maximum street grade for Hilfiker Lane SE shall be 10 percent. Pursuant to the applicant's Traffic Impact Analysis, Hilfiker Lane SE at the intersection of Pringle Road and Battle Creek Road SE shall include an eastbound to northbound left-turn lane and an eastbound to southbound right-turn lane, and the applicant shall construct a left-turn lane from northbound Battle Creek Road SE to westbound Hilfiker Lane SE as described in the applicant's TIA.

Proposed Hilfiker Lane SE, Ramsay Road SE, and Hillrose Street SE may exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803 based on topographic constraints. A pedestrian access easement as shown on the application materials shall be provided between Hilfiker Lane SE and Ramsay Road SE to mitigate the long block lengths, to be constructed at the time of Phase 1.

The subject property abuts 12th Street SE, Hillrose Avenue SE, and Hilfiker Lane SE. Pursuant to SRC 803.040, the applicant is required to convey land for dedication of a 30-foot half-width right-of-way and to construct a half-street improvement along the entire frontage of all abutting streets. The street grade along 12th Street SE may exceed the standard of 12 percent because the existing grade of 12th Street SE exceeds 12 percent. The sidewalk along 12th Street SE may be located on the curb line because of topographic constraints to limit the need for steep side slopes or retaining walls. The applicant shall construct a three-quarter street improvement along the frontage of Hillrose Street SE to Local street standards.

To accommodate future access to abutting properties along Hilfiker Lane SE, the applicant shall provide a 30-foot-wide public access easement along the south line of the subject property from Chaparral to the west line of tax lot 083W11BC03200. In order to preserve existing trees, no pedestrian improvements are appropriate at this time to serve future development. The easement may be revoked if permanent transportation facilities are provided in a different alignment upon full build-out of the future phase on the subject property.

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<u>SRC 205.010(d)(6)</u>—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. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

Findings—The subject property is served by Hilfiker Park, which is an undeveloped park site located southeast of and abutting the subject property. To provide additional access to the park from Hilfiker Street SE, the applicant shall provide a 30-foot-wide public access easement along the south line of the subject property from Chaparral to the west line of tax lot 083W11BC03200. This easement may be used in the future for access to Hilfiker Park unless the future phase of the subject property is developed prior to the park development.

Construction of Hilfiker Lane SE through the subject property provides a needed east-west connection in the area, connecting the neighborhoods abutting Battle Creek Road SE and Pringle Road SE to Commercial Street SE. Bicycle and pedestrian access will be provided from within the subdivision to shopping areas and transit stops along Commercial Street SE and along Battle Creek Road SE and Pringle Road SE.

<u>SRC 205.010(d)(7)</u>—The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis (TIA), where applicable.

Findings—The proposed 139-lot subdivision generates more than 1,000 average daily vehicle trips to the Collector street system. Therefore, a TIA was required as part of the proposed subdivision submittal. The applicant provided a TIA dated July 9, 2021, prepared by Kittelson and Associates that included the following traffic recommendations to mitigate impact to the transportation system:

- Construct a left-turn lane on Battle Creek Road SE with at least 50 feet of storage at the intersection of Pringle/Hilfiker/Hillrose. The left-turn lane shall include tapers and meet PWDS and sight-distance.
- Hilfiker Lane SE at the intersection of Pringle Road and Battle Creek Road SE shall include an eastbound to northbound left-turn lane and an eastbound to southbound right-turn lane

<u>SRC 205.015(d)(2)</u>: Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.

Findings—Phase 1 includes Hilfiker Lane SE, Ramsay Road SE, Aldridge Avenue SE, and Hillrose Avenue SE. This phasing plan allows for connection to Battle Creek Road SE with the first phase and provides access for heavy construction equipment from Battle Creek Road SE during construction of Phase 1. Phase 2 includes 12th

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Street SE, Drexler Drive SE, Porter Place SE, McCollum Street SE, Mandy Avenue SE, and Walton Way SE. Public improvements can be constructed efficiently among all phases.

<u>SRC 205.015(d)(3)</u>: Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.

Findings—Public improvements serving each phase are substantially and functionally self-contained within each phase.

<u>SRC 205.015(d)(4):</u> Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.

Findings—The subject property is located within the S-1 and S-2 water service levels. Water meters serving the S-1 water service level shall be connected to the S-1 water system, and water meters serving the S-2 water service level shall be connected to the S-2 water system, except as authorized by PWDS. The phasing plan allows for S-1 and S-2 water service to be taken from the appropriate service levels. All other infrastructure supports the phased subdivision as a whole.

RESPONSE TO CITIZEN COMMENTS

<u>**Traffic Safety**</u>—The applicant submitted a traffic impact analysis that demonstrated what improvements needed to be made to mitigate the traffic impacts from the proposed subdivision. All interior and abutting street are being constructed to meet PWDS, except where alternative street standards have been authorized.

Transportation and Connectivity—The City of Salem has recognized the lack of east-west connectivity in this area. The Salem TSP has long identified this extension of Hilfiker Lane SE as necessary to provide the missing east-west connectivity. The nearest east-west connections are Madrona Avenue SE and Kuebler Boulevard SE. The street was originally classified as a "Minor Arterial" street. The design of a "Minor Arterial" street has one travel lane in each direction with a center two-way left-turn lane, bike lanes, no on-street parking, and single-family residential driveways are not allowed. About 10 to 15 years ago, the neighborhood association requested the City to downgrade the street to a "Collector" street. The design of a "Collector" street is one lane in each direction, and bike lanes, with provisions for on-street parking (collector B), and single-family residential driveways are allowed.

Per the City of Salem Street Design Standards, the design speed for a "minor arterial" is 45 MPH, meaning the curves would be very flat and would encourage faster traffic along this extension of Hilfiker Lane SE. The design speed for a "Collector" street is 35 MPH, but the developer has requested a "design exception" to allow for a design speed of 25 MPH. At a design speed of 25 MPH, the curves are considerably sharper than for a "Minor Arterial" and will encourage slower travel speeds. The addition of on-street parking and driveways along the roadway will also naturally slow traffic along this route.

Aaron Panko, Planner III November 2, 2021 Page 10

The City of Salem will be rebuilding the intersection of Hilfiker Lane SE and Commercial Street SE. The intersection will have a new traffic signal with eastbound and westbound left-turn lanes on Hilfiker Lane SE. This project is expected to be constructed in 2023-2024. The Traffic Impact Analysis accurately reflects the operational conditions of the improved intersection including the traffic generated from this site.

There will be additional traffic using this new connection between Commercial Street SE and Battle Creek Road SE but estimating that number of vehicles is impossible to predict. Those additional vehicles that will be traveling along the new extension of Hilfiker Lane, are existing traffic that is being diverted. These vehicles will alleviate congestion on Madrona Avenue SE, Kuebler Boulevard SE and will certainly reduce the number of vehicles that currently cut-through the residential neighborhood using Suntree Drive SE, Mandy Avenue SE, and Albert Drive SE.

This development is not responsible for mitigating existing traffic issues; they are required to mitigate the impacts from their development. The traffic counts used in the analysis is the best information available. Given the on-going COVID-19 Pandemic, traffic volumes have decreased. Kittelson & Associates used the best methodology to adjust traffic volumes upwards to account for Pandemic traffic. The traffic volumes were adjusted upwards on Battle Creek Road SE by 41 percent and by 24 percent on Commercial Street SE. They were additionally grown by 1.5 percent per year to reflect general background growth of traffic in Salem.

The improvements at the intersection with Battle Creek Road SE and Hilfiker Lane SE will be constructed to ensure there is adequate sight distance for the vehicles turning left from Battle Creek Road SE, as well as vehicle turning onto Battle Creek Road SE from Hilfiker Lane SE.

<u>Stormwater</u>—The applicant's engineer is required to demonstrate that there is no increase in stormwater runoff from the subject property based on a variety of storm frequencies up to a 100-year storm. All stormwater infrastructure, including flow control and treatment facilities, will be constructed pursuant to PWDS.

Parks—The subject property is served by Hilfiker Park, which is an undeveloped park site located southeast of and abutting the subject property. Though many neighborhood comments express a desire for the subject property to be used as park land, there is no regulatory authority to require that the applicant dedicate all or a portion of the subject property to the City for use as park land. Recent park acquisitions in the area include a community park in the Fairview Development District to the north and a neighborhood park near the intersection of Reed Road SE and Battle Creek Road SE.

Prepared by: Jennifer Scott, Program Manager cc: File



DAVID FRIDENMAKER, Manager Facility Rental, Planning, Property Services 3630 State Street, Bldg. C • Salem, Oregon 97301-5316 503-399-3335 • FAX: 503-375-7847

Christy Perry, Superintendent

September 29, 2021

Aaron Panko, Planner Planning Division, City of Salem 555 Liberty Street SE, Room 305 Salem OR 97301

RE: Land Use Activity Case No. SUB21-09, 4540 Pringle Rd SE

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. The schools identified to serve the subject property are:

School Name	School Type	Grades Served
Morningside/Pringle	Elementary	K thru 5
Leslie/Judson	Middle	6 thru 8
South Salem	High	9 thru 12

Table 1

SCHOOL CAPACITY & CURRENT ENROLLMENT

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Morningside/Pringle	Elementary	275/501	432/663	64/76%
Leslie/Judson	Middle	757/905	944/1.059	80/85%
South Salem	High	2.223	2,248	99%

Table 2

POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multifamily (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2014 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary			0.194	23/3
Middle	120/18	SF	0.101	12/2
High			0.143	20

Table 3

POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll. /Cap. Ratio
Morningside/Pringe	Elem.	275/501	69/41	23/3	92/44	432/663	85/82%
Leslie/Judson	Mid.	757/905	32/71	12/2	44/73	944/1.059	85/92%
South Salem	High	2,223	129	20	149	2,248	106%

Table 4

ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the

sidewalks should be wider to accommodate the number of students that would be traveling the path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Morningside/Pringle	Elementary	Eligible for School Transporation
Leslie/Judson	Middle	Walk Zone / Eligible for School Transportation
South Salem	High	Eligible for School Transportation

Table 5

ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	26	\$60,840	\$1,521,000
Middle	14	\$72,735	\$1,018,290
High	20	\$84,630	\$1,692,600
TOTAL			\$4,231,890

Table 6

*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2021 First Quarter.

Sincerely,

Distience

David Fridenmaker, Manager Planning and Property Services

c: Mike Wolfe, Chief Operations Officer, David Hughes, Director – Custodial, Property and Auxiliary Services, T.J. Crockett, Director of Transportation





September 24, 2021

City of Salem Planning Division 555 Liberty Street SE Salem, OR 97301

Application for 2 Phase, 138-Lot Single Family Residential Subdivision at 4540 Pringle Rd SE **Subdivision Case No. SUB21-09**

Attention: Aaron Panko, City of Salem Planning Division

The Board of the Morningside Neighborhood Association hopes that the Meyer Farm property can continue to remain as dedicated open space, possibly with public access and bicycle or walking paths through this delightful property. It could become a possible extension of the existing and adjacent Hilfiker Park. We also have significant concerns about the proposed plan for subdividing this property. Those concerns focus on Traffic, Tree Preservation, & Tree Removal as described below.

Traffic

Traffic Impact Study Concerns

Our primary traffic concerns are the safety of the Hillrose St SE (Hillrose) & Battle Creek Rd SE (Battle Creek) intersection and the congestion at the Hilfiker Ln SE (Hilfiker) & Commercial St SE (Commercial) intersection. As the new Hilfiker/Hillrose section will be the only direct east/west connection between the Kuebler Blvd connection to the south and the Madrona Ave SE connection to the north, it won't only handle traffic from the new housing development, but also existing traffic that finds this to be a more convenient east/west route. The Traffic Impact Study doesn't appear to take this into account. It also doesn't appear to factor in any traffic from other planned developments in the area. There are hundreds of new residential units in the surrounding area already approved and the relocated Costco will increase Battle Creek traffic when it opens.

Hillrose & Battle Creek Intersection Concerns

The limited visibility at the Hillrose & Battle Creek intersection is already an issue, especially if turning left onto Battle Creek from Hillrose. The hill and curve on Battle Creek just south of Hillrose limit visibility and makes a left turn from Hillrose onto Battle Creek risky for both the turning car and the approaching car. As this section of Battle Creek is two lanes only, without a center turn lane, cars must turn directly into the path of oncoming traffic and the speed limit

here is 40 mph. Also, cars turning left onto Hillrose from Battle Creek are at risk of being hit from the rear by northbound traffic. We strongly recommend that the improvement of this intersection be required as part of the road project. At a minimum, Battle Creek should be widened to include a center turn lane and to improve visibility around the curve.

Hilfiker & Commercial Intersection Concerns

The intersection of Hilfiker & Commercial is already congested and the congestion will increase considerably when the new section of Hilfiker/Hillrose connects Commercial with Battle Creek. There is neither a left turn or right turn lane on either side of Commercial at this intersection and traffic already backs up on the east side of Commercial past the entrance to Walgreen's and Trader Joes. Traffic also already backs up on Sunnyside Rd SE while trying to get onto the short section of Hilfiker west of Commercial. Cars often have to sit through two light changes to get through this intersection in either direction. We strongly recommend that widening Hilfiker and improving the intersection at Commercial both be required as part of the road project.

Tree Preservation

There is a large diameter Oregon White Oak (tree #3194), a protected tree under the code, that is in the pathway of the proposed collector and proposed be removed. The curve radius of the collector near 12th St should begin earlier so as to avoid removal of this protected Significant Tree. This would be consistent with code when a reasonable design alternative exists. The collector should be shifted enough so that the required silt fencing which marks the protective zone around the Significant Tree is maintained throughout duration of construction of the collector, include grading, excavation, and installation for the adjacent sidewalk and entire right of way. The smallness of most of the proposed lots will prevent growth and longevity of residential trees that would otherwise add to future tree canopy and reduce energy needs for summer cooling.

More importantly there are serious discrepancies in the tree table regarding large significant Oaks etc.

The Tree Table (see below) claims one set of sizes and the Arborist notes the trees are significantly larger than claimed.

After studying the plan and the report, we think the best way to protect the "Significant" trees in the grove and farmstead area is to delay construction on the nine lots containing the trees to be left until such time the subject trees become hazardous, are severely damaged (ice, wind) or die. All lots referred to are bordering the 3.64 acre "Area to Remain." If the trees are accurately mapped, the affected lots are numbers 40, 41, 56, 57, 61, 62, 63, 64 and 65. These

could be used for neighborhood access to the Farmstead if it is indeed used as an outdoor education center and open space.

Another "Significant" Oak tree, (tree #4156) located in the Open Space next to 12th Street should be protected by a retaining wall which would allow more fill in the current grade dip at the Lansford Dr. intersection, and other measures to reduce the steepness of the road grade and improve sight distance on the to-be-widened street. It may also be a good idea to delay construction on the lots fronting on 12th Street, and consider re-design lots 65, 66 and 67 so they have a shared driveway.

In addition to the traffic and tree concerns, its great density is inconsistent with our part of the neighborhood. With such small lots, all the homes will need to be two story, there will be too many driveways and too little home frontage. The great views north from the farm will be obliterated. The "snake" design of a new Hilfiker invites faster speeds through the dense residential areas: more of a grid layout of the streets with Stops at every intersection would discourage motorists using the neighborhood as a short-cut between Pringle/Battle Creek and Commercial.

In addition to the minimal size of the lots, the miniscule size of Phase 1 makes one believe they will not carry thru on the time schedule with the rest of the development, and even more traffic will be added to the currently overused routes to Commercial and to Pringle (Suntree, Mandy, Albert, 12th, Lansford, Kampstra and Hilfiker) before any improvements are made to handle the additional traffic.

Tree Removal

The Proposal is for removal (felling) of up to 70% of the existing trees. The Tree Plan is dated 2021 but it seems as if it is an outdated one. The ordinance requires a new Tree Survey conducted in the last 6 months. However, the Arborist report says that the trees are actually a much larger diameter, and up to twice the claimed size. This is a very serious error.

A better, and more responsible approach, especially for a pristine property, would be to honor what the City is trying to achieve, i.e. preservation of significant trees. The Planning Commission has been discussing a figure of (1) 40% to 50% tree preservation, (2) preservation of large trees of other species and including them as "significant" plus (3) requiring the tree cover and root lines to be protected (by fencing) during construction, from damage and compaction by heavy equipment.

It should be the responsibility of the applicant to respect these 2021 City goals and standards even while the ordinance is still being finalized. Of course, the applicant could maintain that they will use the previous standards until new ones are final, but they have a moral

responsibility to respect the City tree preservation goals and policies and go the extra mile to do a good job in designing a responsible layout that saves the trees.

Here is a spreadsheet showing serious discrepancies between the measurements of "significant" trees in the developer's Tree Table and those made later on same trees by the other arborist (Teragan and Associates).

Tree	Location		n Tree			Con	Condition Structure Recommended			Basal Area Sq.In.			BA Var - Emro vs Trgn						
No	Quadrant	Phase	Species	Emerio	Teraga	n Inche	es	%	Emerio	Teragan	(Teragan)	Emerio	Teragan	Emeric	0	Teragan	Sq.	ín.	%
2579	SW	2	Oak	32	38	-6	-16	%	?	fair	fair	retain	remove	804	0	1134	-330	.0	-29%
2727	SE	2	Oak	38	48	-10	-21	%	?	poor	poor	retain	retain	1134	0	1810	-675	0	-37%
2729	SE	2	Oak	24	27	-3	-11	%	?	good	fair	retain	retain	452	0	573	-120	0	-21%
2739	SE	2	Oak	24	27	-3	-11	%	?	poor	poor	retain	retain	452	6	573	-120	0	-21%
2793	SE	2	Oak	24	28	-4	-14	%	?	good	good	retain	retain	452	0	616	-163	0	-27%
2796	SE	2	Deco/Oak	24	27	n -3	-11	%	2	fair	fair	retain	retain	452	0	573	-120	0	-21%
2815	SE	2	Oak	28	34	-6	-18	%	?	fair	poor	retain	retain	616	0	908	-292		-32%
2822	SE	2	Oak	44	50	-6	-12	%	?	good	fair	retain	retain	1521	0	1964	-443	0	-23%
2823	SE	2	Oak	24	32	-8	-25	%	?	good	fair	remove	remove	452	0	804	-352	10	-44%
2824	SE	2	Oak	26	33	-7	-21	%	?	good	fair	retain	retain	531	0	855	-324	0	-38%
2832	SE	2	Oak	24	30	-6	-20	%	?	very poor	very poor	retain	remove	452	0	707	-254	10	-36%
2836	SE	2	Oak	30	34	-4	-12	%	?	good	fair	remove	retain	707	0	908	-201	10	-22%
3084	SE	2	Oak	28	32	-4	-12	%	2	good	fair	retain	retain	616		804	-188	10	-23%
3109	SE	2	Oak/D-fir	28	32	6 -4	-12	%	2	good	fair	retain	retain	616		804	-188	18	-23%
3194		2	Oak	24	27	-3	-11	%	?	good	fair	retain	retain	452		573	-120	18	-21%
3123		2	Oak	10	42	-32	-76		2	fair	fair	remove	remove	79		1385	-1307	10	-94%
3217		2		24	30	-6	-20		2	fair	fair	retain	retain	452	10	707	-254	18	-36%
3228	SW	2		32	34	-2	-64	6	2	fair	fair	remove	remove	804	6	908	-104	10	-11%
3251	SW	2	Oak	24	29	-5	-17		2	fair	fair	retain	retain	452		661	-208	10	-32%
3360		2		24	29	-5	-17		2	good	fair	retain	retain	452		661	-208	10	-32%
3446	SE	2	Oak	24	28	-4	-14		?	poor	poor	retain	retain	452	6	616	-163	16	-27%
4466	SW	2	Oak	30	33	-3	-94		2	good	fair	retain	retain	707		855	-148	10	-17%
4468	SW	2		24	31	-7	-23		2	good	fair	retain	retain	452		755	-302	12	-40%
4470	SW	2	Oak	24	29	-5	-17		2	good	fair	retain	retain	452		661	-208	12	-32%
4472	SW	2	Oak	24	29	-5	-17		2	poor	poor	retain	retain	452		661	-208	10	-32%
4473		2		24	25	-1	-4		2	poor	poor	retain	retain	452	2	491	-38	12	-8%
4500	SW	2	Oak	36	37	-1	-34		2	fair	fair	retain	retain	1018		1075	-57	12	-5%
4574		2		28	33	-5	-15		2	good	fair	retain	retain	616		855	-240	12	-28%
4721		2		28	31	-3	-10		?	good	fair	retain	retain	616		755	-139	12	-18%
4806	NW	2	Oak	24	28	-4	-14		2	good	fair	retain	retain	452	쿪	616	-163	17	-27%
4919		2		28	36	-8	-22		2	good	fair	retain	retain	616		1018	-402	10	-40%
4923	NW	2	Oak	28	32	-4	-12		2	fair	fair	retain	retain	616		804	-188	10	-23%
4958	NW	2	Oak	24	28	-4	-14		2	poor	poor	retain	retain	452		616	-163	12	-27%
4936		-	Oak	24	20		-14	N	-	poor	poor	retain	retain	452		010	-105		-2170
All trees	All Trees	All 2	Avg	27	32	-5	-16	%					-	585		839	-254		-29%
	#Trees			33	33	0													
	Retain	All 2	Avg	28	33	-5	-16	%	1					617		846	-238		-28%
	#Trees			29	28	0			-										
	Remove	All 2	Avg	24	29	-5	-18	%						511		823	-313	0	-29%
	#Trees			4	5	0 1	0												

In summary, the Board of the Morningside Neighborhood Association hopes that the Meyer Farm property can continue to remain as dedicated open space, possibly with public access and bicycle or walking paths through this delightful property. It could become a possible extension of the existing and adjacent Hilfiker Park. We also have significant concerns about the proposed plan for subdividing this property. Those concerns focus on Traffic, Tree Preservation, & Tree Removal as described above.

Submitted for the Morningside Association Board

Pamela Schmidling, Chair

Morningside Neighborhood Assoc. 555 Liberty St SE Room 305 Salem, OR 97301 P - (503) 588-6207 W - <u>MorningSideNA.org</u> E - <u>MNAShared1@Gmail.com</u>



HISTORY & LEGACY



Since 1947, the Meyer family has owned and protected this unique 30-acre farm located just minutes from the Oregon State Capitol building in Salem.

The Meyer Family Farm is believed to be the largest remaining undeveloped urban farm in Southeast Salem. It is the original homestead resulting from a patent issued by The Donation Land Claim Act of 1850 settled by an Oregon Trail pioneer.

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Chain of Settlers

Township 8 South Range 3 West, Section 11, Lot 2, Willamette Meridian

Kalapuya Native Americans Joseph Waldo Fabritus R Smith Walter T. & Ella McNary Stolz, Lenta D. Stolz Westacott, Jonathan E. Bourne James E & Nannie Suttle Foster (and 2nd wife Grace Mustard Foster) Henry A & Marian L Meyer Henry A Meyer Revocable Living Trust

I. Original Native American Settlers

The modern history of the Meyer Family Farm's environmental, cultural, and economic characteristics can be traced to the Willamette Valley's sole occupants for thousands of years, the Kalapuyan Native Americans, who lived and played in its oak savanna and wetlands, fished Pringle Creek which runs through the property, hunted deer, waterfowl, rabbits, squirrels, quail, grouse, and beaver, and gathered acorns, seeds, berries, and other fruits and roots such as potatoes and camas bulbs in its woodland and prairie. Independent researcher Robert Boyd estimates from 1805-1830 the total Kalapuyan population between 8,780 and 9,200.^[1]



Chief Quinaby c 1870

II. Donation Land Claim Act of 1850 Drives Settlement in Oregon



Pioneers traveling the Oregon Trail

With the Preemption Act of 1841 inspiring many to travel the difficult journey west with the promise of a new life for farmers, tradesmen, and missionaries, pioneers were permitted to settle on public land and stake their claim. In July 1843, the Provisional Government of Oregon, made up of mostly American settlers, provided a means to claim up to 640 acres, a full square mile. Oregon became a US territory in 1848. The Donation Land Claim Act enacted by the 31st United States Congress, became law on September 27, 1850.^[2]

Successful claimants were required to reside and make improvements on the land for four years in order to gain legal title to the property. By 1856 more than 7,000 settlers had acquired over 2.5 million acres of property in Oregon, free of charge. Every unmarried white male citizen 18 or older could receive up to 320 acres and every married couple, each owning half of the total grant under their own names, could receive a total of 640 acres. The law allowing married women to hold property under their own name was one of the first in the United States. Due to the westward expansion of the white settlers, the Kalapuyan population was tragically affected by the catastrophic epidemics of malaria, smallpox, and

other diseases brought to the territory and they were forced to move to the Grand Ronde Reservation on the eastern side of the Coast Range in Polk County in 1856. On February 14, 1859, Oregon became the 33rd state admitted to the Union.^[3]

III. Joseph Waldo Travels the Oregon Trail with Fabritus Smith in 1846, Pringles Follow

Joseph Waldo, who followed in his brother Daniel Waldo's footsteps who traveled the Oregon Trail in 1843. made plans for his own journey with hired hand Fabritus Reynolds Smith, originally from Rochester, NY, as the driver of their ox wagon team. Together, Joseph and Fabritus left Missouri in the spring of 1846 and arrived in Oregon City four



Joseph Waldo

months later. Roy V Ohmart, son of Velleda Smith Ohmart and grandson of Fabritus Smith, writes as published in Marion County Historical Society Marion County History, Vol 6" (1960) "As Waldo had been associated with his brother Daniel Waldo in freighting on the Santa Fe route, his experience enabled them to make good time and they arrived in Oregon City on September 3, 1846."^[4]



Downtown Salem, Oregon c early 1900s

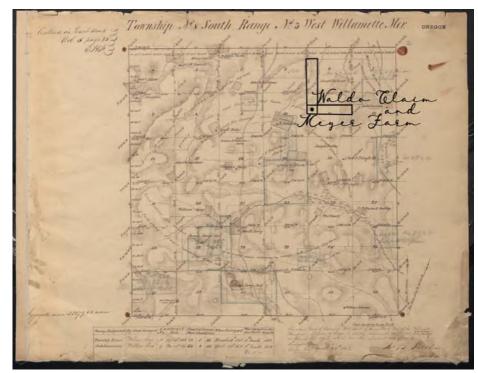
In "Book of Remembrance of Marion County, Oregon Pioneers 1840–1860" (1927) author Sarah Hunt Steeves writes, "When the Pringle family reached the top of the last hill, overlooking the present city of Salem, and saw the three-story Willamette Institute and the parsonage, both painted gleaming white, surrounded by the lovely valley, they really felt as if they had a view of paradise. This was Christmas day, 1846" when "The Pringle family first took up land near Stayton, then finally settled just south of Salem, on the creek that bears his name."^[5]

IV. Surveyors' Field Notes Report Oaks on Property

In early 1852, deputy surveyor William Ives and his team's field notes describe the area's terrain as "Land gently rolling. Soil is first-rate clay loam and part stoney. Timber, W Oak, and Fir Opening ..."^[6] Their field notes indicate several oaks and their diameters which could be traced to the trees still growing on the Meyer Family Farm. The Willamette Valley's climate and Jory soils, as described, provided an ideal setting for farming of many crops, including Christmas trees, various berries, filberts (hazelnuts), sweet

corn, wheat, and many varieties of grass seed, all of which grew on this land over the last 150 years. Much of the time was devoted to raising sheep, cattle, and pigs.

In "Reflections on the Jason Lee Mission and the Opening of Civilization in the Oregon Country," (1971) Lewis Judson tells us before the 1851 setting of the Willamette Stone in the hills west of Portland which provides the base for all surveys, much of "Oregon Country," including the Willamette Valley, "was usually started at a tree, rock, or stake. Often the tree would be marked with a letter."^[7]



April 22, 1852 Survey · T8SR3W: Waldo Claim/Meyer Family Farm

V. Meyer Family Farm Neighborhood — Smith-Ohmart House

Judson further explains Alanson Hinman's 1846 claim was transferred to Charles Craft in 1847 who sold and transferred the squatter's right to Fabritus Smith the same day.^[8] Ohmart notes in his account that Craft was Smith's employer at the sawmill and Smith "boarded with the Craft family, sleeping in a nearby cabin" ... The property "was almost a square mile, the north line being the present McGilchrist Street and the east line the present 12th Street" ... "When the state road was changed to the present route of South Commercial Street and 99E, a new frame house was built near it in 1854. This house was east of the new road on the present line of Waldo Avenue. Here, in a house that stood a few feet from the existing home, three children, Velleda (Smith Ohmart), Hamlin F., and Clara E. were born, all surviving to old age."^[9]

In an article published in The Oregon Statesman, March 28, 1926, South Salem All in Woods, This Period Recalled by Mrs. Ohmart; Only One Fence Then, Velleda Ohmart shared, "I remember when the country was all timber and open land from the top of the present south Salem hill to town and there was only one fence in the whole thing. I remember that fence very well because my brother used to come to meet me as I was coming home from school and I would climb on that rail fence to get on his horse." She described farm life as, "Small crops of grain were raised, but most of the time was devoted to raising sheep and cattle. A ready market was found for meat and wool and horse raising was also popular as good horses were always in demand." And she recalled, "Chief Quinaby was a great friend of the whites and was always sure of a warm welcome when he visited their homes." ^[37]



Smith-Ohmart House c 1924

Ohmart (Roy) recalls his grandfather Smith as "a progressive and careful farmer and stock breeder, always alert to the latest methods and improved machinery" who "together with the late John Minto imported Merino sheep" and "kept Jersey cattle, Berkshire hogs, and many fine horses."^[10] Judson describes Smith as becoming "a man of much value as a public-minded citizen of growing Salem" and who "served in the State Legislature and on the local school board. He was for many years a member of the boards of trustees of both Willamette University and the First Methodist Church and was useful in many official and semi-official positions for the greater portion of his life."^[11] The 1870s Italianate Smith-Ohmart House on E. Nob Hill St, SE was added to the National Register of Historic Places in 1979.^[12]

VI. Joseph Waldo Homesteads the Future Meyer Family Farm Property

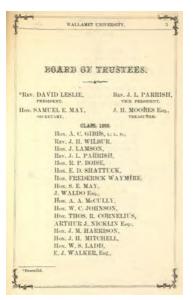
On November 27, 1847, Joseph Waldo staked his historic claim to the rich and still sparsely settled Willamette Valley lands — specifically, 304 acres at the location of Willamette Meridian Township 8 South, Range 3 West. (Provisional Land Grant Record 62705, Vol 6) Waldo's 1852 Donation Land Claim No. OC3308 was divided into eight, nearly equal lots of 36-40 acres each in T8S R3W Sections 2 and 11,

James Davidson 8 CT Jose Not. 78. Cl. 39. 6 N. 89: 50 136.52 1. Fabrilus R. Smith 79.50 Not. 11. 38 70 Claim #0. 101. 55 1 Abijah Carr . Not. 330. 12.70 14.73 1 50 Claim #1. 00 6 40. 7Y A. 8.70 3 19 38.70 A 59.75 A 26.28 A. 36.80 A. A A 36 40 36.40 40.00 36.40 A. 36.40 2 5

surrounded by other claimants and dear friends Fabritus and Virgilia Pringle Smith, Abijah and Sophia Cary, James and Amelia Davidson, Clarke and Catherine Pringle, Virgil and Pherne Pringle, Joseph and Sarah Ann Smith, Joseph and Elmira Holinan, Cyrus and Lucinda Reed, and John and Martha Ann Minto. The 30-acre Meyer Family Farm is Joe Waldo's Section 11 SWNW Quarter Lot 2.^[13]

The 30-acre Meyer Family Farm is Joe Waldo's Section 11 SWNW Quarter Lot 2, Plat_334034 August 1855

VII. Waldo and Other Notable Pioneers



Though Joseph Waldo's biography is incomplete, we know he became a prosperous and well-known Salem community member, successful farmer, adored by children, and a respected board of trustees member of Wallamet University (now Willamette University) — the oldest university in the western United States, established in 1842. Beloved so much so, that Judson tells us, "Waldo Avenue was named for Joseph Waldo, brother of Daniel, who came to Oregon in 1846. Joseph never married. Liberal with his funds, he helped many young people gain an education. He was known as "Uncle Joe" to those he befriended, and he occupied a position of the highest respect."^[14]

For the settlers, helping their neighbors was a way of life that was critical to their survival. We know Joseph was no exception. Marion County census records for 1870 show Joseph Waldo, 65, as head-of-household, farmer, housing Lucian B. Fullerton, 38, (Virgil Pringle's nephew and Charles

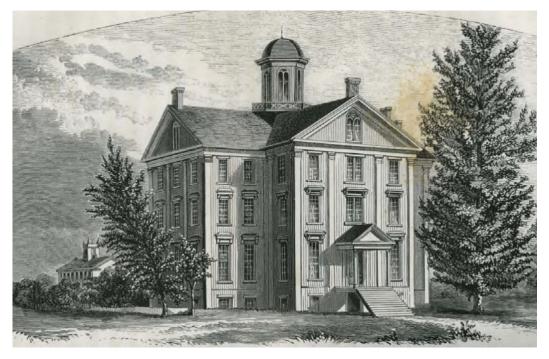
Fullerton's younger brother) also a farmer, and his wife Sarah Minto Fullerton, 28, a housekeeper, and their daughters Emma, 8 (died 1873) and Olive, 9 (died in 1874.)^[15] Each pioneer family had something to share, building a strong sense of community.

On Tuesday, November 21, 1905, John Minto IV writes in the Weekly Oregon Statesman, Sixty Years Ago, "The lynx and wild cat were sometimes very destructive on lambs and small pigs where their drinking place was in bush cover. Some thirty five-years ago [1870] when the small wolf refused to take poison, Joseph Waldo, then my neighbor set out to find hounds. He did not ask the quality of the hound only if his owner was tired of him. He soon collected eleven dogs and stationed them out in our neighborhood. We took our best saddle horses and horns and guns and killed two coyotes the first day and eight within the week, and had lots of fun besides. — J.M."^[16]

Ellen Jennette Chamberlin wrote "Pleasant Memories" circa early 1900s documenting her life. She wrote of her family's journey to Oregon from Michigan in 1857 when she was a child. Traveling to New York to take the *SS Illinois* to the Isthmus of Panama, then aboard the *John L Stevens* to San Francisco, and the final leg on the Columbia "ended with thankful hearts when we crossed the bar, and entered Oregon, our desired haven, on the broad Columbia river."^[17]

Chamberlin describes her formative years at Wallamet University in great detail and with much gratitude. She notes, "among the students of those days were some who, in later years, played a prominent part in the history of our state: Frederick Schwatka, distinguished explorer of Alaska and the Artic regions; Sylvester Simpson and his gifted brother Samuel, whose 'Beautiful Willamette' and other poems, won for him the title of Oregon's Poet Laureate; and John B Waldo (Joseph's nephew) a Justice of the Supreme Court of Oregon. Their faces became familiar to me in the chapel services. One sweetfaced girl I recall, always stood by the piano, to assist in the singing, with the choir. They called her Fannie Willson. Today her children and grandchildren refer to her by the endearing name of "Grandma" and cherish the memory of Mrs. JK Gill" as Frances A Willson married Joseph Kaye Gill, American retailer, publisher, and founder of JK Gill Company.^[18]

Appearing in The Sunday Oregon, June 23, 1918, Memoirs of 50 Fruitful Years, Address to Alumni by Miss Ellen Chamberlain, an 1868 alumna of Wallamet University, recalled the dedication of the school's 1867 Waller Hall when the school community "marched" from the old school building to the new and her fondness of Joseph Waldo, "In the midst of that group, his silver-crowned head leaning upon his cane, sat one of Old Willamette's staunchest friends, In fact, a friend to everybody he seemed, for everybody called him



Waller Hall, 1868 From Oregon and Its Institutions; Comprising a Full History of the Willamette University. By Gustavus Hines, Carlton & Porter, 1868.

'uncle' Joe Waldo. A welcome guest into every home, bringing good cheer by his sunny presence, he trod the highways and byways of life performing many a deed of kindness, speaking words of encouragement to those of troubled hearts."^[19]

Chamberlin wasn't the only person writing about Waldo. Neighbor James (Jay) W. Cox's original manuscript written about 1914 and published in "Marion County Historical Society Marion County History, Vol 3" (1957), recalls his home "on a farm a few miles south of Salem, and one of the events of my boyhood was when some of the 'folks from town' came out to make us a visit."^[20] He writes, "Another family whose names are associated with my earliest recollections were the Waldos. Uncle Dan, everybody knew. His name is writ on the everlasting hills in one of the fairest spots in Oregon. But the one whose visit was hailed with the greatest delight by us children was Uncle Joe Waldo, a brother of Uncle Dan. He was just 'Uncle Joe' to every child in the country; he lived and died a bachelor, but in his sunny heart there was room for love for every child he met. An epoch in my life was when Uncle Joe arrived at our house at night fall, with his budget of kindly gossip. (There were no daily newspapers in those days). That was forty years ago, but Uncle Joe's snow white hair, kindly face and thin piping voice are as familiar to me as though it were yesterday."^[21]

VIII. Meyer Family Farm Pre-Civil War Barn Raise in 1854

In The Impact of the Donation Land Law Upon the Development of Oregon (1994), Elwin E Grout writes about Salem's early pioneers and their economy. "The market activities of farmers on the Oregon rural frontier indicate that providing for the family was their primary concern. This was accomplished with help from the rest of the community. Each household provided something necessary for the community, whether it was agricultural labor, or goods or services. Households developed an interdependence. Labor pools, secondary occupations, labor exchange, and economic interdependence all served to

bind the households into a community." Virgil Pringle, for example, was a mason who worked frequently in the winter of 1853 making chimneys for his neighbors. Grout points out that a good barn was crucial for a successful working farm and because significant labor and resources were required to raise a barn, it was essential for neighbors to pitch in to help one another. The neighborhood raised more than 12 barns between 1854 and 1855, including, we might conclude from Smith's diary too, the 1854 barn, hay loft, and lean-to on the Meyer Family Farm.^[22]



Waldo's 1854 barn, loft, and lean-to currently on the Meyer Family Farm

IX. Fabritus Smith Diaries, 1854–1858

Fabritus Smith's diaries and financial ledgers housed at the University of Oregon's Special Collections and University Archives confirm these accounts. In his "Book-Keeping Account Book for the Farmer" diary, Smith accounts his daily activities in 1854 and 1855 and keeps a cash ledger for 1856 and 1858.^[23] Some of the activities noted in his diary include: the day's weather conditions; raising cattle, sheep, hogs, and chickens; hunting and breaking horses; fixing and moving fences; going into town for the butcher and mill; attending meetings and Sunday church; tending the orchard, gardens, and fields; planting and harvesting potatoes, cabbage, corn, onions, oats, timothy grass, and wheat; planting melons in the fruit garden; using horses to plow the oats; thrashing and cleaning the wheat; branding his calves; driving cattle; hunting for deer and cougar; killing his hogs, sheep, and cattle; working on the barn, its cellar, and hen house; tending his smoke house; staying home and writing letters; and serving six days as a juror. Smith sold beef to his neighbors including Waldo for 10 cents per pound, hauled wood in winter with a sleigh, helped his neighbors mend their fences, barns, and wagons, hauled lumber, branded animals, loaned out his horses and wagon, and raised new barns. Waldo, Craft, Watt, Holinan, Minto, Pringle, Carey, Fullerton, Patterson, Reed, Townsend, Davidson, and a cousin David, the first relative to visit him in Oregon in 1855, are all mentioned.

Due to a backlog in the Oregon City survey office, Waldo's formal patent was issued posthumously on June 13, 1873 and recorded on May 1, 1875, and was acquired by Smith. A copy of the original patent resides with Fabritus Smith's diaries [A191, 35025042868170] at the University of Oregon's Special Collections and University Archives, with BLM GLO Records, and Marion County Clerk's Office Licensing and Recording.^[24]

X. Waldo Dies, Smith Obtains Property

The original story ends when after 25 years in Oregon, Waldo died on November 24, 1871 while on a trip to Virginia to visit his sister.^[25] A letter written by Waldo's nephew, Oregon F Morgan to Smith, on Dec 3, 1871 says, "It was very unexpected to all of us and Uncle Joe, himself. ... He had all the leading physicians of the place and the very best care, but all to no purpose. ... The disease appeared to be of the stomach, suffering terribly, and screaming for help."^[26]

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Smith's January 1854 Diary entries

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Smith's July 1854 Diary entries

Waldo's Last Will and Testament reads,

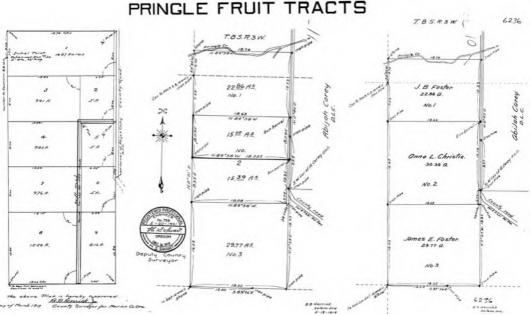
"I, Joseph Waldo of Salem, State of Oregon, make this my Last Will and Testament. I will to my sister Betsy Morgan now living in Marion County, West Virginia, one Gold Draft left with her by me — also Ten thousand dollars in currency drafts, also now in her possession — also some Four hundred and Fifty dollars cash now also in her possession — also about One hundred dollars cash, which I handed to Nathan Goff where I am sick. My said sister is to pay all Doctor's bills and funeral expenses, and also Five hundred dollars to Mary Martin, Henry Martin's blind daughter. The above devise to my sister Betsy Morgan is for her sole and separate use and benefit under her sole controls and free from the debts, liabilities, and control of her husband Jacob Morgan. The above named Gold Draft is for One thousand dollars, all remainder and residue of my Estate, both Real and personal, I wish to be equally divided among my legal heirs according to the Laws governing the distribution of the property of deceased people in the State of West Virginia. Given under my hand and seal as my Last Will and Testament. Joseph Waldo."^[27]

XI. Pringle Fruit Tracts and the Fosters

While there are some gaps in research after Waldo's death and probate and after Smith obtained the property, archived records show Walter T. Stolz, Lenta D. Stolz Westacott, and Jonathan E. Bourne purchased part of the Waldo DLC on September 20, 1912 and created an 83.05 acre, nine tract subdivision, naming it Pringle Fruit Tracts. On February 17, 1916, the deed was updated to include Walter's wife, Ella McNary Stolz. By 1919, the property had been modified. Siblings John B. Foster, Anna L.

Foster Christie, and James E Foster each purchased a lot: Tracts 1) 22.86a, 2) 30.39a, and 3) 29.77a. James and his wife Nannie Ann Suttle Foster purchased their 29.77 tract on April 16, 1921.^[28] She and James had four children: Vera V Ent, Edwin C, Lawrence E, and Atwood P. Nannie died October 22, 1921.^[29] James later married Grace Price Mustard Foster and

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Three new lots created for three Foster siblings (John B., Anna L., and James E.) from Waldo's claim dated 1913, 1919, and 1921. James E Foster sold his Pringle Fruit Tracts 29.77 ac "No 3" lot to Henry and Marian Meyer on October 29, 1947.

renewed the deed on February 28, 1927 in both of their names.^[30] Census records from 1930 and 1940 show James' occupation as a "fruit farmer" and of having a "lodger" who helped with the fruit.^[31] "Salem Marion and Polk Counties Oregon December 1932 Telephone Directory" lists "Foster, James Er RFD4 Dial 116 Call 33-F-23."[32]

Foster ran many FOR SALE advertisements in Salem's Capital Journal such as on May 2, 1921 for "500 S.Cs White Leghorn chicks, one to six weeks old, 10, 20, 30 cents; will deliver to Salem. Choice logan plants \$10. James E Foster, Rt 4."^[33] The 1921 \$10 loganberry plant is equal to \$150 dollars today.^[34]

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For Sale ad: Salem Capital Journal – May 2, 1921

XII. Henry and Marian Meyer's Family Farm Legacy

One hundred years after Waldo staked his 1847 provisional land claim, Henry A and Marian L Williams Meyer continued The Farm's legacy by buying the Pringle Fruit Tracts 29.77 acres farm, from James E and Grace M Foster October 29, 1947, which included its 1915 2-story farmhouse, the 1854 barn then filled with hay and farming gear, flat to moderately sloped mixture of fields and pasture, seasonal "Split Pea River" wetlands, and its diverse and unique tree canopy with many trees designated "protected" including magnificent large-diameter Oregon white oaks within a savannah (*a threatened habitat in Oregon*) many of which are likely heritage trees from the 1800s including: Douglas Firs, the stunning prized 32" dbh (100" circumference) black walnut tree estimated to have been planted about 1878 (143 years old), and Henry's North Woods mixed oak conifer forest and creek.

Henry brought his young wife Marian and daughter Mary Ann and sons Tim and John from Portland to Salem, where the couple, following in the

footsteps of pioneer Joseph Waldo, quickly became important and respected members of the Salem community. Marian, a 1939 Marylhurst College graduate who had earned the "Miss Marylhurst 1939" title and later would be recognized with Salem's "Woman of Achievement" award in 1977, the year before her death. Henry specialized in vehicles logistics for the



President Roosevelt in retrofitted Army Jeep

U.S. Army in World War II and was instrumental in retrofitting poliostricken U.S. President Franklin Roosevelt's Army Jeep when he met

Marian in front of the farmhouse c 1947



Meyer farmhouse – c 1947

with British Prime Minister Winston Churchill at the Casablanca Conference in Morocco in 1943. He earned a battlefield promotion to Major, a Purple Heart, the European African Middle Eastern Service Medal, the WWII Victory Medal, and the American Theater Ribbon.

In Salem after the war, he became the well-respected manager of Schatz Salem Furniture store in downtown Salem, soon-to-be Salem's interior designer to the stars, including Governor Mark Hatfield and Statesman-Journal "gossip" columnist Jeryme English. Known for his wry sense of humor, precise design sense, and generous giving of his time and resources, Henry was widely-known for his high standards, attention to quality and detail for which he earned recognition as well as loyal clientele including Oregon State Senators, Governors, and Supreme Court Justices. Henry and Marian helped

establish Salem's Symphony, fostered residents of the Fairview Training Center, were founding members of Queen of Peace Catholic Church and Illahe Country Club, and were second-generation members of Portland's Multhomah Athletic Club.

Through hard work and sheer determination, on ancient Kalapuya land claimed by Joseph Waldo in the 19th century, Henry and Marian created what would become the epicenter of the Meyer family — what the family knows and loves as "The Farm" — a magical place for their six



Henry and Marian in their 1965 Excalibur

children: Mary Ann, Tim, John, Peter, James, and Molly, 17 grandchildren, 29 great-grandchildren, and two great-great-grandchildren to experience farm-life, family holidays, and annual summer gatherings.



Meyer Family Farm 32" dbh 100" circumference black walnut tree estimated to be over 143 years old, likely planted by Joseph Waldo himself

Since 1947, several generations of Meyer family members, friends, and neighbors have grown up running through its ancient oak groves, swinging from its 143-year-old black walnut tree, navigating its "Split Pea River" wetlands, chasing grasshoppers, riding horses, bucking hay, kenneling Kerry Blue Terriers, harvesting filberts and Christmas trees, picking berries, cherries, and pairs of heirloom pears, rustling up horses, chickens, ducks, peacocks, dogs, cats, goats, sheep, and llamas, and simply enjoying this heavenly farm oasis.

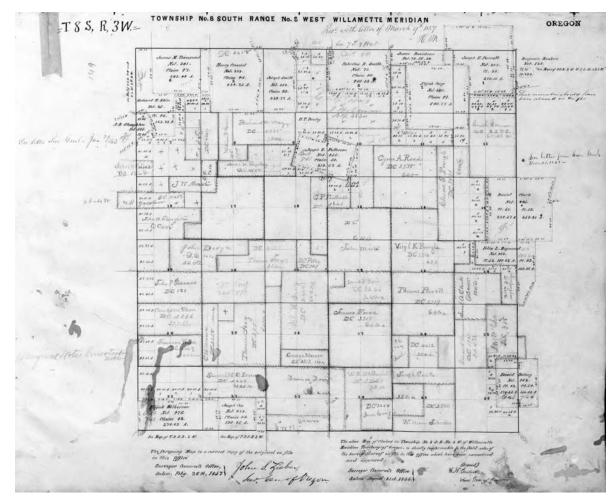
A recent bird count by Salem Audubon Society noted no less than 14 different bird species in one hour of observation, including: song sparrows, mourning doves, Cooper's hawk, black-capped chickadees, red-tailed hawks, Rufous hummingbirds,

Great horned owls, wild turkeys, and Merlin falcons. All sorts of deer, coyotes, skunks, and rabbits also call The Farm home.^[35] In A Landowner's Guide for Restoring and Managing Oregon White Oak Habitats (2004), Oregon white oak savannas and woodlands are described to be a very important piece of the ecological fabric of the Pacific Northwest. Unfortunately, these habitats and the wildlife that depend on them have diminished greatly from the past. The vast majority of the remaining Oregon white oak habitat is found on private land: farms, ranches, woodlots, forestlands, and even residential lots. Owners of land with oak habitat possess the opportunity to conserve this dwindling habitat for their own satisfaction and enjoyment and as a legacy for future generations.^[36]

Henry and Marian built their farm on the foundations laid by its forebears with clear intent for their farming and environmental preservation legacy to endure. For many family members who have lived and worked on The Farm during different stages of their lives and for its guests, The Farm has always been a home away from home.



Aerial view: Meyer Family Farm, adjoining Hilfiker Park, and neighboring Fairview Addition Subdivision c 2020



Township 8 South Range 3 West Neighborhood, Plat_334034 c August 1855

MEYER FAMILY FARM — HISTORY & LEGACY © 2020

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- 30. FamilySearch, James Edgar Foster family tree; Familysearch.org, <u>https://www.familysearch.org/tree/person/details/LLCF-G82</u> and Marion County Clerk's Office Licensing and Recording, Salem
- 31. Marion County Census Books, 1930 and 1940; Genealogical Forum of Oregon, Portland
- 32. Salem Marion and Polk Counties, Oregon, December 1932, Telephone Directory, Page 17; Genealogical Forum of Oregon, Portland
- 33. The Capital Journal, For Sale ad, May 2, 1921, Page 7, Column 3; University of Oregon, Historic Oregon Newspapers, https://oregonnews.uoregon.edu/lccn/sn90066132/1921-05-02/ed-1/seq-7/
- 34. CPI Inflation Calendar; https://www.officialdata.org/us/inflation/1800?amount=1
- 35. Gallagher, Pat, Salem Audubon Society, December 15, 2018; https://salemaudubon.org
- 36. A Landowner's Guide for Restoring and Managing Oregon White Oak Habitats (2004); https://www.blm.gov/or/districts/salem/files/white_oak_guide.pdf
- Ohmart, Velleda Smith, The Oregon Statesman, South Salem All in Woods, This Period Recalled by Mrs. Ohmart; Only One Fence Then, March 28, 1926, Page 93; University of Oregon, Historic Oregon Newspapers, <u>https://oregonnews.uoregon.edu/lccn/sn85042470/1926-03-28/ed-1/seq-93/</u>

No. 361. WARRANTY DEED-SHORT FORM	Franklin Printing Company, Por	rtland, Ore.
578 PAGE 278		
THIS INDENTURE WITNESSETH, That J	AMES E. FOSTER and GRACE M. FO	OSTER
his wife,		
	rantor_5_ for and in consideration of the	
	rold, and by these presents dogrant, b	pargain,
All and the local second	MARIAN W. MEYER, his wife, as	ina tana sa
tenants by the entirety		antraktionitus par
their heirs and assigns, the following describe	ed premises, to-wit:	
sections 10 and 11 in Town the sillamette Meridian, M thence S. 39 degrees 26' E N. 0° 23' E. 18.93 chains, of the Donation Land Claim West 38 links; thence S. 0 thence West 18.08 chains t sections 10 and 11; thence to the place of beginning acres of land.	Larion County, Gregon; 1. 18.35 chains; thence 1 to the S. M. corner 1 of Abijah Carey; thence 10 23' m. 2.72 chains; 10 the Line between 10 couth 16.03 chains	
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PAC- APT TITLES

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VOL 378 PAGE 279 STATE OF OREGON, 28. Marion County of BE IT REMEMBERED, That on this 2 9 7 day of October A. D. 19 47. before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named. JAMES E. FOSTER and GRACE M. FOSTER, his wife who are known to me to be the identical person & described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily. IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal, the day and year last above written. en Notary Public for Oregon. 4-9-49 My Commission Expires... By STATE OF OREGON, as received for record on Vilness my hand and seal of County ounty of certify that the within Warranty Record of Deeds of said County. 111 FROM THE OFFICE OF Recorder of Conveyances. MEYZR, TO Tweed 0 000 instrument)eed Deputy. NUX on page NU .. and 35 53 D

MEYER FAMILY FARM — HISTORY & LEGACY © 2020



NEIGHBORHOOD ASSOCIATION 555 LIBERTY ST. SE RM. 305 SALEM OR 97301 • 503-588-6207 • WWW.CITYOFSALEM.NET/NEIGHBOR

September 26, 2021

City of Salem Planning Division 555 Liberty Street SE Salem OR 97301 Attn: Aaron Panko

Re: Application for Phase 2 138-Lot Single Family Residential Subdivision at 4540 Pringle Rd SE. Subdivision Case No SUB21-09

The South Gateway Neighborhood Association (SGNA) concurs with the comments submitted by the Morningside Neighborhood Association regarding the proposed subdivision of the Meyer Farm Property. SGNA agrees that the proposed subdivision presents serious traffic and tree preservation issues. In addition, to the Morningside concerns, SGNA has the following concerns:

Hillfiker & Sunnyside Intersection Concerns – The intersection at Hillfiker & Sunnyside is already congested and the congestion will increase considerably when the new section of Hillfiker, which already connects with Sunnyside and Commercial goes to Battle Creek. It's recommended that the Sunnyside and Hillfiker intersection be improved with a stop sign or traffic light.

Tree Removal – The proposed tree removal is totally misaligned with city, state and national proposals and goals regarding Climate Change. Specially, 70% tree removal will greatly hamper the City of Salem's ability to reduce carbon emissions.

SGNA agrees that Meyer Farm property is a unique property that should remain an open space for the enjoyment of Salem residents. Thank you.

Glenn Baly

Llemm W. Baly

Chair South Gateway Neighborhood Association

From: Sent: To: Cc: Subject: Attachments: Lisa Anderson-Ogilvie Monday, September 20, 2021 9:28 AM Trevor Phillips; Dan Atchison; Peter Fernandez Aaron Panko RE: The Woods at Fairview SUB21-09 NOF-RFC.pdf

Councilor Phillips,

We will include this communication in the case record. The subdivision application has been deemed complete and notice went out last week – see attached. It is still being reviewed by City staff, but we are happy to meet and discuss.

Thanks,

- Lisa | 503-540-2381

From: Trevor Phillips <TPhillips@cityofsalem.net>
Sent: Sunday, September 19, 2021 3:36 PM
To: Mark wigg <mark_wigg@hotmail.com>; Dan Atchison <DAtchison@cityofsalem.net>; Peter Fernandez
<PFERNANDEZ@cityofsalem.net>; Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Subject: Re: The Woods at Fairview

Dan Atchison,

I think that I may have gotten an ex parte communication regarding the Potential development of the Meyers Family farm.

My family walked to Trader Joes today. As we walked past the Meyer's family farm property, we saw posted signage that make it look like a development may have gone into the application process at the city, which could make the email from Mark Wigg an ex parte communication. If possible, could we add Mark's email to the official record. I haven't really read his email details.

Peter and Lisa,

Is there an application regarding the Meyer's family farm property? If so, I'll probably need to talk with you to understand the implications of this property that we have discussed previously.

Sincerely, Trevor Phillips Ward 3, Salem City Councilor 503-569-5410

From: Mark wigg <<u>mark_wigg@hotmail.com</u>>
Sent: Sunday, September 19, 2021 12:19 PM
To: Vanessa Nordyke <<u>VNordyke@cityofsalem.net</u>>; Tom Andersen <<u>TAndersen@cityofsalem.net</u>>; Trevor Phillips
<<u>TPhillips@cityofsalem.net</u>>
Subject: Fw: The Woods at Fairview

Creating the Salem we want. Trevor should love this.

From: Mark wigg <<u>mark_wigg@hotmail.com</u>>
Sent: Sunday, September 19, 2021 12:15 PM
To: jmumper@toast.net <jmumper@toast.net}; helen caswell <<u>helenjcaswell@gmail.com</u>>; Geoffrey James A. I. A.
<<u>geoffreyjames@comcast.net</u>>; richard reid <<u>richard@bluffhouse.org</u>>
Subject: Re: The Woods at Fairview

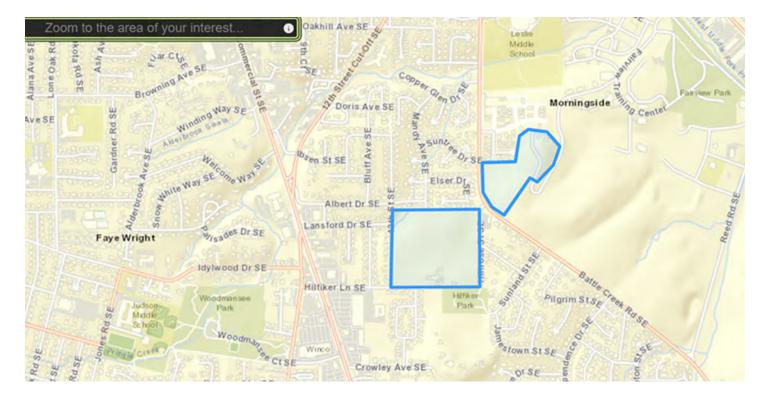
Jerry,

It is wonderful that you held the Fairview development to the approved plan that protects the 14 acres on the corner of Pringle and Battle Creek roads.

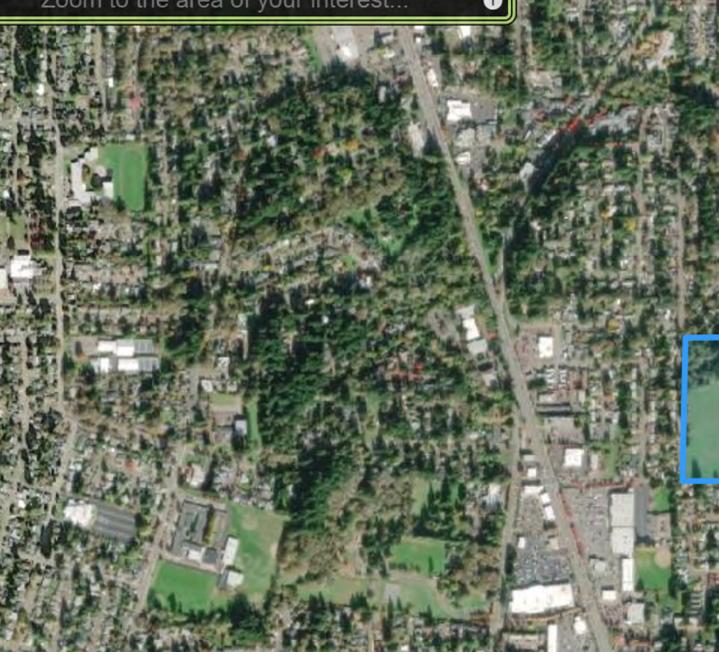
The others in this email are working to protect the Meyer Farm, opposite the Fairview protected area. When the city protects both we will have a string of parkland from Judson to Leslie and to the industrial area. This will help wildlife and entice more people to walk.

Mark Wigg

971-600-6607



Zoom to the area of your interest...



From: Jerry Mumper <jmumper@toast.net Sent: Sunday, September 19, 2021 11:49 AM To: mark_wigg@hotmail.com <mark_wigg@hotmail.com Subject: The Woods at Fairview

Mark,

Thank you for spending time talking with me yesterday. I appreciate the suggestions that you had on how we might work together. I am including a couple of maps plus a picture of a couple of residents of the woods. These are two of the three baby great horned owls that spent a couple of weeks with us this spring learning how to fly.

Thanks again Jerry Mumper 503-910-5651

P.S. As I am computer illiterate, I am having trouble sending the maps I wanted to send. I will keep trying, but in the meantime the property is parcel 2 of P.P. 2015-029

From:	Heather Cohen <heatherbcohen@gmail.com></heatherbcohen@gmail.com>
Sent:	Tuesday, September 21, 2021 2:27 PM
То:	Aaron Panko
Subject:	4540 Pringle rd development, SUB21-09

Good afternoon,

I just received the notice of filing for subdivision case no SUB21-09. I just wanted to clarify that these will be single family homes and not apartments, is that correct? I believe there were earlier plans to make it multi family units so I am just checking.

Thanks for your time,

Heather Cohen 4530 Chaparral dr se

Sent from my iPhone

From:	Melissa Rasch <melissa.rasch@yahoo.com></melissa.rasch@yahoo.com>
Sent:	Tuesday, September 21, 2021 6:39 PM
То:	Aaron Panko
Cc:	geoffreyjames@comcast.net; Melissa Rasch
Subject:	SUB21-09

Aaron,

I have concerns and questions regarding the proposed development at Hilfiker and 12th St. First and foremost is the impact on climate change. As per our Mayor, "Salem is committed to protecting our trees as a critical part of our climate change mitigation strategy". With that message in mind, how many trees will be destroyed in the development of this site? Next is the impact on the wildlife in the area. That property has been the home to deer, coyotes, turkeys and numerous other birds. They will be forced from their habitat, have limited options and ultimately will die from lack of resources. Will the street improvements on 12th St and Hilfiker be sufficient to control the influx of traffic from 138 households? Twelfth Street is a dangerous street, people drive too fast on it now. What is the plan to control the speed? How about the lot sizes of each house? How does it measure up to the lot sizes of the existing homes? Does it fit into the existing character of neighborhood? What is going to be done to lessen the impact of this housing development on climate change? I am concerned about water usage, the power grid and the sewer system. Is there a plan in place to encourage the use of solar panels, xeriscaping and other options to reduce water usage? How will the street improvements impact the properties of those living on Hilfiker and 12th St.

These are real concerns that need to be addressed before our neighborhood can support this development.

Thank you for your consideration,

Melissa Rasch

From:	Chris Elbert bigmopp@yahoo.com>
Sent:	Tuesday, September 21, 2021 8:47 PM
То:	Aaron Panko
Subject:	Proposed Meyer Farm development - Subdivision Case No. SUB21-09

9/21/2021

Mr. Panko,

I am a property owner living on Kampstra St, approximately one block from the subject property. I have reviewed the proposal and have the following comments:

- I like that the development will be entirely single-family homes. I would not view it so favorably if apartments/condominiums were included. So I have nothing against the development itself.

- My chief concerns revolve around traffic congestion and pedestrian safety. Building this many new homes will result in a significant increase in traffic on the existing section of Hilfiker Ln out to Commercial St. The half-block of Hilfiker immediately east of Commercial already sees traffic backups from drivers shopping at Trader Joe's and Walgreens during most hours of the day, and adding 138 residences also using this access to Commercial St would just make this problem much worse.

- These problems mostly occur because the intersection of Hilfiker & Commercial is significantly under-engineered for the amount of traffic currently using it. It definitely will be less functional for any increase in its traffic. Re-designing the intersection is on the city's near-future agenda, so this needs to be fast-tracked and completed before allowing a significant increase in the neighborhood's population to take place.

- As the many businesses along Commercial will be within easy walking distance of the new development, it is natural to expect that there will also be a proportional increase in foot traffic along Hilfiker. I assume that adequate sidewalks will be included in the new development. However, there are few sidewalks currently in the existing neighborhood. Right now, there's only a sidewalk along the south side of Hilfiker; there is no sidewalk at all on the north side. The side streets to the north (12th and Kampstra) also lack sidewalks. I foresee this being a significant safety issue, as the combination of increased vehicle and increased pedestrian traffic will create a dangerous situation for both, walkers especially. This also really needs to be addressed in city and developer plans before people begin moving into the new homes.

- It should also be expected that the extension of Hilfiker Ln down to Battle Creek Rd/Pringle Rd will see significant use as a connector to/from Commercial St. by new residents, current residents, and outsiders. The few existing streets that join these two major road are roundabout and windy, while the newly-extended Hilfiker looks to be much more direct. So over time, increased traffic will gravitate to using it. And this will be especially dangerous since cars driving eastbound on the Hilfiker efxtension will be going downhill and will naturally pick up speed past these new homes. I'm especially concerned about children being at risk here. So safety needs to be a foremost consideration in designing the Hilfiker extension.

- The inclusion of some open space is very welcome, and in conjunction with the city's proposed development of Hilfiker Park will be a great addition to our neighborhood. I hope also that some way is included to create walking access from our neighborhood to Hilfiker Park, which currently is unavailable to us.

Thank you for listening to my concerns.

Sincerely,

Chris Elbert 4362 Kampstra St SE Salem, OR bigmopp@yahoo.com

From:	Heather Cohen <heatherbcohen@gmail.com></heatherbcohen@gmail.com>
Sent:	Wednesday, September 22, 2021 11:19 AM
То:	Aaron Panko; Geoffrey James; Chris Hoy; Tom Andersen;
	Sen.DebPatterson@oregonlegislature.gov;
	Rep.RaquelMooreGreen@oregonlegislature.gov
Cc:	Heather Cohen
Subject:	SUB21-09, New Subdivision with 138 units
Attachments:	IMG_3832.jpg; IMG_3845.jpg; IMG_3835.jpg; IMG_3839.jpg; IMG_3847.jpg; IMG_ 3849.jpg; IMG_3848.jpg; IMG_3850.jpg; IMG_3851.jpg

All,

Like so many of my neighbors, I am concerned about the development of 138 single family units at Hilfiker and 12th or what used to be the Hilfiker property. While I am not opposed to development per se or the construction of single family units, the scope and breadth of this project seems intent to extract every last dollar to the detriment of the neighborhood. The Hilfiker property is home to much wildlife. I have witnessed scores of deer, turkeys, owls, woodpeckers, voles, and a multitude of birds while walking my dog around the property. Many of this wildlife is likely protected and/or endangered. How can this development be approved without at least performing an environmental impact study? It is also the home to many of Oregon's treasured, and protected, white oaks, most of which will be destroyed in the building of this subdivision. Salem's own forestry strategic plan sets six goals for the city, the first of which is to protect, increase and enhance Salem's tree canopy. The journal Science recently found that planting trees can reduce carbon. The New York Times found neighborhoods without significant tree canopies could be 20 degrees hotter on a scorching summer day, correlating healthy neighborhoods as those with more trees. The building of this many new units will not come without a cost and will be a strain on already burdened resources. The traffic on Hilfiker Lane SE is already at its breaking point due to the proximity of shopping. Expanding the road will mean cutting down many stately trees that add to the character of the neighborhood. How can this small neighborhood sustain such a large increase to the power grid, trash collection, water usage, and sewage systems? These questions would not be asked if the amount of single family units was more reasonable. Please consider these issues before you approve this development.

Please also review these pictures of the beautiful property as it currently exists.

Thank you for your time,

Heather Cohen

4530 Chaparral Dr SE

Salem, OR 97302











From: Sent: To: Subject: James Schwab <Jamesschwab9@comcast.net> Wednesday, September 22, 2021 12:14 PM Aaron Panko Subdivision Case No SUB21-09

21-113071

I have reviewed the proposal and have one comment:

It appears that traffic will greatly increase on Hillrose and on Pringle and Battle Creek. I hope that the corner of Battle Creek and Hillrose will be improved to handle the increase of traffic. A left turn lane should be added to Battle Creek at Hillrose for safety. Cars that come around the corner on Battle Creek may not see cars turning onto Hillrose.

James Schwab 1507 Freedom Loop SE Salem, Oregon 97302 503.931.8819 Jamesschwab9@comcast.net 9/22/2001

From:	Coach Steve <wvwpcoach@outlook.com></wvwpcoach@outlook.com>
Sent:	Wednesday, September 22, 2021 7:28 PM
То:	Aaron Panko
Cc:	geoffreyjames@comcast.net
Subject:	Subdivision Case No. SUB21-09

Good evening Aaron,

We received the Notice of Filing for the Meyer Farm subdivision case No. SUB21-09.

We would like to express a few concerns we have with the proposal as defined in the filing.

- The Battle Creek/Pringle curve is a minimum site curve and currently traffic going north on Battle Creek are not permitted to turn left at the proposed Hilfliker/Hillrose corner.
 - I do not see this being addressed in the proposal.
- This neighborhood was not designed as a through way and by connecting Battle Creek/Pringle to Commercial with Hilfliker you will be creating a traffic nightmare with more and more cars looking to avoid traffic on Commercial.
- Currently the intersection of Hilfliker and Commercial is not designed to handle current traffic and with limited space on the west side of Commercial it cannot truly be fixed. I do not see this addressed in the proposal.
 - With the addition of the new Costco coming traffic on these roads will increase and the addition of more housing and questionable traffic decisions will likely lead to more accidents, traffic backups and people looking for a presumed shortcut.
 - Has there been a street usage study done at the Battle Creek/Pringle curve at Hillrose?
 - Has there been a speed study complete for this section of road?
- Currently not in the proposal, Sylvan Ave an unimproved road with no curbs and sidewalks. Sylvan is currently being used by members of the Cambridge community to get to northbound Pringle at a cost of safety for those of us who live on Sylvan.
 - Has there been a street usage study done on Sylvan Ave?
 - Has there been a speed study completed for Sylvan Ave?
 - I challenge you or any member of your staff to visit with us and watch the cars drive up and down Sylvan Ave. You will be amazed at the speed in which they drive on this narrow unimproved road and not one of them are a residence of Sylvan Ave.
- Any improvements made to Sylvan Ave will not benefit the residence of Sylvan Ave but in fact will have the opposite effect.
- The land adjacent to Hillrose is designated wetlands and part of the restoration project completed by the past land owners in 2008 2010 with support from Marion SWCD Landowners Assistance Program.
 - I do not see this information in the filing.
 - Will this restoration be preserved?
- I was under the impression Salem was the Tree City. If this is the case explain to me why close to 70% of the trees on the Meyer Farm will not make it through this development according to the proposal?
 - o Is there a valid reason more trees will not be saved?

Finally, the development of the Meyer Farm will alter the beauty of the neighborhood and South Salem in general. The city has a chance to make something amazing with this property where wildlife lives and thrives in an urban sitting

adding value to the community. We already have enough unfinished developments to the east of Battle Creek and more than enough undeveloped property in South Salem to sustain the needs of future growth for years to come.

I do hope you will evaluate the traffic, neighborhood, safety, wildlife and wetland concerns I have mentioned above before approving the current proposed development of this property.

Please confirm receipt of this email.

Sincerely, Steve and Kim Sessa 1449 Sylvan Ave. SE 503-930-7189

From:	Patricia Snowfox <snowypatfox@gmail.com></snowypatfox@gmail.com>
Sent:	Thursday, September 23, 2021 9:39 AM
To:	Aaron Panko
Subject:	Salem Land Use Applications
Follow Up Flag:	Follow up
Flag Status:	Completed

Hello Aaron Panko:

I would like to understand better what is planned for the streets in this 29.68 A parcel proposal.

Would you be so kind as to take a moment to explain or send me a map showing:

1) the connectivity of streets that is being proposed (Hilfiker Lane and 12th Street);

and

2) the layout of the 138 single family lots?

Regarding streets, are any changes planned to Hilfiker Park that would connect these streets to Sunland Street or Hilfrose Street?

Thank you.

I look forward to hearing from you.

Patty Snowfox 503-508-3-54

From:	THERESA BYRNE <byrne333@comcast.net></byrne333@comcast.net>
Sent:	Thursday, September 23, 2021 6:54 PM
То:	Aaron Panko
Subject:	Subdivision Case No. SUB21-09

The subdivision application lists 3 alternative street standards (shown below).

The applicant is requesting alternative street standards to:
1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
2) Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and
3) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity

standards in SRC Chapter 803.

How wide are they proposing 12th Street will be where it borders their property, including where it borders the "Open Space"? How wide will the pavement be along 12th Street? Will there be curbs and sidewalks on both sides of the street?

I don't understand road grades, but they are requesting to increase the maximum grade on 12th Street SE from 12% to 17.9%. I walk along that portion of 12th Street daily, but rarely drive it due to it being so narrow and having limited sight distance due to the steepness of the road. Do they want to make the already steep portion of 12th Street even steeper? What are they planning to do that would require a steeper street?

Thankyou. Theresa Byrne 1175 Duffield Heights Ave SE September 23, 2021

Kathy and Steve Sansone

280 Albert Drive SE

Salem, OR 97302

Subdivision Case No. SUB21-09

Address: 4540 Pringle Rd. SE Salem, OR 97302

We respectfully, but strongly ,object to the above project for the following reasons:

1. Removing over 600 Of 800 trees, even if some are not in great shape, is unconscionable considering air quality, climate change, and aesthetics in the neighborhood. Morningside neighborhoods, like many in our city, need to be part of the solution, and planting more trees, rather than eliminating existing ones allow us to be a solution rather than contributors to the problem.

2. Traffic is already a serious problem on Mandy and Albert Dr. as drivers take a shortcut to access Commercial St. and to get to Trader Joe's, Walgreen's, and other businesses. The traffic has increased significantly over the past three years with the Fairview Addition development on Pringle and the hundreds of apartments at The Grove off Reed Rd. SE. It is a serious issue already without the addition of 138 home sites. Very probably, each of those 138 homes might have 2 cars, increasing the number of cars on our small streets by 276 in this area alone.

3. Most lots adjacent to the property are 7000 sq. ft. The addition of 4000 sq. ft. lots in the proposal not only does not mesh, but it also makes for too high density and increases the above mentioned traffic problems with additional vehicles. Couple that with the tree removal, additional water requirements, and increasing air pollution, and clearly, the livability impact will be a negative one.

4. Over the past few years, the Morningside neighborhoods have done more than their share to accommodate new housing. Infill is a common sight along Madrona and other nearby streets. Pringle Creek Community, the Fairview Addition, The Grove multi-level and dense apartments are all well underway. How much new housing must one neighborhood bear?

4. The wildlife: deer, raccoons, coyotes, skunks, squirrels, birds, etc. will all be displaced as their habitat will be ruined.

5. We moved to this neighborhood 40 years ago. Much of it was a plum orchard at the time, and we understand that change is inevitable, and that housing is in great demand in our city. We implore you to consider when neighborhoods like ours are already at capacity, and that the quality of life, for which Salem has been known in the past, will disappear.

From:Maureen Foelkl <mfoelkl@gmail.com>Sent:Friday, September 24, 2021 2:49 PMTo:Aaron PankoCc:geoffreyjames@comcast.netSubject:Meyer Property Development

City of Salem

September 24, 2021

My name is Maureen Foelkl and I reside at 4530 Sunland Street in Salem. I'm writing on behalf of the livable factor here in our city. The Meyer property development is another example of how the City is failing in a number of aspects to provide a sustainable lifestyle for our population and the wildlife.

I realize that the property will be developed but this must be accomplished in a thoughtful manner. How is removing over 73% of the trees match the City's plan for clean air and climate change? <u>https://www.cityofsalem.net/Pages/climate-action-plan.aspx</u>

It has been documented that we will have an increase in greenhouse gases in the atmosphere if humans continue to destroy the land for their own benefit.

So, how can we call ourselves a Tree City when the people we have elected continue to approve of developments that are just the opposite? The city claims to protect our White oak trees. I am yet to see that happen in my neighborhood. These trees support the lives of a number of species. Please review the following water council newsletter in case you have any doubts about the importance of preserving our native oaks, file:///C:/Users/mfoel/Downloads/Fall%202021%20Watershed%20Events.pdf

The plans to increase congestion in our neighborhood are another concern. As I was leaving for work from my Sunland address on Sept. 24, 2021, I headed north on Battle Creek to discover a dead doe along the side of the road. Developers have left little to no areas for our wildlife to thrive. Adding more houses and more traffic will only exasperate the current situation. There is little doubt that this committee cares more about the developers and future tax money than the health and welfare of the community.

My hope for the forthcoming generations, both human and wildlife is that we as a society begin to view that our decisions of today will impact the quality of life in Salem in the future.

Sincerely, Maureen Foelkl National Teacher Hall of Fame Member Presidential Award for Math and Science Teacher Awardee 4530 Sunland Street SE Salem, OR 97302

From: Sent: To: Subject: Rachael Atchison <occupyrachael@gmail.com> Saturday, September 25, 2021 2:50 PM Aaron Panko Subdivision case no. SUB21-09

September 25, 2021

Aaron Panko City of Salem Planning Division 555 Liberty Street SE, Room 305 Salem, OR 97301

Dear Mr. Panko,

We are writing to express our concerns regarding Subdivision case no. SUB21-09 in Southeast Salem. In this day and age, facing an extreme climate crisis, our city should be doing everything it can to increase carbon capture and mitigate global warming. Taking this into consideration, it makes no sense to remove 451 trees to replace them with a mere 138 single family homes. This project simply does not generate enough housing to make that tree loss acceptable. Any project approved should take into consideration the need for denser (truly affordable) housing and tree preservation. There are plenty of areas in this city that can be developed vertically in a truly sustainable manner. We need to create density in areas where trees have already been removed.

I hope you listen to our concerns and make wise decisions about a sustainable future for Salem. We must act now to put a livable environment ahead of developer profit.

Rachael Atchison and William Wherity 3589 Pringle Road SE, Salem, OR 97302

From:	Annie Morton <5m@comcast.net>
Sent:	Sunday, September 26, 2021 12:05 PM
То:	Aaron Panko
Cc:	morton.steve52@gmail.com
Subject:	Comments Regarding Subdivision Case No. SUB21-09

Dear Mr. Panko,

We live on Albert Drive adjacent to the proposed subdivision (SUB21-09). We have reviewed the proposal and have the following comments about this development plan:

1) Traffic: A traffic study conducted by the City of Salem two years ago resulted in the approval for speedbumps on Albert Drive. However, we were subsequently informed there were no funds available for the installation of the approved speedbumps. Since then, the development of Fairview Additions, Pringle Creek Community, and The Grove, have resulted in even more traffic. The construction of COSTCO is sure to impact us as well. With the increased development, speedbumps are crucial for safety and livability for all people living on Albert Drive and adjacent collector streets in the neighborhood.

2) Tree protection: We would like to see more wooded areas protected in this plan. In light of increased global warming, removing 70% of the trees on this property seems short-sighted. Consider protecting additional wooded areas in this plan.

3) Management of wooded areas: We are pleased to see the lower wooded area is being preserved. This naturalized area provides a safe habitat for birds and limited wildlife. Who will be responsible for management of the wooded area that is in the northwest corner of the proposed development? Management of this area is a concern due to water drainage including the culvert behind 1260 Albert Drive. The culvert is in need of repair and maintenance under existing conditions. We do our best to maintain this culvert during times of heavy rain to prevent flooding. Will there be a management plan for wooded areas of this development?

Thank you for addressing our concerns.

Sincerely,

Annie and Steve Morton 1260 Albert Drive SE Salem, OR 97302

5m@comcast.net

From:	Katherine Douglas <douglasclan5@aol.com></douglasclan5@aol.com>
Sent:	Sunday, September 26, 2021 4:18 PM
То:	Aaron Panko
Subject:	subdivision case No. SUB21-09

This email is regarding the Land use request located at 4540 Pringle Rd. SE, Salem OR 97302 Subdivision Case No. SUB21-09

As long time residents who live directly across the street from this proposed subdivision we are writing to let the planning commission in charge of this project know that we highly object to the proposed plans that we were sent and that we have reviewed. There are many pertinent reasons for our objections to this ill conceived plan.

First and foremost we have strident objections concerning the impact that this subdivision will have on the traffic flow and safety in and around this area. If you've done your research and looked at the traffic patterns at the intersection of Hilfiker and Commercial Street you will have already seen that this intersection is currently already a problem concerning traffic flow and vehicular accidents. Adding up to 138 dwellings with up to or exceeding 2 cars per household you should be able to see the definite problem that this subdivision will cause at that intersection. Your current plan will not be sufficient to take care of the added traffic issues that your subdivision plan will cause at this intersection.

We are also highly concerned about the dangerous conditions that this subdivision will cause on 12th St directly across from the land in question. 12th St. is a blind hill with little to no visibility. We live at the top of this blind hill and even though the slow speed is posted and there is a blind hill sign these have done little to remove the dangerous situation we are faced with. It is our understanding that there is a plan in place to grade our hill to hopefully "remove" the blind spot. We also have objections to this part of the plan because of the horrific effect it will have on our already steep driveway. Grading the hill will only serve to make our driveway's street access even steeper. During the years that we have lived here there have been many incidents including a fatal car accident on this street. I would question whether the engineers and planners of this subdivision are willing to take legal responsibility for traffic accidents that will occur from the added traffic on the streets that surround this land.

We have lived in our house for almost 30 years so we are very familiar with the traffic patterns, geology, wildlife, and storm water issues in this area. It is obvious that the engineers and planners do not have the same understanding of this area. Storm water is a very real issue when living on a hilly area and with the proposed subdivision I can see run off issues in the future. We are very concerned about our property values being adversely affected with the proposed subdivision. Like most people. we have invested ourselves and our finances in our property and your proposed subdivision is a serious threat to our investment. This plan will remove the view from our house. Just like a mountain or coastal view affects the value of a property this wildlife view and low noise levels affects the value of our property. How will this be addressed by the planners and engineers of this project?

It was our understanding that the land that is being proposed as a subdivision was only zoned for Residential Agriculture and single family dwelling. We were unaware that the land in question had been rezoned for multiple family dwellings. This should have been on a ballot that citizens could vote on. I have not seen this property on any ballots over the last 5 years.

Our final objection concerning this proposal is the negative and irreversible impact that this subdivision will certainly have on the wildlife, flora and fauna that currently constitute the biome of this property. How is this issue being addressed by the planners and engineers? The insubstantial amount of open space in comparison to the developed area in the current plan will not be sufficient to address this problem. Have the planners had wildlife experts ascertain the possible endangered wildlife that makes this land their home?

We would appreciate it if you actually take our voices into account concerning this proposal and the adverse affect it will have on the living conditions and property values in this area. Our voices and our living conditions in this area should be just as important if not more important than big companies making money off of building this horrific subdivision.

Tom and Kathi Douglas 4323 12th St. S.E. Salem, OR 97302

From:	Kasi Jeffries <jeffries2009@yahoo.com></jeffries2009@yahoo.com>	
Sent:	Monday, September 27, 2021 8:42 AM	
То:	Aaron Panko	
Subject:	Subdivision Case No. SUB21-09 Address is: 4540 Pringle Rd SE, Salem OR 97302	

Subdivision Case No. SUB21-09 Address: 4540 Pringle Rd SE, Salem OR 97302

My husband and I recently purchased our first home in an area that will be directly affected by the new subdivision that is proposed at 4540 Pringle Rd. We have many concerns with this proposal. Obviously we are overwhelmed with the direct affect this will have on our personal property such as the widening of our street (Sylvan Ave) cutting into our property line, the safety of our children, increase in crime/theft, and loss of the country feel that appealed so much to us when purchasing.

We are also very concerned about the neighborhood in general. This is a well established area. Many of the home owners have lived here for decades and feel very safe. The addition of so many houses will not only increase crime but the increased traffic will also put our children and pets at risk.

Aside from the affects on the surrounding neighborhoods, we are also worried about the intersection at Battle Creek and Hillrose. This is a blind corner with just a one way turn off of Battle Creek. It's dangerous as is and the purposal is going to increase risk tremendously for vehicular travel, pedestrians, and wildlife.

We'd also like to address matter of wildlife . Deer frequent the corner at Battle Creek and Hillrose. The whole area at question is actually full of wildlife that will be displaced by the construction. These poor animals are going to be forced into busy streets to find a place to relocate. With all the new construction already in process, they are going to have a hard time finding a new home.

One of Salem's main appeals is the natural landscape. We have incredible trees and foliage that allows us to enjoy country life balancing out the hustle of a bigger city. I have lived in Salem all my life and watched so much of our simple living dissappear into new construction. Of course this is just a personal concern but I think anyone who has lived here long enough to witness these changes would agree that we are at a point that enough is enough. This isn't the same town we were born and raised in.

Thank you for taking the time to listen to our concerns and allowing us a chance to voice our opinion.

Best Wishes, Kasi and Michael Jeffries2009@yahoo.com

From:	Amelia Bray-Meehan <amelia.douglas23@gmail.com></amelia.douglas23@gmail.com>
Sent:	Monday, September 27, 2021 11:04 AM
То:	Aaron Panko
Subject:	Subdivision Case no. SUB21-09

Aaron Panko,

This email is regarding the Subdivision Case No. SUB21-09 at address 4540 Pringle Rd. SE, Salem OR 97302.

I have reviewed the proposal and I have objections and the following comments:

I used to live right across from the proposed site, and grew up loving the field and the animals there. I have been a South Salem resident my entire life.

I strongly believe putting in a new subdivision without regard for the trees, or the animals there is a huge mistake. That farmstead is one of the last remaining old farmsteads in the central Salem area and I think removing it would be doing a disservice to the residents of the city, and those that live around it.

In addition this subdivision would be massively dangerous to put in, as it stands the intersection at Commercial St. and Hilfiker is incredibly dangerous. There are accidents up there all the time due to lack of planning, if you were to have even more cars/people using it and the surrounding streets this would be negligent in my opinion. That area is not setup to support that many cars, houses, and people.

I truly hope you do not move forward with this project and instead leave it as is, maybe making it an historical site. Or come up with a different plan that is not a new housing development.

Thank you for your time,

Amelia Bray-Meehan 3264 Pioneer Dr SE, Salem OR 97302 (503) 569-2923 <u>amelia.douglas23@gmail.com</u> 09/27/2021

COMMENTS BY: Kenn Battaile, 4055 Mandy Avenue SE Salem, Oregon 97302 Telephone: 503 364 3128 Email - knbatt@hotmail.com

re: MEYERS FARM: SUBDIVISION CASE NO. SUB21-09

DENSITY:

Much of the purpose statements in the Draft Policies for the Comp Plan are directed toward increasing densities as one technique to reduce housing costs in the future. Depending upon how yo u calculate the land availability for development on the Meyers Farm - total site minus open spaces and land set aside for future development (area to remain) - and the proposed number of lots between 139 and 161 the site density ranges from 5.39 to 6.27 units per gross acre neither of which make a positive move toward increasing density - as directed by HB 2001 and 2003 in the 2021 Oregon Legislature - and thereby reducing housing cost. [Phase 1 and 2 density as shown is 5.39 units per gross acre which is inadequate to meet the requirements of state law to provide for additional housing needs within the city limits.] Development costs per residential unit for the Farm are going to place individual lot cost well over \$125,000 which does nothing for the reduction of housing cost.

Recommendation: The proposal should be denied in its present configuration and final densities should be increased to a minimum of 8.5 units per gross acre.

OPEN SPACE:

The three cited open space areas - (1) the open space/wetland in the northwest corner of the property, (2) the detention basin at the northeast corner of the property, and (3) the open space at the north end and abutting the "area to remain" are of limited use to the residents of the subdivision. On the other hand they are great places for young people to be mischievous. For example: #1 site is very steep and not visually open to abutting properties - a condition for nefarious activities by young people; #2 site is relatively small and less susceptible to nefarious activities but only if it is maintained and kept relatively clear of brush and grasses; #3 site is too small and lends itself to a trash situation because the abutting properties are very likely to fence it off so that it is hidden from community eyes, thus a potential problem - site #3 is only appropriate as an open space if it is expanded to the south to include the "large lot" that seemingly fronts on the cul-de-sac off Aldrich Street; such an increase in size would also increase the community eyes on the open space and result in less nefarious activities. In no case should the City assume ownership by dedication or failure to pay taxes on any of these open space properties

Recommendation: The developer should be required to establish a home owners association to pay the taxes and cost of maintenance of these on site open spaces.

PARK:

The Meyers Farm property is coterminous with an undeveloped park at the east end of the south property line. The undeveloped park will eventually provide an park/open space for the Meyers Farm subdivision and the surrounding residential areas, but the existing park is inadequate in size for the service area of the Farm subdivision and areas to the east, south, and west. Expansion of the park should also provide for better access by residents of the Farm subdivision without impacting the subdivision's "area to remain", which contains the farm house, etc.

Recommendation: Use the system development charges from the Meyers Farm to purchase more park property between the west property line of the park and the alley to the east of Chaparral.

HILFIKER STREET:

For the forty-five years of my residency in south Salem there has been a desire to have an east west street connection south of Madrona between Pringle/Battle Creek and Commercial Street to provide an alternative access for residents going between the residential/commercial/industrial areas of SE Salem. The proposed Hilfiker Street provides that long sought connection. The connection is more important with the greater development of both the McGilchrist and Fairview industrial areas and the residential development of the Fairview Hospital property as far east as Reed Road and even more so as development occurs east of Reed Road. Consequently, the proposed Hilfiker connection will be heavily traveled and the proposed direct and straight alignment of Hilfiker will encourage heavy and speedy traffic, which is unfortunate, especially when about 30 % of the houses in phase 1 and 2 of the Meyers Farm subdivision will abut Hilfiker. Some effort should be made to control this traffic by making the through access of Hilfiker a little more circuitous, i.e:

- A. The proposed location of Hilfiker in this subdivision should be rejected and revised as follows:
- 1. Over the long haul Hilfiker traffic should go straight east from 12th Street to Hillrose along the south Meyers Farm property line then north on Hillrose to Pringle/Battle Creek;
- 2. In the interim Hilfiker should turn 90 degrees to the north at Chaparral proceed north to an east-west street at about the north end of the "area to remain" which would terminate on the east at Hillrose. This circuitous route will give more traffic speed control and provide a Commercial Street/Pringle/Battle Creek connection without making Hilfiker a "higher speed" collector. At the same time this alignment would not negatively impact the future alignment cited in 1 above; and
- 3. The reconfiguration cited in 1 and 2 will result in:
 - a. a better intersection with the driveway of Salem Mission Faith Ministries at the SE corner of Hillrose and Pringle/Battle Creek,
 - b. no need to increase the maximum grade of Hilfiker, and
 - c. street spacing and connectivity standards should not have to be exceeded.
- B. Under all circumstances where Hilfiker is connected from 12th Street and Pringle/Battle Creek the following requirements are appropriate:
- Hilfiker between 12th Street and Commercial will need considerable improvements and a major portion of the changes should be the responsibility of the Meyers Farm developer;
- 2. At the intersection of Hilfiker and Pringle/Battle Creek the developer should be responsible for:
 - a. a right turn lane from south bound Pringle traffic onto Hilfiker, and
 - b. a left turn lane from north and west bound Battle Creek onto Hilfiker; and
- 3. Over time signalization will be required at this intersection.

Recommendation: Meet the conditions cited in A and B above.

12[™] STREET:

Recommendation:

- 1. Maintaining the grade of this street with the improvements proposed is appropriate.
- 2. The improvements along the east side of 12th Street are necessary. In addition, it would be appropriate to use the system development charges from the Meyers Farm to assist the abutting property owners with the cost of improvements on the west side of the street.

TREES:

It is not clear who hires and pays the project arborist. The City should have major input into the actions/directions of the arborist regarding the implementation of the plan to remove or retain trees. Because cut down mature trees cannot be replaced, how does the City guarantee that the arborist is following the plan for removal or retention of trees?

In most situations the removal of trees is appropriate; however, the removal of trees along rear and side property lines - outside the development envelopes - is excessive; greater efforts should be made to retain trees - particularly the oaks near property lines. For example: Sheet P3.1 Oak trees designated - numbers 4891, 4932, 4933, 4955, 4954, 4956 are to be removed; see also similar situations on Sheet P3.2, P3.3 and P3.4. More explanation and defense must be made to explain why these trees along property lines are slated for removal.

Recommendation:

1. Clarify how the city will guarantee participation and some control in the questions of removal and retention of on-site trees, and

2. The developer and arborist should provide more explanation and defense regarding the removal of trees near property lines before the trees are approved for removal.

From:	Anita Engberg <anitaengberg@centurylink.net></anitaengberg@centurylink.net>
Sent:	Monday, September 27, 2021 4:47 PM
То:	Aaron Panko
Subject:	Subdivision Case #SUB 21-09

Mr. Panko,

As a person living in the Morningside area near the Meyer Farm, I am writing to voice my concerns about the proposed subdivision of that area. I went to the meetings several years ago when extending Hilfiker St. and developing the Hilfiker Neighborhood Park was being considered. That sounded tolerable, but to now learn that the city is proposing building 138 single family homes on the nearly 30 acres of the Meyer farm is very worrisome. My understanding was that that lovely parcel would be left as open space as our city becomes more and more crowded.

Traffic: Have you sat through lights at Commercial and Hilfiker as cars hurry through in three possible directions (many without signaling their intentions)? Try driving Hilfiker when the church next to Trader Joe's lets out, or cars depart there after a sporting event. The Hilfiker /Commercial problem intersection seriously needs to be addressed.

For the east end of the Hilfiker extension to be at the junction of Pringle and Battle Creek at a blind curve on a hill belies belief. It will become a major thruway between Commercial and Pringle/Battle Creek with cars heading for I-5. Obviously there is already one subdivision across Pringle, with the hillside south between it and Reed St. to be developed. Add 138 more homes to use that corridor and there will be a massive traffic increase. And this doesn't even address the traffic Costco will generate.

I believe the City of Salem was impressed with the study of the white oaks at Bush Pasture Park, and the need to preserve as many as possible. Hopefully this same concern would be shown at the Meyer farm area. Please.....we need all the tree canopy we can get to counteract our greenhouse gases. More houses = more cars, but less trees? No, we need to preserve the white oaks for sure, and as many other healthy trees as possible as this plan goes forward.

Salem is growing, I understand that. Please consider less housing density, more tree canopy, and address the seriousness of the extension of Hilfiker and plan for the increase in traffic before it happens.

Thank you for allowing me to express my concerns.

Anita Engberg 1355 Suntree Dr. SE Salem, OR 97302 503 581-4121 <u>Anitaengberg@centurylink.net</u>

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

REGARDING:	Subdivision Case No. SUB21-09
PROJECT ADDRESS:	4540 Pringle Rd SE, Salem OR 97302
AMANDA Application No.:	21-113071-LD
COMMENT PERIOD ENDS:	October 1, 2021

SUMMARY: A proposal to develop 29.68 acres into 138 single family lots in two phases of development.

REQUEST: A phased subdivision tentative plan to divide approximately 29.68 acres into 138 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

- Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent; 1)
- Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and
- 3) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

Comments received by 5:00 p.m. Friday, October 1, 2021, will be considered in the decision process. Comments received after this date will be not considered. Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.

CASE MANAGER: Aaron Panko, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2356; E-Mail: APanko@cityofsalem.net.

For information about Planning in Salem, please visit: http://www.cityofsalem.net/planning

PLEASE CHECK THE FOLLOWING THAT APPLY:

1	1. I have reviewed the proposal and have no objections to it.	
$\overline{\sqrt{2}}$	2. I have reviewed the proposal and have the following comments:	

Name/Agency: A. Martinez	
Address:	
Phone:	
Email: adrienne 10240 sbcglobal. net	
Date: $9/20/2021$	
/ / / / PART FOLD AND DETURN THIS POSTAGE-PAID FORM	

IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS F

To: The Planning Division Re: Subdivision Case No. SUB21-09 4540 Pringle Rd. SE, Salem OR 97302

Dear Ladies and/or Sirs,

I am a very concerned citizen writing to you today to voice my passionate objections to the proposed removal of hundreds of trees unnecessarily My family and I moved to Oregon because of the positive environmental city

planning to reduce urban sprawl this new subdivision in or states capitol flies in the face of that care of the environmental impact. I would have thought that considering the past two summers of out of control fires in this particular region would give you all pause on needlessly cutting down more trees, Honestly what are you people thinking? We need all the trees we have in this area to help clean reduce the staggering amounts of pollution in the air. To lose 30% of the huge decades old trees is criminal in today's climate.

I implore you all to think about the impact this HUGE loss of natural habitat would have on the children that live and play in the area. There are TWO children's schools that would greatly benefit from cleaner air as well.

 \sim A.Martinez, Resident of Salem Oregon , Pringle Road within 2 miles of proposed subdivision.

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

REGARDING:	Subdivision Case No. SUB21-09
PROJECT ADDRESS:	4540 Pringle Rd SE, Salem OR 97302
AMANDA Application No.:	21-113071-LD
COMMENT PERIOD ENDS:	October 1, 2021

DECADDING

SUMMARY: A proposal to develop 29.68 acres into 138 single family lots in two phases of development.

REQUEST: A phased subdivision tentative plan to divide approximately 29.68 acres into 138 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting

- Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent; 1)
- Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and 2)
- 3) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are

Comments received by 5:00 p.m. Friday, October 1, 2021, will be considered in the decision process. Comments received after this date will be not considered. Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.

CASE MANAGER: Aaron Panko, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2356; E-Mail. APanko@cityofsalem.net.

For information about Planning in Salem, please visit: http://www.cityofsalem.net/planning

PLEASE CHECK THE FOLLOWING THAT APPLY: DI SO About 19921 these was a	
PLEASE CHECK THE FOLLOWING THAT APPLY: Fatality Accident at the corner of 12th 3 1. I have reviewed the proposal and have no objections to lt. Albert Part way in our front yack	Ż
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Name/Agency: Kim Pay L	
Address: 1195 ALBERT D.R. SE.	
Phone: $503 - 871 - 9136$	
Email: Kimefaiel @ compast, wat	1
Date: 9/24/2020	

IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

REGARDING:	Subdivision Case No. SUB21-09
PROJECT ADDRESS:	4540 Pringle Rd SE, Salem OR 97302
AMANDA Application No.:	21-113071-LD
COMMENT PERIOD ENDS:	October 1, 2021

SUMMARY: A proposal to develop 29.68 acres into 138 single family lots in two phases of development.

REQUEST: A phased subdivision tentative plan to divide approximately 29.68 acres into 138 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
- 2) Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and
- 3) Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

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PLEASE CHECK THE FOLLOWING THAT APPLY:

1. I have reviewed the proposal and have no objections to it.

 \checkmark 2. I have reviewed the proposal and have the following comments:

the traffic flow on Pringle. In addition the new costo will a to the traffic flow on Pringle. In addition the new costo will a	idd -
Name/Agency: <u>Many</u> Hiatt Address: <u>Tiburon</u> CF. Phone:	
Email: 14V2 Eheep@ yahoo. com	

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IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

REGARDING:	Subdivision Case No. SUB21-09
PROJECT ADDRESS:	4540 Pringle Rd SE, Salem OR 97302
AMANDA Application No.:	21-113071-LD
COMMENT PERIOD ENDS:	October 1, 2021

SUMMARY: A proposal to develop 29.68 acres into 138 single family lots in two phases of development.

REQUEST: A phased subdivision tentative plan to divide approximately 29.68 acres into 138 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
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trues, including protected Oaks is unacceptuble for creating	<u>h</u>
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vond is incredibly dangerors. Batthereck and Hillrose have a	blind curve,
	this would
Name/Agency: Jenny H.	_ CAUSE
Address: RUSEWAY CT SE Salem, OR 97302	- many accidents
Phone:	with the
Email:	increase in traffic.
Date: 9/23/2021	Ton +11(.

IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

REGARDING:	Subdivision Case No. SUB21-09
PROJECT ADDRESS:	4540 Pringle Rd SE, Salem OR 97302
AMANDA Application No.:	21-113071-LD
COMMENT PERIOD ENDS:	October 1, 2021

SUMMARY: A proposal to develop 29.68 acres into 138 single family lots in two phases of development.

REQUEST: A phased subdivision tentative plan to divide approximately 29.68 acres into 138 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
- 2) Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and
- Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

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<u>CASE MANAGER</u>: Aaron Panko, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2356; E-Mail: <u>APanko@cityofsalem.net</u>.

For information about Planning in Salem, please visit: http://www.cityofsalem.net/planning

PLEASE CHECK THE FOLLOWING THAT APPLY:

1. I have reviewed the proposal and have no objections to it.

X 2. I have reviewed the proposal and have the following comments: 1) JUSTALL SPEED BUMPS ON TRAFFICE CIRCLE ON DEUGLOGIS 12TH ST. ALREADY DAME EROES SPEEDERS ON BLAD HILL.

2) WEST SIDE 12th ST. DEVELOPMENT - IF SIDE WALKS - PLACE NEXT TO CURB - NO GREEN SPACE BETWEEN LURB & SIDEWALK. HOUSE FRONT TOO CLOSE TO STALLET.

Name/Agency: Jill DEVRIES

Address: 4383 12th ST. SE.

Phone: 503 - 569 - 4326

Email: devries 47 @ netzens, mer

Date: 9 (21 1 2021

IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

REGARDING:	Subdivision Case No. SUB21-09
PROJECT ADDRESS:	4540 Pringle Rd SE, Salem OR 97302
AMANDA Application No.:	21-113071-LD
COMMENT PERIOD ENDS:	October 1, 2021

SUMMARY: A proposal to develop 29.68 acres into 138 single family lots in two phases of development.

REQUEST: A phased subdivision tentative plan to divide approximately 29.68 acres into 138 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
- 2) Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and
- Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.

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CASE MANAGER: Aaron Panko, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2356; E-Mail: <u>APanko@cityofsalem.net</u>.

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PLEASE CHECK THE FOLLOWING THAT APPLY:

THIS PLAN KILLS LIFE

1. I have reviewed the proposal and have no objections to it. toppose	
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My cutting durn 70% + offlive trees is had for cummity MAKETHE AN URBAY	UPARK, and
Name/Agency: Kelley H. (KL)	UII pay in
Address: Roseway Et. SE Salam OR 97302	faxes
Phone:	
Email:	
Date:	

IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM

From:	David Meehan <davidmeehan7@gmail.com></davidmeehan7@gmail.com>
Sent:	Tuesday, September 28, 2021 11:51 AM
То:	Aaron Panko
Subject:	Subdivision Case No. SUB21-09

Aaron Panko,

This email is regarding the Subdivision Case No. SUB21-09 at address 4540 Pringle Rd. SE, Salem OR 97302.

I have reviewed the proposal and I have objections and the following comments:

As a long time South Salem resident, I believe putting in a new subdivision is a huge mistake. We as a city should be giving more thought to people and pedestrians than to cars and houses. This subdivision would be dangerous and negligent to put in. There are so many families with young children that live in that neighborhood or surrounding neighborhoods and the increase in car traffic would put them at greater risk. That area is simply not set up to support that many cars, houses, and people.

Also that farmstead is home to a lot of wild life that I believe should be considered in this change. I would propose leaving the site as is, it is a beautiful field at the moment with beautiful trees surrounding it. Or coming up with a new proposal, like perhaps a park.

If Salem does go forward with this approval, the development as it stands does not align with Salem's ideas for the future. It should include fewer houses, more multifamily, more greenspace and retail centers to increase walkability.

I implore you to not move forward with this project as proposed.

Thank you for your consideration,

David Bray-Meehan 3264 Pioneer Dr SE, Salem OR 97302 (503) 510-7930 <u>davidmeehan7@gmail.com</u> 09/27/2021

From: Sent: To: BillJane Hansen <billjanehansen@gmail.com> Tuesday, September 28, 2021 11:59 AM Aaron Panko

Aaron Panko,

Planner III, City of Salem Planning Division

555 Liberty Street SE, Room 305, Salem, Oregon 97301.

Re: Subdivision Case No. SUB21-09 Address is: 4540 Pringle Rd SE, Salem OR 97302

Mr. Panko,

My husband and I have lived in the area for more than 40 years. When we moved here most of the area was still in the process of being developed and we were thrilled to be on the outskirts of Salem with a considerable amount of open land surrounding the area and an old orchard across Pringle where wildlife still flourished. We're now surrounded with a multitude of new homes with even more planned as part of the Fairview project and now the city is proposing that we add to that influx with more housing in the one area of open that this community still enjoys.

My husband taught at Leslie Middle School for18 years. His classroom sizes were upwards of 40 students nineteen years ago and we doubt the situation has improved considering the new homes that have since been added in this neighborhood. Where is this new multitude of children going to attend school? Are there also plans for new middle and elementary schools to support the educational needs of the hundreds of children you plan to bring into the area?

Adding an intersection at this blind corner at Battlecreek and Pringle ... really? Granted the road has improved considerably since we moved to the area but I still remember the almost weekly accidents at that curve. Where would you suggest adding traffic control? Trying to safely get onto Pringle from our side street just north of that curve is already exciting. And since the city accessed our area to 12th Street some years ago we've had three pretty major accidents at the end of our driveway including one fatality. Once Hilficker is opened to Battlecreek we can only cringe at the impact the streets in our enclave are going to endure when people realize that access to Pringle can be obtained without having to deal with that intersection at all. The fact that this neighborhood is already anticipating a serious increase in traffic due to the approval of the building of a new Costco a mile away makes this proposal to add even more traffic more than upsetting.

I understand the attraction of adding to the tax rolls and increasing the revenue the city will enjoy but nevertheless I am compelled to tell you that this proposed addition will damage this Morningside community. Our property values will devalue, we will be dealing with a serious increase in traffic concerns, we will lose a significant portion of what little green space we still enjoy and despite all the promises to retain in part the things that make our area special those things will be at the bottom of the agenda and may, conveniently, never come to fruition. Please, don't approve this proposal.

Thank you for your attention to our concerns.

Jane Hansen

1357 Suntree SE

Salem, OR 97302

503-362-6746

From:	Molly Douglas <goodgollymissmollykate@gmail.com></goodgollymissmollykate@gmail.com>
Sent:	Tuesday, September 28, 2021 8:45 PM
То:	Aaron Panko
Subject:	Comments for Case No. SUB21-09

To Aaron Panko, Planner III,

I am writing in regards to subdivision case No. SUB21-09 at 4540 Pringle Rd SE, Salem, OR 97302. AMANDA Application No.: 21-113071-LD.

The letter I am writing you today is in opposition to the proposed development of 29.68 acres. I have reviewed the proposal and have the following comments (as listed below). I've included as many reputable sources as possible to help state my case (these include links to the CDC, WHO, and The Bureau of Land Management, and more).

I spent 20 of my formative years growing up alongside the farm that is now proposed to be developed. Even now, my parents live alongside this area and I can just imagine the massive amounts of stress they (and the neighbors of this area) will experience with what it takes to develop this amount of land (<u>source</u>). Once finalized it would no longer be the place I used to call home or a place I would enjoy bringing my own children to, to visit their grandparents.

Below I will state my case for halting this project, and an alternate proposal for the city.

Impact on wildlife and protected species:

The land and wildlife that reside in this unique biosphere contain but are not limited to: deer, hawks, raccoons, opossums, snakes, frogs, countless insects, many species of birds, and owls. Most importantly, the northern spotted owl.

The northern spotted owl is Federally listed under the Endangered Species Act as a threatened species in Washington, Oregon, and California, and State-listed as threatened in California and Oregon, and endangered in Washington (<u>source</u>). Habitat is essential and critical for the continued population of this species. To remove the old-growth habitat that this owl calls home would endanger this owl's chances of survival.

For this reason alone, the project should be entirely abandoned by the City of Salem as this not only endangers the Northern Spotted Owl but Oregon's space within the wildlife preservation community.

Environmental impacts:

The carbon footprint of adding 138 single-family lots would add to the increase of global warming. As mentioned above it would contribute to the rapidly decreasing plant, animal, and microorganism biospheres of Salem, Oregon.

For example, concrete is one of the most destructive materials on earth (<u>source</u>) and should be avoided at all costs. Those 138 single-family lots would add a *significant* amount of concrete.

Indigenous land:

The land that this subdivision is being proposed on is land that originally belonged to the following local nations (<u>source</u>):

- Kalapuya
- Confederated Tribes of Siletz Indians
- Confederated Tribes of Grand Ronde
- Santiam

In an effort to repair and strengthen our relationships with these local tribes I would ask if they have been consulted on the use of this land. And if they have not, I would request that they are (<u>source</u>).

Traffic and safety:

It has been well documented (both by local residents, and otherwise) that the areas surrounding the acreage proposed for this subdivision have become increasingly more congested over the last 20 years. I experienced this first-hand, witnessing traffic and pedestrian accidents (specifically near the intersection of Hilfiker and Commercial, and 12th street/Hilfiker).

With the addition of 138 single-family dwellings, that area could see up to 276 cars (possibly more) added to the number of traffic surrounding the area. I do not believe the plans adequately account for this significant and irreversible increase in traffic.

Proposal

My proposal would instead be to utilize this land for the people of the City of Salem. I believe that the land would be much better utilized as a community space. This would help the health of the community, as well as the plants and animals that call this area their home.

Salem could absolutely use more space for kids, and teens. This land could be utilized as a space for biking/walking trails, a community garden, and a park. Having an area like this in the heart of the city would be phenomenal to the health of the city and its residents (<u>source</u>). In fact, there are many studies on the health benefits of parks within city limits (<u>source</u>).

It would be a devastating loss to Salem to see this area utilized for yet another subdivision instead of being repurposed as a green space.

According to the World Health Organization: "Modern urban life style is associated with chronic stress, insufficient physical activity and exposure to anthropogenic environmental hazards. Urban green spaces, such as parks, playgrounds, and residential greenery, can promote mental and physical health, and reduce morbidity and mortality in urban residents by providing psychological relaxation and stress alleviation, stimulating social cohesion, supporting physical activity, and reducing exposure to air pollutants, noise and excessive heat." (Source)

Additionally, adding a green space would enable more jobs for the City of Salem (<u>source</u>). This would add longer-term economic benefits rather than the short-term benefits of building crews and site maintenance workers who will only remain for the next 1-2 years.

I would ask that you strongly consider my above comments, and what a new green space would mean to the city. It would be heartbreaking to see this area turn into another subdivision when there's so much more that could be done to help support the city of Salem.

Thank you for your time, and consideration.

Sincerely, Molly Douglas

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

REGARDING:	Subdivision Case No. SUB21-09
PROJECT ADDRESS:	4540 Pringle Rd SE, Salem OR 97302
AMANDA Application No.:	21-113071-LD
COMMENT PERIOD ENDS:	October 1, 2021

SUMMARY: A proposal to develop 29.68 acres into 138 single family lots in two phases of development.

REQUEST: A phased subdivision tentative plan to divide approximately 29.68 acres into 138 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
- 2) Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and
- Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

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<u>CASE MANAGER</u>: Aaron Panko, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2356; E-Mail: <u>APanko@cityofsalem.net</u>.

For information about Planning in Salem, please visit: http://www.cityofsalem.net/planning

PLEASE CHECK THE FOLLOWING THAT APPLY:

 1. I have reviewed the proposal and have no objections to it.
 Please see attached

 2. I have reviewed the proposal and have the following comments:
 Please see attached

 Name/Agency:
 Tom and Kathi Douglas

 Address:
 4323

 Address:
 4323

 Address:
 4323

 Jate
 St.

 Email:
 douglasclan 59

 Date:
 9-25-21

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SEP 2 9 2021

This letter is regarding the Land use request located at 4540 Pringle Rd. SE, Salem OR 97302 Subdivision Case No. SUB21-09

As long time residents who live directly across the street from this proposed subdivision we are writing to let the planning commission in charge of this project know that we highly object to the proposed plans that we were sent and that we have reviewed. There are many pertinent reasons for our objections to this ill conceived plan.

First and foremost we have strident objections concerning the impact that this subdivision will have on the traffic flow in and around this area. If you've done your research and looked at the traffic patterns at the intersection of Hilfiker and Commercial Street you will have already seen that this intersection is currently already a problem concerning traffic flow and vehicular accidents. Adding up to 138 dwellings with up to or exceeding 2 cars per household you should be able to see the definite problem that this subdivision will cause at that intersection. Your plan will not be sufficient to take care of the added traffic issues that your subdivision plan will cause at this intersection.

We are also highly concerned about the dangerous conditions that this subdivision will cause on 12th St directly across from the land in question. 12th St. is a blind hill with little to no visibility. We live at the top of this blind hill and even though the slow speed is posted and there is a blind hill sign these have done little to remove the dangerous situation we are faced with. It is our understanding that there is a plan in place to grade our hill to hopefully "remove" the blind spot. We also have objections to this part of the plan because of the horrific effect it will have on our already steep driveway. Grading the hill will only serve to make our driveway's street access even steeper. During the years that we have lived here there have been many incidents including a fatal car accident on this street. I would question whether the engineers and planners of this subdivision are willing to take legal responsibility for traffic accidents that will occur from the added traffic on the streets that surround this land.

We have lived in our house for almost 30 years so we are very familiar with the traffic patterns, geology, wildlife, and storm water issues in this area. It is obvious that the engineers and planners do not have the same understanding of this area. Storm water is a very real issue when living on a hilly area and with the proposed subdivision I can see run off issues in the future. We are very concerned about our property values being adversely affected with the proposed subdivision. Like most people. we have invested ourselves and our finances in our property and your proposed subdivision is a serious threat to our investment. This plan will remove the view from our house. Just like a mountain or coastal view affects the value of a property this wildlife view and noise levels affects the value of our property. How

will this be addressed by the planners and engineers of this project?

It was our understanding that the land that is being proposed as a subdivision was only zoned for Residential Agriculture and single family dwelling. We were unaware that the land in question had been rezoned for multiple family dwellings. This should have been on a ballot that citizens could vote on. I have not seen this property on any ballots over the last 5 years.

Our final objection concerning this proposal is the negative and irreversible impact that this subdivision will certainly have on the wildlife and trees that currently constitute the biome of this property. How is this issue being addressed by the planners and engineers? The insubstantial amount of open space in comparison to the developed area in the current plan will not be sufficient to address this problem.

We would appreciate it if you actually take our voices into account concerning this proposal and the adverse affect it will have on the living conditions and property values in this area. Our voices and our living conditions in this area should be just as important if not more important than big companies making money off of building this horrific subdivision.

Tom and Kathi Douglas

4323 12th St. S.E.

Salem, OR 97302

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

REGARDING:	Subdivision Case No. SUB21-09
PROJECT ADDRESS:	4540 Pringle Rd SE, Salem OR 97302
AMANDA Application No.:	21-113071-LD
COMMENT PERIOD ENDS:	October 1, 2021

SUMMARY: A proposal to develop 29.68 acres into 138 single family lots in two phases of development.

REQUEST: A phased subdivision tentative plan to divide approximately 29.68 acres into 138 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
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For information about Planning in Salem, please visit: http://www.cityofsalem.net/planning

PLEASE CHECK THE FOLLOWING THAT APPLY:

1. I have reviewed the proposal and have no objections to it.

X 2. I have reviewed the proposal and have the following comments: See attached letter

Name/Agency: Rachael Atchison + Will Wheri-	tu
Address: 3589 Pringle Road SE, Salem, OR	97302
Phone: (650) 455- 5583	
Email: Occupyrachael (a) qmail.com	RECEIVED
Date: 9/25/2621	<i></i>
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IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM 2 9 2021

Rachael Atchison and William Wherity

3589 Pringle Road SE, Salem, OR 97302

September 25, 2021

Aaron Panko City of Salem Planning Division 555 Liberty Street SE, Room 305 Salem, OR 97301

Dear Mr. Panko,

We are writing to express our concerns regarding Subdivision case no. SUB21-09 in Southeast Salem. In this day and age, facing an extreme climate crisis, our city should be doing everything it can to increase carbon capture and mitigate global warming.. Taking this into consideration, it makes no sense to remove 451 trees to replace them with a mere 138 single family homes. This project simply does not generate enough housing to make that tree loss acceptable. Any project approved should take into consideration the need for denser (truly affordable) housing and tree preservation. There are plenty of areas in this city that can be developed vertically in a truly sustainable manner. We need to create density in areas where trees have already been removed.

I hope you listen to our concerns and make wise decisions about a sustainable future for Salem. We must act now to put a livable environment ahead of developer profit.

Sincerely yours,

Rachael atchison Rachael Atchison Will MPVity

William Wherity

From:	Patrice Aiello <aiello973@comcast.net></aiello973@comcast.net>
Sent:	Wednesday, September 29, 2021 9:26 AM
То:	Aaron Panko
Subject:	Meyer Farm Development

Mr. Panko

I am writing to oppose the development of this property. I live at 6067 Pikes Pass so I am not a Morningside resident.

I believe that the City should purchase this property for a park. I am aware that housing is a high priority. I am also aware of the incredible amount of development that is coming to the Fairvew area and numerous housing projects that are going in here in South Gateway.

Along with this tremendous expansion of housing, there needs to be recreational open space. Developments must be balanced with adequate parks. Even with Battle Creek Park eventually being completed, the open space for these multiple developments does not exist. Minto Brown is an example already of over use. It can't absorb the thousands that will be coming.

The tiny lot size that the City is approving is already providing the extreme density to house more people and collect more taxes. Please do not make Salem into a giant and hideous tract housing project. Please, please preserve this beautiful area of the Meyer Farm.

Thank you

Patrice Aiello

From:	Jeff Graham <mugdockscot2@gmail.com></mugdockscot2@gmail.com>
Sent:	Wednesday, September 29, 2021 9:51 AM
То:	Aaron Panko
Subject:	SUB21-9

The notice of filing for SUB21-9 is insufficient for public comment for a project of this size. The application should be denied until several major concerns are addressed in a staff report and the public is given time to comment.

1. The applicant should explain how City tree preservation requirements will be met. The planning staff should clarify the City procedures for enforcing tree preservation requirements and give the consequences are if trees are removed in violation of City requirements.

2. This property is ideally located for expanding Hilfiker park. The planning staff should explain how the Park System Master Plan requirements will be met in this area.

3. The planning staff should address the potential of this land for open space in reference to the Comprehensive Plan goals for open space (page 44): "*The preservation and connection of identified natural open space areas shall be protected through public acquisition and/or land use regulation.*"

4. The applicant should provide a traffic analysis.

From:	James MacAfee <jmacafee1@msn.com></jmacafee1@msn.com>
Sent:	Wednesday, September 29, 2021 10:02 AM
То:	Aaron Panko
Subject:	Subdivision No. SUB21-09, 4540 Pringle Rd SE, Salem, OR 97302

Mr. Panko:

I live at 1320 Roseway Court SE on the north side of the proposed development and adjacent to proposed lot 99.

You are probably aware of the intense flooding of the mid-1990s which flooded my neighborhood due to the unimpeded grade of the hill that will become lots 97-113.

The City, to date, has successfully solved this problem by constructing a French drain immediately behind proposed lot 97 and within my own neighbors' property, 4250 Mandy Ave. SE, that borders proposed lots 97 and 98.

Phase 1 of the proposed subdivision needs to address future potential flooding issues due to the intense excavation and paving that will occur:

- 1. Preserve the trees along the north border at the north end of lots 97-106.
- 2. Consider adding a drain line along the north edge of the lots (which would parallel the existing French drain).
- 3. Employ temporary erosion measures until the new street/cul-de-sac for lots 97-113 is paved.

The concerns prompting these three proposals should be addressed in any City approval of the subdivision.

Sincerely,

James J. MacAfee, PC Attorney at Law OSB Number 793082 60870 Larsen Road Bend, OR 97702-9226 (503) 580-1215

From: Sent: To: Cc: Subject: Brian Perkins <brian1perkins@gmail.com> Wednesday, September 29, 2021 10:28 AM Aaron Panko Sarah Perkins Meyer Farm

Hi Aaron

left a voicemail for you and thought a follow up email would be appropriate.

Can you provide insight on to whether Sylvan and/or Sunland will be improved with sidewalks as well?

I have lived at two addresses since 1981 (1477 1981-2000) and (2004-present at 1467). In my experience this street has been forgotten about during any improvement in our area and it would be appreciated to ask that the improvements be mandatory to the developer.

After reviewing the path from Commercial to Battlecreek/Pringle it would seem obvious that Sylvan will become a thoroughfare similar to what Suntree and Mandy is now.

appreciate some feedback if an official request needs to be made.

regards,

Brian & Sarah Perkins 5035105556 brian1perkins@gmail.com

Sent from my iPhone

From:	dewdropw@aol.com
Sent:	Wednesday, September 29, 2021 10:56 AM
То:	Aaron Panko
Subject:	Meyer Farm Development

Mr. Panko,

PLEASE do not allow the Meyer Farm to be developed into ANOTHER housing tract. Salem needs AFFORABLE housing for the many Salem residents that cannot afford the outrageous home prices in our community. Another housing tract will benefit people moving from states where homes easily sell for \$1 million. Wow, look what they can get in Oregon! Hardworking, middle class people are being priced out of the housing market.

Shame on you and the City of Salem if you go through with this before dealing with the serious problem of the unsheltered, homeless and housing for the working poor in our community.

South Salem has dealt with ENOUGH building. Once the Costco on Keubler opens, it will be a traffic nightmare for everyone living in that area. What's going to happen to the old Costco? Why doesn't the City of Salem buy it and develop into TRULY affordable housing.

Daniel & Deborah West 314 Kanuku St. SE Salem, OR 97306 (503)409-2543

From:	Geoffrey Savin <gsavin@wastequip.com></gsavin@wastequip.com>
Sent:	Wednesday, September 29, 2021 12:51 PM
То:	Aaron Panko
Cc:	kjsavin@gmail.com; gksavin@gmail.com
Subject:	Subdivision case No. SUB21-09

Importance:

High

- 1. What's the timeline of completing Phase 1 and 2? Are there any set dates by which Phase 1, 2 must be completed?
- 2. The lot sizes seem very small at nearly ½ size of any lot of adjacent properties. How was the minimum lot size determined?
- 3. The plan is unclear on what the fence between Georgetown (Roseway Ct) and Phase 1 going to look like. Will the developer be responsible for building privacy wall between two subdivisions?

From:	Randie Perkins <randie.per@gmail.com></randie.per@gmail.com>
Sent:	Wednesday, September 29, 2021 3:30 PM
То:	Aaron Panko
Subject:	Subdivision Case No. SUB21-09 Proposed Meyer Farm Subdivision

I have reviewed the proposal and have the following comments:

1. The proposed subdivision will impact streets Sunland, Hillrose and Sylvan Avenues with a lot of additional traffic. These are unimproved streets which have been improved enough to handle the traffic that they already have. What assurances do we have that we will not bear any unnecessary cost to improve the streets to handle this new influx of traffic? We have been just fine with the streets as it is for the last forty years we have lived here. We already have the influx of new traffic from Cambridge Woods ever since the city connected Sunland to the Cambridge Woods subdivision. We propose that the new subdivision bear the cost for improving Hillrose, Sylvan, and Sunland to meet the standard necessary to handle the increased traffic.

2. What proposals are in place to handle the additional school requirements for a subdivision of this size? We are concerned that we will be asked to financially support the additional school requirements. Are there any provisions in the plans for this subdivision to support additional schools?

3. We object to the size of the lots proposed for the new subdivision. Lots 40 feet wide are just not wide enough for a housing development in this neighborhood. I realize you want to cram as many houses as you can into the city in order to collect more property tax revenue. But please give us a break and don't allow this overcrowding to happen in our neighborhood.

RANDIE PERKINS 1477 SYLVAN AVE SE, SALEM, OREGON 97302 <u>randiep4@comcast.net</u> September 29, 2021 TO:

Aaron Panko, Planner III, City of Salem

Re: Subdivision Case No. SUB21-09

From: Jacquelene A. Hilfiker, 1325 Hilfiker Ln. S.E. Salem, OR 97302 503-362-3493 hejahctf@Yahoo.com 09-29-2021

- Comments: The Meyer Property is a beautiful pastoral piece of property which should be enjoyed by the public as a rural park and not destroyed by the encroachment of a multi-housing development. I am in total agreement with the Morningside Neighborhood Committee that this property should not be developed but left in a natural setting in which folks, young and old alike, can take pleasure.
- Concerns: 1 Impact on the Hilfiker property which is located directly south of and adjacent to the Meyer property. At present there minimal fencing since there was no need for anything more that that. However, with the proposed development of so many homes, I feel that a more property defining fence should be installed and maintained by the developer. This fencing would have to meet with my approval.
 - 2 At present there is no western entrance to Hilfiker Park except through our property. Building 138 homes adjacent to the Park, would bring more usage of the park and therefore more foot traffic across Hilfiker property. How does the Planning Division plan to resolve this issue?
 - 3 Access to our driveway is also a concern. From the looks of the map it seems quite awkward and unacceptable.

4 The additional automobile traffic! Assuming that only half of the 138 homes will have cars using Hilfiker Ln. for entering and exiting that area, and even with the streets being improved, has the Planning Division given any consideration to the intersection of Hilfiker at Commercial? With Walgreen's and Trader Joe's, plus the other businesses in that shopping square all exiting and entering those business areas via Hilfiker, it is a jammed up intersection now. What will it be like with all those additional cars not to mention pedestrians, the street parking when Bethany Baptist Church has special functions, and the normal (at present) traffic from the current neighborhood?

Let's give South Salem a landmark park where we can all enjoy nature at it's best, one season at a time, and be able to thank to our City Planners that they have the foresight to preserve such a gorgeous piece of land.

From:	Aleta Wieneke <aletawnk005@gmail.com></aletawnk005@gmail.com>
Sent:	Wednesday, September 29, 2021 4:28 PM
То:	Aaron Panko
Subject:	Proposed Subdivision on Meyer Property, SE Salem, OR

Mr. Panko,

We live on Elser Dr. SE, which is on the north side of the proposed subdivision development on the Meyer property.

We are truly sad to hear that this property, a rather small piece of quiet pasture and forested land, a rare rural retreat in SE Salem, is now being seriously considered for development. What a loss to SE Salem. This undeveloped farmland and forested area is a refuge for deer, opossums, skunks, squirrels, and many other animals, all struggling to survive amongst the ever-expanding developments in south Salem and Salem in general. It is a nesting area for birds of prey and many other species of birds. It is one small area of peace and quiet left. There are several productive ways to preserve and maintain this property, all while keeping it in its natural, undeveloped state. There could be educational opportunities for children and the citizens of our community if this property is minimally developed with conservation and education in mind, perhaps being turned into some kind of preserve or protected area.

There are many old trees on the property, including oak trees, which deserve to be protected and preserved. There are so few natural areas left; southeast Salem is being developed at an alarming rate. There is very little open space left that has not been the target of proposed housing developments; proposed apartment and housing developments seem to be filling every available acre.

There have been several instances of flooding in the past, which flooded our neighborhood due to the grade of the land that will become part of this development. Possible flooding issues need to be addressed before this land is excavated and covered with pavement and concrete.

Traffic is becoming a major issue. Pringle Rd SE and Battle Creek cannot handle the traffic that will be generated as a result of the construction of all of the proposed developments, and Commercial St. SE is already a traffic nightmare. Salem is no longer the beautiful, pleasant city it was before development became the primary objective. There is still great value in maintaining quiet, peaceful and natural areas for the ever-dwindling wildlife on this planet, and for Salem's citizens.

Sincerely, Aleta and Patrick Wieneke 4235 Elser Dr. SE Salem OR 97302

From: Sent: To: Subject: Lucas Belch <lrbelch@gmail.com> Thursday, September 30, 2021 6:17 AM Aaron Panko Comment: SUB21–09

Hello Adam,

Regarding the plans to build on this property, I'd like to submit comment that I, as a member of the local community (resident of SE Salem and property taxpayer of Salem taxes), strongly oppose the plan, and request that it be stopped. Even if many trees are spared, the overall ecosystem cannot sustain these kinds of assaults. These oak groves are what the area used to be full of, but are quickly disappearing due to these kinds of plans. Moreover, the ecosystem should not take a back seat to more single-family housing that's not needed. Instead, please explore restoring old commercial/industrial properties with multi-family housing, parks and walkable access to stores.

Thank you, Lucas Belch

503-200-4059

Regarding: Subdivision Case NO. SUB21-09

To Whom It May Concern,

9/28/2021

As a property owner with multiple homes on 12th Street I am concerned with the proposal submitted regarding the Meyer's property development. 138 single family homes being proposed is going to create a huge increase in traffic on both 12th and Hilfiker. Plus, they are probably going to cut down a lot of the old oak trees on 12th street and others on the property. Some of those are very, very old. Along with being white oaks which is supposed to be protect ed by the city. This will no doubt change the quietness of the neighborhood.

I have lived in South Salem my entire life of just about 69 years. I grew up in one of the houses across the street and my sister now owns the home (4373 12th St) and lives there with her family. We have enjoyed watching the turkeys, coyotes and deer roaming the neighborhood. They will all be displaced. Currently, my daughter and her family live in a home directly across from the proposed development site 4353 12th St. We also own the home next door at 4363 12th St. We were hoping the area would remain natural and country like. With this proposal nothing will be natural but the city taking over lots.

I played and walked to school in the neighborhood and our family even has a street named after our family Kampstra St. This is my neighborhood please keep it from becoming over developed.

I strictly oppose this proposal.

Guy Kampstra

Email: churchsoftball77@comcast.net

From:	William Wherity <wwherity@yahoo.com></wwherity@yahoo.com>
Sent:	Thursday, September 30, 2021 8:15 AM
То:	Aaron Panko
Subject:	Meyer farm proposal

Dear Mr Panko,

I am very concerned about the proposed plan to turn Meyer Farm into 138 single family houses. The Oak Savannah habitat is what used to make up most of the Willamette Valley, but it is now very rare, and has almost been completely eradicated in Salem. Once this precious ecosystem is gone it is gone forever. Salem should be preserving such biomes within its borders even though it is more expensive in the short term.

Salem, of course, does need more housing stock, but this sort of housing is not really the solution, and will certainly not put a dent into homelessness. The city needs to be more creative in finding areas to infill and rezone so that denser, more vertical dwellings can add to the housing stock, while green space is preserved for all. Everyone knows that many retail spaces are not going to be coming back as retail, and that more retail will move out in the near future. What is Salem doing to rezone this "brick and mortar" for housing?

Ultimately natural environments are the most precious resource we have. Thoughtless growth for profit will be the ruin of the planet, so that really is the most expensive option.

Please save Meyer Farm!

Sincerely,

Will Wherity, Salem

Sent from my iPhone

From:	Charlotte Schreffler <queenofthelighthouses@hotmail.com></queenofthelighthouses@hotmail.com>
Sent:	Thursday, September 30, 2021 10:03 AM
То:	Aaron Panko
Subject:	The Old Meyers Farm

Hello. Salem, Oregon was where 3 of us sisters were born. And we used to live next door to Uncle George Veall. He owned the Camp Crestwood. On the old Sunnyside Rd SE. Then our grandma and Grandpa Wallace And Kate Barnes owned the property on Ridgeway Dr. SE On the Turner Mk. road. Grandma and Uncle Tom Barnes sold to Bryant Enterprise's. They also had 7 acres of 💑 . They sold in Nov 1970. Just reminiscing. 😄 Salem has gone down the drain. Our beautiful Salem. Not because of homeless, maybe some, but people from Cal. came in and build up things, and raised rent. Us girls went to North Salem High. I lived in Cal 50 yrs till 2016. My husband and I went back after We married in 62. We stayed in 63 and 64. We left in Spring came back. I wanted to know why people sell. Must be the family. Because there is no real reason to turn that into a subdivision, really. It is Historical. The people who bought some land So of town. Old Illihee at Turner, Oregon, now have it as Illihee Hills. Over a million \$ on houses. I do know life and things can never stay the same for the people who like historical property and things. Thank you \bigcirc Sincerely, Charlotte Schreffler Medford Oregon.

From:	Lucy Hitchcock <lucyhitchcock8140@gmail.com></lucyhitchcock8140@gmail.com>
Sent:	Thursday, September 30, 2021 11:47 AM
То:	Aaron Panko
Subject:	comment on 4540 Pringle Road proposed deveolopment

Dear Aaron Panko,

I wonder if city planners have driven around Morningside Neighborhood lately. The amount of housing development from apartments to single family homes is astounding. Where are the parks, green spaces, trees, urban farms, to be retained and developed for public usefulness?

If you read what climate change is going to bring and peak oil (2018) has already initiated, transporting goods, including food is going to increasingly difficult to impossible. It is necessary to "go local" and provide as much as possible produce and needed production near population centers. Why abolish an urban farm? (Read Alice Friedeman, "When Trucks Stop Running," and "Life After Fossil Fuels.")

Salem's climate action plan asks to increase the tree canopy to sequester carbon. Why would another branch of the City of Salem agree to cut down established trees, especially oak trees it has pledged to retain. Oaks and conifers are among the best sequesterers of carbon. Look at the map you have provided. Where are all the cars going to go and their exhaust that needs trees to capture it? Where is the public transportation for all of Morningside?

The departments of Salem need to talk to each other. Land use codes must be updated before we've lost the open spaces we have and that the already packed-n housing development needs for our children, for walking, biking, recreation of our residents, cooling and breathing. Look at some of these apartment complexes and housing developments, there is no play space. No wonder our children are growing up with little consciousness of the earth, the greenery, the nearby agricultural land for community gardens that are and will be needed even more.

Once the land is paved over, the city can't turn it green again. The development of the Fairview acreage in Morningside is enough already. Save the Meyer farm.

Thanks for listening, Rev. Dr. Lucy Hitchcock 1715 John Muir Circle SE, Salem, OR 97302.

From:	lorrie walker <dakotalor@msn.com></dakotalor@msn.com>
Sent:	Thursday, September 30, 2021 11:47 AM
То:	citycouncil; CityRecorder; Aaron Panko; lorrie walker
Subject:	Proposed Subdivision of the Meyer Farm

I am writing in opposition to development of the Meyer Farm property. I am very familiar with the home, land, greenhouse, etc.

I am a long term Salem resident since 1971. I lived out Battlecreek Road for many years before moving into town. I spent some awesome time at the Meyer farm and the Glass Barn greenhouse. I learned just about everything I know about plants there.

Development would certainly be a missed opportunity in my opinion. I can think of no better area for the city to acquire and purchase for the people of Salem. For future generations to see what Salem was like before parking lots and homes took over.

The area is filled with trees, wildlife. Deer, all kinds of critters, all kinds of birds. They would not survive surrounded by busy roads and habitat removed. Pavement.

That area will soon be affected by traffic going to and from Costco. Placing more homes in a area that can barely handle the amount of traffic now would be a very poor decision. The road is narrow. The corner of Pringle going toward Battlecreek has limited visibility.

Please consider purchase, protection, environmental, etc. Save this property from this type of destruction and development, forever. Respectfully,

Lorrie Walker SCAN resident

Sent from Mail for Windows

To:

From: Salem Planning Sent: Thursday, September 30, 2021 12:23 PM Aaron Panko Subject: FW: Contact Planning Division **Attachments:** ATT00001.bin

I think this is for you?

Jamie Donaldson | 503-540-2328

From: noreply@cityofsalem.net <noreply@cityofsalem.net> On Behalf Of Lworth135@gmail.com Sent: Thursday, September 30, 2021 12:03 PM To: Salem Planning <Planning@cityofsalem.net> Subject: Contact Planning Division

Your Name	Laura Worth
Your Email	Lworth135@gmail.com
Your Phone	9712414221
Street	3275 SW Redmond Hill Rd
City	McMinnville
State	OR
Zip	97128
Message	Please don't say yes to allowing the removal of the Oak Grove on the Meyer family proposed subdivision. Those oaks are irreplaceable in our children/grandchildrens' lifetime.

This email was generated by the dynamic web forms contact us form on 9/30/2021.

From:	Kate Fuller <kl.fuller@gmail.com></kl.fuller@gmail.com>
Sent:	Thursday, September 30, 2021 1:21 PM
То:	Aaron Panko
Cc:	geoffreyjames@comcast.net
Subject:	Subdivision Case No. SUB21-09: The White Oaks at Meyer Farm, Morningside, Salem

Dear Mr. Panko:

This is to urge you to make sure and certain that the city takes extreme care in reviewing and approving plans to develop precious open space at the site of the old Meyer Farm in the Morningside neighborhood (Subdivision Case No. SUB21-09). Of paramount concern from our personal point of view, which we know is shared by many in our neighborhood, is the fate of the many **White Oaks** that grow on that property.

The proposed plan shows some 70% of those trees will be removed. This is unacceptable. It's that plain and simple: unacceptable.

First, these trees have many admirers and defenders in this city, and are trumpeted by promoters of the city as <u>special attractions to visitors</u>. Many of Salem's old, venerated White Oaks were damaged, some fatally, in the ice storm of last winter. White Oaks are rare enough in our region to deserve extremely careful consideration and every effort possible to preserve and protect them. Now, only 1 % of the original forest of Willamette Valley survive, owing to destructive human activities. It's a sad thing but true that to developers and to many in city government, any tree that's in the way of "progress" is just a junk tree. Not true of the White Oaks. They are iconic and have value far, far beyond the commercial. Please, read on.

First, consider **Salem's previous mistakes** regarding stands of White Oaks. For example, remember the recent debacle of the Costco oak removal: Statesman Journal: Jul 7, 2021 — Despite the **developer's promise** to safely transplant the trees, advocates argue the move has likely **killed a grove of historic white oak**"

The city has sacrificed **venerable** oaks to "development" before, and it's ALWAYS a blow to the beating heart of this metropolis and a blow to the civic pride and loyalty of the city's citizens. It is ALWAYS a mistake. This is why:

"Older [White Oak] trees are <u>very sensitive to construction disturbances</u>. The deep tap root can make transplanting difficult. ... Old oaks on upland sites can be troubled by sudden competition from and excessive irrigation of newly planted lawns. Their root zones must be respected for them to remain

healthy." [<u>https://www.arborday.org/trees/treeguide/TreeDetail.cfm?ItemID=883</u>] You can't just say, We'll leave a few and build around them or We'll transplant them and all will be well. It won't.

We strongly urge you to find out more about oaks before you pass judgement on whether these ones live or die.

For the moment, please ask yourself: <u>Why are these oaks of special value and</u> <u>concern?</u> Here are some answers:

"While they aren't commonly found in nurseries due to their **slow rate of growth**, White Oaks are **prized landscaped specimens** for the shape of their wide-spreading branches. The **slow-growing** trees are also **long-lived**, **with specimens surviving for** <u>hundreds of years</u>."[https://sciencing.com/white-oak-trees-6521703.html] It's imperative that you take great care before you decide to demolish this kind of precious, august life.

Moreover, evaluating these trees must go far beyond dollars and cents:

"Trees promote health and social well-being by removing air pollution, reducing stress, encouraging physical activity, and promoting social ties and community. Children with views of trees are more likely to succeed in school. Trees promote a strong economy and can provide numerous resources to the people that need them. <u>While cities are getting hotter, trees can reduce urban temperatures.</u> They provide habitat and food for animals. Finally, <u>trees are valuable green infrastructure to manage storm water. Money spent on urban forestry has a high return on investment."</u>

[https://nph.onlinelibrary.wiley.com/doi/full/10.1002/ppp3.39, added emphasis] In addition, and critically important, trees are a crucial carbon sink during this era of climate change.

Can you justify killing these trees in terms of dollars? No. "An oak tree in a timber sale can be worth anywhere from **15 cents a board foot for pallet material quality up to \$1.20 per board foot for high quality logs**." [https://chilcoteforester.com/] These trees can live to be 300 years old. Would you really want to see them destroyed for chickenfeed money?

The value to Salem of these living oaks in this open space cannot be exaggerated.

Recent research has broadened and intensified our understanding of the critical importance of oaks -- these White Oaks -- to the world around them, of which we are only a part. This article will elucidate the broader and deeper view, **and we urge** you to read it: <u>https://www.chicagotribune.com/lifestyles/home-and-garden/ct-life-1223-garden-morton-20181210-story.html</u>

In addition to their complex ecological roles, their astonishing beauty, and their amazingly long lives, White Oaks feed the creatures who live near them and strongly affect and nourish the very soil where they live: "A wide array of birds including turkeys, pheasants, grackles, woodpeckers, jays, thrushes and nuthatches depend on them in the fall for nutrition....Populations of some species fluctuate in proportion to the amount of white oak acorns available each year." [https://sciencing.com/white-oak-trees-6521703.html]

Other citizens will write asking you to consider the huge traffic problems and the wasteful ruination of precious open space that will result from this project if it proceeds, and we add our voices to theirs on those matters. This is a dastardly and ill-conceived plan that should be completely rescinded and reworked before the city takes action on it. Preserve as much open space as possible - it's at a premium. It only takes a drive around town to see what could have been beautiful lakes and ponds whose shores have been completely ruined by the city's poor planning and selling out to commercial interests. Those mistakes are irremediable and remain forever reprehensible.

We strongly urge you to pay attention to the neighborhood voices you will hear from about this proposed development. It's a bad idea as presently conceived. You are in a position to shape the future of this corner of the city, for the better or for a disgraceful worse. Please be careful, be informed, and be resistant to bad influences. We're all counting on you.

Kate and Harry Fuller 954 Ratcliff Drive SE Salme OR 97302 541-816-8895

From:	Christine Kidd <ckidd@outlook.com></ckidd@outlook.com>
Sent:	Thursday, September 30, 2021 1:31 PM
То:	Aaron Panko
Subject:	Subdivision Case No. SUB21-09

City of Salem Planning Division 555 Liberty Street SE Salem, OR 97301

Application for 2 Phase, 138-Lot Single Family Residential Subdivision at 4540 Pringle Rd SE **Subdivision Case No. SUB21-09**

Attention: Aaron Panko, City of Salem Planning Division

Dear Mr. Panko,

This is the third time in the past decade that I've written to your office in an attempt to preserve trees, wildlife and habitat from destructive subdivision expansion projects in South Salem. Each time, your office approved the project with only minor amendments. Hundreds of white oaks and Douglas firs have been destroyed on your watch. It is clear that your department does not take environmental concerns seriously. You go where the money goes and that's why our planet is in the mess it's now in.

As the author Richard Powers states:

"What has to break down is our sense that we can deform and force the living world to confirm to our sense of maximum efficiency, maximum return on investment."

Status quo thinking will ensure the continued destruction of species, habitat and ultimately humanity. We are living in a climate crisis. Each of us must bear witness to the life forms that we depend on for balanced weather cycles, clean air and clean water. Every tree matters. Every pollinator matters.

I urge you to deny this project approval. The developer can resubmit better plans that take into account traffic safety, land stewardship, and tree preservation. Until that time, this project should be put on hold. We only have one chance to get it right. Let's not rush into a short sighted, ill conceived, money grabbing plan. We can do better. We must do better. Sincerely, Christine Kidd 5940 Summerside St SE Salem, OR 97306

From:	Gayle Meaders <gayleameaders@gmail.com></gayleameaders@gmail.com>
Sent:	Thursday, September 30, 2021 1:42 PM
То:	Aaron Panko
Subject:	Meyer Farm proposal

I am a resident of the Morningside Neighborhood and frequently use this area to get away from the noise and congestion of Commercial Street, Battle Creek, and my own Ratcliff Drive. It's the most peaceful place in South Salem, and that's because of the open green space as well as the tree canopy that makes one feel like they are really in the forest, within walking distance of home. Please, please retain this pastoral place for the health of Salemites instead of letting a Portland developer with money on his mind cloud our cleaner air and take away valuable natural areas, as he has done in Portland. Let Salem be known for preserving the trees!

Thank you for accepting public comment. Gayle Meaders 700 Ratcliff Dr. Salem, OR 97302 gayleameaders@gmail.com

From:	Heather Mabale <heather.mabale@gmail.com></heather.mabale@gmail.com>
Sent:	Thursday, September 30, 2021 1:51 PM
То:	Aaron Panko
Subject:	Subdivision Case No. SUB21-09

Dear Aaron Panko,

I am submitting my comment regarding case no. SUB21-09.

Key Points: Mid-level housing Open space Traffic Safety

I am very concerned about the proposed use of the 4540 Pringle Road property. It is a waste of land to use this property for a subdivision, which will not house as many families as a multifamily property would. It is also a horrible lack of environmental stewardship to remove that many trees.

This property would be best used with a portion to open space enjoyed by the public, and a portion used for townhomes or apartments.

The city needs more mid-level housing for families that cannot afford single family units. The truth is that single family units do waste a lot of land.

This historic property would be the perfect opportunity for a community open space and eco friendly multi-family housing.

Traffic and safety are also a concern. That section along the Commercial Street corridor is very crowded. There are many accidents that occur at the Hilfiker/Commercial intersection. This needs to be factored into the plan for this property.

Based on these points, the proposal from Kehoe Northwest Properties does not meet Salem's stated quality of life goals for its residents.

Thank you for your time,

Heather Mabale South Salem resident

From:	Jeep Guy <oakman2624@gmail.com></oakman2624@gmail.com>
Sent:	Thursday, September 30, 2021 2:40 PM
То:	Aaron Panko
Subject:	Meyers property on hillficker

Hello, my name is Eric Conzoner I live at 4548 anneka lp since 1986.

. hillficker commercial st intersection is way dangerous now..the intersection traffic from wall greens and trader Joe's is so heavy that you are likely going to sit thru two lights traveling east and west across commercial.. The new building proposal will make getting onto or across commercial even more dangerous and congested... there is no room to enlarge lanes on hillficker on commercial. A thru street to battle creek will invite even more traffic. I can't imagine having an extra two hundred cars in the neighborhood. It will shoot traffic thru other side roads that do not have sidewalks and poor viability. The added summer traffic from the Bethany Baptist church's is heavey... The intersection will be ridiculously dangers and inconvenient.

At one time pushing a major rd from Bartle creek to hillficker/ commercial made sense. But the city has grown and today would make the blind corner on battlecreek a very dangerous intersection as well as hillficker and commercial.

A better solution would to have bigger lots and no thru street from hillficker to battlecreek...

Battle creek is getting congested at kuebler south, with cars backed up to Reed rd.. Traffic will get even worse with new neighborhoods going in on Reed rd as the additions to the apartments.. this is going to push more traffic thru the Battlecreek to hillficker/ commercial st..

As it is now the traffic is so heavey on Crowley we can not turn south so Hillficker is our only safe travel.

Also this will bring crime to the neighborhood. Cross streets from Battlecreek to commercial and commercial to Sunnyside are highly traveled grids and theft is rapid. Creating another connected grid.

I know house are better than Apts. But the thru traffic is not ok! The hillficker commercial intersection needs to widened...

I would also request that the new developments rd not connect with chaprel. Wildridge is not a thru way! Crowley is not suitable to handle traffic and will only have extra traffic racing around the loop looking for a thru way. Please keep hillficker a dead-end from twelfth east. 12th st is narrow and dangerous. 12th and hillficker is also spoty..

Bottom line the neighborhood needs massive traffic upgrades and was never set up to handle the traffic flow.. I saw the traffic counter on a very slow evening.. I hope there was more than one counting at different times to better represent traffic..

In addition the new housing development on Reed rd and new apartments on Reed rd that are going up this fall and next summer are going to add to hillficker traffic as well as Costco.. with trader joes at hillficker the traffic will be ridiculous and the hillficker commercial intersection will be very dangerous and congested in all direction.

I purpose and exit on 12th to b the north and one on hillrose to discourage thru traffic. Your options would be four lane roads on Reed/ battle creek/ twelfth street and improve liberty

When you stack cars on main arterial roads. Neighborhoods become un expecting thruways...

Jabbing lived here since 71 I know all the back roads but so does everyone else..

Please be mindful of growing traffic. The Myers development of every home has just two cars will add another 300 cars using our main entrance and exit. You punch hillficker to battlecreek your going to double The numbers.. the intersection can't handle the volume.. it will back up commercial/ make travel from Sunnyside/ hillficker to the intersection impossible and there is bit enough property to expand hillficker in the west side of commercial. Even if you could make a three lane at east side of hillficker commercial the traffic light would have to alternate from Sunnyside traffic entering the intersection and then the hillficker from the Myers side of the intersection and then commercial st which is bumper to bumper..

Costco and the building sites I listed will make battlecreek bumper to bumper as well you kuebler and surrounding neighborhoods making them unsafe and changing their landscape.

It's my strong belief that hillficker as a thru street is an outdated idea from two decades ago. We talky need to think about exsisting arterial roads and enhancing them first.

You jabs a very full plate in regards to traffic in south Salem and it's rapid growth. Again be mindful of neighborhood and dangerous traffic. I believe a hillficker thru street is dangerous and won't produce the desired affect. And let's not forget foot traffic at the intersection of commercial and hillficker its a major confluence of neighborhoods and has a large number of pedestrians. And if the homeless get pushed out of downtown and come back out South that was a major congregating area as they moved thru south salem.

Thank you for your time. Eric

From:	becky ray <becky1217@centurylink.net></becky1217@centurylink.net>
Sent:	Thursday, September 30, 2021 2:51 PM
То:	Aaron Panko
Subject:	Meyer Family Farm Property Development

Hello,

I would like to voice my support of the Morningside Neighborhood Association and their concerns regarding the Meyer Family Farm property.

The road system around that area has to be improved before increasing traffic. The traffic light at Hilfinker and Commercial should be changed to a 4 way traffic signal which would help with traffic backup as well as lessen traffic accidents. Parts of 12th Street, especially the section intersecting Hilfinker are very narrow and more of a country road where vehicles need to pull over to let the other vehicle pass.

Given the grove of old White Oak trees and the history of the property, why not create a park similar to Minto or Marion with walking and bike trails and a dog park. With the amount of houses and apartments in South Salem, a park would be a great addition.

Lastly, I read the trust is in court and family members are divided on the selling of the property. I would think Salem would want to stay neutral until the court case is settled. While my family didn't go to court over our family property, my cousins tried over 5 years to have a majority of the family willing to sell.

Please consider the concerns of South Salem residents.

Thank you,

Nancy Ray 6371 Fairway Ave SE Salem

Sent from my Verizon ASUS tablet

From:	Dave McKenna <davemckenna4@gmail.com></davemckenna4@gmail.com>
Sent:	Thursday, September 30, 2021 3:53 PM
То:	Aaron Panko
Subject:	Comments on Proposed Development of Meyers Farm
Attachments:	Meyers Farm Letter.pdf

Aaron -

I would prefer to see this land remain as open space. I hope that can continue to be the case, i.e. that The Meyer Farm remains as dedicated open space, and possibly with public access bicycle or walking paths through the delightful property as an extension of existing and adjacent Hilfiker Park.

See attached comments.

September 30, 2021

City of Salem Planning Division 555 Liberty Street SE Salem, OR 97301

Application for 2 Phase, 138-Lot Single Family Residential Subdivision at 4540 Pringle Rd SE Subdivision Case No. SUB21-09

Attention: Aaron Panko, City of Salem Planning Division

Land Use

This is a special 30-acre property that has been a working farm in the Morningside Neighborhood and is known as The Meyer Farm which operated under a farm trust. A majority of the Meyer Family apparently wants the farm to remain as dedicated open space, but currently the matter is in the hands of the court appointed trustee. I would prefer to see this land remain as open space. I hope that can continue to be the case, i.e. that The Meyer Farm remain as dedicated open space, and possibly with public access bicycle or walking paths through the delightful property as an extension of existing and adjacent Hilfiker Park.

A better and more responsible approach to any development there would be to: 1. Map the trees (accurately) and then 2. Locate any future dwellings (footprints) and roads and utility lines and easements, so as to miss major and significant large trees.

Traffic

Traffic Impact Study Concerns

My primary traffic concerns are the safety of the Hillrose St SE (Hillrose) &; Battle Creek Rd SE (Battle Creek) intersection and the congestion at the Hilfiker Ln SE (Hilfiker) & Commercial St SE (Commercial) intersection; and the Hilfiker and Sunnyside intersection. As the new Hilfiker/Hillrose section will be the only direct east/west connection between the Kuebler Blvd connection to the south and the Madrona Ave SE connection to the north, it won't only handle traffic from the new housing development, but also existing traffic that finds this to be a more convenient east/west route. The Traffic Impact Study doesn't appear to take this into account. It also doesn't appear to factor in any traffic from other planned developments in the area. There are hundreds of new residential units in the surrounding area already approved and the relocated Costco will increase Battle Creek traffic when it opens.

Hillrose & Battle Creek Intersection Concerns

The limited visibility at the Hillrose & Battle Creek intersection is already an issue, especially if turning left onto Battle Creek from Hillrose. The hill and curve on Battle Creek just south of Hillrose limit visibility and makes a left turn from Hillrose onto Battle Creek risky for both the turning car and the approaching car. As this section of Battle Creek is two lanes only, without a center turn lane, cars must turn directly into the path of oncoming traffic and the speed limit here is 40 mph. Also, cars turning left onto Hillrose from Battle Creek are at risk of being hit from the rear by northbound traffic. I strongly recommend that the improvement of this intersection be required as part of the road project. At a minimum, Battle Creek should be widened to include a center turn lane and to improve visibility around the curve.

Hilfiker & Commercial Intersection Concerns

The intersection of Hilfiker & Commercial is already congested and the congestion will increase considerably when the new section of Hilfiker/Hillrose connects Commercial with Battle Creek. There is neither a left turn or right turn lane on either side of Commercial at this intersection and traffic already backs up on the east side of Commercial past the entrance to Walgreen's and Trader Joes. Traffic also already backs up on Sunnyside Rd SE while trying to get onto the short section of Hilfiker west of Commercial. Cars often have to sit through two light changes to get through this intersection in either direction. I strongly recommend that widening Hilfiker and improving the intersection at Commercial both be required as part of this project's approval.

Hilfiker & Sunnyside Intersection Concerns

The intersection of Hilfiker & Sunnyside is already congested and the congestion will increase considerably when the new section of Hilfiker/Hillrose connects with Battle Creek. Traffic already backs up on Sunnyside Rd SE while trying to get onto the short section of Hilfiker west of Commercial. Cars often have to sit through light changes to get through this intersection in either direction. I strongly recommend that widening Hilfiker; and, improving the intersection at Commercial and Sunnyside be required as part of this project's approval.

Tree Preservation

There is a large diameter Oregon White Oak (tree #3194), a protected tree under the code, that is in the pathway of the proposed collector and proposed be removed. The curve radius of the collector near 12th St should begin earlier so as to avoid removal of this protected Significant Tree. This would be consistent with code when a reasonable design-alternative exists. The collector should be shifted enough so that the required silt fencing which marks the protective zone around the Significant Tree is maintained throughout duration of construction of the collector, include grading, excavation, and installation for the adjacent sidewalk and entire right of way. The smallness of most of the proposed lots will prevent growth and longevity of residential trees that would otherwise add to future tree canopy and reduce energy needs for summer cooling.

After studying the plan and the report, I think the best way to protect the "Significant" trees in the grove and farmstead area is to delay construction on the nine lots containing the trees to be left until such time the subject trees become hazardous, are severely damaged (ice, wind) or die. All lots referred to are bordering the 3.64 acre "Area to Remain." If the trees are accurately mapped, the affected lots are numbers 40, 41, 56, 57, 61, 62, 63, 64 and 65. These could be used for neighborhood access to the Farmstead if it used as an outdoor education center and open space.

Another "Significant" Oak tree, (tree #4156) located in the Open Space next to 12th Street should be protected by a retaining wall which would allow more fill in the current grade dip at the Lansford Dr. intersection, and other measures to reduce the steepness of the road grade and improve sight distance on the to-be-widened street. It may also be a good idea to delay construction on the lots fronting on 12th Street, and consider re-design lots 65, 66 and 67 so they have a shared driveway.

In addition to the traffic and tree concerns, its great density is inconsistent with this part of the neighborhood. With such small lots, all the homes will need to be two story, there will be too many driveways and too little home frontage. The great views north from the farm will be obliterated. The "snake" design of a new Hilfiker invites faster speeds through the dense residential areas: more of a grid layout of the streets with Stops at every intersection would discourage motorists using the neighborhood as a short-cut between Pringle/Battle Creek and

Commercial.

In addition to the minimal size of the lots, the miniscule size of Phase 1 makes one believe they will not carry thru on the time schedule with the rest of the development, and even more traffic will be added to the currently overused routes to Commercial and to Pringle (Suntree, Mandy, Albert, 12th, Lansford, Kampstra and Hilfiker) before any improvements are made to handle the additional traffic.

Tree Removal

The Proposal is for removal (felling) of up to 70% of the existing trees. The Tree Plan is dated 2021 but it seems as if it is an outdated one. The ordinance requires a new Tret Survey conducted in the last 6 months. However, the Arborist report (see the next row of sizes) says that the trees are actually a much larger diameter, and up to twice the claimed size. This is a very serious error.

A better, and more responsible approach, especially for a pristine property, would be to honor what the City is trying to achieve, i.e. preservation of significant trees. The Planning Commission has been discussing a figure of (1) 40% to 50% tree preservation, (2) preservation of large trees of other species and including them as "significant" plus (3) requiring the tree cover and root lines to be protected (by fencing) during construction, from damage and compaction by heavy equipment.

It should be the responsibility of the applicant to respect these 2021 City goals and standards even while the ordinance is still being finalized. Of course, the applicant could maintain that they will use the previous standards until new ones are final, but they have a moral responsibility to respect the City tree preservation goals and policies and go the extra mile to do a good job in designing a responsible layout that saves the trees.

Yours Truly, Dave McKenna

From:	Ralph Rodia <rrodia@msn.com></rrodia@msn.com>
Sent:	Thursday, September 30, 2021 4:05 PM
То:	Aaron Panko
Cc:	geoffreyjames@comcast.net
Subject:	RE: Subdivion Case No. SUB 21-09 Address-4540 Pringle Road SE, Salem, OR 97302

I am a concerned resident who lives in the Duffield Heights neighborhood adjacent to the Meyer Farm. I would like to express the following concerns about the proposed residential development.

1. Allowing access from Commercial Street SE at Hilfiker would create a total traffic and safety nightmare unless there are extensive alterations of that intersection. As an alternative the developers might consider a separate main entrance off Battlecreek.

2. Proposed plans show residential lots along the east side of 12th street. Current city code would allow houses on 40-foot frontage lots and within 10 feet of sidewalks. It is likely that 2 story homes will be built on these lots. The long-time neighbors to the west will be facing a wall across the street from them. All of this will detract from the rural beauty of this area.

3. Allowing 138 new homes would likely create an additional 256 vehicles not including those of visitors . With the lots so small it is likely that boats, campers etc. would have to be parked on the streets. That would create safety issues. Since it is proposed to remove trees and much of the open area and hardly any yard area, where are the children going to play?

I, and many of my neighbors do not support this development as proposed. We would love to see it developed into a park for all to enjoy.

Sincerely, Fran Schiedler 1012 Dianne Drive SE Salem OR 97302

Phone 503 508 0164 E Mail sandyfran47@gmail.com

From:	Kassi Roosth <kassiroosth@gmail.com></kassiroosth@gmail.com>
Sent:	Thursday, September 30, 2021 4:57 PM
То:	Aaron Panko
Subject:	Case No. SUB21-09

Hello Aaron Panko,

My name is Kassi Roosth and I would like to express my concerns in writing for Subdivision Case No. SUB21-09: Transforming Meyer Farm into a housing development complex.

I feel that there has to be another solution instead of this proposed location. Oak Savannah habitat is now a rarity in the Willamette Valley and it needs to be protected. The Oregon White Oak is one of the most fire resistant trees native to the valley and a keystone species that supports over three hundred native species. An example of species that depends on the oaks for habitat is the slender-billed white breasted nuthatch. Beyond its ecological role the White Oak is culturally significant to the Kalapuya people and is a source of pride for the people of Salem. Currently the Oregon White Oak population is on a rising decline with less than 5% of the native ecosystem remaining. 150 years ago, the Willamette Valley was almost completely covered with Oregon White Oak trees. The valley was a mix of grasslands and oak trees, otherwise known as an Oak Savannah. Oregon White Oak trees and savanna habitat deserves to be protected. Please consider another location for this housing development project.

Sincerely, Kassi Roosth

From: Sent: To: Subject: Kristin Santose <lailoc@yahoo.com> Thursday, September 30, 2021 7:03 PM Aaron Panko Meyer farm

This area has been a rustic agricultural place since its creation. The developer is just in its development for the money as the development planned would be a tremendous financial boon. I am sure the city is also eyeing the property taxes it would bring in. The trees should be preserved and the area should remain pastoral as a park. I have viewed this property since the 1970's and have always been awestruck that an area like this exists so close to such a developed area of the city. I enjoyed watching several horses graze in the field. It is a gem that shouldn't be destroyed. Thank you for considering my viewpoint. Kristin Santose

476 Oregon Avenue NE Salem Sent from my iPhone

From:	swynne <swynne0@gmail.com></swynne0@gmail.com>
Sent:	Thursday, September 30, 2021 7:42 PM
То:	Aaron Panko
Subject:	subdivision case sub21-19 Meyer Farm

Please do not destroy such a beautiful and historic place, a place I call a little bit of country in the city.

I take the back roads sometimes just so that I can look at it and enjoy it. I only read about this proposal today.

Thank you.

Wynne Reams

Salem Oregon

From:	patricia weeks <weeksp56@yahoo.com></weeksp56@yahoo.com>
Sent:	Thursday, September 30, 2021 8:50 PM
То:	Aaron Panko
Subject:	Subdivision Case No.SUB21- Meyer property development

I am a resident of SE Salem residing at 4540 Sunland Street SE, for over 25 years, and I have concerns about the proposed development of the Meyer property, for a number of reasons.

The Meyer's property has historical significance having been settled by the Meyer family in 1947 and preserved until present day.

The plans call for the removal of a large number of trees including the a number of great oaks, which support habitat for a number of valuable species. This is at odds for the City of Salem's plans to counter climate change. Preserving trees and planting more of them should be the goal, not sacrificing them to profit land developers.

Another concern is the real risk of flooding of homes in the area in the future due to land erosion.

I also have concerns about increased traffic and congestion in the area.

I strongly oppose this development going forward, and if it does I recommend that as many trees by preserved as possible especially the white oaks.

Sincerely Dr Patricia Weeks

From:	Jayson Stibbe <jaysonstibbe3@gmail.com></jaysonstibbe3@gmail.com>
Sent:	Thursday, September 30, 2021 8:59 PM
То:	Aaron Panko
Subject:	Support for Meyer Farm Subdivision

Hello,

I wanted to email broadly supporting the Meyer Farm subdivision. In general, I believe that landowners (particularly those so close to a major arterial) should be incentivized to develop their land to be as productive as possible. To that end, I think the developer should be encouraged to build denser housing, or at a minimum not restricted from doing so if they were so inclined. With such high housing demand, this is clearly a desirable spot to add housing and it will enable more people to live in Salem and contribute to the community.

I saw the preliminary layout and it seems like the plan is to keep many of the existing oaks. To better serve the community where this subdivision develops, I would encourage the City to invest more money (maybe using the impact fees for the new development) into the adjacent Hilfiker park.

Thank you,

Jayson Stibbe

From: Sent: To: Subject: ELISABETH UNDERWOOD <uboringwood@aol.com> Friday, October 1, 2021 6:46 AM Aaron Panko Meyer Family Farm

Please save the Meyer Family Farm as a sanctuary for the residents of southeast Salem. Dividing up open green spaces to create an overly expensive housing development that Salem's houseless population cannot afford profits the developers only. It does not create permanent jobs, affordable housing or the green spaces that Salem needs to remain a livable city.

Thank you for considering this request. Please forward to appropriate parties. Elisabeth Underwood 4377 Barrett St S. Salem, OR 97302

Sent from my iPad

From:	Chris Clarke <cclarke777@gmail.com></cclarke777@gmail.com>
Sent:	Friday, October 1, 2021 8:02 AM
То:	Aaron Panko
Subject:	Meyer Farm Subdivision Proposal SUB21-09

Dear Mr. Panko:

Please do not allow this project as proposed. As you know, Salem's plan for the future growth of our city calls for multi family dwellings—not urban sprawl. At the very least this project could comprise of townhomes built in a manor which would save more trees.

We need more housing NOT more sprawl

Respectfully submitted,

Charles Chris Clarke 736 Rural Ave S, Salem, OR 97302

From:	Liz Backer <lizmail217@gmail.com></lizmail217@gmail.com>
Sent:	Thursday, September 30, 2021 11:34 AM
То:	Aaron Panko
Cc:	geoffreyjames@comcast.net
Subject:	[SUSPECTED SPAM] Proposed Subdivision Case No. SUB21-09 (Meyer Farm Subdivision)

Hello Mr. Panko,

I am writing in response to the Notice of Filing for **Subdivision Case No. SUB21-09**. This was an interesting issue for me to consider, as I have mixed thoughts about this proposal.

I appreciate and acknowledge our city's need for housing, and improvements to our current transportation system are always welcome. The development of land within the Urban Growth Boundary is to be expected, and I am aware of the goals the strategic planning committee has set for street and traffic flow improvements in the Morningside neighborhood. This proposal appears to offer solutions for a few of those issues, however I do have concerns that all relevant information to this specific proposal have not been considered, or worse - disregarded.

This proposal suggests creating a new roadway, linking Hilfiker to Hillrose, with connection at the corner of Hillrose and Pringle/Battlecreek, and Hilfiker and Commercial. The proposal claims this is to be considered a "B Side Collector Street".

Traffic at the intersection of Hilfiker and Commercial is already bad, especially at peak times. The Traffic Impact Analysis conducted by Kittleson & Associates states that traffic at this intersection is currently operating "acceptably within city standards". While that may be true, this proposal appears to indicate that it expects traffic to only treat this new roadway as a collector street – meaning traffic would mainly use the new roads to travel to and from the neighborhood, <u>not THROUGH the neighborhood</u>. In my opinion, that is an inaccurate assumption as traffic will absolutely use this new roadway as an <u>arterial street</u> from Commercial to Pringle/Battlecreek.

While that may be an acceptable change to some, the proposed changes to the intersection of Hillrose and Pringle/Battlecreek may not be sufficient. One left-hand turn lane on Battlecreek is offered as mitigation for an estimated traffic increase of 1.5 by the year 2023. I am concerned that the TIA conducted in May 2021 by Kittleson & Associates only uses current traffic flow and traffic count data from 2018-2021, as its source. This means traffic moving straight through Pringle/Battlecreek, not added flow from Commercial.

In addition, and of a larger concern, it does not take any future increase in traffic on these affected streets from the upcoming opening of the new Costco location on Kuebler. I realize that the future traffic count information as the result of the new Costco could be difficult to predict at this time, however to omit the inevitability that traffic will increase <u>much more</u> than an increase of 1.5 on Pringle/Battlecreek once Costco is open is, in my opinion, a major oversight.

The intersection of Hillrose and Pringle/Battlecreek is a difficult corner to address. It is a blind corner with the added hitch of a steep hill with limited sight distance directly to the South. I worry that encouraging the flow of not just new neighborhood traffic - <u>but the guaranteed additional Costco traffic and through traffic from</u> <u>Commercial</u> - will potentially create significant safety issues that are not addressed in Kittleson's TIA if this new roadway is created as proposed.

The other major topic that I have been thinking about is the potential loss of open green space and protected trees that this unique property currently provides. While the proposed subject property is within the Urban Growth Boundary, and while I agree that a property owner should have the right to do with their property what

they want, there is so much more potential for this property that will be impossible to put back once lost if this proposal is approved as-is. I believe that there are additional options for this land: incorporating all or part in with the adjacent Hilfiker Park, designating it as Open Green Space with community entertainment in mind, or even a combination of a smaller number of the proposed single-family homes and a larger percentage of the proposal set aside for park/open green space. A connection to The Woods designated space across the Pringle/Battlecreek intersection could even create an in-city urban park space similar to that of Forest Park in Portland. Destroying over 70% of the existing tree canopy, <u>including *at least* six protected White Oak trees</u> does not feel like it keeps in line with Salem's identity as a "Tree City". I and many other neighbors question the accuracy of the submitted tree preservation plans as the number of protected trees keeps changing, and the listed diameters of many trees appear to have been reduced to avoid including them in the total tree count. Also appearing to have been removed or not included in the tree preservation plans are the number of trees that have already been cut down this year.

My point is, just because we can do something, doesn't always mean that we should. This property is the last remaining parcel of land from Joseph Waldo's 304-acre donation land claim of 1852, and I believe it is important to protect and preserve Salem's significant historical properties.

We do not have to develop every square inch of land within the Urban Growth Boundary, even with a need for more housing. The neighboring 275-acre Fairview Mixed-Use land has the approved designated space for 2000+ residential units, as well as businesses, offices, schools, and a multitude of other public facilities, some of which have already been built or are currently under construction. The loss of that land to development will greatly help with the city's need for more housing, but also means the loss of homes for wildlife. This is a loss that cannot be replaced once gone. Adding these 30 acres to that loss will be detrimental to the deer, birds, and other local wildlife currently residing within that also deserve to keep their homes, and will destroy a last-remaining piece of our area's history. Salem has the potential to create a variety of unique spaces within its Urban Boundaries that can benefit people AND wildlife, but that potential is gone if this proposal is accepted as-is.

We need to not be so quick to act. I very much appreciate the city taking the public's thoughts into consideration, and genuinely hope that concerns about the continued enjoyment and livability of our neighborhoods are heard and considered through this process. I see this as a very complex issue that likely does not have a black-and-white answer. While I may not know what that correct answer is now, I do not believe this proposal being accepted as-is would be the right one.

I thank you very much for your time.

Sincerely,

Elizabeth Backer

4527 Sunland St SE

Cc: Geoffrey James, Land Use Chair, Morningside Neighborhood Association

From:	Paula Clarke <pclarke.lcsw@gmail.com></pclarke.lcsw@gmail.com>	
Sent:	Friday, October 1, 2021 8:11 AM	
То:	Aaron Panko	
Subject:	Subdivision Historic 30 Acre Meyer Farm.	Case No SUB 21-09

Dear Mr Panko,

I am submitting my comments regarding the proposed development of the Meyer Farm. The current plan calls for a 138 lot of SFR.

This is far too dense considering the proximity of a major commercial street which will increase traffic in an already busy thoroughfare. Additionally, the removal of hundreds of oak trees goes against Salem's plan for environmental sustainability.

I believe either an extension of Hilfiker Park or, at the very least, building townhomes which could save more trees would be a better solution.

Sincerely, Paula Clsrke 736 Rural Av S Salem, OR 97302 661-877-8113

Sent from my iPhone

From:	Cindy Hogan <cindyhogan@hotmail.com></cindyhogan@hotmail.com>
Sent:	Friday, October 1, 2021 11:47 AM
То:	Aaron Panko
Subject:	Subdivision case number SUB21-09 Comment on proposed development of Meyer Farm in South Salem: need a park like Bush Park instead.

Dear Mr. Panko,

Thank you for the opportunity to comment on the Meyer Farm, Subdivision case number SUB21-09. I am deeply opposed to more development in the area. The streets in the area are already congested (especially Hilfiker). This would add to that. Given the area, some of the proposed street alterations would likely present safety issues. The development would diminish the area's livability for existing homeowners.

Instead, we need another park like Bush Park that could serve the South Salem area. There are no existing parks large enough – Battlecreek and Woodmansee are overcrowded due to their small size.

Turning the Meyer Farm into the Meyer park would preserve the pastoral scene, provide quiet areas for walking that Woodmansee does not, and preserve the native wildlife. It would also preserve the historical buildings on the farm that are part of Salem's heritage.

I am also deeply concerned that the city is not doing enough to preserve the Oregon oaks. The Costco development was – as predicted – a disaster for the oaks. We need to protect what Oregon oaks we have left – they are important to our local environment, especially the native birds.

Finally, the 1.4 million dollar value of 30 acres in the city is remarkably low. (I am relying on the Statesman Journal for this figure) I am concerned that the City could be getting itself into a legal entanglement with the trust beneficiaries. If the cost is really that low, the city would benefit greatly from buying it for a park.

Sincerely,

Cynthia M. Hogan 1103 Pawnee Circle SE Salem OR 97306 503-559-6930

REQUEST FOR COMMENTS

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

REGARDING:	Subdivision Case No. SUB21-09
PROJECT ADDRESS:	4540 Pringle Rd SE, Salem OR 97302
AMANDA Application No.:	21-113071-LD
COMMENT PERIOD ENDS:	October 1, 2021

SUMMARY: A proposal to develop 29.68 acres into 138 single family lots in two phases of development.

REQUEST: A phased subdivision tentative plan to divide approximately 29.68 acres into 138 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
- 2) Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and
- Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

Comments received by <u>5:00 p.m. Friday, October 1, 2021</u>, will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are <u>public record</u>*. This includes any personal information provided in your comment such as name, email, physical address and phone number. <u>Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are</u> <u>received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below</u>.

CASE MANAGER: Aaron Panko, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2356; E-Mail: <u>APanko@cityofsalem.net</u>.

For information about Planning in Salem, please visit: http://www.cityofsalem.net/planning

PLEASE CHECK THE FOLLOWING THAT APPLY:

 \searrow 1. I have reviewed the proposal and have no objections to it.

$\sqrt[]{2}$. I have reviewed the proposal and have the f	pllowing comments: No ADDITIONAL TRAFFIC ON Sy LVAN
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IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM

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OCT -1 2021

COMMUNITY DEVELOPMENT

From:	Susan Watkins <susanwat@peak.org></susanwat@peak.org>
Sent:	Friday, October 1, 2021 2:12 PM
То:	Aaron Panko
Subject:	Meyer Farm subdivision

I have some concerns regarding the housing development proposed on the Meyer Farm land.

1. South Salem and areas to the north of Salem are currently undergoing massive housing developments. All of this building will have a significant effect on the climate of the city. The more building that occcurs in and around the city the more it will directly cause higher temperatures in the coming years. Large building projects are a primary cause of global warming. The buildings along with the asphalt streets and cement sidewalks contribute to higher temperatures. The maintenance of streets, night lighting, police and fire protection all put a greater burden on the city budget even if the housing brings in more tax dollars thus syphoning off monies that should be used to help older communities. The removal of "hundreds of trees" as described in the Statesman Journal will have a significant impact on rising temperatures.

2. The builder, Kehoe Northwesst Properties, is a Portland real estate developer. I find it frustrating that Portland developers grab land in and around Salem for development. This means that the money gained from this development doesn't stay in Salem, but rather leaves Salem and supports the city of Portland instead. I would appreciate it if Salem builders would be the ones who develop land in our community. At least the money gained from the development would stay in the Salem area and help our economy.

3. The Meyer Farm land has historic significance. According to the Statesman-Journal newspaper, the Meyer Farm dates back to 1854. The farm buildings should be preserved and incorporated into a major multiuse park.

4. The growth of Salem in recent years has spurned the need for more neighborhood parks of substantial size. The Minto Brown Island park is very popular among Salemites for walking and bicycling, but it is very crowded at peak use times. The Meyer Farm land would be a good place to create an additional large park big enough to accommodate hiking, jogging, and bicycling.

Thank you for your consideration of these concerns.

Susan Watkins 2025 18th St NE Salem 97301 503 378 1440 susanwat@peak.org

Sept. 30, 2021

Aaron Planko City of Salem

Planning Division Case SUB21-09

Dean Sir,

I'm writting this letter in apposition to a proposed subdivision on the property at 4540 Pringle Rd. SE. Known as the Meyer Farm. There are several reasons why I'm ogainst this development. I'm not an environmentalist but I don't like the idea of several hundred trees being cut down to make room for 138 houses. That is way too many houses for this 30 acre property. If any more houses are allowed to be built on this property there should be a limit of 4 houses. This property probably is the home for wild life such as deen which will become displaced. There will also be a big increase in trafficon Pringle Road & the other roads in the area. Roads in the grea are not able to handle that much extra traffic. When Costos south of this property opens there will be worse traffic backups on Kubler Blud than there are now and this subdivison traffic will only make it worse. Kabler Blud isn't able to handle that much extra traffie. This subdivision will also require water, sewer, felectric hookups? the other utilities that developments require. Another subdivision project just got underway on Battle Creek Rd. where Cohouses are going to be built on llacres. This is also going to add lots of extra traffic in the area.

I think that the best use for this property is to keep it as farm property or for it to be made into a park with sensible tree thinning done as needed to maintain a healthy stand of timber. This property is the last remaining parcel of the Joseph Waldo Donation Land Claim of 1852 and should be preserved. I'm tired of these property developed getting good land, much of it farm land and putting as many houses or a partments on it that will fit on it. They don't care about how this will impact the neighborhoods. All they care about is how much money they can put in their pockets!

I would urge you to honor the wishes of the Morningside Neighborihood Association fall of the people like myself who are against this subdivision and turn down the request of Kehoe Northwest Properties.

Sincerely, Jain Mellatu 6381 dates Dr.SE Salein, Dre.97317

From:	JN M <alpinenick@gmail.com></alpinenick@gmail.com>
Sent:	Friday, October 1, 2021 3:36 PM
То:	Aaron Panko
Subject:	Meyer Farm, Subdivision Case No. SUB21-09

Dear Salem Planning Division,

We represent twenty-three (23) third, fourth, and fifth generation descendants of Henry and Marian Meyer. We have spent our lives connected to them and to the Farm. The Meyer Family Farm is not only an extremely special place for our family, it is ecologically and historically significant for the larger Salem community as well. We support the preservation of Meyer Family Farm and the conservation of its trees and open space. We urge the City of Salem to protect this important urban jewel.

Sincerely,

3G /s/ John Nicholas "Nick" Meyer + (1) 4G 3G /s/ John Santana + (2) 4G + (2) 5G 3G /s/ Kieley Santana Malueg + (2) 4G 3G /s/ Joseph "Joey" Santana + (1) 4G 3G /s/ Molly Meg Santana 3G /s/ James Santana + (2) 4G 3G /s/ Natasha Meyer Eichaker + (3) 4G 3G /s/ Annalise Meyer Briggs + (1) 4G 3G /s/ Dylan Meyer

From:	Lisa Cassidy <cassidymediation@gmail.com></cassidymediation@gmail.com>
Sent:	Friday, October 1, 2021 4:11 PM
То:	Aaron Panko
Subject:	Proposed Subdivision of Meyer Property

Greetings.

My name is Lisa Cassidy. I raised my kids at 1190 Hilfiker Lane SE, overlooking the Meyer property. I no longer live there, and this is not a NIMBY response to the proposal, but a perspective that comes from personal knowledge of the affected neighborhood. The development proposed is not aligned with the City's purported priorities, and does a disservice to the city at large.

The City has spent three years developing the "Our Salem" plan, prioritizing affordable housing, reducing greenhouse emissions, advancing equity, increasing community spaces, and the like. This proposal undermines any efforts to advance these goals. A housing development of this type will not be affordable to the Amazon, Costco and hospital employees the City seems to be encouraging. The Grove, the new apartment complex in the neighborhood, rents for \$1295 for a one-bedroom. Pringle Creek and Fairview Addition cater to high-end homebuyers. The only residents who will benefit from the proposed development--and all the other new construction in the neighborhood--are the wealthiest ones, and those who move in from higher-priced markets.

Destroying the protected trees, paving the open space, and increasing traffic are contrary to the City's environmental goals. Nor is there any equity goal served here.

The infrastructure of the area, even with significant changes, is insufficient to support this type of development. It is premature to even claim to know what the impacts of Costco, Pringle Creek Community, Fairview Addition and The Grove apartments will be on the infrastructure of the area once completed and filled. Any projections of traffic volume and other impacts are hypothetical. The local schools (Morningside, Leslie, South) are at capacity and beyond. Given the size of the 2018 school improvement bond, there will be no bond money for school expansion for many years. Addition of this many units to the neighborhood will exacerbate these issues and shortchange our families.

The property is needed as community space. The location is perfect to use as a resource for the entire city -- centrally located and accessible by public transportation. How about a nature center? Or an accessible community center? Or an aquatic center, as the pools around the city have been eliminated? It is time we prioritize the health and well-being of residents of all ages rather than the development of all available space, with which the damage to the environment and quality of life will far outweigh a little tax revenue. The only party to benefit here will be the developer. It's time to think about the long-term health, education, and safety of the community in land use decisions rather than short-term gains for the few. There are many possible uses for this space that would benefit the city and its residents. This simply is not one of them.

Sincerely, Lisa Cassidy 3955 Kendell Ave. SE

From: Sent:	Victor Dodier <vjdodier@teleport.com> Friday, October 1, 2021 4:12 PM</vjdodier@teleport.com>
To: Cc:	Aaron Panko
Subject:	Geoffrey James; Scan Board RE: Subdivision Case No. SUB21-09

Aaron Panko

I have a few comments concerning the subdivision proposal for the Meyer Farm.

1. It is unfortunate that the City of Salem did not take the opportunity some years ago to incorporate this parcel as open space into the Salem Parks System. The subdivision proposal likely removes that option and increases the pressure for urban park space in SE Salem. Remaining large parcels are scarce and will be much more expensive in the future.

2. The proposed subdivision plan demonstrates better street connectivity than some South Salem subdivisions. It shows connection to at least one street in an existing subdivision. That said, there is not much connectivity. Better connectivity is another lost opportunity in this portion of South Salem.

3. The City should consider relieving the developer of responsibility for the 3/4 street improvement to 12th Street SE. This approximately 6 block portion of 12th Street SE is an isolated residential street. Connection to the south beyond Hilfiker Ln SE is blocked by development as is connection to the north. Leaving all or a portion of 12th Street SE as it is now will preserve several large white oaks that are located within the right-of-way for 12th Street SE.

4. The subdivision plan envisions build out of the development as single family residences. The new single family residences may not generate as much new traffic in the area as some fear. It may nevertheless affect traffic on Battle Creek Rd and Pringle Rd. Battle Creek Rd and Pringle Rd are both listed as minor arterials. Both are slated for improvements when development occurs, per the Salem Transportation System Plan. This subdivision alone is likely insufficient to trigger moving those street improvement projects forward in time. However, the City should take steps to improve Battle Creek Rd and Pringle Rd now, before they are overwhelmed with the traffic.

Thank you for the opportunity to comment.

Victor Dodier 396 Washington Street S Salem, OR 97302

NoReply on behalf of Parkview@daltonmngt.com
Friday, October 1, 2021 9:09 AM
CityRecorder
City meeting public comment
ATT00001.bin

Your Name	Jamie Macnamara Loflin
Your Email	Parkview@daltonmngt.com
Your Phone	5035815386
Street	1322 Wallace RD NW APT 37
City	Salem
State	OR
Zip	97304
Message	I am so disgusted that Salem would allow for 30 acres of historic land and trees to be turned into ANOTHER subdivision. We do not have a housing problem. We have a affordable housing problem. There are plenty of homes available but adding more overpriced homes to the market will not help anyone. https://douglasnewby.com/2014/07/adding-density-destroys-neighborhoods-one-house-at-a-time/ https://www.theguardian.com/cities/2014/sep/17/truth-property-developers-builders-exploit-planning- cities https://seekingalpha.com/article/4384367-3-reasons-why-really-is-no-housing-shortage

This email was generated by the dynamic web forms contact us form on 10/1/2021.

REQUEST FOR COMMENTS

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

REGARDING:	Subdivision Case No. SUB21-09
PROJECT ADDRESS:	4540 Pringle Rd SE, Salem OR 97302
AMANDA Application No.:	21-113071-LD
COMMENT PERIOD ENDS:	October 1, 2021

SUMMARY: A proposal to develop 29.68 acres into 138 single family lots in two phases of development.

REQUEST: A phased subdivision tentative plan to divide approximately 29.68 acres into 138 single family lots ranging in size from 4,000 square feet to 3.64 acres in two phases of development. The applicant is requesting alternative street standards to:

- 1) Increase the maximum grade for Hilfiker Lane SE (Type B Collector Street) from 8 percent to 9.3 percent;
- 2) Increase the maximum grade for 12th Street SE (Local Street) from 12 percent to 17.9 percent; and
- Increase the street spacing and connectivity standards in SRC Chapter 803 to allow proposed Hilfiker Lane SE, Ramsay Road SE and Hillrose Street SE to exceed the 600-foot block length and 600-foot street connectivity standards in SRC Chapter 803.

The subject property is approximately 29.68 acres in size, zoned RA (Residential Agriculture) and RS (Single Family Residential), and located at 4540 Pringle Road SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W11BC / 03000 and 03200).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

Comments received by <u>5:00 p.m. Friday, October 1, 2021</u>, will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are <u>public record</u>*. This includes any personal information provided in your comment such as name, email, physical address and phone number. <u>Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are</u> received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.

CASE MANAGER: Aaron Panko, Planner III, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2356; E-Mail: <u>APanko@cityofsalem.net</u>.

For information about Planning in Salem, please visit: <u>http://www.cityofsalem.net/planning</u>
Por information about Planning in Salem, please visit: <u>http://www.cityofsalem.net/planning</u> PLEASE CHECK THE FOLLOWING THAT APPLY:
1. I have reviewed the proposal and have no objections to it. The way and work and show shoet
2. I have reviewed the proposal and have the following comments: We have have have how how how have here have have here have here here here here here here here he
A anghomore traffic ance and the out flosting
Sangerons Vd, Name/Agency: Deahna Savor
(IN VESCUL Address: 4373 12th St DE WEREINATHE
MINIS JOUSE Phone: 978-549-4565 100037
Miller All (Email: dearna - Savoy @ icloud, com profile
Ullis To Aradon Date: 9/30/2021
MC IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM Stylet
Wallcitylamanda Horms 4400 Type 2 Request Commenter doc on street, we are in the
lowest platen of 12m and flowest in front of heavy 1373 + 4383 - We will get more run off of heavy

From:	Kimberly Nixon <kimberlynixon@gmail.com></kimberlynixon@gmail.com>
Sent:	Saturday, September 18, 2021 2:49 PM
То:	Aaron Panko
Subject:	Subdivision case No. SUB21-09 Pirngle/Morningside

I am submitting a comment in regards to the proposed 138 single family Subdivision on 4540 Pringle Road SE Salem Or 97302

My concern is related to traffic flow and poor pedestrian access and safety related to increased traffic on Hilfiker, Albert and Bluff.

The potential threat to life for pedestrians will be elevated due to increased traffic flow from the residents of the proposed subdivision.

As it is currently, the section of 12th street between Albert and Hilfiker is extremely dangerous for drivers in regards to the steep grade and poor visibility but more dangerous for pedestrians as there are no sidewalks or safety space for persons on foot or space for cyclists. Similarly, the section of Albert Street between 12th street to Chaney there are no sidewalks. Again, Bluff Avenue SE also has no sidewalks and will see increased traffic as drivers will naturally utilize Bluff Ave to access 12th Street Cutoff; a main thoroughfare. The increased traffic from the subdivision will have a negative impact on pedestrians, cyclists and children who use these roads everyday and will diminish the livability of the established neighborhood without additional requirements from the subdivision plans. Due to the wonderful and close neighborhood shopping opportunities (Natural Grocers and Trader Joe's) residents of the new subdivision will walk to access the neighborhood markets. It is the responsibility of the subdivision to care for current neighbors and the new residents safety and welfare by ensuring the existing neighbors are safe and accessible to pedestrians and cyclists.

The resolution to the safety implications due to increased traffic of existing streets and neighbors should be to require the subdivision to include the following changes prior to approval: expansion of 12th street between Albert and Hilfiker to include sidewalks and safe access to cyclists as well as speed bumps to reduce automobile speed. Similarly, for the span of Albert st between 12th and Chaney street sidewalks and speed bumps must be installed to ensure safety of pedestrians. Lastly regarding Bluff ave between Albert and Doris either require sidewalks and speed bumps or place a permanent street blockade at Bluff street where Bluff meets Albert to prevent drivers using Bluff Ave as cut through to access 12 th street cut off.

Thanks you kindly for your time Kimberly Nixon



October 25, 2021

City of Salem 555 Liberty Street SE RM 320 Salem, OR 97301

RE: Meyer Farm: Proposed 138-lot subdivision

This letter is to generally address public and City Staff comments received regarding the proposed 138lot subdivision at 4540 Pringle Road SE. In continued coordination with City Staff and in response to the public comments, the Applicant has adjusted the phasing plan, tree preservation count, and updated the 12th Street improvements in the northwest corner of the site.

As to phasing, the original phasing plan showed the first phase including the northwest corner open space tract and 20 lots. Now the phasing plan includes the construction of Hilfiker, the northeast corner open space tract and nearly 100 lots. The second phase includes all remaining lots and the northwest corner open space tract.

As to the tree preservation count, the Applicant did not originally include the 'area to remain' parcel surrounding the existing historic farmstead as "on-site" for the purposes of tree preservation and the total tree count. This area was excluded due to the importance of preserving the 'area to remain' parcel as-is, as well as understanding that the future ownership of, and therefore future plans for, that parcel are unknown. However, the City's Code requires the trees in the 'area to remain' parcel to be included in the total tree and tree preservation counts. All tree counts for the subject site met the minimum requirements when the 'area to remain' parcel was excluded, and with that parcel excluded, the Applicant proposed to preserve 30.72% of the total trees. Now, with the 'area to remain' parcel included in the total tree count and tree preservation proposed with this application, the Applicant proposes to preserve 43.94% of the total trees.

As to the 12th Street improvements, the Applicant proposes an updated 12th Street improvement, which is a slight adjustment from what was originally proposed. The adjustment is to continue the existing curb-tight sidewalk on 12th Street to keep the street improvements outside of a protected natural resources area. The sidewalk then transitions to the full ½ street improvement requirements once beyond the natural resource area. The location of the transition from curb-tight to sidewalk with planter strip is the proposed change and allows for additional protection to the natural resource in that area.

Sincerely, Jennifer Arnold Sr. Land Use Planner jarnold@emeriodesign.com (503)746.8812

From:	Peter Meyer <pbmeyer@verizon.net></pbmeyer@verizon.net>
Sent:	Wednesday, January 12, 2022 2:11 PM
То:	Aaron Panko
Cc:	Lisa Anderson-Ogilvie
Subject:	Corrected Exh re: Subdivision Case No. SUB21-09 – Documents for the City Council
Attachments:	Exh 11 Corrected John Santana 2.26.21 Updated \$3 MM offer to Hart.pdf; P Meyer to
	Salem City Council 1-12-22.pdf

Dear Mr. Panko,

Enclosed is a letter rquesting that you remove my Exh 11 document attached to a letter of mine to you on January 3, which was a draft of a letter to Judge Hart and not the final version sent to him.

The final version of that letter is attached as Exh 11 Corrected.

Thank you so much.

Peter Meyer 518.929.6505 pbmeyer@verizon.net February 26, 2021

Honorable Thomas M. Hart Marion County Circuit Court PO Box 12869 Salem, OR 97309 Ms. Michelle Morrow, Trustee c/o David L Carlson, PC 1845 Commercial St, SE Salem, OR 97309

RE: Henry A. Meyer Revocable Living Trust, Marion County Circuit Court Case No. 19PB06270

Dear Judge Hart and Trustee Ms. Morrow,

I write on behalf of 23 of Henry and Marian Meyer's third, fourth, and fifth generation direct descendants who stand together in support of the Meyer Family Farm LLC's proposed \$3MM Plan of Distribution. We believe the proposed Plan is the most fair, equitable, and timely way to terminate the Trust.

The Plan of Distribution's substantial benefits:

- maximizes the Trust's returns and prevents unnecessary costs from incurring;
- quickly provides each beneficiary his/her interest in their desired form either cash or continued ownership of the Farm via the LLC;
- honors our Grandfather's (Trustor's) intent to extend his legacy; and
- guarantees the best financial outcome for all beneficiaries by eliminating the risks and costs associated with an extended timeline and third-party sale.

In 1947, with three young children in tow, Henry and Marian Meyer bought 29.75 acres in Salem — their 1915 farmhouse and barn and surrounding farmland, oak groves, wetlands, and woods. Through hard work and sheer determination, they created what would become the epicenter of our family — what we all know and love as "the Farm" — a magical place for their six children, 17 grandchildren, 29 great-grandchildren, and two great-great-grandchildren, many of whom, including myself, who have lived on the Farm during different stages of their lives. My younger brother, for example, lived on the Farm for seven years between 2005 and 2012 and one of my sisters lived there with Grandfather 1986–87 while she was in college. Cousins Nicholas, Natasha, Dylan, and other family members have all spent time living and working on the Farm, too. For many of us, the Farm has always been our home away from home.

My Grandparents were important and respected members of Salem and Portland communities. Grandmother, a 1939 Marylhurst College graduate, earned the distinction as "*Miss Marylhurst 1939*" and Salem's "*Woman of Achievement*" in 1977. Grandfather was well respected, known for his wry sense of humor, ingenuity, generous giving of his time and resources, and readiness to defend the underdog. He specialized in logistics for the U.S. Army and was instrumental in retrofitting polo-stricken U.S. President Franklin Roosevelt's Army Jeep when he met with British Prime Minister Winston Churchill at the 1943 Casablanca Conference in Morocco. He earned a battlefield promotion to Major, a Purple Heart, the European African Middle Eastern Service Medal, the WWII Victory Medal, and the American Theater Ribbon. As an interior designer, Grandfather was known for his high standards and attention to quality and detail for which he earned national recognition as well as loyal clientele including Oregon State Senators, Governors, and Supreme Court Justices. Grandfather and Grandmother helped establish Salem's Symphony, fostered residents of the Fairview Training Center, were founding members of Queen of Peace Catholic Church and Illahe Country Club, and they were second-generation members of Portland's Multnomah Athletic Club. As the oldest of Henry and Marian's grandchildren, I had the opportunity to live with them as a child on the Farm and grow up with them. I have been deeply connected to them and to the Farm throughout my entire life. Growing up, I was lucky enough to work side-by-side with my Grandfather in his shop and around the Farm and I have regularly contributed my time and talents to keep the Farm in working order for over 40 years. For the last 20 years, I have operated a successful Salem-based business and my family and I live just 5 miles from the Farm. During the years since Grandfather's death, I have been responsible for completing the Farm's biggest projects at no cost to the Trust. I know the Farm inside and out and I know my Grandparents in a very special and meaningful way – *Grandfather and Grandmother would have <u>never</u> wanted their legacy thrown out the window in this way. They built this Farm, their pride and joy, with clear intent for their legacy to endure.*

I can tell the Court, with the certainty from someone who spent his life alongside Henry, that he wanted his legacy to his family and community to live on. Grandfather specifically provided a provision in his Trust to allow future generations to carry his legacy forward. And, the intent behind his 20-year Trust was for my generation to take the reins from our parents to manage the Farm in an environmentally and socially responsible way for the next generation. These facts are well known by all of Henry and Marian's descendants, supported by first-hand conversations, emails, documents, and most importantly, 20 years worth of actions to sustain the Farm to ensure it's carried forward for future Meyer family generations. It is our desire to honor our Grandfather's intentions to continue to retain the Farm as a Farm *"in substantially the same manner as it was operated at the time of Trustor's death."*

On behalf of myself and the descendants listed below, we ask the Court and Ms. Morrow:

In accordance with the rule of law, please analyze, evaluate, and acknowledge the substantial benefits the \$3MM Plan of Distribution provides for all Trust beneficiaries.

To assist Ms. Morrow and the Court in implementing the Plan, the family will demonstrate its commitment and ability to fund it with a \$50,000 cash deposit into an escrow account, immediately. The escrow deposit would become fully non-refundable upon the Trust approving and signing the proposed Trust Termination and Distribution Agreement. We look forward to your response on the matter.

Sincerely,

/s/ John P. Cantana

John P. Santana Henry & Marian Meyer's Grandson, 3G john@santanacrane.com

On behalf of 23 of Henry and Marian Meyer's third, fourth, and fifth generation direct descendants:3G /s/ John Santana + (2) 4G + (2) 5G3G /s/ Natasha Meyer Eichaker + (3) 4G3G /s/ Kieley Santana Malueg + (2) 4G3G /s/ John Nicholas "Nick" Meyer + (1) 4G3G /s/ Joseph "Joey" Santana + (1) 4G3G /s/ Annalise Meyer Briggs + (1) 4G3G /s/ Molly Meg Santana3G /s/ Dylan Meyer3G /s/ James Santana + (2) 4G3G /s/ Dylan Meyer

Letter attachment includes:

Trust Termination and Distribution Agreement Supporting Documentation

	C	ERTIFICATE OF SERVICE	
1	I hereby certify that I caus on the date indicated below,	ted to be served the foregoing Lette	er of John P. Santana,
2	[X] Via First-Class Ma [] Via Electronic Filir	il with postage prepaid to the Court	only
3		Return Receipt Requested ()
4	to the following person(s) a true c facsimile transmission), addressed t		
5	VIA EMAIL & US MAIL	VIA EMAIL	VIA EMAIL
6	Honorable Thomas M Hart	Peter Meyer	Quinn Meyer
Ŭ	ico: Ashley.e.klein@ojd.state.or.us	pbmeyer@verizon.net	quinn@crees-manu.org
7	Marion County Courthouse	330 Allen St	3 Kendrick Mews
	Courtroom 2A	Hudson, NY 12534	London SW7 3HG
8	PO Box 12869	Pro Se Petitioner, Trust Beneficiary	United Kingdom
			e
9	Salem, Oregon 97309	VIA EMAIL	Trust Descendant Beneficiary
	Presiding Judge	Jan Kitchel	VIA EMAIL
10	VIA EMAIL	jan@kitcheladr.com	Ian Meyer
	David Carlson	1205 NW 25th Ave	ian@mco.ltd.uk
11	david@davidcarlson-attorney.com	Portland, OR 97210	124 Alpine Ter
	David L Carlson, PC	Attorney for Molly Meyer, Trust	San Francisco, CA 94117
12	1845 Commercial St SE	Beneficiary	Trust Descendant Beneficiary
10	Salem, OR 97309		
13		VIA EMAIL	VIA EMAIL
14	Attorney for Trustee Michelle Morrow	James Meyer	Miranda Spackman
14	VIA EMAIL	jamesmeyer.rooftop@gmail.com	miranda.spackman@gmail.com
15	Bill Larkins, Jr	3907 SW View Point Ter	4 Meadow Gate, Prestwood
15	wlarkins@lvklaw.com	Portland, OR 97239	Great Missenden, HP16 OJN
16	121 SW Morrison St Ste 700	Trust Beneficiary	United Kingdom
10	Portland, OR 97204	VIA EMAIL	Trust Descendant Beneficiary
17	Attorney for Mary Ann Meyer Santana,		VIA EMAIL
	Trust Beneficiary	Annabelle Ahouiyek	Gina Johnnie
18		annamey2004@yahoo.co.uk	gina@shermanlaw.com
	VIA EMAIL	6 Reece Mews	PO Box 2247
19	Hunter Emerick	London SW7 3HE	Salem, OR 97308
	hemerick@sglaw.com	United Kingdom	
20	Saalfeld Griggs PC	Trust Descendant Beneficiary	Attorney for Jane Meyer
	250 Church St SE Ste 200		
21	PO Box 470		
	Salem OR 97308		
22	Attorney for John Meyer,		
	Trust Beneficiary		
23			
24	DATED this 26th day of February, 2021.		
27		/s/ John P Santana	
25		John P. Santana	
		Henry A. and Marian L.	Meyer's Grandson
26		john@santanacrane.con	
		Johnwounderane.com	
	CERTIFICATE OF SERVICE: Henry A M	eyer Revocable Living Trust 19PB06270	

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

January 12, 2022

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

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

Dear Mr. Panko,

I am writing to ask you to substitute the attached "Exh 11 Corrected John Santana 2.26.21 Updated \$3 MM offer to Hart" for the Exh 11 that I submitted with my January 3 letter to you.

The original Exh 11 ("John Santana 2-26-21 on behalf of 23 descendants") contains errors that were corrected in the final letter to Judge Hart.

Thank you for your consideration in removing the original Exh 11 from the record. Please let me know if you have any questions.

Sincerely,

Peter Meyer

Encl: Exh 11 Corrected John Santana 2.26.21 Updated \$3 MM offer to Hart

From:	Lisa Anderson-Ogilvie
Sent:	Wednesday, January 19, 2022 10:19 AM
То:	Aaron Panko
Subject:	FW: Ex Parte Communication from Peter Meyer. Fw: quick comments

From: Peter Meyer <pbmeyer@verizon.net>
Sent: Tuesday, January 11, 2022 2:06 PM
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Subject: Re: Ex Parte Communication from Peter Meyer. Fw: quick comments

Lisa,

That's very sweet of you to ask whether I want my email below included in the record. And the answer is I don't mind.

And though I don't agree with the rule that forbids Councilors from discussing current legislative proposals with their constituents--this is the essence of democracy--I will respect the rule and not put any of them on the spot on these matters by writing to them directly.

Thank you for the information about the written record being open until February 14.

Sincerely,

Peter Meyer 518.929.6505

On 11 Jan 2022 at 21:46	, Lisa Anderson-Ogilvie wrote:
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Peter,

I understand the desire to have the correct information before the City Council. The good news is that they have left the written record open until February 14th at 5:00 P.M. so testimony can continue to be submitted. I hope you will submit more testimony to correct or refute what was said last night. I am sure the City Council would appreciate the clarity.

Do you want the email below included as well? It's up to you.

Thanks,

- Lisa | 503-540-2381

From: Peter Meyer <<u>pbmeyer@verizon.net</u>>
Sent: Tuesday, January 11, 2022 12:29 PM
To: Lisa Anderson-Ogilvie <<u>LMAnderson@cityofsalem.net</u>>
Subject: Re: Ex Parte Communication from Peter Meyer. Fw: quick comments

Thanks Lisa, please do include my email as part of the public record. I am a journalist, believe in complete transparency, and will gladly go where the facts take me. I am also a seasoned journalist with extensive experience covering both the judicial and legislative branches of our democracy, both national/federal and state/local -- all of which is filled with lots of

opinions! and so very much appreciate the Council's decision last night to go back to tree drawing board. (See my Harper's mag cover story from 1979; I'm sure the Councilors will get a kick out of the story's introduction these 40+ years later.)

I have been to many meetings like the one last night and am always in awe at the efforts by legislators to do the right thing. (I didn't get to bed back here until 2ayem and have enough five-hour school board meetings under my belt to be very sympathetic to that kind of public service.) But I am also a firm believer in getting our legislators (councilors) the best and most accurate information so they can make the best and most valuable (for the community) decision.

As a member of the Meyer family who has fought to save the farm since the first inklings of the conspiracy to sell it (in late 2018) I urge the Councilors to recognize the importance and substance of the ownership questions that we have made from the beginning. My written testimony from yesterday's meeting, along with the Exhibits, should provide some needed background on the ownership fight and explain my scepticism abouit the City attorney's willingness to accept the judgement of the developer as the final word on the matter.

Looking at this material would also help answer the Mayor's question about the farm being fallow. Indeed, it is fallow only because co-trustees Ian and Molly secretly, and without notice to beneficiaries of the trust, worked to bankrupt the trust while they secretly conspired to sell the Iand. (See my written testimony to the Council from yesterday and the accompanying exhibits.) While breaking Trust Iaw about keeping beneficiaries informed of what was going on, Trustees -- Ian and Molly as well their successor Trustee Michelle Morrow--have sealed off the farm, buildings and all, and let it go to hell (i.e. fallow). You have dozens of members of the Meyer family, chomping at the bit, to use a farm phrase, to get back on the farm and bring it back to life.

This is the whole point of my initial petition to the court (in August of 2019)--to save the farm from this intentional and illegal effort to bankrupt the trust and sell the farm. Why our perfectly reasonable offer to buy the farm in order to save it was rejected is beyond my current understanding of the facts to understand. No reason other than deep anger on the part of these people. But I can assure the Mayor that this has been a working farm, granted, not not always one growing fruits and vegetables, for over a hundred years. The fallowness that you see is not the Meyer family's fault, but that of a few of its rogue members.

cheers and good luck to us all.

stay healthy,

peter meyer Henry Meyer Trust beneficiary. 518.929.6505

cheers,

peter

On 11 Jan 2022 at 19:14, Lisa Anderson-Ogilvie wrote:

Hi Peter,

This case is still pending so the Councilors cannot discuss it with members of the public. This is a quasi-judicial land use case, which means the Councilors act similar to a judge in a trial. All of the conversations, information and evidence has to be available to everyone that participates in the case. Therefore, the Councilors cannot have side discussions with folks (ex-parte contact). This is different than a legislative proceeding, where the Council is creating broad public policy, such as creating new land use provisions. In those situations, the Council can speak to anyone and everyone. I hope this helps.

I will include your email as part of the public record.

Thanks,

Lisa Anderson-Ogilvie, AICP (she/her) Deputy Community Development Director Planning Administrator City of Salem | Community Development Department 555 Liberty St SE, RM 305, Salem, OR 97301 Imanderson@cityofsalem.net | 503-540-2381 Facebook | Twitter | YouTube | CityofSalem.net

From: Peter Meyer < pbmeyer@verizon.net >
Sent: Monday, January 10, 2022 10:23 PM
To: Trevor Phillips < <u>TPhillips@cityofsalem.net</u> >
Subject: quick comments

Dear Trevor,

A great meeting tonight, but it was disconcerting to hear the discussion at the end of the evening when Councilors asked substantive questions about litigation and Panko didn't have the answers. Tom Anderson's question about who wrote Legacy document, for instance (that was in my exhibits). Asked about the impact of the litigation, he stated that the developer assured him that everything was okay, a completely biased opinion. Please see my written testimony submitted today and the documents accompanying that testimony. Panko's statement is simply not true. And Atchison is wrong about the impact of the litigation. Finally, it is very bizarre, as Atchison advised, that you can't talk to the public. It's very disconcerting that this development has gone has far as it has.

Thank you.

peter meyer

THE MEYER FARM

HOW TO SAVE ALL THE 50 SIGNIFICANT TREES

BY CAREFUL DESIGN

Geoffrey James A.I.A.

Graphics by James Santana

Page 1 of 8

January 24, 2022

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

Re: Subdivision SUB21-09 at 4540 Pringle Rd SE

Dear Mayor and Salem City Council:

I am writing as a concerned citizen who lived in Salem for 48 years. I am a licensed architect, planning and designing developments and building in Salem for half a century, have chaired the Salem Planning Commission, and I am concerned about the City's recent (administrative) approval of SUB21-09, which should be denied.

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

The community has expressed substantial concerns about SUB21-09, documented in the hundreds of pages of community testimony, the hundreds of petitions, and the 20 people who spoke at the Hearing, but specifically I want to address how the application violates the following clear and objective approval criteria regarding the **required protection of all 50 Significant trees**.

1. Incorrect and missing application information

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

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

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

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

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

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

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

2. Shadow plat violates development standards of the UDC

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

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

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

3. Removal of significant trees is not necessary

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

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

4. Design Alternatives exist

While I believe this property should remain as open space, there is a reasonable design alternative *that would result in the preservation of all significant trees on private property.*

HILFIKER ALIGNMENT

The alignment of Hilfiker Extension could be shifted by just 120 feet to the northwest and it would completely avoid the entire oak grove. As a Collector B street with a 25 mph design speed, there is a lot of flexibility in the design alignment of Hilfiker. There is no legitimate reason why Hilfiker Extension or its adjacent residential lots need to slice through the oak grove as proposed.

12TH STREET (and trees) REMAIN

There is also no compelling reason why ultra-steep 12th. Street needs to be widened, the significant trees removed, and the residents left with impassable steep driveways. A sign. and a 5 mph speed limit, can deter drivers from even using this quiet residential lane, and these neighbors do not need to be affected. Save the trees.

MEYER FARM HOUSE & LARGE LOT (and trees) TO REMAIN

Creation of a Conservation Easement Lot and by Land Use exception the City Council can save all significant trees around the existing farm house.

5. No Guarantee in the Code about Number of Lots

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

RECOMMENDATION & ACTION: This application should be denied and sent back to the drawing board.

Sincerely,

Geoffrey James



LOCATION OF 50 EXISTING SIGNIFICANT TREES



THE APPLICANT'S PROPOSED ALIGNMENT OF HILFIKER EXTENSION WILL DESTROY MANY SIGNIFICANT TREES



HERE IS A REASONABLE DESIGN ALTERNATIVE THAT RE-ALIGNS PROPOSED HILFIKER EXTENSION, AND ITS LOTS, TO MISS <u>ALL</u> SIGNIFICANT TREES



SO <u>ALL</u> FIFTY **SIGNIFICANT TREES CAN BE** SAVED BY A **DESIGN CHANGE.** A. LEAVE 12^{TH} . ST. **AS A QUIET STEEP** NARROW STREET FOR **ITS RESIDENTS B. MOVE THE** ALIGNMENT OF THE PROPOSED HILFIKER EXTENSION ABOUT 120 FT. WEST C. DEDICATE THE EXISTING **HOUSE AND ITS LARGE LOT** AS A **CONSERVATIO** N PARCEL AND SAVE ALL ITS SIGNIFICANT TREES.

sa Anderson-Ogilvie
onday, January 24, 2022 10:43 AM
aron Panko
V: Morningside Neighborhood Association's ACTUAL position on SUB21-09
orningside Neighborhood Association 1-12-2012 Meeting Minutes.docx

- Lisa | 503-540-2381

From: Liz Backer <lizmail217@gmail.com>
Sent: Monday, January 24, 2022 10:42 AM
To: CityRecorder <CityRecorder@cityofsalem.net>; citycouncil <citycouncil@cityofsalem.net>
Cc: Geoffrey James A.I.A. <gjamesarchitect@gmail.com>; Jenny Hiatt <jenny.hiatt85@gmail.com>
Subject: Morningside Neighborhood Association's ACTUAL position on SUB21-09

Good morning,

To say that I was disappointed with my neighborhood association's testimony at the 1/10 public hearing would be an understatement. There was an Executive Summary from MNA that was included in the submitted written testimony that not only contradicted the chair's comments, but supplied a significant amount of evidence addressing the many concerns the association has about this application.

I attended the association meeting two days after the public hearing, on 1/12, where this topic was brought up. A neighbor and I addressed the chair and asked for clarification on why there was such a contrast in the verbal testimony at the hearing vs the true position of the association. The remaining association board members unanimously shared that concern. There was no sufficient answer from the chair other than "oops" and an apology.

The remaining association members then motioned and unanimously voted for the chair to write a letter of clarification for city council that would make clear that the association in fact DID vote and WERE opposed to the application for SUB21-09.

Two weeks later, I have yet to see that happen. Hopefully it has, and I was perhaps not forwarded that message, which is fine. However, in case you have *not* yet received this letter, please see the attached Morningside Neighborhood Association meeting minutes for 1/12/22, and the referenced Executive Summary from Morningside Neighborhood Association that was submitted to the council in advance of the 1/10/22 public hearing, linked below. (pages 106-123).

I don't speak for Morningside Neighborhood Association, but I feel that you should have all of the accurate information for your consideration of this application.

Thanks, and have a great day,

Liz Backer

The Morningside Neighborhood Association's Executive Report and their position on application is pages 106-123 in this packet:

https://salem.legistar.com/View.ashx?M=F&ID=10386137&GUID=4E0D1F8B-1CC0-4144-AC82-81D7E9B237D8

Morningside Neighborhood Association January 12, 2022 Meeting MINUTES

Call to Order: Chair Pamela Schmidling at 6:36 PM

- Six of 11 current Board members present – represents a quorum

<u>Introductions</u>: <u>Board members</u> - Schmidling, Bubl, Krebs, Reid, Phillips and Tocchini; <u>Visitors</u> – Liz Backer and Jenny Hiatt

Minutes: For December 8, 2021 meeting approved as written

Council Report: Trevor Phillips reported -

- On 1/10/22 interviewed job candidates; Public Hearing on Meyer Farm Development Appeal; other business end at 10:45 PM (Will continue Meyer Farm Appeal in February.)
- <u>Land Use</u> record still open for input on several cases.
- <u>Public Safety</u> Approved establishment of a *civilian-led* Mobile Crisis Response Unit, and to expand the existing *officer-led* one; Looking at Eugene's "CAHOOTS" program for model; Cited tremendous need for such programs to prevent escalation of incidents.
- <u>Diversity</u> Council placing a priority on expanding codifying diversity in City government.
- <u>Housing</u> Work session on 1/18/22 concerning new Micro-shelter sites; two sites currently in operation serve 180 people; good results from these operations in getting folks back on their feet; Operational funding also an issue. Local community donated \$600K –for 125 shelters still no place to put them; goal is to transition from unmanaged to managed camps; requires employed attendants, but relies heavily on volunteers; enough funding to serve current enrollees; about 1,000 people needing shelter each night.
- <u>Pandemic Report</u> Situation "not great" now one in 79 have tested positive for Covid; last week there were 300 hospitalized in Oregon, and now there are almost 800. City Manager is currently ill with the disease.

Committee Reports:

- <u>Traffic</u> No report
- Land Use No report
- <u>Parks</u> No report (except for Chair Schmidling saying grant application has been submitted for Morningside Park picnic benches
- <u>CERT</u> Schmidling reported that CERT volunteers are now helping staff the warming centers during the cold weather
- <u>Liquor License Applications</u> Schmidling Application for pub on Fairview Industrial Way, open seven days a week 11AM-12AM Mondays thru Friday 8AM 12AM Saturdays and Sundays.

- <u>Transit</u> Krebs Busses running seven days a week with reduced service on weekend; will use Saturday schedule for MLK Day and Sunday schedule for Presidents Day holidays. New services are paid for partially by the new payroll tax.
- <u>Communications</u> No Report

Volunteer Hours: Bubl - 1 hour; Reid - 3 hours; Schmidling - 7 hours; Tocchini - 3 hours.

Program: The Grove Apartments at Fairview – Manager Laura Robinson (via Zoom) reported

- <u>Reed Road Improvement</u> is scheduled for June completion.
- <u>Phase 2 of The Grove</u> retaining walls built and old silos removed; site grading in progress; some units to be ready in fall 2022. Phase 1 is 100% complete and 100% occupied.
- <u>Meeting Site</u>? The Grove offers MNA the use of its clubhouse for meetings.
- <u>Next Report</u> Schmidling offered MNA meeting time at February or March.

Other Business -

Meyer Farm hearing follow-up – Liz Backer and Jenny Hiatt (on behalf of neighbors and others opposing the planned development) expressed deep concern (and loss of faith in MNA) – about Chair Schmidling's statement MNA was not opposed to the development. Schmidling said she misspoke on that. After considerable discussion, Board voted to have Schmidling write a letter to the City– which clarifies MNA's position on this Application; Krebs recommended original letter be attached. Schmidling apologized for the miscommunication.

Police Report – SPD officer Jason Bonner –

- <u>Up-tick in catalytic converter thefts</u> hoping new scrap tracking laws will reduce this trend; SPD asking public to report such losses to help them identify suspects and gauge success of new law
- <u>Community Assessment</u> second of two rounds of public input on police services
- <u>Audit</u> Third party audit pointed out need for attention to or change in five areas: 1) Understaffing – especially in Patrol; 2) Proactive community engagement; 3) Adjust Patrol and detective squad/shift ratios; 4)Handling of non-police issues; 5) Increase Community Service Officer staff.
- <u>Discussions</u> Accessibility of Non-emergency number; already too much emphasis on on-line communication excludes those who do not use internet; what SPD will do with assessment and audit inputs; Success and history of annual SPD Toy Drive; Rash of mail thefts and "porch pirating"; vagrancy occurrence and law; Speeding traffic on Battle Creek/Pringle roads and 12th Street hill patrol difficulties and tactics. Officer Bonner said he would contact Patrol to watch.

<u>Announcement Regarding Meeting Room use</u> – Sue Reid - Some parties using the meeting room subscribe to Zoom; church provided Zoom contact regarding The Grove Apartments, cannot do that regularly; If pandemic warrants more remote meetings MNA may want to consider subscribing (use Communications fund?) Krebs suggested conference call if there are no visuals to display.

Adjourn – Meeting was adjourned by Chair Schmidling at 8:03PM.

Aaron Panko

From:	Jenny Hiatt <jenny.hiatt85@gmail.com></jenny.hiatt85@gmail.com>
Sent:	Thursday, January 27, 2022 3:34 PM
То:	Lisa Anderson-Ogilvie; Aaron Panko; citycouncil
Subject:	Re: SUB 21-09: Emerio and City Forester Concerns

Lisa,

Thank you for the response. However, this does not sit well with me or my neighbors. The SPECIFIC REASON why the city forester was requested to re-do the tree count was due to Emerio's inconsistencies and straight-out lies listed in their reports. They shouldn't have been allowed on the property while the forester was there. These actions have corruption written all over them.

Jenny

On Thu, Jan 27, 2022 at 2:42 PM Lisa Anderson-Ogilvie <<u>LMAnderson@cityofsalem.net</u>> wrote:

Jenny,

Yes, the Urban Forester was on the property today for a site visit. The applicant requested that they be there when the Urban Forester visited the property, which is not an unusual request. Developers, contractors, builders, etc., are usually present on the property when the City conducts a site visit or inspection.

Thank you,

Lisa Anderson-Ogilvie, AICP (she/her)

Deputy Community Development Director

Planning Administrator

City of Salem | Community Development Department

555 Liberty St SE, RM 305, Salem, OR 97301

Imanderson@cityofsalem.net | 503-540-2381

Facebook | Twitter | YouTube | CityofSalem.net

From: Jenny Hiatt <jenny.hiatt85@gmail.com>
Sent: Thursday, January 27, 2022 12:52 PM
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>; Aaron Panko <APanko@cityofsalem.net>; citycouncil

<<u>citycouncil@cityofsalem.net</u>> **Subject:** SUB 21-09: Emerio and City Forester Concerns

To Aaron, Lisa, and City Council,

I am writing on behalf of the neighbors who live in the neighborhood by the Meyer farm. Our understanding was during the last city council hearing on January 10th, 2021 regarding SUB 21-09 that the city councilors and mayor Bennett all agreed that the City of Salem forester would conduct an independent tree study on the property.

At 10:45 am, neighbors noticed that an Emerio engineering truck was parked near the property along with a city of Salem truck. By 12:01 pm, the Emerio truck was gone, but the city of Salem truck remained. See photos with time stamps attached to this email.

If the truck belongs to the city forester conducting the new tree count, neighbors want to know why Emerio was also on the property? The people of Salem have lost all trust with Emerio regarding the tree counts. We hope that this process is honest, fair, and conducted independently by the city forester. We would like answers on what is happening today.

Thank you,

Jenny Hiatt

[&]quot;With the new day comes new strength and new thoughts." - Eleanor Roosevelt



NEIGHBORHOOD ASSOCIATION 555 LIBERTY ST. SE RM. 305 SALEM OR 97301 • 503-588-6207 • WWW.CITYOFSALEM.NET/NEIGHBO

January 23, 2022

City of Salem Planning Division 555 Liberty Street SE Salem, OR 97301 Attn: Aaron Panko,

Application for 2 Phase, 138-Lot Single Family Residential Subdivision at 4540 Pringle Rd SE Subdivision Case No. SUB21-09

Dear Mr. Panko:

The South Gateway Neighborhood Association is opposed to the proposal to subdivide and develop the Meyer Farm property located at 4540 Pringle Rd. SE. SGNA feels that the City Council should deny the subdivision application because:

- This is a special 30-acre property that has been a working farm in the Morningside Neighborhood and is known as The Meyer Farm which operated under a farm trust. Also, the land and its ownership are still in dispute—what happens if court decision come down on side of family members who want to preserve the property?
- Please do not repeat the mistake the city made regarding the trees on PacTrust/Costco property. The City ignored alternative development plan that would have saved the Heritage White Oaks. Now all the trees are dead.
- The proposed development will create significant traffic issues for surrounding neighborhoods and South Salem as a whole. As a result of development that is unsupported by adequate infrastructure, the livability factor for South Salem (and Salem) will significantly deteriorate.
- IF the city is serious about climate change then all or at least 80% of the trees on the Meyer property need to be saved. Trees are carbon dioxide vacuums—over the course of an average tree's life, it stores up to 22 tons of carbon dioxide in their trunks, branches, and root systems. Any proposed development plan that the City considers needs to not only protect the trees but their root systems—which is why the Heritage White Oaks on the PacTrust property all died after they were relocated. You can't destroy an intertwined root system on large trees and expect them to survive.



We ask that the City recognize the negative consequences that proposed subdivision and development will have on the area and Salem in general.

Sincerely,

Jake Krishnan

Jake Krishnan Chair South Gateway Neighborhood Association

1-13-2022

Case Number 21-09

Dear Mayor and City Councilors,

This letter is to clarify my testimony from the 1-10-22 City Council Hearing.

After hearing some feedback, I felt that maybe I didn't make my statements clear.

I would like to clarify that my statement of Morningside Neighborhood Association that I stated,

"Morningside Neighborhood neither approves or nanites that any property can be developed or not developed."

The Morningside Neighborhood Association would like the council NOT to approve this plan based on the statements used on the 18-page written document.

Sorry if I mis-spoke or did not make that statement clear.

Sincerely,

Pamela Schmidling

Chair of MNA



THE PROPOSED SUBDIVISION OF THE MEYER FARM. CASE NO. SUB 21-09 **MORNINGSIDE N.A. RECOMMENDATION TO CITY COUNCIL** For Public Hearing: January 10, 2022

Mayor and City Council:

Morningside Neighborhood Association recommends DENIAL of this application. MNA Sub Committees on Traffic, Trees, and Land Use, have been meeting for months to develop detailed recommendations, which were forwarded to the Executive Board each time for review and approval. These deliberations were therefore based on a MNA detailed review, by committees, of the Applicant's materials, which are on file.

The committees found that some submitted Applicant reports were inaccurate, incomplete, and deceptive.

Traffic Concerns: Our primary traffic concerns are the safety, capacity, and traffic operations of the Hillrose St SE & Battle Creek Rd SE intersection and the Hilfiker Ln SE & Commercial St SE intersection. As the new Hilfiker/Hillrose section will be the only direct Commercial St SE - Battle Creek Rd SE connection between the Kuebler Blvd connection to the South and the Madrona Ave SE connection to the North, it won't just be traffic from the new housing development, but also existing traffic that finds this to be a more convenient East/West route.

The applicant's Traffic Impact Study doesn't appear to fully take this into account. It also doesn't appear to factor in any traffic from other planned developments in the area. There are hundreds of new residential units in the surrounding area already approved and the relocated Costco will increase Battle Creek traffic when it opens.

There were many omissions and deficiencies in the applicant's Traffic Impact Analysis, and therefore, we believe that it does not provide sufficient or reliable conclusions related to the safety, traffic operations and capacity of the study intersections. Our specific concerns are enumerated in the attached comments.

Trees Concerns: Our primary concern about the Applicant's Tree Preservation and Protection plan is that it does not adequately support objectives in City Code Section 808, in regards to amount of native tree cover being removed, likely exclusion of significant Oregon white oak trees from the roster of trees to be removed, and removal of potential Heritage Trees of other species.

Land Use Concerns: Our Committee found a complete disregard for State Law. State Land Use Goal 5 which requires protection of significant historic resources, significant trees, waterways, endangered species, etc. The City of Salem has indeed decided to include Compliance of Goal 5 in the next budget. At this time however, the City, and this Applicant, are not in compliance. If and when this gets to the State for adjudication, on Appeal, then State Laws will be enforced and this matter will indeed be remanded back to the City to get it right. The

time to address this correctly is now. That heritage should respected, and State Law requires that it be protected, and not disregarded, as it has been so far, in this unfortunate process.

History and Heritage Concerns:

Loss of an important piece of Salem's history. The Meyer Farm holds significant historical value, and the destruction of this pristine property means the loss of that heritage. This property is one of the last original parcels remaining from the Land Donation Act of 1850. Ownership of the farm is traced back to the original claimant, Joseph Waldo.

Overwhelming Neighbor Concerns: In December the Applicant, his engineer and his planner, came to Morningside and presented their subdivision plans. The room was full, and masked neighbors sat around all sides of the room. Toward the end of the meeting the neighbors were asked "all those opposed to the proposed development of The Meyer Farm please stand". The entire room of neighbors, i.e. 100%, stood in silent protest, and this further impressed the board with the significance of the Farm in this community. MNA is supposed to be the body that represents neighborhood concerns, and that quiet demonstration made it clear what the community thinks.

ATTACHED COMMITTEE REPORTS:

These reasons for Denial have been documented in great detail in the following Reports, and these facts provide the Council with the valid reasons for denial. See the following sections regarding Land Use, Traffic, Trees, History & Heritage, for the details of these MNA recommendations.

At the end is an Executive Summary of the main points.

MNA recommends that this proposal be denied.

Pamela Schmidling

Pamela Schmidling, Chair Morningside Neighborhood Association

SEE ATTACHED COMMITTEE REPORTS

INDEX OF PAGES:

Page 1: Cover Letter Page 3: Land Use Page 5: Traffic Page 13: Trees Page 16: History and Heritage Page 17: Executive Summary

MNA LAND USE CONCERNS

Since 1947, the Meyer family has owned and protected this unique 30-acre farm located just minutes from the Oregon State Capitol building in Salem.

The Meyer Family Farm is believed to be the largest remaining undeveloped urban farm in Southeast Salem. It is the original homestead resulting from a patent issued by The Donation Land Claim Act of 1850 and settled by an Oregon Trail pioneer.

This is a special 30-acre property that has been a working farm in the Morningside Neighborhood and is known as The Meyer Farm which operated under a farm trust. A majority of the Meyer Family wants the farm to remain as dedicated open space. The neighborhood hopes that area can continue to the case, i.e. that The Meyer Farm remain as dedicated open space, as alreadt planned on the Parks Master Plan map, and possibly with public access bicycle or walking paths through the delightful property, possibly also as a bike/ped extension of existing and adjacent Hilfiker Park.

MNA is aware that the Parks Master Plan shows a large asterisk in this area of Morningside, i.e. indicating the need for a large 30+ acre parks or open space area in this neighborhood. All other large tracts have been spoken for, e.g. Coburn Heights, Jackson Heights, etc. so this is the only large tract left. It does need to be designated Open Space. It has been for years, as a farm trust property, with meadows, farming, animals, and stunning stands od White Oaks, planted by the Kalapuyas, and is a beloved treasure of an amenity in our neighborhood. The community believes it should be left as open space, per State Goal 5, and would not require City funds for its continued farm operation and as an amenity of 30 acres of open space in our continually and rapidly developed urban area. One city staff member is opposed, but MNA believes in implementation of the Parks Master Plan, and showing it officially designated green on the Comprehensive Plan Map. Details about future limited public access can be discussed with the Meyer Family Trust, once the current court arguments about legitimate ownership are resolved in 2022.

The MNA Neighborhood Plan shows a future connected walking trail from Hilfiker Park through Historic Meyer Farm open space, through The Woods open space, to undeveloped Fairview Park and beyond.

HISTORIC RESOURCES:

When the Kalapuyas planted those Oaks in the 1720's in an arrow formation pointing north they probably envisaged those Oaks growing for hundreds of years. 300 years later our land use laws have to protect our trees.

WATERWAYS:

Neighbors have commented that there are springs and waterways on the Meyer Farm. They are supposed to be identified and protected.

ENDANGERED SPECIES:

The Western Gray Squirrel is listed as an Oregon Conservation Strategy Species in the Willamette Valley ecoregion by the Oregon Department of Fish and Wildlife. The listing status for this squirrel is SENSITIVE.

The primary habitat for the Western Gray Squirrel is... "oak woodlands, oak savannas, and mixed oak-pine-fir woodlands. They prefer older oak trees with large limbs and continuous canopy cover to facilitate movement." ORS Chapter 660 outlines procedures and requirements for complying with Oregon Land Conservation and Development's Goal # 5.

When land (public OR private) has been documented to perform a life support function for a wildlife species listed by the state government as threatened, endangered, or SENSITVE, it may be determined to be a Significant Wildlife Habitat under OAR 660-023-0040.

Because Salem has NOT included Goal 5 wildlife information in its Comprehensive Plan, it is out of compliance with ORS 197.230(1)(c)(I).

STATE LAND USE GOAL 5: NO COMPLIANCE

If the city is out of compliance with this goal (which it is), it is REQUIRED to make land use decisions and limited land use decisions in compliance with the state goals, including goal #5 (ORS 197.175(2)(c). Basically, since Salem hasn't added anything about this State-required goal in its Comprehensive Plan, the city is required to follow the state guidelines when making decisions on land-use applications.

Those guidelines allow any area that is proven to significantly support life functions of a Sensitive Species (Oak trees and the Western Gray Squirrel) to be protected, and "conflicting uses" (destruction of said habitat for development) are prohibited.

Similarly, no development should be contemplated until there has been a comprehensive archeological survey of the property, including Kalapuya tree plantings, artifacts, and the burial mound should all be investigated, with the coordination with the tribes.

MNA TRAFFIC CONCERNS

MNA primary traffic concerns are the safety, capacity, and traffic operations of the Hillrose St SE & Battle Creek Rd SE intersection and the Hilfiker Ln SE & Commercial St SE intersection.

As the new Hilfiker/Hillrose section will be the only direct Commercial St SE - Battle Creek Rd SE connection between the Kuebler Blvd connection to the South and the Madrona Ave SE connection to the North, it will not just be traffic from the new housing development, but also existing traffic that finds this to be a more convenient East/West route.

The Traffic Impact Study does not appear to fully take this into account. It also does not appear to factor in any traffic from other planned developments in the area. There are hundreds of new residential units in the surrounding area already approved and the relocated Costco will increase Battle Creek traffic when it opens. There were many omissions and deficiencies in the Traffic Impact Analysis, and therefore, we believe that it does not provide sufficient or reliable conclusions related to the safety, traffic operations and capacity of the study intersections. Our specific concerns are enumerated in the attached comments.

The Applicant, as required, provided MNA with an emailed advance copy of the Kittleson traffic study for the subdivision application at 4540 Pringle Rd SE. We have reviewed the TIA and have several concerns:

- 1. The proposed development will construct a new collector between Commercial Street SE and Pringle Road/Battle Creek Road all of which are arterials. The traffic study only analyzed the traffic loading on this new collector and the project intersections based on the proposed subdivision traffic. This new collector will attract east/west traffic that needs to be modeled/analyzed. Especially at the Hilfiker Lane/Hillrose Street/Battle Creek/Pringle intersection. The added traffic could significantly impact the operations at this intersection (see text on p. 15 and volumes/operations in Figure 7).
- 2. The TIA says that no approved / in-process traffic was considered (p.11thirdparagraph). Please see the list of developments in the vicinity of the project that are approved and should be considered and analyzed as part of this TIA:
 - Costco Commercial Development (Kittelson did the TIA and the development is located at Keubler/27th- SW quadrant)
 - "Kuebler Station" Retail Center (Roodhouse Development located at Keubler/27th- NE quadrant)
 - 183 unit multifamily development at Sustainable Fairview Reed & Strong Rd (The Grove at Fairview 2)
 - 177 lot single family development at Battlecreek / Reed Rd. (Coburn Grand View Estates)
 - 215 lot single family development at Battlecreek/Pringle Rd (Fairview Addition 2)
 - 435 units + 24k SF retail development at Sustainable Fairview along Reed Rd (Fairview Hills Refinement Plan 2012)
 - Industrial development currently under construction along Fairview Industrial Drive.
 - COMING SOON: 75 single family development at Jackson Ridge subdivision (off Crowley SE). See MNA Letter to City regarding Traffic Concerns July 2021.
- 3. There is a combination of a vertical curve and horizontal curve in the southbound direction at the new collector approach from Hilfiker Lane/Hillrose Street to Battle Creek/Pringle intersection that needs to be further evaluated.

- 4. The 16% grade at 12th. St. does not meet local street standards and is a fire and life safety issue for new and existing homes. The steep grade also creates restricted sight lines for ingress/egress from existing and new residential driveways, as well as pedestrian crossings to the new proposed open space. Regrading of this section of street to improve sight lines should be evaluated as a condition of development.
- 5. The developer should improve the sidewalks on both sides of 12th St. as a condition of development, and potentially Hillrose Street, both of which are existing single family residential streets having open ditch stormwater and no sidewalks.
- 6. The collector appears to lack bike lanes. This is an important east-west bicycle connection. A shared bicycle/vehicle travel lane ("sharrow") will not be safe on such a high volume collector street. Dedicated bicycle infrastructure should be included in the collector design. Bicycle route connectivity is needed to Hilfiker Park and to Fairview Park, and beyond.

Traffic Concerns

To evaluate the KAI TAI for the proposed Meyer Farm Development, a review was made of the City of Salem Code that applies to a TIA and applicable portions of the analysis. Comments are provided to portions of the TIA that need to be re-analyzed and/or revised to meet City of Salem Administrative Rules.

CITY OF SALEM DEPARTMENT OF PUBLIC WORKS ADMINISTRATIVE RULES CHAPTER 109 Division 001—General—Design Standards

1.15—Traffic Impact Analysis

The Salem Transportation System Plan (TSP) establishes the requirement for a Traffic Impact Analysis (TIA) as part of a land use development proposal. Whether or not a TIA will be required for a particular project is determined during the land use application process. Guidelines for completing the TIA are provided in Division 006—Streets, and in Appendix 1C– Traffic Impact Analysis Report Format of this Division. The EOR shall be responsible for submitting the TIA as part of the development review process, as required.

Portions of Division 001 Appendix C-Traffic Impact Analysis Report Format 1C.3-Existing Conditions

(a) Study Area.

(1). Limits of Traffic Study.

(2). Anticipated Future Development in Area.

(b) Transportation System Inventory.

(1). Area Roadway System (Travel Lanes, Traffic Control, Geometric Issues). (2). Traffic Volumes and Conditions.

(3). Existing Safety and Capacity Deficiencies.

(4). Transit Service.

(5). Pedestrian and Bicycle Facilities.

1C.4—Projected Traffic

(a) Background Traffic.(1). Base Year Traffic.

(2). Method of Traffic Volume Projection (Background Growth). (3). Projected Traffic Volumes.

(4). Traffic Volumes from Other Proposed Developments.

(5). Total Background Traffic.

(b) Site Traffic.

(1). Trip Generation.

(2). Trip Distribution. (c) Total Network Traffic.

1C.5—Traffic Analysis

1

(a) Capacity and Level of Service of Study Area. (1). Signalized Intersections.

(2). Unsignalized Intersections. (3). Site Access.

(4). Design Vehicle Requirements. (5). Site Circulation and Parking.

(b) Traffic Safety.

1C.6—Improvement Analysis

(a) Analysis of Proposed Mitigation. (1). Year of Opening.

(2). Each Subsequent Phase. 1C.7—Findings

(a) Traffic Impacts.

(b) Compliance with Operational Standards (LOS, v/c, etc.). (c) Needed Improvements.

1C.8—Recommendations and Mitigation

(a) Site Access and Circulation Plan.

(b) Roadway and Intersection Improvements. (c) Transportation System Management Actions.

From **1C.3—Existing Conditions (b)** Transportation System Inventory. **(3).** Existing Safety and Capacity Deficiencies.

The existing Safety Deficiency at the Battlecreek Road/Hillrose Street Intersection is not addressed in the TIA.

Battlecreek Road to Hillrose Street Intersection

The KAI TIA does not address the existing safety concern at the Battlecreek Road/Hillrose Street. Page 9 of the TIA states "For the analysis it should be noted that left turns at Battle Creek Road/Hillrose Street are not permitted on the northbound approach, however our analysis includes one observed left-turning vehicle (note that the existing connection to Battle Creek Road will be realigned with the proposed site development and **northbound left-turns will then be allowed**)".

The intersection currently has a regulatory "No Left Turn" sign to alert northbound motorists on Battlecreek Road that it is illegal to make a left turn to Hillrose Street. The decision to locate a regulatory sign at this location would have been due to some previous analysis, likely by a city or county traffic engineer depending on who had the jurisdiction of the roadway when the sign was erected. The TIA does not include a Tintersection design to show how the intersection will adequately and safely accommodate northbound left turns from Battlecreek Road to Hillrose Street.

Page 17 of the KAI TIA states

Sight Distance Preliminary sight distance was reviewed at the proposed public street connection to Battle Creek Road. For the analysis, measurements of intersection sight distance (ISD) and stopping sight distance (SSD) were approximated and then compared against design parameters from A Policy on Geometric Design of Highways and Streets published by the American Association of State Highway and Transportation Officials (AASHTO, Reference 6). With a posted speed of 40 miles per hour on Battle Creek Road, the corresponding recommended ISD for a left- turn from a stop (left turn from Hillrose Street onto Battle Creek Road) is 445 feet and the recommended SSD is 305 feet. From preliminary sight distance measurements ISD and SSD are anticipated to be met and no obstructions or grade issues were identified that would impact sight distance upon buildout of the site.

While it is acknowledged that the posted speed for this portion of Battlecreek Road is 40 mph, personal observations suggest that many motorists drive this section of roadway faster than the posted speed. Additionally, there is a crest vertical on Battlecreek Road immediately south of the intersection, resulting in a downgrade as motorists approach Hillrose Street. If the downgrade exceeds 3-percent, it results in a greater SSD requirement and may additional ISD. The TIA does not address the downgrade on Battlecreek Road.

The text states that intersection sight distance and stopping distance were approximated, then later it states that preliminary sight distance measurements ISD and SSD are anticipated to be met. It is unclear if any on-site survey was conducted to identify exact sight distance measurements in the field. No existing ISD or SSD data is provided in the TIA.

A research paper on "Intersection Sight Distance April 2012", published by The Kiewit Center for Infrastructure and Transportation at Oregon State University, (Dr. Robert Layton) includes the following;

From page 2 of the research "The intersection sight distance is a major control for the safe operation of roadways. It is of particular concern for access management with the numerous driveways and approach roads that must be safely accommodated. Driveways are intersections, according to the Greenbook. All intersecting driveways and roadways should have adequate intersection sight distance".

From page 3 of the research "Intersection sight distance presents a complex and difficult issue. It requires a somewhat involved analysis. The best criteria to determine a safe intersection sight distance are not clear. Numerous conditions influence the intersection sight distance. Conditions and operations vary on different highways, by urban vs. rural, speed, expectations, and volume levels".

There are two separate ISD measurements that apply at a T-intersection such as the Battlecreek/Hillrose intersection.

- Left turn from minor road, and
- Left Turns from Major Road

The required ISD also vary based on the vertical alignment of the roadways. The entire research OSU paper on SSD can be found at

https://cce.oregonstate.edu/sites/cce.oregonstate.edu/files/12-4-intersection-sight-distance.pdf

A research paper on "Stopping Sight Distance April 2012", published by The Kiewit Center for Infrastructure and Transportation at Oregon State University, (Dr. Robert Layton and Dr. Karen Dixon) includes the following;

Primary Stopping Sight Distance Factors

- Perception-reaction time
- Driver eye height
- Object height
- Vehicle operating speed
- Pavement coefficient of friction
- Deceleration rates
- Roadway grade

From page 20 of the research, on level roadways, the SSD is 305 feet when motorists are traveling at 40 MPH, 360 feet when traveling at speeds of 45 MPH and 425 feet when traveling at speeds of 50 MPH. SSD requirements also increase when downhill grades exceed 3-percent, and again when downhill grades exceed 6-percent and 9-percent.

The entire research OSU paper on SSD can be found at

https://cce.oregonstate.edu/sites/cce.oregonstate.edu/files/12-2-stopping-sight-distance.pdf

From **1C.4—Projected Traffic** (a) Background Traffic. (4). Traffic Volumes from Other Proposed Developments.

The existing Projected Traffic Volumes from other Proposed Developments are not considered or included in the TIA at either of the two study intersections.

From Page 12 of the KAI TIA states

"Background Traffic Conditions The background traffic analysis identifies how the study area's transportation system will operate in the year the proposed development is to be built and includes regional traffic growth but does not include the trips associated with the development. At the direction of City staff, a 1.5-percent annual growth rate was applied to the existing conditions volumes for all movements at the study intersections. **No in-process developments were assumed with this project".**

As the Salem Administrative Rules for TIA's clearly states that (4). Traffic Volumes from Other Proposed Developments are to be made a part of the (a) Background Traffic, it is unclear why "No

in-process developments were assumed with this project" or why the TIA was approved. Many nearby projects have been approved by the City of Salem staff, with several under construction, and others to be constructed in the future. It is anticipated that all six of the following approved developments will increase traffic volumes on either Battlecreek Road or South Commercial, or both roadways.

- Kuebler Gateway Shopping Center (Costco)
- South Salem Retail Center (Roodhouse Development located at Kuebler/27th-NE

quadrant)

- 183-unit multifamily development at Reed & Strong Rd (The Grove at Fairview 2)
- 177 lot single family development at Battlecreek / Reed Rd. (Coburn Grand View

Estates)

- 215 lot single family development at Battlecreek/Pringle Rd (Fairview Addition 2)
- Industrial development currently under construction along Fairview Industrial Drive.

A review of the KAI TIA PacTrust Kuebler site (later described as the Kuebler Gateway Shopping Center) from 2006 identified that 15-percent of all new site-generated trips would access the property via Battlecreek Road. However, when KAI updated the TIA for a Costco development in in 2018, the consultant assigned a mere 5-percent of the Costco generated site traffic to Battlecreek Road. It is acknowledged that KAI assumed that 15-percent of the retail pads site-generated traffic will access the site via Battlecreek Road though this is a relatively insignificant amount of traffic.

As proposed in the KAI Costco TIA, the development will have little impact on Battlecreek Road and therefore does not significantly impact the traffic operations at the Battlecreek Road/Hillrose Street intersection, however, the TIA assigned 40-percent of the Costco site generated traffic to the west on Kuebler Blvd. The consultant must contend that most of the traffic using this route are from Dallas, West Salem, Downtown Salem, and possibly even portions of Keizer. Therefore, nearly all the 40-percent of the new Costco traffic will use commercial Street to the north of Kuebler Blvd. This Costco generated traffic was not considered at the Commercial Street/Hilfiker Lane study intersection in the KAI TIA for the Meyer Farm Development.

The other approved in-process developments are likely to increase traffic volumes on Battlecreek Road in the vicinity of Hillrose Street and possibly on Commercial Street in the vicinity of Hilfiker Lane.

1C.5—Traffic Analysis (a) Capacity and Level of Service of Study Area. (1). Signalized Intersections.(2). Unsignalized Intersections.

As the existing Projected Traffic Volumes from other Proposed Developments are not considered or included in the TIA at either of the two study intersections, the TIA findings do not accurately reflect the Capacity of Level of Service at the two study intersections. The adjusted traffic volumes on Commercial Street will likely result in a longer length of vehicle queue on eastbound Hilfiker Lane.

1C.6—Improvement Analysis (a) Analysis of Proposed Mitigation. (1). Year of Opening.

As it appears that the two study intersections did not include sufficient traffic volumes from in-process traffic as part of the Traffic Analysis, it cannot be determined if the improvement analysis at the study intersections is correct as stated in the TIA. An extended vehicle queue on eastbound Hilfiker Lane may require additional mitigation measures.

1C.7—Findings (a) Traffic Impacts. (b) Compliance with Operational Standards (LOS, v/c, etc.). (c) Needed Improvements.

At such time that the two study intersections adequately include the in-process traffic volumes and subsequent analysis, findings can be made to properly identify (a) traffic impacts, (b) Compliance with Operational Standards and (c) Needed Improvements. Additional traffic volumes on Commercial Street may result in necessary mitigation measures for an extended vehicle queue on eastbound Hilfiker Lane.

1C.8—Recommendations and Mitigation (b) Roadway and Intersection Improvements.

Page 17 of the KAI TIA states

"The eastbound approach will be reconfigured with site buildout, and, as such, we recommend that a final sight distance evaluation be conducted during design and after construction in conformance with City standards. We further recommend that all above ground utilities, signage, and on-street parking be located and maintained to provide adequate intersection sight distance in conformance with City standards".

Page 22 of the KAI TIA states

"On-site landscaping, as well as any above ground utilities and signage, should be located and maintained at the site roadways to provide adequate intersection sight distance, per City and County requirements. Additionally, when the eastbound approach at the Hillrose Street/Battle Creek Road intersection is reconfigured with site buildout, a full sight distance evaluation should be conducted during design and after construction to provide adequate site distance in conformance with City standards".

As the Intersection Sight Distance and Safe Stopping Distance measurements are critical elementals to ensure the highest possible degree of safety at the Battlecreek Road/Hillrose Street intersection, it is imperative that a site plan of the intersection is designed to ensure that all necessary sight distances can be adequately provided based on the operating speed of motorists in the site vicinity and considering the impact of the northbound downgrade on Battlecreek Road prior to City of Salem approval for the Meyer Farm Development.

It is recommended that.

• As the through speed on Battlecreek Road is critical to the design of a realigned Battlecreek Road/Hillrose Street intersection and the construction of a north-bound left-turn lane, a speed study based on City of Salem standards is to be conducted on Battlecreek Road in the vicinity of Hillrose Street to determine the running/operating speed of motorists on the major roadway.

- A topographical survey of the vicinity around the future Battlecreek Road/Hillrose Street intersection to establish the existing grade on Battlecreek Road and Hillrose Street, existing sight lines, cut slopes and any other obstructions in the area that may have an impact on existing and future sight line requirements.
- Based on the site survey, the consultant is to develop a Battlecreek Road/Hillrose Street intersection and north-bound left-turn lane on Battlecreek Road design that meets all SSD and ISD requirements prior to approval and construction of the Meyer Farm Development.
- To predict the future capacity analysis and traffic operations more accurately at the Commercial Street/Hilfiker Lane study intersection, the additional Costco site-generated traffic on Commercial Street should be included in the background traffic volumes, as well as additional traffic from other approved in-process traffic volumes that may impact this study intersection. The traffic volumes should also include diverted traffic from the in- process developments. A revised vehicle queueing analysis on eastbound Hilfiker Lane may identify the need for additional mitigation measures beyond what is presented in the KAI TIA.
- To predict the future capacity analysis and traffic operations more accurately at the Battlecreek Road/Hillrose Street intersection and north-bound left-turn lane on Battlecreek Road, all additional traffic from other approved in-process traffic volumes that may impact this study intersection. The traffic volumes should also include diverted traffic from the in- process developments.

MNA TREE PRESERVATION AND TREE PROTECTION CONCERNS

MNA has the following concerns about the plan's incongruity with City Code Section 808 objectives to preserve significant trees and expand tree canopy:

1. <u>Amount of native tree cover being removed</u> –

Applicant's plan is to remove most of the trees from in the eastern half of the onsite area. Many trees in the north are remnants of plantations (including Christmas trees) and are declining in vigor. Under the plan, many healthy trees of natural origin – including potentially-significant Oregon white oaks – will be removed. The high density of the proposed development (small lots) in this area makes it impossible to safely retain such trees. A tree's crown cover area is more proportional to *basal area* of the tree trunk diameter than to *diameter*; accordingly we submit the under-representation of canopy impact by removal is about 50%. Planting two trees (per Code) on each 4,000 square foot lot will take decades to replace canopy removed for development. Fewer and larger lots in the tree-covered parts of this development would reduce impacts on preserved trees, require more new trees to be planted and help minimize canopy recovery time.

2. Exclusion of "Significant" trees from the inventory -

Code defines an Oregon white oak 24 inches or larger DBH as a "Significant" tree, requiring more deference and protection in land development. The report by "consultant" Teragan & Associates on its examination of 33 of the trees in the applicant's original tree survey reveals significant initial <u>underrecording of tree diameter</u>. Thus it is likely that *significant-size* trees were not identified as such. On average, for all 33 re-examined trees, applicant's original measurements were 83% those measured and recorded by the consultant. Furthermore, Applicant's original average for trees to be removed is about 62% of the follow-up survey diameters. One 42" oak tree (#3123) which applicant plans to remove was recorded as 10 inches (24% of actual diameter.) Even after eliminating this and two other trees with greatest disparities, original measurements are 81% of consultant's follow-up. A more comprehensive follow-up survey is apparently needed to validate original tree measurements and removal impacts.

3. Omission of potential Heritage Trees -

Two large and old <u>black walnut trees</u> are <u>slated for removal</u>. These non-native trees were planted by early occupants of the land who were prominent in Salem and Oregon histories. Walnut trees are vulnerable to certain insects and pathogens. These trees have survived the most recent infestation of white walnut twig beetle in this area – which bodes well for their potential longevity. These grand old links to our City's past deserve to be preserved.

PROBLEMS WITH THE TREE PLAN

SERIOUS DISCREPANCIES

There is a large diameter Oregon White Oak (tree #3194), a protected tree under the code, that is in the pathway of the proposed collector and proposed be removed. The curve radius of the collector near 12th St should begin earlier, so as to avoid removal of this protected Significant Tree. This would be consistent with code when a reasonable design alternative exists. The collector should be shifted enough so that the required silt fencing which marks the protective zone around the Significant Tree is maintained throughout duration of construction of the collector, include grading, excavation, and installation for the adjacent sidewalk and entire right of way.

The Tree Plan is dated 2021 but it seems as if it is an outdated one.

The ordinance requires a new Tree Survey conducted in the last 6 months.

More importantly there are serious discrepancies in the tree table regarding large significant Oaks etc.

The Tree Table (see below) claims one set of sizes.

However, the Arborist report (see the next row of sizes) says that the trees are actually a much larger diameter, and up to twice the claimed size. This is a very serious error.

RESPONSIBLE DESIGN IS NEEDED

A better and more responsible approach would be to

1. Map the trees (accurately) and then

2. Locate any future dwellings (footprints) and roads and utility lines and easements, so as to miss major groves of trees.

A better, and more responsible approach, especially for a pristine property, would be to honor what the City is trying to achieve, i.e. preservation of significant trees.

The Planning Commission and the City Council have been discussing preservation of large trees of other species and including them as "significant" plus requiring the tree cover and root lines to be protected (by fencing) during construction, from damage and compaction by heavy equipment.

It should be the responsibility of the applicant to respect these 2021 City goals and standards even while the ordinance is still being finalized. Of course, the applicant could maintain that they will use the previous standards until new ones are final, but they have a moral responsibility to respect the City tree preservation goals and policies and go the extra mile to do a good job in designing a responsible layout that saves the trees.

Regarding the tree protection plan: It did say "preliminary – not for construction" on the map. So, it is assumed that the developer's arborist just tagged, measured and mapped the trees (eyeballed ones they could get to through the brush.) Teragan's survey was focused on the trees identified as "Significant" per Salem Code; so Teragan measured and evaluated the tree more-precisely. The City should focus on protecting the "Groves" rather than the isolated tree.

The following spreadsheet is a table that MNA compiled to document the inaccuracies in the submitted Tree Table and to show that there be found to be a large number of Significant Trees (mostly White Oaks) and these trees shall be saved and protected by City Ordinance Chapter 808.

Tree ID	Emerio Tree Preservation Plan dated 6/22/21 (DBH Inches)	Teragan Arborist Report dated 7/25/21 (DBH Inches)	Variance (DBH Inches)	Variance %
3194	24	27	3	12%
3213	28	42	14	50%
4466	30	33	3	10%
4468	24	31	7	29%
4470	24	29	5	21%
4472	24	29	5	21%
4473	24	25	1	4%
4500	36	37	1	3%
4574	28	33	5	18%
4721	28	31	3	11%
4806	24	28	4	17%
4919	28	36	8	29%
4923	28	32	4	14%
4958	24	28	4	17%
2727	38	48	10	26%
2729	24	27	3	12%
2739	24	27	3	12%
2796	24	27	3	12%
2815	26	34	8	31%
2822	44	50	6	14%
2823	24	32	8	33%
2824	26	33 💼	7	27%
2832	24	30	6	25%
2836	30	34	4	13%
3064	28	32	4	14%
3109	28	32	4	14%
3360	24	29	5	21%
3360	24	29	5	21%
3446	24	28	4	17%

MNA HISTORY AND HERITAGE CONCERNS

Loss of an important piece of Salem's history. The Meyer Farm holds significant historical value, and the destruction of this pristine property means the loss of that heritage. This property is one of the last original parcels remaining from the Land Donation Act of 1850. Ownership of the farm is traced back to the original claimant, Joseph Waldo.

Loss of Heritage

The barn that Joseph Waldo built in 1854 still sits on the property. This barn is qualified to be listed on the National Registry of Historic Places, which would give the property additional protection from development.

In addition, a Black Walnut Tree with a circumference over 100" stands in the center of the property. It is likely that Joseph Waldo planted this tree himself sometime in the 1850s. Approval of the proposed subdivision means this tree will be destroyed to pave a new street.

The tree could potentially be given Heritage Tree status in Salem, and the barn could be added to the National register. No historic recognition of any kind is possible during evaluation of a Land Development proposal.

Possibility of Native American artifacts

The ancient grove of oaks on the Meyer Farm was likely planted a few hundred years ago by the Kalapuyan Native Americans, purposefully in the shape of an arrowhead, and potentially marking a burial site.

EXECUTIVE SUMMARY

Morningside Neighborhood Association recommends Denial of SUB 21-09 for the following reasons.

TRAFFIC

Traffic Concerns: Our primary traffic concerns are the safety, capacity, and traffic operations of the Hillrose St SE & Battle Creek Rd SE intersection and the Hillfiker Ln SE & Commercial St SE intersection. As the new Hilfiker/Hillrose section will be the only direct Commercial St SE - Battle Creek Rd SE connection between the Kuebler Blvd connection to the South and the Madrona Ave SE connection to the North, it won't just be traffic from the new housing development, but also existing traffic that finds this to be a more convenient East/West route.

The Traffic Impact Study doesn't appear to fully take this into account. It also doesn't appear to factor in any traffic from other planned developments in the area. There are hundreds of new residential units in the surrounding area already approved and the relocated Costco will increase Battle Creek traffic when it opens.

There were many omissions and deficiencies in the Traffic Impact Analysis, and therefore, we believe that it does not provide sufficient or reliable conclusions related to the safety, traffic operations and capacity of the study intersections. Our specific concerns are enumerated in the attached comments.

TREES

Trees Concern: Our primary concern about Applicant's Tree Preservation and Protection plan is that it does not adequately support objectives in City Code Section 808, in regards to amount of native tree cover being removed, likely exclusion of significant Oregon white oak trees from the roster of trees to be removed, and removal of potential Heritage Trees of other species.

LAND USE

Noncompliance with State Law

The city's land development laws are not compliant with Oregon State Land Use & Development Goal #5. This law requires cities to address the protection of a variety of resources in their land development practices, including open space, historic resources, and wildlife habitats. Since city ordinances have not yet been updated to include these requirements, many of these resources, which exist on the Meyer Farm property, will be lost or destroyed if the subdivision is constructed.

Wildlife Habitat

Fourteen local wildlife species that require the unique habitats of the Meyer Farm to survive, are listed as Special Sensitive Species by the State of Oregon and/or the Federal Bureau of Land Management. Not only are these species protected by local, State, and Federal law, but their required habitats are also protected.

HISTORY AND HERITAGE

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The tree could potentially be given Heritage Tree status in Salem, and the barn could be added to the National register. No historic recognition of any kind is possible during evaluation of a Land Development proposal.

Possibility of Native American artifacts

The ancient grove of oaks on the Meyer Farm was likely planted a few hundred years ago by the Kalapuyan Native Americans, purposefully in the shape of an arrowhead, and potentially marking a burial site.

Resolution of the Land Ownership:

Once the Family resolves its case in Circuit Court, the majority of the Meyer Family have expressed to the City that the Farm should continue to be preserved as open space and working farm for future generations. That would be consistent with the Morningside Neighborhood Plan and the MNA Resolution. Meanwhile this proposal by a developer should be turned down for all these documented reasons.

Good Morning Mr. Santana:

I am confirming receipt of the file which includes Exhibits G, H and I, the exhibits that were not included with your original submission.

Thank you,

Amy Johnson Deputy City Recorder City of Salem 555 Liberty Street SE, Rm. 225 Salem, OR 97301 ajohnson@cityofsalem.net | 503-588-6091

From: James Santana <james.santana@icloud.com>
Sent: Monday, January 10, 2022 10:33 PM
To: Amy Johnson <AJohnson@cityofsalem.net>; CityRecorder <CityRecorder@cityofsalem.net>
Subject: Re: Public Comment for SUB 21-09

Hi Amy,

There were a few requests by Councilor Andersen tonight that all exhibits I presented in my oral testimony be included in my written testimony. It looks like Exhibits H & I (which reference as attached in my letter and that I showed during my oral testimony) were dropped off the PDF somehow.

I am submitting the same letter but with those two exhibits that I presented during the hearing included. This letter replaces the letter sent earlier today in its entirety.

Could you confirm receipt, since it's a big file?

Thanks,

James Santana

On Jan 10, 2022, at 5:00 PM, Amy Johnson <<u>AJohnson@cityofsalem.net</u>> wrote:

Received.

-----Original Message-----

From: James Santana <james.santana@icloud.com>

Sent: Monday, January 10, 2022 4:55 PM To: CityRecorder <<u>CityRecorder@cityofsalem.net</u>> Subject: Public Comment for SUB 21-09

Could you confirm receipt of attached for public comment for SUB 21-09 4540 Pringle Rd SE

January 10, 2022

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

Re: Subdivision SUB21-09 at 4540 Pringle Rd SE

Dear Mayor and Salem City Council:

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

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

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

1. Incorrect and missing application information

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

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

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

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

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

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

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

2. Shadow plat violates development standards of the UDC

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

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

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

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

3. <u>Removal of significant trees</u>

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

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

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

Sincerely,

James Santana

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



EXHIBIT B

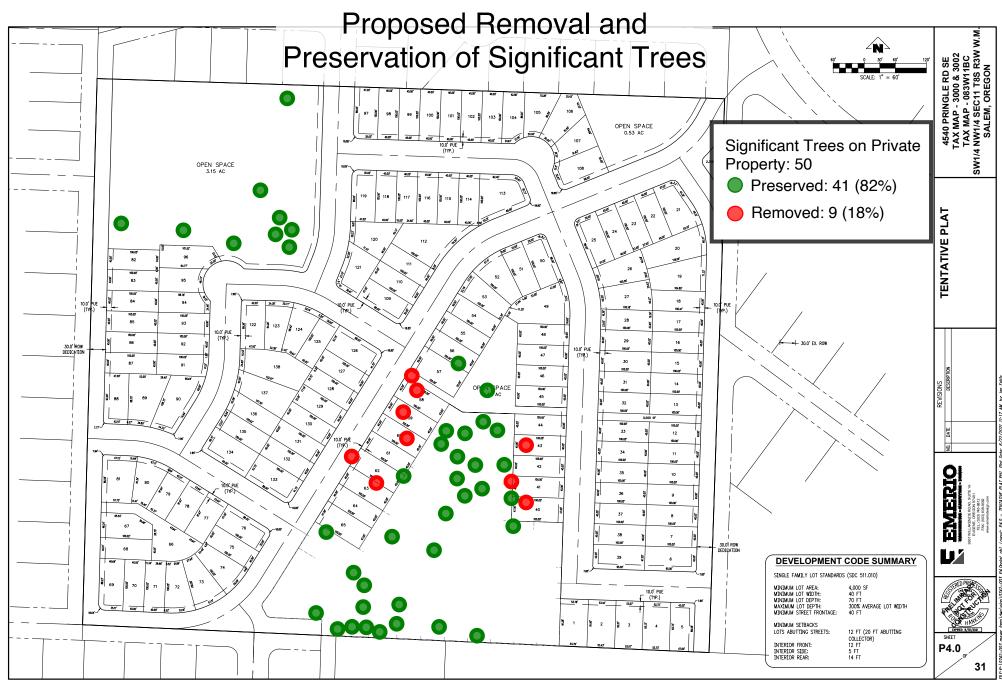


EXHIBIT C

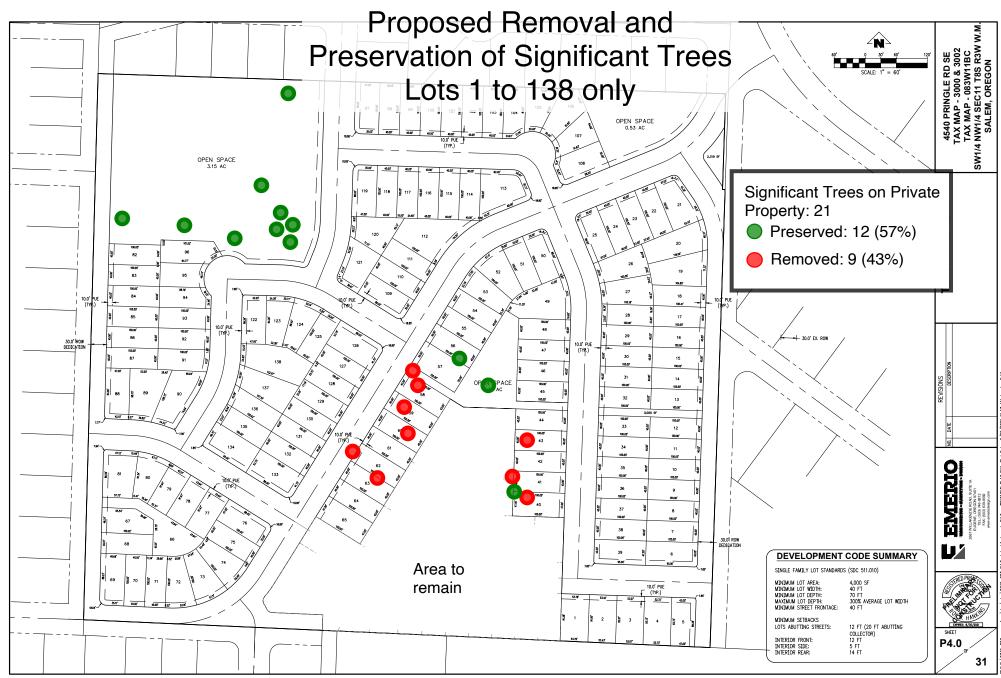


EXHIBIT D

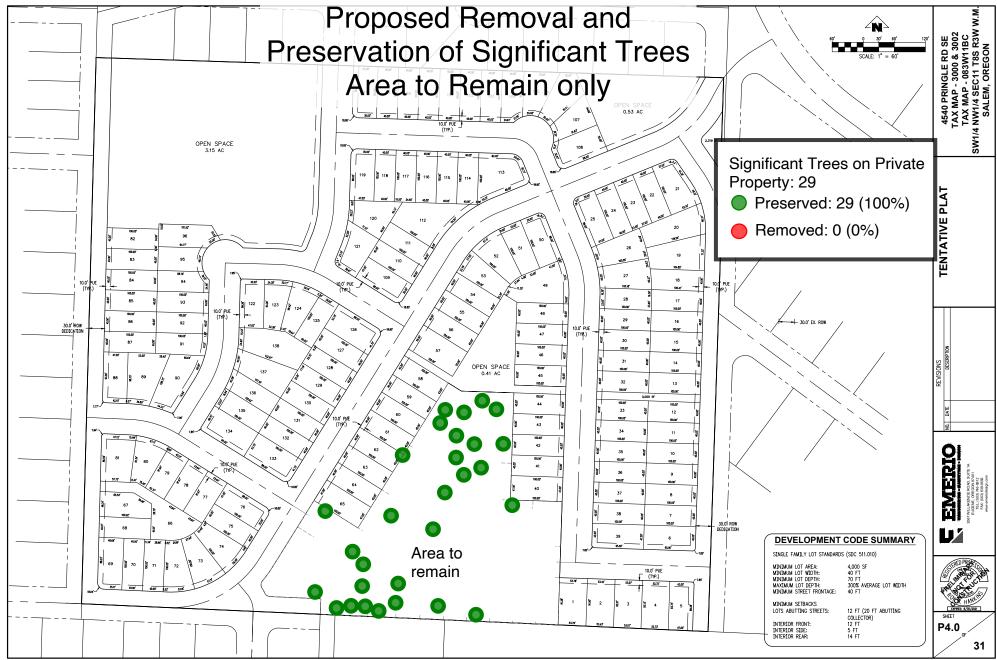


EXHIBIT E

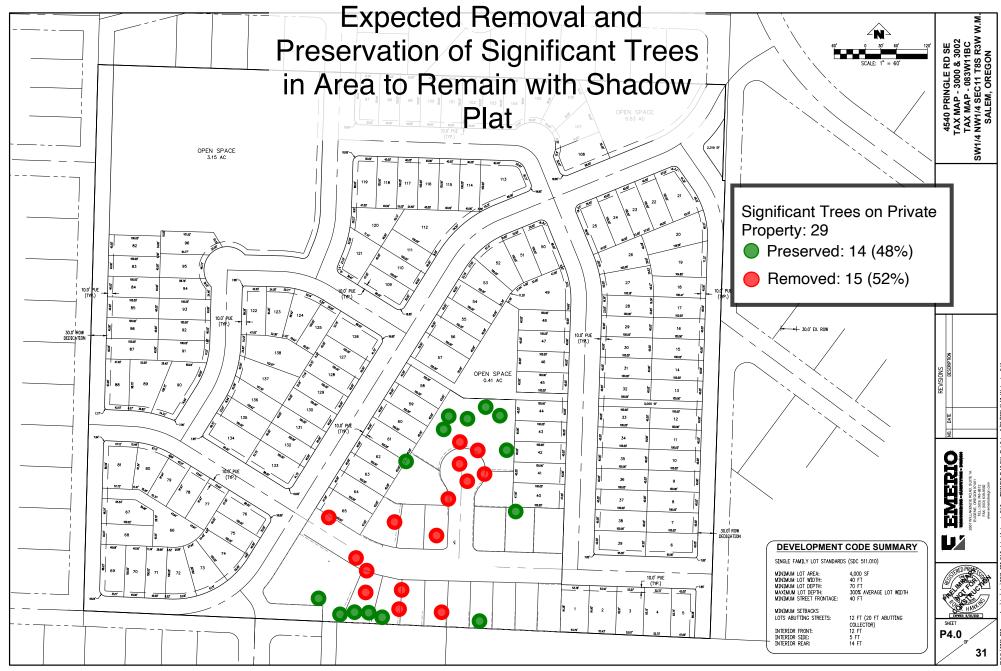


EXHIBIT F

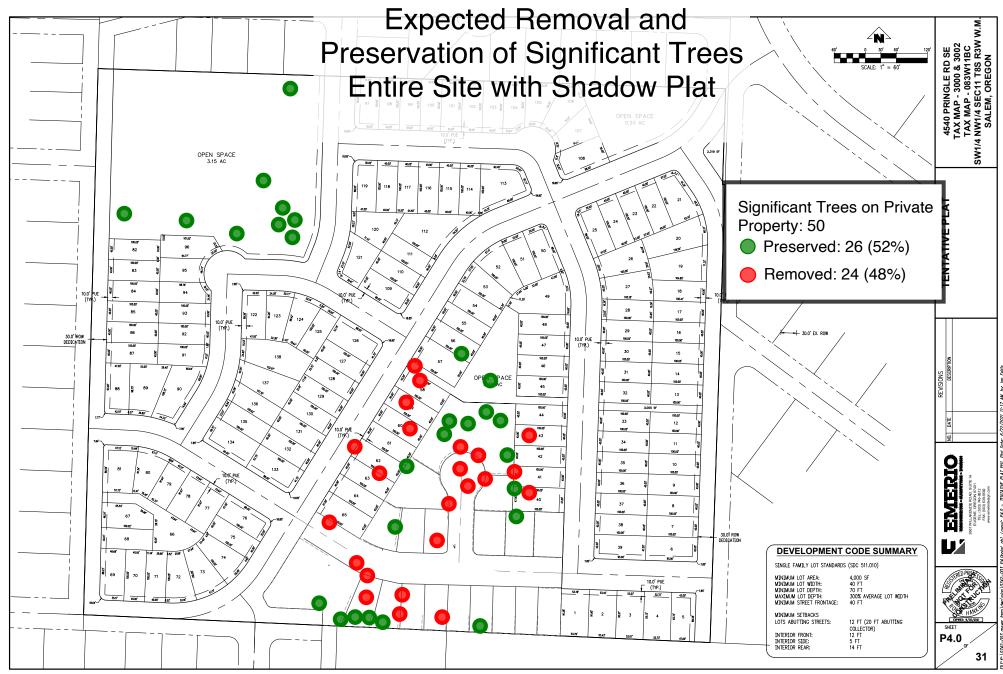


EXHIBIT G Proposed Hilfiker Extension

......

PROPOSED ALIGNMENT OF HILFIKER EXTENSION

I III



EXHIBIT H Reasonable Design Alternative

130 ft

REASONABLE DESIGN ALTERNATIVE

NO SIGNIFICANT TREES REMOVED

OF HILFIKER EXTENSION

PROPOSED ALIGNMENT

EXHIBIT I Reasonable Design Alternative Layout

REASONABLE DESIGN ALTERNATIVE

NO SIGNIFICANT TREES REMOVED



From: Sent: To: Subject: Lisa Anderson-Ogilvie Tuesday, February 8, 2022 5:38 PM Aaron Panko Fwd: SUB21-09 Meyer Farm

- Lisa | 503-540-2381

From: trefoil03.hearths@icloud.com <trefoil03.hearths@icloud.com> Sent: Tuesday, February 8, 2022 5:37:19 PM To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net> Subject: SUB21-09 Meyer Farm

Dear Ms. Anderson-Ogilvie,

During the January 10, 2022 Salem City Council meeting, Councilor Hoy asked the applicant about their ability to consider reasonable design alternatives to preserve more significant trees.

Roy Hankins, director of operations with Emerio Design and project engineer for this project, stated the applicant is not able to consider a reasonable design alternative to enable preservation because the family is retaining the 3.64 acre Meyer Homestead Parcel and provided specific instructions with regard to the areas the applicant has to work with.

Hankins: "They were very specific about the area they wanted to retain for themselves as part of the property."

Councilor Hoy: "Okay, so they are making a choice to make a 3.64 acre lot and build out the rest of it and cut down significant trees?" **Hankins:** "Yes."

In accorded, bloming "the family" for bondouffing the appli

In essence, blaming "the family" for handcuffing the applicant's ability to consider a reasonable design alternative to preserve more significant trees.

This is a <u>critical</u> representation with 17 significant trees for removal and several more threatened to die from construction impacts.

In order for the public (and one would think, City Council) to be satisfied with the applicant's responses to Councilor Hoy's questions, please conduct due diligence by requesting the Henry A. Meyer Revocable Trust provide City of Salem a written statement addressing Mr. Hankins' representations that the Trust intends to retain the 3.64 parcel for the family and enter this letter as evidence into the record before February 14. If no written statement is obtained before February 14, please notify council members and the public there is no evidence to back up Mr. Hankins' claims.

Thank you.

Source: Council Hoy & Roy Hankins, 2:32:23 - 2:34:35 https://youtu.be/ayWhz4tgxxI

From:	Peter Fernandez
Sent:	Wednesday, February 9, 2022 9:31 AM
То:	Coach Steve
Cc:	Aaron Panko; Trevor Phillips
Subject:	RE: Battle Creek/Pringle at Hillrose corner

Mr. Sessa, thank you for your email to Councilor Phillips. He forwarded it to me for review and response to you. I appreciate your question. The short answer is if the Meyer Farm subdivision is approved the developer will be required to improve the subject intersection and we will not construct our planned improvement to the Hillrose ADA ramp.

Longer Answer

Pringle Road SE, from Suntree Drive to Sunland Avenue is scheduled for repaving this summer. Federal law requires that ADA ramps adjacent to street improvement and maintenance projects be brought up to current standards at the time the road construction work is undertaken. The ramp on Hillrose is scheduled for improvement this spring in anticipation of the Pringle Road paving. We will also be improving two ADA ramps on Suntree Drive SE as a part of this project.

The Meyer Farm Subdivision is under appeal and being reviewed by the City Council. We anticipate that Council will make a decision soon. Council's decision may be appealed to the State Land Use Board of Appeals. If the subdivision is approved and all appeals are finalized within the next few months we will bypass this improvement. If, however, Council denies the subdivision, or if the development is subjected to lengthy appeals, we will construct the planned improvement.

Thank you again for your inquiry

Peter Fernandez, P.E.

Public Works Director City of Salem | Public Works Department 555 Liberty St SE, Suite 325, Salem OR 97301-3515 pfernandez@cityofsalem.net Office: 503-588-6008| Facebook | Twitter |YouTube| CityofSalem.net



From: Coach Steve <WVWPCoach@outlook.com>
Sent: Monday, February 7, 2022 4:14 PM
To: Trevor Phillips <TPhillips@cityofsalem.net>
Cc: Aaron Panko <APanko@cityofsalem.net>; Peter Fernandez <PFERNANDEZ@cityofsalem.net>
Subject: Re: Battle Creek/Pringle at Hillrose corner

4308 Hillrose at the corner of Battle Creek/Pringle at Hillrose. This will be the entrance to the Meyer farm development as approved.

On Feb 7, 2022, at 3:42 PM, Trevor Phillips <<u>TPhillips@cityofsalem.net</u>> wrote:

Steve Sessa,

What is the nearest address or intersection to this area of concern? This question might be best to ask to public works. I've included public works director Peter Fernandez in this email.

Director Fernandez,

Can your staff help address this resident's concern?

Sincerely, Trevor Phillips

From: Coach Steve <<u>WVWPCoach@outlook.com</u>> Sent: Monday, February 7, 2022 3:35 PM To: Aaron Panko <<u>APanko@cityofsalem.net</u>> Cc: Trevor Phillips <<u>TPhillips@cityofsalem.net</u>> Subject: Battle Creek/Pringle at Hillrose corner

Good afternoon Aaron,

I am wording why the city would spend tax payers money to repair the sidewalks at this corner when the city (your office) has approved a development were the developer will be required to do this work? I am only asking because the city just spent tax payers money to put light polls on this curve event though they will most like need to be moved when the approved development goes in.

Can't we find better ways to use our money?

Thank you,

Steve Sessa

[cid:1F4CE01E-3374-40E8-9299-3F74375530C8]

[cid:image001.jpg@01D81C38.1F4D1000]

[cid:image002.jpg@01D81C38.1F4D1000]

Sent from my iPhone

THE MEYER FARM (an update) HOW TO SAVE ALL THE 63 SIGNIFICANT TREES BY CAREFUL DESIGN

Geoffrey James A.I.A.

Graphics by James Santana

Page 1 of 10

February 10, 2022 UPDATE to previous testimony regarding Subdivision SUB21-09 at 4540 Pringle Rd SE

TO THE SALEM CITY COUNCIL:

SUB21-09 should be denied.

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

The application violates the following clear and objective approval criteria regarding the required protection of all 63 Significant trees.

NEW INFORMATION

We have long suspected that the applicants claims and listed sizes of trees are grossly wrong.

They repeatedly claimed that they only propose to remove FOUR significant and protected trees.

Two weeks after the Jan 10 Hearing the City forester went out to check.

The number of Significant Trees that would be needed to be removed by this poor design has now <u>quadrupled</u> to 18 trees.

Quadrupled. Quadrupled. Quadrupled. Quadrupled

The total number of Significant trees Is now admitted to be 63.

By a better design layout ALL 63 SIGNIFICANT TREES can be SAVED.

FACT 1: SIGNIFICANT TREES ARE PROTECTED BY LAW.

FACT 2: ALL SIGNIFICANT TREES CAN BE SAVED BY CHANGES IN THE DESIGN

FACT 3: THE CODE DOES NOT GUARANTEE A MINIMUM NUMBER OF LOTS.

1. Incorrect and missing application information

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

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

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

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

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

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

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

2. Shadow plat violates development standards of the UDC

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

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

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

3. Removal of significant trees is not necessary

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

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

4. Design Alternatives exist:

HERE IS HOW TO SAVE ALL SIGNIFICANT TREES

While I believe this property should remain as open space, there is a reasonable design alternative that would result in the preservation of all significant trees on private property.

1. HILFIKER ALIGNMENT: MOVE IT 130 FT. WEST & CLEAR OF THE TREES

The alignment of Hilfiker Extension could be shifted by just 130 feet to the northwest and it would completely avoid the entire oak grove. As a Collector B street with a 25 mph design speed, there is a lot of flexibility in the design alignment of Hilfiker. There is no legitimate reason why Hilfiker Extension or its adjacent residential lots need to slice through the oak grove as proposed.

2. 12TH STREET (and trees) REMAIN: LEAVE IT AS AN "ALLEY" OR STEEP EXISTING ACCESS TO HOMES.

There is also no compelling reason why ultra-steep 12th. Street needs to be widened, the significant trees removed, and the residents left with impassable steep driveways. A sign. and a 5 mph speed limit, can deter drivers from even using this quiet residential lane, and these neighbors do not need to be affected. Save the trees.

3. MEYER FARM HOUSE & LARGE LOT (and trees) TO REMAIN:

PROHIBIT DESIGNS THAT ENDANGER TREES (streets and homesites where there are significant trees)

Creation of a Conservation Easement Lot and by Land Use exception the City Council can save all significant trees around the existing farm house.

5. No Guarantee in the Code about Number of Lots

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

RECOMMENDATION & ACTION:

This application should be denied and sent back to the drawing board, and would be a new application.

Regarding Subdivision SUB21-09

- 1. The Application is DENIED because of inaccurate and misleading information regarding Significant Trees. The new data, since the hearing, quadruples the number of Significant Trees the applicant wants to remove.
- 2. The Design or Layout can and should be modified so that Significant Trees are not proposed for removal. These trees are protected by Salem revised Code.
- 3. Realignment of the proposed Collector Street some distance west will save those trees.
- 4. Leaving 12th. Street an un-improved, and un-widened existing local access narrow street or alley to the existing homes will save those Significant Trees.
- 5. Re-design of the shadow plat for the large lot at the farmhouse so that no home sites or roads are located where there are Significant Trees, will save those trees.
- 6. Because the tree violations are extensive, and because of the proposed removal of so many Significant Trees that are protected by code, this application is rejected and denied.
- 7. A new application, with a corrected design, that avoids removal of these Significant Trees would be required.
- 8. There is no guarantee in the Salem Revised Code of a minimum number of lots.
- 9. This application is DENIED and a new application submitted.

Geoffrey James

4115 Fraser Lane SE

Salem, OR 97302

Submitted" February 10, 2022



LOCATION OF 63 EXISTING SIGNIFICANT TREES

Applicant's unfortunate design layout superimposed

A better design would save ALL 63 Significant Trees

"Back to the Drawing Board

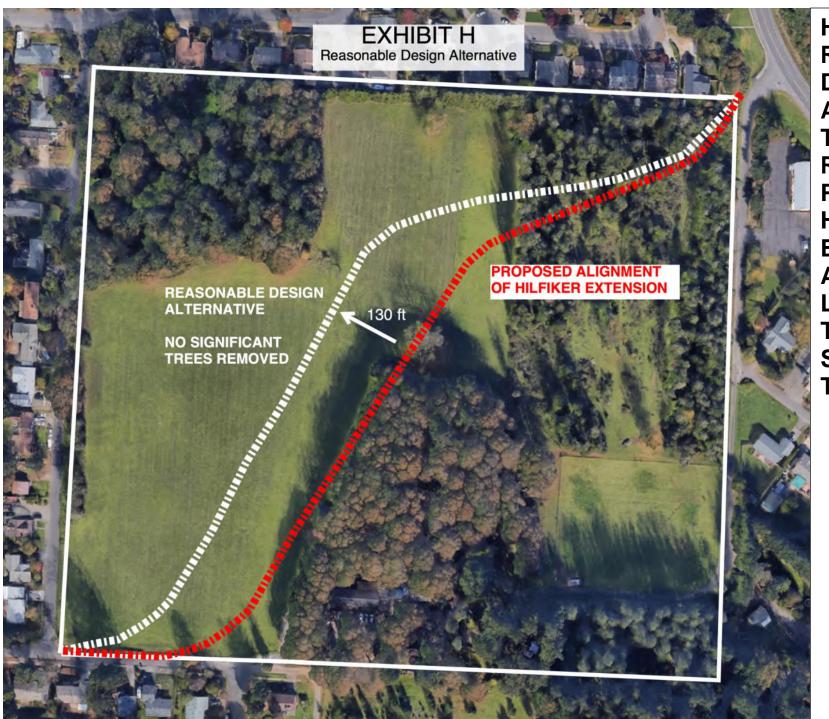
This application should be rejected completely



THE APPLICANT'S PROPOSED ALIGNMENT OF HILFIKER EXTENSION WILL DESTROY MANY SIGNIFICANT TREES

There is no excuse for this.

Keep the Collector and those lots clear of those Significant Trees.



HERE IS A REASONABLE DESIGN ALTERNATIVE THAT RE-ALIGNS PROPOSED HILFIKER EXTENSION, AND ITS LOTS, TO MISS <u>ALL</u> SIGNIFICANT TREES



SO <u>ALL</u> 63 SIGNIFICANT **TREES CAN BE SAVED BY A DESIGN CHANGE.** A. LEAVE 12^{TH} . ST. **AS A QUIET STEEP** NARROW **STREET FOR ITS RESIDENTS B. MOVE THE** ALIGNMENT OF THE PROPOSED HILFIKER **EXTENSION** ABOUT 130 FT. WEST C. PROVIDE A SHADOW PLAT FARMHOUSE **PARCEL THAT AVOIDS** HOMESITES **AND ROADS** AT TREES, & SAVE <u>ALL</u> ITS SIGNIFICANT TREES.

From: Sent: To: Subject: Kim Paul LAST_NAME <kimepaul@comcast.net> Friday, February 11, 2022 4:27 PM Aaron Panko 12th street

How are you going to prevent 12th street from being a launching pad with the increased grade? Thank-you Kim Paull 1195 Albert Dr.

From: Sent: To: Subject: Amy Johnson Friday, February 11, 2022 2:34 PM Aaron Panko FW: Meyer Farm

From: Imgb@earthlink.net <Imgb@earthlink.net>
Sent: Friday, February 11, 2022 2:22 PM
To: CityRecorder <CityRecorder@cityofsalem.net>; citycouncil <citycouncil@cityofsalem.net>; SALEM Manager
<MANAGER@cityofsalem.net>
Subject: Meyer Farm

I strongly urge the council to deny the development of the Meyer Farm property for 3 major reasons:

- I really don't understand how you could allow development of a property with pending litigation. Because in May there is a hearing at Circuit court when Judge Hart will rule on the current lawsuit and maybe dismiss the current Trustee because of financial discrepancies, and maybe rule in favor of the Family. In which case, the Trustee and the developer/development may be totally out of the picture. Stupid for the city to allow this process to begin in the first place.
- 2) Significant trees are protected in Salem, by code. The applicant proposed to remove 4 significant trees. Recently, the City Forester went out to count how many large Oaks there actually are on the property, the applicant changed their numbers and quadrupled the number of significant trees is now planned to be removed—now the new numbers are 17 (instead of 4) to be removed out of a total of 63. REALLY???? During our climate crisis/climate change you're going to allow all of the trees to be destroyed. Isn't it bad enough that we've lost so many trees in south Salem in the past 2 years—PacTrust/Costco debacle, 27th Street destruction et.al. Even if you make them come up with a new design, are you going to REQUIRE that 80% of ALL trees are spared?
- 3) Traffic wait until after March 10 when Costco opens, can't wait for all of your phones to ring off the hook this spring and summer with complaints about traffic. The very idea of adding more traffic on Pringle/Battle Creek and then little Hilfiker LANE—yes it's a lane, not a street—that feeds into Commercial. Allowing so much more development with so many more automobiles this is NOT responsible development. Of course, that's not something that the city ever appears to think about but maybe now's the time to start.

Please try, just once, to act responsibly and deny this development.

Lora Meisner 1347 Spyglass Court SE Salem, OR 97306 503-588-6924

From: Sent: To: Subject: Amy Johnson Friday, February 11, 2022 9:18 AM Aaron Panko FW: Meyer Farm

From: Sarah Deumling <sdeumling@gmail.com> Sent: Friday, February 11, 2022 7:34 AM To: CityRecorder <CityRecorder@cityofsalem.net> Subject: Meyer Farm

February 11, 2022 Mayor Bennett and Councilors

I have been familiar with the Meyer Farm property for decades. As a rare and beautiful remnant of the natural world in the middle of a city I am convinced that it's "highest and best use" would be to restore it as a natural area or park, as an invaluable asset for the citizens of Salem - a jewel in Salem's quality of life crown. I am pretty sure there is wide public support for this path.

I am also a strong proponent of housing "infill" rather than more sprawl on the edges. Compared to other urban areas Salem has a great deal of space and opportunity within the current Urban Growth Boundary to infill and to grow upward with housing, especially middle and affordable housing.

For these reasons I find the current proposed plan to develop the Meyer Farm property absolutely unacceptable. If the idea of protecting it as a natural area doesn't fly I would then support a plan to develop a small portion of it with middle or affordable housing and keep the remainder in some version of a public green space.

Thank you for your service to the city. Sincerely, Sarah Deumling

From: Sent: To: Subject: Dan Atchison Friday, February 11, 2022 1:42 PM Lisa Anderson-Ogilvie; Aaron Panko; Amy Johnson Fwd: Contact Chris Hoy

For the record.

Begin forwarded message:

From: Chris Hoy <CHoy@cityofsalem.net>
Date: February 11, 2022 at 12:47:11 PM PST
To: Dan Atchison <datchison@cityofsalem.net>, Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Subject: Fwd: Contact Chris Hoy

Sent from my iPhone

Begin forwarded message:

From: bill9972@gmail.com Date: February 11, 2022 at 12:19:44 PM PST To: Chris Hoy <CHoy@cityofsalem.net> Subject: Contact Chris Hoy

Your Name	WILLIAM GALBRAITH
Your Email	bill9972@gmail.com
Your Phone	7132024409
Street	1475 SAGINAW ST S
City	SALEM
State	OR
Zip	97302
Message	Dear Council Member Hoy, I am writing to you as a Salem resident and conscientious voter who is concerned about the proposed development of the Meyer Farm Property. As you know, this 30 acre p is a historically significant urban farm, which includes a 1915 farmhouse and an 1854 barn, not to mer significant number of trees, including many of our beloved native White Oaks, and a wide variety of w As you surely also know, there is a divide within the land's heirs over whether the property should be developed or perhaps made into a Salem Park. Perhaps the City could work out a deal with the heirs t allows some sort of remuneration or tax credit to be given to the heirs while turning the land into a Sa park. Perhaps a bond issue could be floated to raise funds for the conversion of the property to parkla would certainly vote in favor of such a bond, and I would urge friends and neighbors to do likewise. Pl

reflect on this matter very carefully. Open spaces benefit all of us. For many businesses and individual green spaces are an important factor in considering whether to move to a city. Once the Meyer proper lost, it will be lost forever. At the rate that Salem is growing, we need all the open land possible, now future Salemites. Thank you for your consideration. Very sincerely, William E. Galbraith 1475 Saginaw Salem OR 97302 bill9972@gmail.com

This email was generated by the dynamic web forms contact us form on 2/11/2022. <mime-attachment>

From:
Sent:
To:
Subject:

Lisa Anderson-Ogilvie Monday, February 14, 2022 9:12 AM Aaron Panko FW: Contact Mayor Chuck Bennett

From: Dan Atchison <DAtchison@cityofsalem.net>
Sent: Monday, February 14, 2022 8:01 AM
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>; Amy Johnson <AJohnson@cityofsalem.net>
Subject: FW: Contact Mayor Chuck Bennett

For the record. Received by the Mayor on February 11.

Dan Atchison City Attorney City of Salem | Legal Department 555 Liberty St SE, Suite 225, Salem OR 97301 datchison@cityofsalem.net | 503-588-6003 Facebook | Twitter | YouTube | CityofSalem.net

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From: Chuck Bennett <<u>CBennett@cityofsalem.net</u>>
Sent: Monday, February 14, 2022 6:56 AM
To: Dan Atchison <<u>DAtchison@cityofsalem.net</u>>
Subject: Fwd: Contact Mayor Chuck Bennett

Sent from my iPad

Begin forwarded message:

From: <u>bill9972@gmail.com</u> Date: February 11, 2022 at 12:24:38 PM PST To: Chuck Bennett <<u>CBennett@cityofsalem.net</u>> Subject: Contact Mayor Chuck Bennett

Your Name WILLIAM GALBRAITH

Your Email	bill9972@gmail.com
Your Phone	7132024409
Street	1475 SAGINAW ST S
City	SALEM
State	OR
Zip	97302
Message	Dear Mayor Bennett, I am writing to you as a Salem resident and conscientious voter who is concerned about the proposed development of the Meyer Farm Property. As you know, this 30 acre parcel is a historically significant urban farm, which includes a 1915 farmhouse and an 1854 barn, not to mention a significant number of trees, including many of our beloved native White Oaks, and a wide variety of wildlife. As you surely also know, there is a divide within the land's heirs over whether the property should be developed or perhaps made into a Salem Park. Perhaps the City could work out a deal with the heirs that allows some sort of remuneration or tax credit to be given to the heirs while turning the land into a Salem park. Perhaps a bond issue could be floated to raise funds for the conversion of the property to parkland. I would certainly vote in favor of such a bond, and I would urge friends and neighbors to do likewise. Please reflect on this matter very carefully. Open spaces benefit all of us. For many businesses and individuals, green spaces are an important factor in considering whether to move to a city. Once the Meyer property is lost, it will be lost forever. At the rate that Salem is growing, we need all the open land possible, now and for future Salemites. I know that you are retiring soon after many years of service to our community. I can think of no better legacy for you to leave than the establishment of a park of such importance to all of us. Thank you for your consideration. Very sincerely, William E. Galbraith 1475 Saginaw St. S. Salem OR 97302 <u>bill9972@gmail.com</u>

This email was generated by the dynamic web forms contact us form on 2/11/2022. <mime-attachment>

From:Amy JohnsonSent:Monday, February 14, 2022 10:24 AMTo:Aaron PankoSubject:FW: Reverse Approval for Subdivision Case No. SUB21-09 to conserve sensitive wildlifeAttachments:craig--carr-oregon-birds.pdf

From: David Craig <dpcraig@willamette.edu>
Sent: Saturday, February 12, 2022 11:11 PM
To: CityRecorder <CityRecorder@cityofsalem.net>; Tom Andersen <TAndersen@cityofsalem.net>
Cc: Kendra Mingo <kendraamingo@hotmail.com>
Subject: Reverse Approval for Subdivision Case No. SUB21-09 to conserve sensitive wildlife

I am writing today to ask that on Monday, February 28, the Salem City Council will vote to reverse the Planning Administrator's approval for Subdivision Case No. SUB21-09, i.e., the Meyer Farm, a phased subdivision tentative plan to divide approximately 29.68 acres into 139 single-family lots located at 4540 Pringle Road, SE, Salem.

My general concern is for the loss of cultural and natural history value of this historic site, and I hope that development will be limited to conserving and enhancing the ecology of the land.

As a professional ornithologist and ecologist, I have specific concerns for Slender-billed Nuthatches our local subspecies of White-breasted Nuthatch in Salem (Carr & Craig 2019). I have 30+ years of professional experience conducting bird research and have been a professor of behavioral ecology at Willamette University since 2001. I have been running local research on the Slender-billed Nuthatch since 2019.

On February 11, 2022, I spent three hours (1:30-4:30 PM) circling the public access to the property's perimeter and confirmed that the Slender-billed Nuthatches were using the property. Unlike many other birds, the Slender-billed Nuthatch does not migrate and is noted as sedentary or fixed to its breeding territories year-round. This aspect of their behavior makes them the preferred surrogate species for protecting a larger assemblage of species dependent on the Oregon Oak (USFWS 2014).

The Interagency Special Status / Sensitive Species Program (ISSSSP) has listed the Slender-billed Nuthatch as a Sensitive Species in Washington and designated it as an Oregon Conservation Strategy species because populations are "low and declining" (ODFW 2006:314). The slender-billed nuthatch has no special federal status in Oregon, but the species is designated as a USFWS species of concern in Washington (USFWS 2009). Factors causing the decline of Slender-billed Nuthatch populations are reported to be loss of large-diameter oaks and a subsequent reduction in the availability of tree cavities (Hagar 2003), and competition for cavity nest sites (Viste-Sparkman 2005).

In a recent Oregon State University doctoral dissertation Tyler Hallman (2018) used reconstructed 1850s habitat data to hind-cast densities and distributions of Willamette Valley birds to pre-European-American settlement. Hallman (2018) reported that Slender-billed Nuthatches likely have declined by 92% and maybe the local bird species most impacted by land development.

Although my ongoing research into these special nuthatches has documented breeding in suburban neighborhoods in the Willamette Valley, the Slender-billed Nuthatches appear to be firmly bound to the presence of large old Oregon White Oaks, especially in more extensive groves like those in Bush Pasture Park and the Meyer Farm. I think the current proposal for development will significantly reduce the value of the land to wildlife, especially those species that depend on mature oaks.

Based on the size of the property and the high quality of mature oak habitat, I would guess that between 4 to 10 Slender-billed Nuthatches are using the Meyer Farm year-round. This would include at least two breeding pairs, their young each year, and non-breeding birds waiting for a chance to breed. During my 3-hour study, I detected at least four birds that sounded like they were in a territorial contest. Pre-breeding activity is becoming conspicuous at this time of year in preparation for nesting in April.

Thank you for consideration of my remarks and opinions. I have included citations for my claims and attached a short paper that elaborates on the wonder of these unique Willamette Valley birds.

David P. Craig 445 Leslie Street SE Salem, OR 97301

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David P. Craig (he/him) Professor of Biology, Willamette University 900 State Street SE, Salem, OR 97301 503.370.6333 (w) <u>dpcraig@willamette.edu</u> Office Hours by appointment

Willamette University was previously the Indian Manual Labor Training School and is on the Iand of the Kalapuya, represented today by the <u>Confederated Tribes of the Grand Ronde</u> and the <u>Confederated Tribes of the Siletz</u>. You can learn more about <u>Oregon Indian Territory</u> at <u>Quartux</u> and the <u>Affiliated Tribes of Northwest Indians</u>.

A SENSE OF WONDER ABOUT THE SLENDER-BILLED NUTHATCH IN THE WILLAMETTE VALLEY

by Hazel Carr and David Craig

In downtown Salem, Oregon, at the bird feeders on the campus of Willamette University, we have enjoyed frequent observations of White-breasted Nuthatch (*Sitta carolinensis*) along with other common feeder birds of western Oregon. The species readily uses our bird houses, and although generally appreciated as charming, we had been taking it for granted because it seemed common. However, in the last two years, we have a new sense of wonder, joy, and concern about our currently common bird, which one day might be better known as the "Slender-billed Nuthatch," and it might be not so common.

The White-breasted Nuthatch is widespread across the United States and varies in plumage and vocalizations with geography. Some authorities have recognized up to 11 subspecies; however, based mostly on vocalizations, there are currently four major White-breasted Nuthatch subspecies that can be categorized in three regional groups: eastern (*S. c. carolinensis*), interior west (*S. c. nelsoni* and *S. c. tenuissima*), and Pacific (*S. c. aculeata*) (Pandolfino and Pieplow 2015). In Oregon, only two subspecies have been recognized, *S. c. tenuissima* and *S. c. aculeata* (Aldrich 1944; Hawbecker 1948). The subspecies found in the Willamette Valley is the Pacific, or Slender-billed White-breasted Nuthatch (*S. c. aculeata*) and can be identified in the field by a "modulated quank" note or "tuey" song, which distinguishes it from *S. c. tenuissima*, which has a "rapid quank" or "disyllabic quank" call (Pandolfino and Pieplow 2015; the calls are available



Slender-billed Nuthatch at the Willamette University campus; Salem, Oregon; 2019. Photo by Hazel Carr.

on the Western Field Ornithologists' website www. westernfieldornithologists.org/W-B_Nuthatch). Although the ranges of the two subspecies are generally distinct, there are interesting areas of potential contact and mixing in the Columbia River Gorge and along the California border that could use additional birding effort (Tweit 2017).

Unlike other White-breasted Nuthatches that are generalists and use any deciduous tree available, the slender-billed subspecies, hereafter referred to as the Slender-billed Nuthatch or Slenderbills, is highly associated with oak trees (Stinson et al. 2013) in restricted parts of western Washington, western Oregon, California, and extreme northern Baja (AOU 1957). It has a slimmer bill, smaller body, and buffier underparts than the much more common subspecies (S. c. tenuissima) present in eastern Oregon. Genetic analyses indicate that Slender-billed Nuthatches are genetically distinct from other populations in North America and have been proposed to be elevated to full species (Spellman and Klicka 2007; Walstrom et al. 2011). These genetic differences are especially important because although the interior subspecies S. c. tenuissima has stable or increasing populations, the westside Slender-bills (S. c. aculeata) are in rapid decline and have been listed as Sensitive in both Washington and Oregon (Chappell 2005).

Historically, the Willamette Valley was dominated by Oregon white oak (*Quercus garryana*) savanna, a lightly forested grassland where oaks are the dominant tree species (Wilson and Labbe 2017). Oregon white oak woodlands are a unique habitat, supporting a greater diversity of resident bird communities than eastern deciduous woodlands (Anderson 1970). Unfortunately, oak savannas and woodlands in the Willamette Valley have declined by at least 80% since the 1800s (Stark 2017) and using a sophisticated back-casting model, Hallman (2018) believes Slender-billed Nuthatches may have declined by as much as 92% since the 1850s.

In the Willamette Valley, Slender-billed Nuthatches are most commonly found in smaller stands of oaks (< 12 hectares) with large oaks and a sparse understory (Viste-Sparkman 2006). They are the largest of the three nuthatch species found in Oregon, and because they forage primarily on the lower parts of the trees, the species is relatively easy to watch. They use pre-excavated or naturally occurring tree cavities as well as birdhouses for nesting, but they are often outcompeted for the prime locations by more aggressive and abundant cavity nesters of similar size such as common European Starlings (*Sturnus vulgaris*). With conservation in mind, we initiated a long-term project in January 2019 that will be used to assess responses of the Slender-billed Nuthatch to habitat changes in and around Salem. The project compares the relative value of remnant oak habitat in a rural and urban setting by conducting point counts and quantifying Slender-billed Nuthatch presence. Because these birds have such a strong association to oak trees and have low and declining populations, they act as a surrogate for the best quality oak woodlands. So, if Slender-billed Nuthatches are common in an area, it shows that it is oak habitat of high value.

We are focusing our research across three sites 1) large isolated oaks in urban Salem neighborhoods including Willamette University campus, 2) a significant oak stand in Bush's Pasture Park in urban Salem, and 3) a rural oak savanna restoration property owned by Willamette University 11 miles northwest of our downtown campus. To count birds, we are using the community science methods promoted in the Climate Watch program of the National Audubon Society (2019). This program is monitoring all species of nuthatches and bluebirds in North America because these birds have been identified as likely to be significantly impacted by climate change by 2050 (National Audubon 2014). Over time, continued point counts in the same locations will show population changes that can reflect responses to changes of habitat quality.

We are also interested in habitat changes that relate to the direct short-term management of isolated urban oaks, oaks stands in larger parks, and plans for oak savanna restoration in rural areas. In our first season of counting, we found that Slender-billed Nuthatches were much more prevalent at Bush's Pasture Park and a couple of large isolated urban oaks. We have many more measurements to make, but because our urban sites have some of the largest oaks, our finding is consistent with other studies noting that Slender-bills are associated with larger diameter oaks in semi-open habitat (Hagar and Stern 2001; Pravosudov and Grubb 1993). The abundance of Slender-bills in town does make us wonder about how attracted they are to the dietary supplements that bird feeders offer, and we will be working to contrast foraging behavior on wild versus anthropogenic sources in the future.

In addition to our official counts, we are watching the Slenderbills closely to learn about their behavior throughout the year. It is busy work, and the description of their general manner being "restless and nervous" as described by Jewett et al. (1953) is definitely accurate. We would almost always see them in pairs because they maintain a close year-round pair bond, which is unusual for most North American passerines (Hagar 2003). At the start of breeding season-early to mid-March in Salem, Oregon-we saw pairs using the springtime low-to-high whistle Grinnell (1924) describes as "cher-wer, cher-wer, cher-wer" during nest searching and cavity vetting. On March 20, 2019, we watched a pair check out a nest box on the Willamette University campus. The male "cher-wer-ed" on a nearby branch as the female thoroughly pecked what seemed like the entire inside of the nest box. Although the pair did not choose this nest box, they likely chose the other nest box we observed Slender-bills nesting in later in the season.



Slender-billed Nuthatch at the Willamette University campus; Salem, Oregon; 2019. Photo by Hazel Carr.

Hearing this song is an indication that Slender-bills are choosing or have chosen their nest site in that area. Watching them, we saw spunk and intelligence as they foraged and interacted with intention. We would see them cache and retrieve cached acorn bits and females perform displays to detract predators from their eggs and young. Although we did not see it ourselves, Kilham (1971) wrote that they regularly sanitize their roost cavity with fecal removal in the morning and may "sweep" the nest cavity with toxic insects to deter predators. During nesting and rearing season (April and May), we have seen males retrieve an acorn bit cached near their nest cavity and "sweep" outside and around their nest cavity with it, then replace it in the same place in the bark. They also sometimes use bark flakes as a proto tool to pry off other bark flakes and have been observed practicing the deceitful use of alarm calls to scare other birds from feeders (Mitchell 1993; Tramer 1994). And, although irruptive, they are not known to migrate, and are usually a very resident species (Pravosudoc and Grub 1993). This means it is likely the same nuthatch pairs are frequenting our study areas, which we will aim to confirm with comprehensive territory mapping in the future.

If you have Slender-billed Nuthatches in your neighborhood, you can help ensure they have a future by doing everything you can to conserve the large oaks and other mature trees that are critical habitat for their long-term success. When we put out feeders and nesting boxes, we have had great luck with Slenderbills using these resources and encourage you to do the same. If you do try, please share your observations with Project Feeder Watch at https://feederwatch.org/ and with Nest Watch at https:// nestwatch.org/. These are two community science programs coordinated by the Cornell Lab of Ornithology and the data are useful even if you do not get Slender-bills actively using your area (negative counts are important, too). We are registering all of our data this way and hope you do too. Sharing with these programs allows a variety of people interested in scientific research work collectively to conserve birds. Finally, did you know a poetic collective noun for nuthatches is a *jar*? Well if you use social media and want to share your wonder about these special birds, make a post with #SlenderbilledNuthatch or @SlenderbilledNuthatch and include @DavidPCraig and @Hazelhalina in that jar!

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Oregon Birds

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ISSN 0890-2313



February 14, 2022

Garrett H. Stephenson Admitted in Oregon T: 503-796-2893 gstephenson@schwabe.com

VIA EMAIL

Salem City Council 555 Liberty Street SE, Room 220 Salem, Oregon 97301

RE: Letter on behalf of Applicant regarding the Meyer Farm Subdivision (City Case No. SUB21-09)

Dear Mayor Bennett and Councilors:

This office represents the Applicant in the above-referenced application. The Council held a public hearing on the Application on January 10, 2022. At the conclusion of the meeting, the Council closed the record to further oral testimony and left the written record open until February 14, 2022 for any person to submit evidence and argument. The Applicant will have until February 21, 2022 to submit final written argument.

This letter encloses three pieces of additional evidence and one communication from City staff. **Exhibit 1** is a concept plan for speed bumps on Albert Drive SE created by the City and discussed in detail, below. **Exhibit 2** is a traffic engineering memorandum prepared by Kittelson and Assoc. responding to evidence and testimony regarding the traffic issues identified by Mr. Del Huttington. **Exhibit 3** is an engineering memorandum from Emerio Design responding to arguments submitted during the open record period by Mr. Geoff James, which explains why the proposed Hilfiker Lane extension cannot be relocated to the north to preserve additional trees. **Exhibit 4** is an email from Assistant City Traffic Engineer Tony Martin addressing site distance, trip growth associated with surrounding development (including Costco), and City requirements for improvements to 12th Street.

This letter also addresses public comments concerning increased traffic and speed on Albert Drive SE. Applicant intends to provide full responses to comments and testimony given on the application in its final written argument.

Several public comments addressed concerns regarding speeding, as well as increased traffic on Albert Drive due to its use as a shortcut to Commercial Street. Specifically, comments from Annie Morton and Kelley Hiatt made reference to a City of Salem Traffic Committee study which concluded Albert Drive met criteria needed to approve speed bumps.

In response to these public comments, the Applicant discussed the possibility of providing additional traffic control measures on Albert Drive SE. City staff explained that the City had

Salem City Council February 14, 2022 Page 2

developed plans for four speed bumps on Albert Drive, but lacks a funding source for construction of those speed bumps. As explained at the hearing, the Applicant wants to be a good neighbor, and hereby proposes a condition of approval requiring it to construct four speed bumps on Albert Drive SE, as shown on the attached concept plan **Exhibit 1**. The proposed condition is as follows:

"The Applicant shall construct four speed bumps on Albert SE, between Mandy Avenue SE and Commercial Street SE, as shown in the City's concept plan(s). The City shall provide any necessary engineering drawings and waive any permitting/traffic control fees for the same."

Although the proposed condition was not required by City staff and is not required by the applicable standards and criteria, the Applicant hopes that the construction of these speed bumps will alleviate some of the traffic and speed concerns on Albert Drive.

Sincerely,

Garrett H. Stephenson

GST/jmh Enclosures

cc: Mr. Aaron Panko (via email) (w/enclosures)
 Ms. Jennifer Arnold (via email) (w/enclosures)
 Mr. Roy Hankins (via email) (w/enclosures)
 Mr. Martin Kehoe (via email) (w/enclosures)

PDX\GST\32966699.1





Technical Memorandum

February 14, 2022

Project# 26405

To: Chuck Bennett, Mayor City of Salem City Council 555 Liberty Street SE Salem, OR 97301

From:	Diego Arguea, PE and Chris Brehmer, PE
	City Councilors (Wards 1-8): Virginia Stapleton, Tom Andersen, Trevor Phillips, Jackie Leung, Jose
CC:	Gonzalez, Chris Hoy, Vanessa Nordyke, and Jim Lewis
	Tony Martin, Assistant City Traffic Engineer
RE:	Meyer Farm Traffic Impact Analysis - City Council Appeal Hearing Response to Comments

City Council received public testimony (oral and written) at the January 10, 2022 City Council hearing involving appeal of the Meyer Farm subdivision approval. The Planning Administrator previously reviewed and approved the residential subdivision in part predicated on traffic analyses provided with the land use application.

A traffic impact analysis (TIA) for the Meyer Farm subdivision was prepared and submitted in July 2021. The July 2021 TIA was completed in accordance with a documented study scoping process conducted with City of Salem engineering staff. The analysis and findings presented in the July 2021 TIA were reviewed by City staff and judged to satisfy the applicable transportation criteria as documented in the City Staff Report and Notice of Decision dated November 3, 2021 (case file 21-520) that is now the subject of review by City Council. Per the findings in the Notice of Decision, the Planning Administrator approved the phased subdivision located at 4540 Pringle Road SE.

This memorandum identifies and responds to key transportation comments raised at the January 2022 City Council public hearing. Transportation-related oral testimony was provided by Mr. Del Huntington and additional written testimony was provided within the Morningside Neighborhood Association (MNA) Traffic Concerns Memorandum. Each of the transportation issues raised by Mr. Huntington are summarized and addressed, followed by other comments identified in the MNA memorandum that were not cited by Mr. Huntington.

DEL HUNTINGTON TESTIMONY

Mr. Huntington identified multiple transportation issues during his testimony at the January 2022 City Council hearing based on his review of the July 2021 TIA. Each issue has been summarized and a response is provided.

ISSUE #1: BATTLE CREEK ROAD SE/HILLROSE STREET SE REGULATORY SIGN

A regulatory sign indicating "no left turn" is currently installed on the northbound approach on Battle Creek Road SE, restricting northbound left-turns into Hillrose Street.

Issue #1 Response: First, for context, Exhibit 1 on the next page illustrates the "no left turn" sign.

Exhibit 1 Existing Sign: No Left Turn



Image Source: Google Earth Street View

We acknowledge the existing "no left turn" sign is in place today. As proposed, the intersection will be reconfigured to accommodate a northbound left-turn movement from Battle Creek Road SE onto Hillrose Street SE. Provision of the northbound left-turn movement is required by the City and is consistent with the adopted Salem Transportation System Plan, Amended January 13, 2020. A new dedicated left-turn lane will be constructed on Battle Creek Road SE to facilitate the new turn movement and the Hillrose Street SE approach will be reconfigured in conjunction with the Meyer Farm subdivision as required by the Planning Administrator's conditions of approval. Construction of the required intersection changes will include removal of the existing northbound "no left turn" sign shown in Exhibit 1.

A level-of-service and capacity analysis was documented for the reconfigured intersection including the northbound left-turn movement in the July 2021 TIA. The reconfigured intersection level-of-service was found to satisfy City intersection performance criteria. The July 2021 TIA recommends construction of a new northbound left-turn lane on Battle Creek Road SE approaching Hillrose Street SE in conjunction with the proposed subdivision development. The City approval conditions subsequently further required provision of separate left-turn and right-turn lanes on Hillrose Street SE approaching Battle Creek Road SE in conjunction with development of the Meyer Farms subdivision, adding further capacity to the intersection.

Provision of a separate left-turn lane on Battle Creek Road SE at the intersection as required by the project conditions of approval should reduce the potential for rear-end crashes northbound (relative to a condition allowing left-turns but with no turn lane) and improve sight distance for northbound left-turn drivers relative to current conditions. As shown in Exhibit 2, vehicles northbound on Battle Creek Road SE approaching Hillrose Street SE currently have limited available sight distance facing to the north due to the horizontal curve along Battle Creek Road SE.



Exhibit 2 View Traveling Northbound on Battle Creek Road SE at Intersection with Hillrose Street SE

Image Source: Google Earth Street View

Once constructed, the proposed northbound left-turn lane on Battle Creek Road SE at Hillrose Street SE will provide left-turn drivers with additional sight distance to the north that satisfies City of Salem design standards.

The City of Salem identifies 45 miles per hour as the design speed for arterials per the City of Salem design standards. As such, the stopping sight distance discussion in the following section applies 45 miles per hour as the design speed (posted speed 40 miles per hour).

The City of Salem identifies minimum stopping sight distance (SSD) requirements per A Policy on Geometric Design of Highways and Streets¹. Based on A Policy on Geometric Design of Highways and Streets, the recommended stopping sight distance for a major street left-turn from Battle Creek Road SE is 331 feet for a deign speed of 45 miles per hour and an uphill grade of six percent. For an uphill grade of nine percent, this requirement reduces to 320 feet. As shown in Attachment A, the available sight distance is expected to increase from approximately 300 feet today to approximately 400 feet for a northbound left-turn driver stopped on Battle Creek Road SE waiting to turn left at Hillrose Street SE using the new left-turn lane. With an uphill grade in the northbound direction approaching Hillrose Street, 400 feet of available stopping sight distance meets the AASHTO recommended criteria. Attachment A also illustrates the roadway grades along Battle Creek Road SE.

We further note the following additional information and context provided by the City of Salem Assistant Traffic Engineer and also submitted into the public record:

There are 3 different movements that would need to be evaluated at this new intersection, assuming a design speed of 45 MPH, the following cases have been evaluated and shown to provide adequate sight distance at this new intersection:

1. Case B1 - The left turn from the minor roadway. ISD required = 500 feet. Sight distance available is greater than 500 feet looking to the right.

2. Case B2 - The right turn from the minor roadway. ISD required = 430 feet. Sight distance available is greater than 500 feet looking to the left.

¹ A Policy on Geometric Design of Highways and Streets as published by the American Association of State Highway and Transportation Officials (AASHTO) in 2018.

3. Case F - The left turn from the major roadway. ISD required = 365 feet. Sight distance available is greater than 400 feet looking straight ahead.

For Case 3, when Battle Creek Road/Pringle Road is widened, the improvements will shift the northbound left turn to the west into the current southbound lane and will dramatically improve the sight distance for this movement. Even though there is a downhill grade on Battle Creek Road approaching this new intersection, the grade of the road is not a factor in evaluating Intersection. Sight Distance per AASHTO. Staff does not believe there is a sight distance issue at this intersection.

ISSUE #2: STOPPING SIGHT DISTANCE NORTHBOUND ON BATTLE CREEK ROAD SE

The posted speed on Battle Creek Road SE is 40 miles per hour. Mr. Huntington opined that vehicles travel inexcess of 40 miles per hour and that a speed study should be conducted to verify design speed. In addition, Mr. Huntington identified that the northbound grade along Battle Creek Road SE in the northbound direction exceeds three percent (downhill in the northbound direction) and that the July 2021 sight distance assessment should be revised to reflect the roadway grade.

Issue #2 Response: The sight distance assessment in the July 2021 TIA documents sufficient intersection and stopping sight distance in both directions along Battle Creek Road SE (assumed driver located on Hillrose Street SE).

The City of Salem identifies 45 miles per hour as the design speed for arterials per the City of Salem design standards. Preliminary design of the recommended northbound left-turn lane at the intersection conducted in February 2022 by Emerio determined the downhill grade on Battle Creek Road SE at Hillrose Street SE is approximately 7 percent. A *Policy on Geometric Design of Highways and Streets* recommended stopping sight distances for grades three percent and greater are shown below in Exhibit 3. Exhibit 3 indicates a stopping sight distance need of 400 feet for a 6 percent downhill grade and 427 feet for a 9 percent grade for a 45 mph design speed.

		U.S. 0	Custom	nary		
Design		Stoppi	ing Sigh	nt Dista	nce (ft)	
Speed	Do	wngrad	des	L	/pgrade	25
(mph)	3%	6%	9%	3%	6%	9%
15	80	82	85	75	74	73
20	116	120	126	109	107	104
25	158	165	173	147	143	140
30	205	215	227	200	184	179
35	257	271	287	237	229	222
40	315	333	354	289	278	269
45	378	400	427	344	331	320
50	446	474	507	405	388	375
55	520	553	593	469	450	433
60	598	638	686	538	515	495
65	682	728	785	612	584	561
70	771	825	891	690	658	631
.75	866	927	1003	772	736	704
80	965	1035	1121	859	817	782
85	1070	1149	1246	949	902	862

Exhibit 3 Stopping Sight Distance on Grade

Image Source: A Policy on Geometric Design of Highways and Streets, 7th Edition

In the northbound direction, available stopping sight distance is estimated to be approximately 480 feet. At the location of the extents of sight distance (480 south of the Hillrose Street intersection), there is a 35 mileper hour advisory speed sign, illustrated below in Exhibit 3.



Exhibit 3 Location of Advisory Speed Sign (Approximately 480 feet from Hillrose Street)

Image Source: Google Earth Street View

For the design speed of 45 miles per hour, and based on a measured downhill seven percent grade, the recommended stopping sight distance per *A Policy on Geometric Design of Highways and Streets* would be between 400 and 427 feet for downhill grades between 6 and 9 percent. As such, stopping sight distance continues to be met. This is summarized below in Table 1.

Table '	1 Revised Stopping	i Sight Distance	Assessment Based or	n Measured Roadwa	av Grades

Direction of Travel	Available Stopping Sight Distance	AASHTO ¹ based on <3% Grades (July 2021 TIA)	AASHTO1 based on 6% to 9% Grades at 45 miles per hour	Sufficient Sight Distance?
Northbound (approaching Hillrose Street from the south)	480 feet	305 feet	400 to 427 feet	Yes
Southbound (approaching Hillrose Street from the north)	>500 feet	305 feet	331 to 320 feet ²	Yes

¹Source: A Policy on Geometric Design of Highways and Streets

² Southbound roadway approaching Hillrose Street is approximately seven percent grade uphill. As such, the AASHTO recommended 305 feet decreases.

ISSUE #3: IN-PROCESS DEVELOPMENTS

Mr. Huntington opined that there are additional in-process developments that could be contributing trips to the study intersections that were not accounted for in the July 2021 TIA.

Issue #3 Response: In-process traffic volumes for developments that have been approved and planned to be constructed and occupied by the TIA study year 2023 were requested from City of Salem traffic engineering staff during the scoping process. City staff concluded no approved developments would contribute 50 trips or more to the study intersections and thus identified no in-process studies for inclusion in the July 2021 TIA. In lieu of tracking individual development in-process trips, City staff required that a regional growth rate of two percent (consistent with the long range traffic planning in the *Salem Transportation System Plan*) be applied to all study intersections. This two percent annual growth was included in the traffic analysis per City staff direction. No further analysis is warranted.

ISSUE #4: RECOMMENDATIONS

Mr. Huntington identified five recommendations during his testimony. Each of the recommendations and a summary response is provided below.

Recommendation 1: Intersection design approval should be obtained prior to project approval.

Response: The intersection design, including turn-lane tapers, available sight distance, and turn-lane storage will be reviewed by City engineering staff during the Public Construction Plan Review process (occurs after land use). The final design will be subject to the project conditions of approval and will need to satisfy the applicable City of Salem *Public Works Design Standards*. Final design approval by the City will be required before roadway construction can begin as per standard City practice.

Recommendation 2: Consider actual measured speed along Battle Creek Road SE for sight distance measurements.

Response: City of Salem staff determined that sight distance should be evaluated against the design speed for arterials (45 miles per hour). No further study or analysis is planned.

Recommendation 3: Consider roadway grades into sight distance measurements.

Response: The grades along Battle Creek Road SE were further evaluated as requested based on additional design data obtained from Emerio and documented in this memorandum. The downhill grades were found to require additional stopping sight distance as documented in Response to Issue #3. Based on the additional review, adequate stopping sight distance can be provided per design criteria in the document A Policy on Geometric Design of Highways and Streets cited by the City for design purposes.

Recommendation 4: Include other future site generated traffic volumes by other projects in the vicinity.

Response: The July 2021 TIA accounts for trips associated with approved in-process developments through use of a background traffic growth rate as identified by City staff. No further analysis is warranted.

Recommendation 5: Provide an updated traffic operations analysis after including future projects traffic volumes.

Response: Approved in-process trips were accounted for in the July 2021 TIA per City staff direction. No further analysis is warranted.

Morningside Neighborhood Association

MNA submitted a document to City Council that includes comments related to traffic, trees, and land use. Some of the traffic issues raised overlap with those provided by Mr. Huntington – as such, the following sections address only additional traffic issues not raised by Mr. Huntington. These issues include modeled traffic volumes along the proposed collector, an existing grade concern at 12th Street, and bicycle lanes along the proposed collector. Each issue is shown below (excerpted from the MNA memorandum), followed by our response. Other traffic related design issues are being addressed under separate cover by the Applicant's representatives.

1. The proposed development will construct a new collector between Commercial Street SE and Pringle Road/Battle Creek Road all of which are arterials. The traffic study only analyzed the traffic loading on this new collector and the project intersections based on the proposed subdivision traffic. This new collector will attract east/west traffic that needs to be modeled/analyzed. Especially at the Hilfiker Lane/Hillrose Street/Battle Creek/Pringle intersection. The added traffic could significantly impact the operations at this intersection (see text on p. 15 and volumes/operations in Figure 7).

Response: The City of Salem previously identified the need for the new collector between Commercial Street SE and Pringle Road SE/Battle Creek Road SE through its planning process and documented this need in the adopted *Salem Transportation System Plan, Amended January 13, 2020 (Project 105)*. The City considered year 2035 capacity needs of the transportation system as the overall transportation network evolves and additional development occurs. Through this planning process, the City identified a combination of roadway and intersection needs and the resultant *Transportation System Plan*. With respect to Hilfiker Lane SE (Commercial Street SE to Pringle Road SE via Hillrose Street SE; Project 105), the *Transportation System Plan* presents the following:

Hilfiker Lane SE (Commercial Street SE to Pringle Road SE via Hillrose Street SE) (105)

This project will construct a new street extension between Hilfiker Lane SE and Hillrose Street SE and reconstruct both to urban standards, creating a new connection between Commercial Street SE and Pringle Road SE. Although not expected to divert large amounts of commuting traffic away from Commercial Street SE and 12th Street SE, this collector street will provide a much-needed east-west connection to Pringle Road SE. Design of this project should be closely coordinated with the Morningside Neighborhood Association and adjacent properties to incorporate context sensitive elements, including appropriate access to the City-owned park property.

Source: Salem Transportation System Plan, Amended January 13, 2020

As with any new network connection, there will be a redistribution of existing trips on the roadway system today that change travel paths to make use of the expanded roadway network. In particular, existing residents who only can access Hilfiker Lane SE today will now have the option to travel via Battle Creek Road SE and existing residents who only can access Hillrose Street SE today will now have the option to travel via Commercial Street SE. Importantly, the City's adopted Transportation System Plan noted that large amounts of commuting traffic are not expected to divert to the corridor as cited above.

The July 2021 TIA analyzes the impact of site-generated trips on the study intersections per City scoping direction. The proposed Meyer Farms subdivision is being required to construct the new collector roadway

consistent with the City's planning process and is adding turn lanes at the Hilfiker Lane SE/Hillrose Street SE /Battle Creek Road SE/Pringle Road SE intersection that create capacity for additional trips above and beyond those generated by the new residential homes within the subdivision (including separate left- and right-turn lanes on Hillrose Street SE required by City staff in the conditions of approval above and beyond the July 2021 TIA recommendations). Given the TIA findings and the City's *Transportation System Plan* findings, no additional analysis appears warranted.

4. The 16% grade at 12th. St. does not meet local street standards and is a fire and life safety issue for new and existing homes. The steep grade also creates restricted sight lines for ingress/egress from existing and new residential driveways, as well as pedestrian crossings to the new proposed open space. Regrading of this section of street to improve sight lines should be evaluated as a condition of development.

Response: The grade on 12th Street currently exceeds design standards and as such is an existing condition at 17 percent grade. The applicant will design and construct frontage improvements along the roadway per City of Salem requirements. Additional coordination with City of Salem engineering staff is being prepared under separate cover by the project team's civil engineer to address the proposed grade. Note the following additional information and context provided by the City of Salem Assistant Traffic Engineer and also submitted into the public record:

The current City standard for the grade on a local street is 12% with a design exception to allow for 15% for short distances. The current grade of 12th Street is approximately 17%. The Dickson's 2nd Addition subdivision that platted the existing western half-width street of 12th street was platted in 1954 in Marion County and ultimately annexed into the City in 1964. The street appears to have been improved in the mid-1960's. In 1964, the standards for street improvements were likely much different than they are now. To require this development to bring this existing non-conforming street to current standards would be a significant improvement. The entire length of 12th Street between Lansford Drive SE and Hilfiker Lane SE would need to be regraded. Because the west side of the street is fully developed with homes and driveways, an improvement of this magnitude could have a significant impact to all the driveways and front yards of the existing homes.

The new infrastructure will ultimately provide an improved roadway condition than exists under current conditions.

6. The collector appears to lack bike lanes. This is an important east-west bicycle connection. A shared bicycle/vehicle travel lane ("sharrow") will not be safe on such a high volume collector street. Dedicated bicycle infrastructure should be included in the collector design. Bicycle route connectivity is needed to Hilfiker Park and to Fairview Park, and beyond.

Response: The adopted Salem Transportation System Plan, Amended January 13, 2020 includes a Bicycle Plan Element that documents the City's goals, objectives and policies for the bicycle system, bicycle facility types, and a detailed bicycle network. Map 7-3: Bicycle Network – Southeast Element and Table 7-6: Recommended Tier 2 Bicycle Projects by Quadrant of the Transportation System Plan call for bike lanes on the new east-west collector through the Meyer Farm subdivision between Commercial Street SE and Pringle Road SE/Battle Creek Road SE.

The Applicant will be required to construct the new collector roadway in conformance with the Transportation System Plan, including provision of bike lanes.

Next Steps

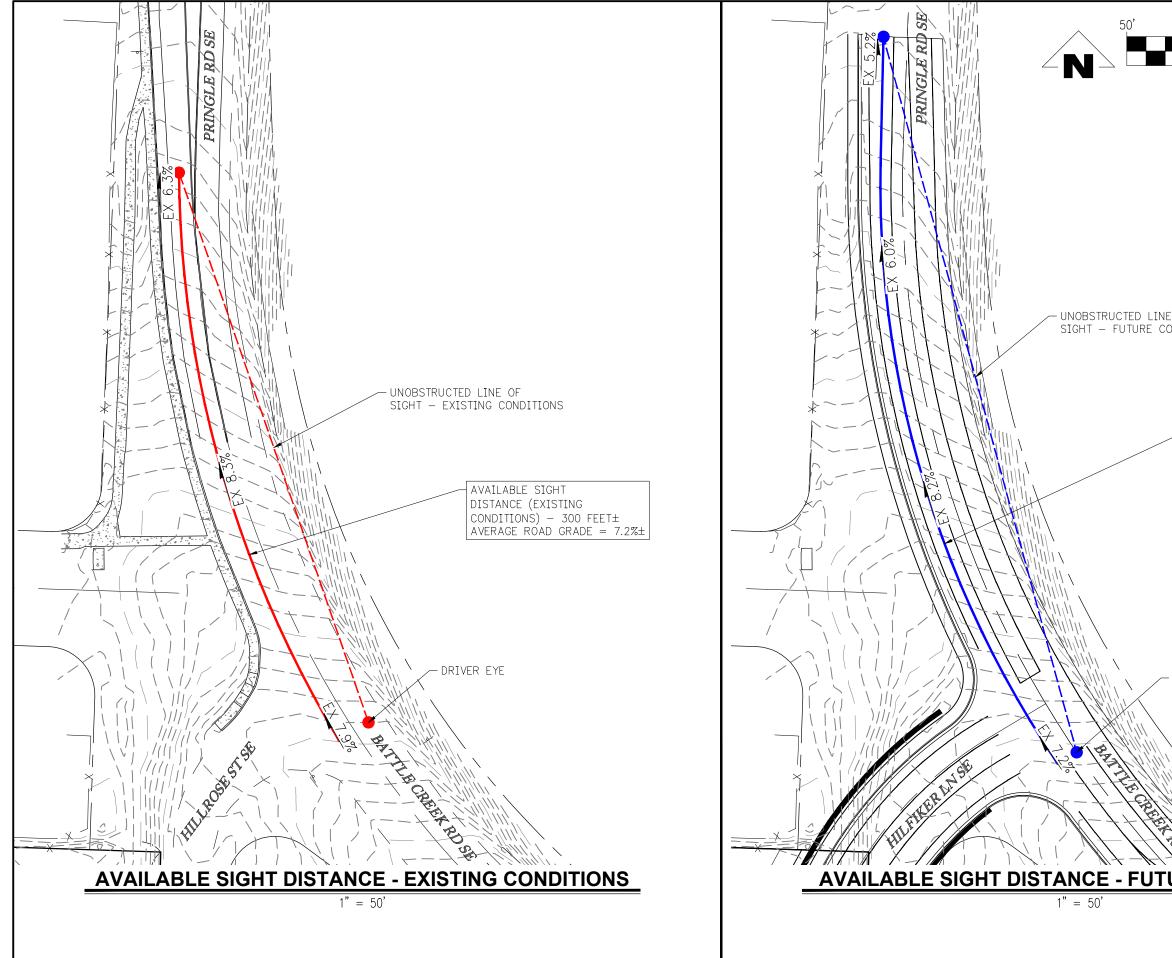
We appreciate the opportunity to respond to the traffic issues raised during the January 10 appeal hearing. Based on our review of the appeal testimony and the relevant City approval criteria, we believe that each of the issues raised related to the July 2021 TIA has been addressed and that City Council can find that the relevant approval criteria is satisfied. We would be pleased to answer any questions you may have.

Attachment A: Stopping Sight Distance Exhibit



Attachment A Stopping Sight Distance Exhibit

Exhibit 2 Page 10 of 11



0 25' 50' 100 SCALE: 1" = 50'	TEL: (503) 746-8812 FAX: (503) 746-8812 FAX: (503) 746-8812 FAX: (503) 539-9592 www.emeriodesgn.com
NE OF CONDITIONS	MEYER FARM - 138 LOT SUBDIVISION SIGHT DISTANCE EXHIBIT 4540 PRINGLE ROAD SE CITY OF SALEM, OREGON
TURE CONDITIONS	PROJECT NO. 0883-004 ORIG. DATE: 2/7/2022 DRAWN BY: IJF SHEET No. 1.0



February 14, 2022

City of Salem 555 Liberty Street SE RM 320 Salem, OR 97301

RE: Meyer Farm: Shifting Hilfiker Lane alignment in order to preserve significant trees

The purpose of this memorandum is to address the public testimony suggesting that Hilfiker Lane could be shifted to the west to save significant trees and the steepness of 12th Street. After review from the Project Engineer, it is determined that Hilfiker lane could not be shifted as shown in public testimony for the following reasons:

- The connection to existing Hilfiker at 12th street does not meet the intersection angle.
- The connection at Hilfiker also creates conflict with the existing driveways. They would need to be extended to connect to the new alignment.
- The proposed re-alignment would reduce the block length, shortening the distance between intersections and would create less desirable double frontage lots. The current plan would require significant changes to meet the double frontage lot standard of SRC Sec. 511.010(a) as no double frontage lots are currently proposed.
- The grades of Hilfiker from the realignment would increase the cut along the NW open space area, potentially adversely affecting the significant trees.
- By shifting the alignment, the radii are significantly tighter, creating a more dangerous driving condition for users.
- The realignment near the NE portion of the site, creates an impact on the proposed water quality facility, which needs to be the size proposed per our plan in order to meet City and state standards.
- Mandy, McCollum, and Porter streets would all have to shift significantly in order to meet the street spacing requirements.
- The current application does not propose changes to the existing grade on 12th Street and therefore existing driveways on 12th Street will not be excessively steep as mentioned in submitted comments.
- New driveways proposed on 12th Street are proposed to comply with City Standards for driveway grades.
- Based on the facts and findings of the Planning Administrator's decision approving this phased subdivision tentative plan, Staff has found all applicable code standards are satisfied with this proposal.

Jennifer Arnold Sr. Land Use Planner jarnold@emeriodesign.com (503)746.8812

Stephenson, Garrett H.

From:	Tony Mar
Sent:	Thursday
То:	Stephens
Subject:	FW: Meye
-	-

ny Martin <TMartin@cityofsalem.net> ursday, February 10, 2022 12:17 PM ephenson, Garrett H. V: Mever Farm

Garrett, Sorry, sent it to the wrong email address. Tony

From: Tony Martin
Sent: Thursday, February 10, 2022 11:59 AM
To: Stephenson, Garrett (GStephenson@grpmack.com) <gstephenson@grpmack.com>; Aaron Panko
<APanko@cityofsalem.net>
Cc: Diego Arguea (darguea@kittelson.com) <darguea@kittelson.com>; Chris Brehmer <CBREHMER@kittelson.com>
Subject: RE: Meyer Farm

Aaron,

Here are responses to some issues sent to me by the applicant's attorney.

Tony C. Martin, PE

Assistant City Traffic Engineer City of Salem | Public Works Department 555 Liberty St SE, Suite 325, Salem OR 97301-3515 <u>tmartin@cityofsalem.net</u> Office: 503-588-6211| Cell: 503-910-4828 <u>Facebook | Twitter | YouTube| CityofSalem.net</u>



Intersection Sight Distance requirements are based upon the AASHTO "A Policy of Geometric Design of Highways and Streets." The sight distance evaluation criteria in AASHTO uses either the "design speed" rather than "posted speed." Battle Creek Road SE/Pringle Road SE is classified as a minor arterial. The City of Salem Design Standards require that arterial streets are designed for 45 MPH. The posted speed along this segment of roadway is 40 MPH.

There are 3 different movements that would need to be evaluated at this new intersection, assuming a design speed of 45 MPH, the following cases have been evaluated and shown to provide adequate sight distance at this new intersection:

1. Case B1 - The left turn from the minor roadway. ISD required = 500 feet. Sight distance available is greater than 500 feet looking to the right.

2. Case B2 - The right turn from the minor roadway. ISD required = 430 feet. Sight distance available is greater than 500 feet looking to the left.

3. Case F - The left turn from the major roadway. ISD required = 365 feet. Sight distance available is greater than 400 feet looking straight ahead.

For Case 3, when Battle Creek Road/Pringle Road is widened, the improvements will shift the northbound left turn to the west into the current southbound lane and will dramatically improve the sight distance for this movement. Even though there is a downhill grade on Battle Creek Road approaching this new intersection, the grade of the road is not a factor in evaluating Intersection Sight Distance per AASHTO. Staff does not believe there is a sight distance issue at this intersection.

The Costco development was approved by City Council and the improvements that have been constructed adequately mitigate their traffic. The traffic generated by Costco that will be traveling along this corridor is considered background traffic. This development cannot responsible to mitigate background growth and to account for every potential development that may be contemplated in the vicinity. The background growth and the COVID adjustments used in the Traffic Impact Analysis more than accommodate general traffic growth in the area.

The Hilfiker Lane SE extension has been identified in the Salem Transportation System Plan since at least 1992. Previously, Hilfiker Lane was classified as a minor arterial, but was downgraded to a collector street to better accommodate a neighborhood street. As discussed, there may be a considerable amount of "cut through" traffic that uses the neighborhood to the north that connects Commercial Street SE and Pringle Road SE. When this extension of Hilfiker Lane is completed, there will likely be a reduction of the "cut through" traffic on Suntree Drive SE, Mandy Avenue SE and Albert Drive SE.

As a condition of approval, the development must make improvements to the streets along their boundary. 12th Street SE is a boundary street along the western boundary of this project. The City will require the street to be widened 15 feet from centerline along the frontage and they will be required to construct curb and sidewalk and install streetlights along the improvement. This improvement will create one standard travel lane in each direction.

The current City standard for the grade on a local street is 12% with a design exception to allow for 15% for short distances. The current grade of 12th Street is approximately 17%. The Dickson's 2nd Addition subdivision that platted the existing western half-width street of 12th street was platted in 1954 in Marion County and ultimately annexed into the City in 1964. The street appears to have been improved in the mid-1960's. In 1964, the standards for street improvements were likely much different than they are now. To require this development to bring this existing non-conforming street to current standards would be a significant improvement. The entire length of 12th Street between Lansford Drive SE and Hilfiker Lane SE would need to be regraded. Because the west side of the street is fully developed with homes and driveways, an improvement of this magnitude could have a significant impact to all the driveways and front yards of the existing homes.

From: Stephenson, Garrett H. <<u>GStephenson@SCHWABE.com</u>>
Sent: Tuesday, January 25, 2022 9:07 AM
To: 'Diego Arguea' <<u>darguea@kittelson.com</u>>; Tony Martin <<u>TMartin@cityofsalem.net</u>>
Subject: RE: Meyer Farm

Aaron Panko

From:	Heather Cohen <heatherbcohen@gmail.com></heatherbcohen@gmail.com>
Sent:	Monday, February 14, 2022 10:32 AM
То:	CityRecorder; Aaron Panko
Cc:	Geoffrey James A.I.A.
Subject:	SUB21-09 Opposition, Meyer Farm

Salem City Council:

I just wanted to once again make my opposition known to the development of the Meyer Farm property SUB21-09. Some of the many points made by myself and my community follow.

Traffic. The intersection of Commercial and Hilfiker is already a nightmare with bottlenecks on the Sunnyside Rd/Hilfiker exchange as well as the main Hilfiker/Commercial exchange. The traffic analysis required by this development did not project the traffic patterns that will be impacted by the Costco development among others or the impact of the development on local sidestreets like Mandy and Albert. Moreover, any development of the already unsafe 12th Street is begging for more traffic fatalities.

Trees: The developers' report of protected white oaks on the property has been wildly inaccurate. The applicant initially had a count of 4 protected white oaks to be removed. That number has since quadrupled to 17 as per the City Forester count. Moreover, the minimization of the miscount by the developers during the City Council hearing speaks to the untrustworthiness of the applicant. They will say and do anything to raze this beautiful property and squeeze every last penny out of a burdensome development. Moreover, the new Salem guidelines for protected trees will increase the amount of protected white oaks destroyed by this project. Besides the protected white oaks, the developer will ruin the habitats of at least fourteen protected species. Additionally, Ornithologist David Craig has submitted evidence that the Slender-billed Nuthatch will also be destroyed by this project. This is listed as a state-sensitive species found only in Western Oregon and Washington. At the very least there should be a study of environmental impact to local and protected species before development begins.

Irreplaceable History: Oregon consistency speaks about the importance of preserving history and honoring the Indigeneous people. This land is highly likely to be a native American burial ground with stately trees planted to resemble an arrowhead. Doesn't this deserve further study and examination before this remarkable piece of the past is no more?

Finally, while I understand the ownership of the land and the ongoing court battle within the Meyer family is not within the confines of the Council to decide, it is a reminder that this is an unsettled matter. The prudent thing would be for the developer to hold off on development until true ownership is determined. This weighty matter is in your hands and I hope you vote to deny this proposal. Thank you for your time and your service,

Heather Cohen 4530 Chaparral Dr SE Salem, OR 97302 <u>heatherbcohen@gmail.com</u>

Aaron Panko

From:	James Santana <james.santana@icloud.com></james.santana@icloud.com>
Sent:	Monday, February 14, 2022 3:52 PM
То:	citycouncil
Cc:	Aaron Panko; CityRecorder
Subject:	Santana SUB21-09 Additional Comments
Attachments:	Santana SUB21-09 2.14.22.pdf

Dear Councilor Phillips, and members of City Council,

During the January 10th Council Hearing, you asked the question, "in terms of the discrepancy between the 2019 and the follow up tree survey that was done by the applicant, does it ring true to you that [the discrepancy] is purely growth?" and I wanted to provide the science to back up my response at the hearing, along with additional comments and information, which are attached.

It is also important to note that from very early on in the application process, the applicant was made aware by City staff and the Neighborhood Association that the tree survey was outdated and full of discrepancies. The neighborhood association repeatedly expressed concerns about the data, but were ignored. It was not until very late in the process – only after the application had been called up by City Council for scrutiny – that the applicant submitted what has turned out to be a very substantial change in the number of significant trees to be removed. Following the City's field verification, there are now 17 significant trees proposed to be removed, when the public has only been notified about the removal of four.

I also wanted to be sure you received my January 10 testimony in its entirety, which can be downloaded here to be included in the record <u>https://www.dropbox.com/t/wUgwSufEa4jYxniP</u>

Thank you for your time and commitment to the process.

Sincerely, James Santana February 14, 2022

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

Re: Subdivision SUB21-09 at 4540 Pringle Rd SE

Dear Councilor Phillips, and members of City Council,

During the January 10th Council Hearing, you asked the question, "in terms of the discrepancy between the 2019 and the follow up tree survey that was done by the applicant, does it ring true to you that [the discrepancy] is purely growth?"

1. Can growth explain the difference between the 2019 tree survey and the 2021 revised survey?

During the January 10 hearing, multiple City Councilors inquired how it was possible that 27 oak trees, which were not previously identified as significant, were now considered significant. Councilor Stapleton pointed out, "a significant tree is a very old tree that is not growing rapidly" and that she was "not sure how that [kind of growth] happens in that short amount of time."

The applicant responded that while a tree or two had been misidentified, the trees "had grown to become above the threshold to be considered a significant tree." The applicant further stated that "trees typically grow", "it's just that trees grow", "yes, the discrepancy is due to the growth of the trees" and "because of growth they were 'bumped up' [and now considered significant]."

Science does not support this position. According to Oregon State University, "Growth of Oregon white oak is generally slow... diameter growth is often 15 to 20 rings/in."¹ According to the US Forest Service, "in the Willamette Valley, the [growth ring] rate averaged 4.6/cm (11.8/in) for four forest-grown trees 95 to 135 years old that averaged 24 m (80 ft) tall and 48 cm (19 in) in d.b.h."²

In other words, at the highest possible rate of growth of 11.8 rings per inch, it would take an oak 6 years to grow just one inch in diameter. Please see below:

¹ Oregon White Oak, Oregon State University https://owic.oregonstate.edu/oregon-white-oak-quercus-garryana

² Quercus garryana Dougl. ex Hook.,

https://www.srs.fs.usda.gov/pubs/misc/ag_654/volume_2/quercus/garryana.htm



2. How big of a discrepancy was there?

Please refer to Exhibit A attached, which shows a sampling of the applicant's 2019 tree survey sizes alongside revised measurements submitted by the applicant on January 6, 2021. This does not include the additional trees that were field-verified on January 27 by the City forester, or the other trees also misrepresented but corrected in the July 2021 arborist report.

In total, the sizes of 64 trees were misrepresented by the applicant, and not by a small margin; all but a few were shown significantly smaller than they actually are, to the benefit of the applicant, with a few underreported by as much as 13". The average misrepresentation was more than 5", which, according to the US Forest Service, would take an Oregon White Oak 52

years to grow in diameter (not 2 years as represented by the applicant). The discrepancy was broad and substantive.

3. Are the City's recent findings in the field a substantive change to the application?

The public was notified of SUB21-09 on September 17, 2021 that four significant trees would need to be removed. Following the City's recent field verification, the application has now been changed to removing 17 significant trees. There has been no public notice for such a material change to this subdivision application. The general public has no knowledge of this change.

Moreover, there has been no grading plan provided indicating how the newly-classified significant trees will be impacted by site grading activities. Basic facts of the application are either fundamentally incorrect or missing, and the application lacks the basic required information for the City to make an informed decision.

4. Was the applicant made aware that the tree survey misrepresented the number of significant trees?

The applicant was made aware of the outdatedness of the tree survey and the discrepancy in tree sizes very early on in the application process, yet the applicant did not act. Here are the relevant facts and timeline:

- July 14, 2021 Application submitted along with tree survey from May 2019 and arborist report from July 2021 showing conflicting tree size data.
- August 10, 2021 Staff requested that the applicant provide an update to the tree preservation and removal plans so that the most current conditions of the trees on site will be reflected.
- **August 12, 2021** Incompleteness Letter sent by Staff to the applicant, warning that "The proposed phased subdivision tentative plan results in the removal of six significant trees which does not comply with SRC 808.015 which provides that no person shall remove a significant tree."
- August 31, 2021 Applicant provides an "updated tree assessment" at Meyer Farm, but does not provide any new tree sizes or any reconciliation of the discrepancy in tree sizes.
- **September 13, 2021** Applicant states that all information has been provided and the application is to be deemed complete.
- September 17, 2021 Public Notice sent regarding application to remove 4 significant trees.
- September 24, 2021 Morningside Neighborhood Association sends a letter to City Planning stating, "More importantly there are serious discrepancies in the tree table regarding large significant Oaks" and "the Tree Table... claims one set of sizes and the Arborist notes the trees are" and "Here is a spreadsheet showing serious discrepancies

between the measurements of 'significant' trees in the developer's Tree Table and those made later on same trees by the other arborist."³

- October 25, 2021 Applicant provides updated tree inventory, but does not provide updated tree sizes or address discrepancy in tree sizes as described by Morningside.
- **November 2, 2021** Planning Staff approves application, including for the removal of four significant trees.
- November 8, 2021 City Council calls the application up for public hearing.
 December 8, 2021 Applicant meets with Morningside Neighborhood Association, who continue to raise concerns about discrepancies in the reported size of trees.
- January 6, 2022 Applicant writes Planning to say they have re-measured the significant trees and there were several more than initially represented; now requesting to remove 11 significant trees instead of four.
- January 10, 2022 City Council hearing concludes City Forester is to visit the site and verify the size of the oak trees.
- January 27, 2022 City Staff visits the property, identifying 64 total significant trees, and determined 17 significant trees are to be removed, not four (as originally claimed).

The timeline of events indicates the applicant was aware of the discrepancies, had ample time to address those discrepancies, yet chose to ignore the concerns voiced by the neighborhood association until the day before the City Council hearing to scrutinize the application information. When asked, the applicant repeatedly insisted the discrepancies were "due to growth."

During the January 10 hearing, Councilor Stapleton warned, "there has to be a really high level of trust between folks, and when we have these kinds of discrepancies, it really chips away at that trust we are trying to build." The results of the City's field verification really begs the question of integrity of the application and process.

In light of these misrepresentations, the City does have the power under Sec 808.065 Enforcement to investigate as to whether the applicant "has willfully engaged in violation of SRC 808.035 or SRC 808.040" and if so, seek injunctive relief "to be in effect for a period not to exceed five years."

5. Is there a reasonable design alternative that would result in the preservation of all significant trees?

On February 1, 2022, the applicant submitted a letter to the City stating the following reasons as to why shifting the alignment of Hilifker extension to avoid the significant trees is not a reasonable design alternative. Below are the stated reasons, and rebuttal:

• "The connection to existing Hilfiker at 12th street does not meet the intersection angle."

³ Morningside letter to Planning Staff dated 9/24/21, *Application for 2 Phase, 138-Lot Single Family Residential Subdivision at 4540 Pringle Rd SE Subdivision Case No. SUB21-09.*

This is an easy adjustment to make. The design speed of the street allows for tighter curve radii making this a simple design change, so the connection can meet the intersection angle.

• "The connection at Hilfiker also creates conflict with the existing driveways. They would need to be extended to connect to the new alignment."

This is an easy adjustment to make. The design speed of the street allows for tighter curve radii making this a simple design change so this can be resolved.

• "The proposed re-alignment would reduce the block length standards, creating "double frontage lots"

Double frontage lots are not ideal but not a code reason to remove a significant tree. Perhaps access to lots can be provided with alley ways, or other creative circulation options.

• "The grades of Hilfiker from the realignment would increase the cut along the NW open space area, potentially adversely affecting the significant trees."

This has not been studied, and no information was provided to support this conclusion. There does not appear to be any reason Tree 4721 would be impacted any more than it already is under the proposed design.

• "By shifting the alignment, the radii are significantly tighter, creating a more dangerous driving condition for users."

The proposed Hilfiker Extension is a Collector B with a 25 mph design speed limit, which allows for sharper turns and provides greater flexibility in street design and alignment. There is nothing dangerous about the radii under a realignment that avoids significant trees.

• "The realignment near the NE portion of the site, creates an impact on the proposed water quality facility, which needs to be the sized proposed per our plan."

This is an easy adjustment to make. The design speed of the street allows for tighter curve radii making this a simple design change.

 "Mandy, McCollum, and Porter streets would all have to shift significantly in order to meet the street spacing requirements."

This is not a legitimate issue; the applicant should have come to the City anyway with such a plan, as required by SRC 808 for a design alternative the preserves significant trees.

6. Is the application subject to the "needed housing" laws under ORS 197 and ORS 227?

a. "Clear and Objective" Criteria

The subdivision application is for a housing development and claims it is therefore subject to Oregon's "Needed Housing" statutes – ORS 197.303(1), 197.307(4) and (6), 197.522, 227.173(2) and 227.175(4), which require "clear and objective" criteria.

The applicant's position is that SRC 808.035(d)2 (which states "No significant trees are designated for removal, unless there no reasonable design alternatives that would enable preservation of such trees") does not apply because "criteria (d)(2) and (d)(3), which include the phrase 'reasonable design alternatives,' allow for discretion; these criteria are not clear and objective, and cannot be applied to this Application."

Whether an alternative exists (or does not exist) is a clear and objective, black-and-white standard. It is not a subjective, value-laden analysis as to whether an alternative exists or not. Furthermore, the term "reasonable" has a plain and commonly understood meaning; even the ORS 197.307 "Needed Housing" statute employs the term ("...unreasonable cost or delay"). Simply put, a reasonable design alternative means an alternative that is available and capable of being carried out. The criteria does not violate ORS 197.307(6).

b. Consistency with the Comp Plan, required by ORS 197.522(2)

In conflict with ORS 197.522(2), the removal of significant trees protected under the code is inconsistent with the adopted Salem Comprehensive Policies Plan, which has a goal "to conserve open space, protect natural, historic, cultural and scenic resources…" mandating that "Identified significant wildlife habitats shall be protected and managed in accordance with State wildlife management practices."⁴ The Morningside Neighborhood Plan Goal 13 calls upon the City to "Distinguish Morningside's… open spaces as community destinations with intrinsic recreational and cultural value" including "developing updated definitions and improvement standards to better address differing types of 'open space,' including (but not limited to): a) Wildlife corridors and native plant habitat;" and "undertake a comprehensive Statewide Land Use Planning Goal 5 inventory to identify and promote protection of significant natural resources within the community."⁵

c. Is this housing type and density identified as "needed" in Salem?

The application's proposal for market rate single family detached homes does not meet the criteria for "needed housing" as identified in the adopted *Salem Housing Needs Analysis*, which states, "Salem has a surplus of land for single-family housing"⁶. Salem was required to conduct an analysis of housing need by housing type and density range

⁴ Salem Comprehensive Policies Plan, November 2015

⁵ Morningside Neighborhood Plan, May 28, 2014

⁶ Salem Housing Needs Analysis and Economic Opportunities Analysis, ECONorthwest, p. 2

to determine the number of needed dwelling units and amount of land needed for each needed housing type in the next 20-years. Oregon law defines "needed housing" as: "all housing on land zoned for residential use or mixed residential and commercial use *that is determined to meet the need shown for housing* within an urban growth boundary.

Not only did the *Salem Housing Needs Analysis* conclude there is an oversupply of single family detached homes, but also the single-family detached density range identified was 6.3 dwellings per net acre.⁷ The current application of 139 lots ranging in size from 4,000 SF to 3.64 acres provides a density of 4.7 dwellings per net acre. This is much less dense than the range identified in *Salem Housing Needs Analysis*. There is no evidence that supports 4.7 dwellings per net acre qualifies as "needed housing" in Salem.

In conclusion, the applicant was made aware early on that the tree survey was outdated and inconsistent with the other application materials, yet they chose not to act until it was too late. The applicant ignored the City's warning that Significant Trees cannot be removed per SRC 808.035. At the last minute, the applicant changed the basic nature of the application, proposing to remove 17 significant trees instead of the original proposal to remove four, and no public notice was given for such a material change to the application. There exists reasonable design alternatives that would result in all of the significant trees being preserved, and finally, the application does not meet the criteria for "needed housing" in Salem. The application should be rejected and sent back to the drawing board.

Sincerely,

James Santana

Attached: Exhibit A

⁷ Housing Needs, ECONorthwest, p. 34

Discrepancy in tree sizes and approximate years of growth for change in diameter

_				2019	<u>202</u>		Approx.					2019	202	21	Approx	
	Tree No.	Common Name	Scientific Name	2019 Survey DBH	DBH ¹	Change in DBH	Years of growth	T	Tree No.	Common Name	Scientific Name	2019 Survey DBH	DBH ¹	Change ir DBH	Approx. Years of growth	2019 Survey DBH
	2577	Oregon white oak	Quercus garryana	20	23	+3"	16 years		4749	Oregon white oak	Quercus garryana	22	25		eystanst Tree	-
ŀ				lean to r	orth, s	<u>elf correct</u>	ed, unbalanc	ed canopy	to the 4750	Oregon white oak	Quercus garryana	20	22	ermit Reque	st lean t years	o north, kædfittørnærti , heavy ivnyohobadh, eæig
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	2828 menzies i	Oregon white oak	Quercus garryana	20	25	+5"	28 years	-	4916	Douglas fir	monziosii	22	27	Error		4
	2834	Oregon white oak	Quercus garryana	thin, few 20 and brok	l scaffo en bra	nches, hea	ches for size 28 years vy ivy load			Oregon white oak	Quercus garryana	22	24	+2" 11	vears	few scaff t hidingelov and roken br and hersokkeen
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	3093	Oregon white oak	Quercus garryana	22	27	+5"	28 years	ļ	5517	Oregon white oak	Quercus garryana		~74	+2 " 11	years	
	3094	Oregon white oak	Quercus garryana	20	26	+6"	33 years	L.			Quereus garryana	22	27		-	
	3100	Oregon white oak	Quercus garryana				s de avear bro	iken; upp	er 5520	Oregon white oak	Quercus garryana	19	20	+1 " 6	/ears	scaffoldiog/eranaff
	3134	Oregon white oak	Quercus garryana	canopy r 22	eagtny	and balan	^{ced} 72 years		5546	Oregon white oak	Quercus garryana	22	24	+2 " 11	canor years	oy healthoyaamoop by ahlea
actor in inche	3135	Oregon white oak I per City of Salem sta Oregon white oak	Quercus garryana	22	29	+7"	39 years		5540	Oregon white oak	Quercus gurryunu	22	24		years	1
neter in inche s	3137	Oregon white oak	Quercus garryana	22	27	+5"	28 years		² C Padic	the ² 6-Pertination	naviordiato inclanata radi	us in fact				
mate crown rai d level, 25 ^m lead ture resinger na	lerin getin getinm v	e R ^r 680 P, ¥böte, Palk, t	Quercus garryana	20	37	+17"	94 years		codomina proditio			er in pofrancoventaip			ood.	
	3141	Oregon white oak	Quercus garryana	22	27	+5"	28 years									
	3142	Oregon white oak	Quercus garryana	20	12	-8"	Error		•	r, as prov uary 6, 20	•	-	-			
	3143	Oregon white oak	Quercus garryana	20	26	+6"	33 years			ificant tre			۱ ۱	Vithin pedes ooundary	trian path	
	3163	Oregon white oak	Quercus garryana	22	23	+1"	5 years		•	represent) SI	ırvev		
	3213	Oregon white oak	Quercus garryana	28	42	+4"	22 years			•						
, codominant le storm damage,		Oregon white oak	Quercus garryana	22	27	+5"	28 years		12 12 13 at 8', brol	SO' CORSING (en scaffolding branch (http://www.scaffolding branch at 2' above ground h (construction) (construc	es, storm damage,	ified b	ac v t	ditior he Ci	nal tv	
to 3362, 27" a anced to the ea	nd 22", 3361' ast	Oregon white oak	Quercus garryana	22	35	+13"	72 years		connecte	d at 2' above ground l States free free contractions of the contract of the co	evel to 3362, 27" an	n Jani	uar	v 27.	-)	
	4469	Oregon white oak	Quercus garryana	22	28	+6"	33 years	L								
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	4571	Oregon white oak	Quercus garryana	20	25	+5"	28 years									
Γ	4572	Oregon white oak	Quercus garryana	19	23	+4"	22 years	I								
Γ	4726	Oregon white oak	Quercus garryana	22	27	+5"	28 years									
Γ	4747	Oregon white oak	Quercus garryana	20	28	+8"	44 years									

Aaron Panko

From: Sent: To: Subject: Attachments: Jenny Hiatt <jenny.hiatt85@gmail.com> Monday, February 14, 2022 4:22 PM Aaron Panko; CityRecorder SUB 21-09 Letter Tree letter.docx

Hello, Please add the attached letter to the SUB21-09 packet. Thank you, Jenny Hiatt

SUB 21-09 REASONS FOR DENIAL FOR APPLICATION

TREE COUNT

- The Emerio engineers initially claimed they would remove four significant trees in their application to the city. Neighbors questioned them about this tree count during the MNA meeting, in which they stood by the four trees.
- After public outcry and city council recommendations, the city forester re-counted the tree count.
- The city forester report now states 17 significant trees to be removed.
- Emerio now will remove 15 significant trees after the recount.
- Nineteen trees are to be removed, looking at the report. Who do we trust?

City of Salem Councilors:

- Salem neighbors cannot trust Emerio and Kehoe. The updated city forester report validates that Emerio and Kehoe were lying about removing the significant trees.
- If they lie about the trees, what else will they lie about?
- You all have the power to make an impact on our city. Look at the situation that JUST happened on the vacant property at 2792
 Marietta St. SE near 27th Avenue and Kuebler Boulevard SE.
 They cut down all the trees they wanted and received a small fine is a prime example of developers doing whatever they want.

Aaron Panko

From:	Kristin Ramstad <kramstad38@yahoo.com></kramstad38@yahoo.com>
Sent:	Monday, February 14, 2022 2:52 PM
То:	CityRecorder
Cc:	Aaron Panko
Subject:	Proposed Meyer Farm Phased Subdivision - testimony

To the Salem City Council and City Development Staff -

As an urban forester and Salem resident, I am again writing to let you know of my concerns regarding the proposed development of the Meyer Farm property and the well-being of the significant oaks on the property. In short, *the currently proposed development plan will significantly and negatively affect the long term survival of the oak stands on the property.* That said, these oak stands can probably benefit from some active management and restoration efforts that may require some tree removal and thinning. The difference between removing oaks to accommodate the development objectives that will eventually permanently degrade and perhaps kill the stands, and the latter serves the long-term health of the trees and recognizes the important of Oregon white oaks to this area.

You will find excellent information on Oregon white oak management in <u>A Landowner's Guide For Restoring and</u> <u>Managing Oregon White Oak Habitats</u>. I would like to highlight this guidance for landowners, starting on page 32 of the guide *(emphasis mine):*

• **Protecting the Root Zone** -- Homeowners should be mindful that most of an Oregon white oak consists of roots hidden underground. The root zone of a young oak may extend laterally beyond the drip line by as much as twice the radius of the tree crown. *Most of the root system is relatively shallow, making it vulnerable to ground-disturbing activities*. Sapling-size oaks are tolerant of changes in irrigation patterns, but *mature oaks may be damaged by over-watering*. Homeowners should consider how the following activities affect the health of oaks.

• **Soil Excavation**—Digging building foundations or underground utility lines near trees can sever roots, which reduces the tree's capacity to uptake water and nutrients. Root injuries are also common infection sites for tree diseases and insect pests.

• **Soil Compaction**—The microscopic spaces between soil particles are crucial to gas exchange that occurs between the tree and the underground environment. *Heavy equipment moving near trees can compress the soil, decreasing its permeability and inhibiting gas exchange.*

• **Paving**—Nonporous surfaces such as concrete and asphalt can prevent rainwater from infiltrating down to the root zone, *effectively creating a permanent drought on the site*. Use porous materials such as bark, wood decking, gravel, or unjointed paving stones if a driveway or sidewalk is unavoidable over the root zone of a tree.

• **Irrigation**—Moderate irrigation is beneficial to *newly planted* acorns and seedlings. However, established oaks are adapted to summer drought and do not require watering. In fact, *irrigation may lead to root rot or cause flowering late in the summer, thereby precluding acorn production. Homeowners should avoid watering lawns underneath oaks to maintain tree health.*

There are efforts to conserve and restore Oregon white oak stands throughout the Willamette Valley that I hope the Salem City Council will embrace now and in the future. Please view the Willamette Partnership's short video: <u>The Oak</u> <u>Accord - Protecting Oregon's Oak - YouTube</u>. If the oak stands on this disputed property are prioritized by the upcoming decision of the Salem City Council, it is my hope that the landowner will invest in ongoing maintenance and management of these oak stands and that any future development on this site will value and commit to the conservation of these oaks for generations to come.

Sincerely,

Kristin Ramstad

190 Washington St S

Salem, OR 97302

PNW-ISA Certified Arborist PN- 0527A





The Oak Accord - Protecting Oregon's Oak

Aaron Panko

From:	Amy Johnson
Sent:	Monday, February 14, 2022 2:17 PM
То:	Aaron Panko
Subject:	FW: Testimony for SUB 21-09 Meyer Farm
Attachments:	82-neighborhood-associaiton-contact.pdf; 100-Arborist-Report.pdf; 100-Arborist
	Report REV01.pdf; MNA NEIGHBORHOOD- MEYER FARM CASE NO. SUB 21-09.pdf; SUB
	21 09 testimony 2.14.22.docx

From: Liz Backer <lizmail217@gmail.com> Sent: Monday, February 14, 2022 2:09 PM To: CityRecorder <CityRecorder@cityofsalem.net> Subject: Testimony for SUB 21-09 Meyer Farm

Hello,

Please add the attached files to the record for SUB 21-09.

Thank you so much, please also let me know if you need anything else from me.

Have a great afternoon, Liz Backer TO: Mayor Bennett, Salem City Council, Salem Planning AdministratorRE: SUB21-09 Meyer Farm Application for SubdivisionFR: Elizabeth Backer

Dr. Mayor Bennett and Council Members,

I am writing to you today to request that you vote to deny the application for SUB21-09 on February 28 for the following reasons:

- 1. The applicant has submitted inaccurate information in violation of SRC 300.210(a). (See also: SRC 300.420(a)(2), SRC 808.035(c), SRC 205.030(c), and SRC 205.015(c)(1).)
- 2. The proposed traffic mitigation for the intersection of Pringle Road/Battle Creek Road/Hilfiker Lane will create a significant risk to public safety.
- 3. The ownership of this property is currently in litigation. Decisions that permanently affect the property should not be considered until litigation has concluded.
- 4. The city is out of compliance with ORS 197.250 and ORS 197.646(1) regarding the implementation of OAR 660-23-0250 and 660-23-0110. Adequate information showing the evidence of significant wildlife habitats on this site has been submitted to the city. The city may adopt limited interim protection measures for this site under OAR 660-23-0030(7). Failure to protect the significant wildlife habitats on this site may trigger a citizen-initiated petition to the city and the Department of Land Conservation and Development requesting emergency enforcement orders for the city to comply with the requirements of state laws to protect significant wildlife habitats.

Additional references for each finding are included in the following pages.

1 – INACCURATE INFORMATION SUBMITTED

 <u>SRC 205.015 (c)(1) Phased Subdivision Tentative Plan – Submittal Requirements</u> "In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for tentative phased subdivision plan shall include: (1) The information required in SRC 205.030..."

Applicant does not address these requirements in their written statement.

2. SRC 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:"

"(c) A completed tree inventory on a form as provided by the Director and, if required under SRC chapter 808 a tree conservation plan..."

Applicant does not address these requirements in their written statement.

3. <u>SRC 808.035(c) Tree Conservation Plan Submittal Requirements</u> "In addition to the submittal requirements for a Type 1 application under SRC chapter 300, an application for a tree conservation plan shall include the following:"

Applicant response: "A tree conservation plan has been included with this application. All significant trees proposed to be removed are included in the arborist report memorandum, the tree conservation plan permit, and/or the street tree permit application for city tree removal. Sheets 3 through 3.4 submitted with this application indicate the tree locations and health. All site plan submittal requirements are shown on sheets P2, 3, 3.1-3.4, and 19."

4. <u>SRC 300.420(a)(2) Type I Procedure Application Requirements</u> "Submittal Requirements. Type I applications shall include the information required under SRC 300.210."

Applicant does not address these requirements in their written statement.

5. SRC 300.210(a) Application Submittal

"Land use applications shall be submitted on forms prescribed by the Planning Administrator. A land use application shall not be accepted in partial submittals. All of the following must be submitted to initiate completeness review under SRC 300.220. All information supplied on the application form and accompanying the application shall be complete and correct as to the applicable facts."

Applicant does not address these requirements in their written statement.

FACTS & FINDINGS

- 6/23/21 Applicant emailed a Proposed Subdivision packet to the Morningside Neighborhood Association, which included a Tree Inventory dated 6/22/21. This inventory identified 817 trees on the subject property, with 595 trees to be removed (73.44%). 5 Significant trees are listed for removal.
- 6/24/21 MNA Board Member replied via email to Emerio Design (applicant's engineer) requesting a higher resolution PDF of the tree inventory, as the details of the low-resolution copy were illegible.
- 6/28/21 Emerio employee replies via email that the Tree Preservation and Removal sheets that had been previously emailed were sufficient for their land use submittal and claimed there were no other versions to provide to the neighborhood association.
- 6/28/21 MNA replies via email that the inventory tables are misleading, because they showed hundreds of trees being preserved that were not a part of the actual application (including offsite trees at the perimeter of the property and in sections that were marked as 'not included'.) A revised table with accurate calculations, and that show the actual number of trees that were relevant to the application is requested. This request is not granted.

located on the section of the property that was to remain untouched.

7/14/21 Applicant submits the preliminary land use application, which includes a Tree Conservation Plan dated 7/12/21. This report claimed the same figures as the inventory dated 6/22/21, however the trees that were not located on the subject property had now been marked as such. This report did not include trees

An arborist report that had been conducted 5/24/21 was included with a Plan Narrative dated 8/30/21. This report assessed 33 Oregon white oak trees that the applicant's tree inventory reported had a dbh of 24" or more. **Every single tree that was evaluated was listed in the arborist report as having a larger dbh**

than had been reported in the applicant's inventory. In addition, 6 significant trees were listed for removal. Although one of the 6 trees was located in the public ROW, the applicant's inventory that accompanied the inventory still only listed 4 significant trees for removal.

- 9/17/21 A Notice of Filing is posted and mailed to affected residents. This packet included a Tree Conservation Plan dated 8/31/21. The report identifies a total of 651 trees on the property, with 447 marked to remove (69.28%). The number of significant trees listed for removal changed to 4, however the inventory was not updated to accurately reflect the correct tree measurements.
- 9/23/21 A second arborist report dated 8/31/21 was uploaded to the applicant's file on the city website. This report stated it was needed to assess 34 trees that had either fallen, died, or had been removed since the original tree inventory was conducted in 2019. Most residents were unaware of this report, so only a handful of citizen comments submitted during the public comment period specifically pointed out the errors and or questioned the accuracy of the tree inventory.

A new tree inventory is also included with the arborist report, dated 8/20/21. This inventory identifies 679 trees onsite, of which 474 are marked to remove (69.81%). The number of significant trees to be removed is updated to 5, however tree measurements are not corrected.

- 10/1/21 The public comment period ends.
- 10/25/21 Applicant submits more application materials including yet another updated tree conservation plan dated 10/21/21 to the city. Now, the total number of trees on the property is listed as 808, with 453 trees marked 'remove' (56.06%). Although this report added back the trees located in the 'area to remain', it still did not update measurements to the inventory. Additionally, the number of significant trees changes again to 4.

A letter from Emerio Designs is also included in the packet. This letter, dated 10/25/21, addressed many of the general concerns that were submitted by citizens, however the only response to the concerns regarding the tree inventory errors was an explanation about the trees located on the 'area to remain'.

- 11/3/21 A Notice of Decision approving the application was posted by the city planning department. The city staff response to citizen comments regarding tree concerns explained the city ordinances that govern tree preservation, but did not address the public comments that specifically pointed out the inaccuracy of the tree inventories.
- 11/8/21 At the regular City Council meeting, council members voted to initiate a review of the application.

- 11/21/21 A Notice of Public Hearing is posted. This packet includes the same tree inventory dated 10/21/21.
- 12/8/21 Two Emerio employees attend the Morningside Neighborhood Association meeting. They bring with them a packet that contains the 10/25/21 letter from Emerio, and a tree inventory that is undated, although it contains the same information as the inventory dated 10/21/21.

During this meeting the engineers from Emerio were asked *directly* how the tree inventory could be accurate if the 33 measurements that had been reported in the arborist report showed 33 different measurements. Not once were the questions answered. Instead, the city tree ordinance was repeated, and Emerio staff explained why city trees were no longer included in the report.

I personally asked these questions:

- 1. If every single tree that the arborist reported lists a larger measurement than is listed on your tree inventory, a) why are those trees not updated to reflect correct measurements, and b) how can you be confident that *any other* measurements are accurate?
- 2. If this inventory was taken in 2019, and not all of the comments in the second arborist report are reflected in the latest tree inventories, how can you be confident that the reports are accurate now?
- 3. Considering the evidence of errors with the tree inventory, how can you be sure that *all* significant trees are identified, and how can you be sure that all *trees* have been included? Trees that were under 10" dbh in 2019 could now be 10" or larger, yet they have not been included (or have been removed from the property) from the inventory?

At no point did the Emerio employees acknowledge the fact that there were discrepancies between their inventories and the arborist reports. It was as if they were not listening or could not hear our questions that were literally being asked to their faces. Instead, they repeated "only 4 significant trees will be removed" over and over. It was very frustrating.

1/10/22 The staff packet posted for the City Council Public Hearing lists "Tree Removal" as a concern noted from the public comments that had been received. There is still no response to the actual concerns regarding the accuracy of the tree inventory.

During the Public Hearing, Emerio employees finally address concerns about accuracy, and claimed they had reviewed their inventory at the site. They now listed 11 significant trees for removal. Public Comments again challenged the accuracy of the *entire* report. Council Members asked the Planning Department to conduct a site visit to verify the information in the applicant's tree inventory.

1/26/22 City staff visit the site to review the inventory. Neighbors immediately notice that the applicant and employees from Emerio are with them, and send an email to

the planning department requesting why Emerio was allowed onsite during the review, as the specific reason the review was happening was due to their dishonesty in prior reports. City staff responded that the applicant requested they be there.

2/3/22 A memo is released by the Urban Forester with results of the 6-hour site walk on 1/26. The updated number of significant trees to be removed nearly doubles again to 17.

A final tree conservation plan dated 2/2/22 is submitted that lists 15 significant trees for removal.

2/14/22 ERRORS STILL EXIST WITH THE NEW REPORT. THE APPLICANT'S TREE CONSERVATION PLAN IS STILL IN VIOLATION OF APPLICATION REQUIREMENTS.

I have compared the data included on the tree conservation plans submitted by the applicant. The sources for the information listed below are from the first Tree Plan submitted by the applicant, found in the Neighborhood Association Packet that was emailed to Morningside NA on 6/23/21, and the last Tree Plan submitted by the applicant on 2/2/22.

ERRORS ASSOCIATED WITH THE 2/2/22 TREE CONSERVATION PLAN APPLICATION:

1.	P 3.1	4761	Listed 'Retain'. Map shows "Remove".
2.	P 3.2	4697	Listed 'Retain'. Map shows "Remove".
3.	P 3.2	5633	Listed 'Retain'. Map shows "Remove".
4.	P 3.2	5672	Listed 'Retain'. Map shows "Remove".
5.	P 3.2	5716	Listed 'Retain'. Map shows "Remove".
6.	P 3.3	3161	Listed 'Retain'. Map shows "Remove".
7.	P 3.3	3163	Listed 'Retain'. Map shows "Remove". Located on 3.4 map.
8.	P 3.4	3142	Listed 'Retain'. Map shows "Remove".
9.	P 3.1	2576	Listed 'Retain'. Duplicate of City tree in 12 th St ROW to Remove on 3.5.
10	. P 3.1	2580	Listed 'Retain'. Duplicate of City tree in 12 th St ROW to Remove on 3.5.
11.	. P 3.1	2584	Listed 'Retain'. Duplicate of City tree in 12 th St ROW to Remove on 3.5.
12	. P 3.1	2588	Listed 'Retain'. Duplicate of City tree in 12 th St ROW to Remove on 3.5.
13	P 3.2	5669	Listed 'Retain', Map shows 'Remove'. Duplicate to Remove on 3.4
14	. P 3.3	2577	Listed 'Retain'. Duplicate of City tree in 12 th St ROW to Remove on 3.5.
15	. P 3.3	2578	Listed 'Retain'. Duplicate of City tree in 12 th St ROW to Remove on 3.5.
16	P 3.3	2579	Listed 'Retain'. Duplicate of City tree in 12 th St ROW to Remove on 3.5.
17.	P 3.3	4466	Listed 'Retain'. 8/31 Arborist report lists tree as "Dead. Stump" (Oak 33")
			Also listed on Arborist report as "Grand Fir", and "Oak" on inventory.
18	P 3.4	2644	Listed "Retain'. Duplicate of City tree in Hillrose ROW to Remove on 3.5.
19	P 3.2	4712	Tree removed from prior inventory with no explanation. (Oak 12")

Trees originally listed in the inventory as "Deceased" remain in the inventory and tree counts, while deceased trees identified by the arborist on 8/31 have been removed.

The following trees have been removed from the inventory:

20. P 3.4	2627	Orig. listed as 'Pine, 10", Remove.'. Removed & listed as "Dead"
21. P 3.4	2629	Orig. listed as "Pine, 10", Remove'. Removed & listed as "Dead"
22. P 3.4	2640	Orig. listed as "Pine, 10", Remove". Removed & listed as "Dead"
23. P 3.4	2641	Orig. listed as "Pine, 14", Remove". Removed & listed as "Dead"
24. P 3.4	2647	Orig. listed as "Pine, 13", Remove". Removed & listed as "Dead"
25. P 3.4	2648	Orig. listed as "Pine, 10", Remove". Removed & listed as "Dead"
26. P 3.4	2649	Orig. listed as "Pine, 12", Remove". Removed & listed as "Dead"
27. P 3.4	2660	Orig. listed as "Pine, 18", Remove". Removed & listed as "Dead"
28. P 3.4	2662	Orig. listed as 'Pine, 14", Remove'. Now listed as "Stump"
29. P 3.4	2832	Orig. listed as 'Oak, 24", Remove'. Now listed as "Dead, Fallen"
30. P 3.1	4765	Orig. listed as 'Oak, 12", Retain'. Now listed as "Dead, Smothered."
31. P 3.1	4782	Orig. listed as 'Alder, 10", Remove'. Now listed as "Fallen over."
32. P 3.1	4783	Orig. listed as 'Fir, 12", Retain'. Now listed as "Dead, Smothered."
33. P 3.1	4784	Orig. listed as 'Fir, 12", Retain'. Now listed as "Dead, Smothered."
34. P 3.1	4785	Orig. listed as 'Fir, 12", Retain'. Now listed as "Dead, Smothered."
35. P 3.1	4813	Orig. listed as 'Fir, 24", Remove'. Now listed as "Dead."
36. P 3.1	4922	Orig. listed as 'Oak, 16", Retain'. Now listed as "Dead."

37. P 3.1 4942 Orig. listed as 'Fir, 12", Retain'. Now listed as "Dead."
38. P 3.1 4946 Orig. listed as 'Fir, 12", Retain'. Now listed as "Dead."
39. P 3.2 5028 Orig. listed as 'Fir, 18", Remove'. Now listed as "Dead."
40. P 3.2 5029 Orig. listed as 'Fir, 20", Remove'. Now listed as "Dead."
41. P 3.2 5645 Orig. listed as 'Fir, 18", Remove'. Now listed as "Dead."
42. P 3.2 5678 Orig. listed as 'Fir, 16", Remove'. Now listed as "Dead."
43. P 3.2 5679 Orig. listed as 'Fir, 10", Remove'. Now listed as "Dead."
44. P 3.2 5751 Orig. listed as 'Pine, 12", Remove'. Now listed as "Dead."
45. P 3.2 5793 Orig. listed as 'Dead."

The following trees remain and are being counted in the inventory:

46. P 3.4 2755 Listed as "Dec'd, 10", Remove"
47. P 3.1 4820 Listed as "Dec'd, 10", Retain"
48. P 3.1 4839 Listed as "Dec'd, 12", Retain"
49. P 3.4 2798 Listed as "Dec'd, 14", Retain"
50. P 3.1 4748 Listed as "Dec'd, 18", Retain"
51. P 3.1 4747 Listed as "Dec'd, 28", Retain"

The following trees are listed in the 8/31 Arborist report, but have never been listed in the tree inventory:

52. NA	4463	"Fir, Dead, Stump"
53. NA	4464	"Fir, Dead, Stump:"
54. NA	4465	"Fir, Dead, Stump."

The applicant has included trees in the inventory that count towards the "Retain" totals, and has removed trees from the inventory that had counted towards the "Remove" totals. Applicant should either remove or retain *all* deceased trees in the inventory for consistency and accurate tree counts.

Dead trees provide a vital habitat for many sensitive wildlife species that are documented on the Meyer Farm. Including all dead trees that still physically remain on the farm would be beneficial. NEW QUESTIONS AFTER 2/2/22 REPORT.

Additional questions about tree location may not indicate an error, but it is possible. Several trees are shown to be RETAINED in areas on the map that appear to not support them:

- P 3.3 3216, 3217, 3251, 3266, 3267
- P 3.4 2650, 2651, 2654, 2822, 2824

The applicant's tree inventory was conducted in 2019. An arborist report from May 2021, and additional update from the city Forrester's site visit on 1/26/22 indicate that most trees are larger than originally reported.

Trees that were originally listed with measurements under 10" dbh were removed from the report when the applicant learned of Salem's tree ordinances, however these trees could be accurately measured over 10" dbh if they were reviewed.

There were 151 trees on the original application located on the subject property, with measurements under 10" dbh. The following trees should be reviewed for accurate measurements to determine if they should have been included on the inventory:

P 3.1					
0	4006	0	4787	0	4929
0	4716	0	4793	0	4937
0	4732	0	4815	0	4938
0	4737	0	4846	0	4943
0	4746	0	4847	0	4953
0	4751	0	4849	0	5553
0	4752	0	4880		
0	4757	0	4881		
0	4759	0	4882		
0	4763	0	4906		
0	4764	0	4910		

0	4691	0	5562	0	5602
0	4693	0	5563	0	5619
0	4694	0	5564	0	5625
0	4695	0	5566	0	5632
0	4696	0	5567	0	5673
0	4709	0	5570	0	5674
0	5020	0	5573	0	5680
0	5021	0	5574	0	5681
0	5025	0	5577	0	5682
0	5030	0	5587	0	5685
0	5560	0	5590	0	5688

0	5691	0	5739	0	5767
0	5694	0	5741	0	5769
0	5696	0	5742	0	5774
0	5717	0	5745	0	5775
0	5720	0	5746	0	5776
0	5721	0	5747	0	5777
0	5723	0	5749	0	5780
0	5724	0	5755	0	5787
0	5728	0	5756	0	5788
0	5730	0	5758	0	5789
0	5736	0	5760	0	5790
0	5737	0	5764	0	5792
0	5738	0	5765		

• P 3.3

0.0					
0	3147	0	3186	0	3255
0	3148	0	3187	0	3257
0	3150	0	3231	0	3258
0	3152	0	3234	0	3282
0	3156	0	3236	0	4588
0	3175	0	3237	0	5461
0	3183	0	3239		
0	3185	0	3253		

• P 3.4

-					
0	2630	0	2766	0	5662
0	2633	0	2768	0	5663
0	2634	0	2775	0	5664
0	2645	0	3085	0	5668
0	2653	0	3118	0	5703
0	2656	0	3432	0	5706
0	2667	0	5650	0	5710
0	2668	0	5653	0	5711
0	2669	0	5659	0	5714
0	2675	0	5661		

- If the Urban Forrester did *not* review the following trees during their site visit, the following tree measurements should to be confirmed for accuracy:
 - P 3.1 4742, 4792, 4951, 4952, 4780
 - o P 3.2 4592
 - o P 3.3 3150, 3186, 3244, 2000, 3195, 3214, 3275, 3179, 3181, 3163
 - o P 3.4 3095, 2654, 3089, 3102, 2826, 2833, 3116, 2838, 3106, 3364

After multiple versions of this inventory, site visits, and modifications, there are still a significant number of errors on the applicants Tree Conservation Plan application. As outlined above, Salem's approval criteria for phased subdivisions require that *all* information supplied on applications, and all forms accompanying the applications, to be correct as to the applicable facts.

Errors of this magnitude will directly affect the overall tree count. Without a complete and accurate accounting of all trees on the property, there is no way to determine compliance with the requirements of the SRC.

THIS APPLICATION SHOULD BE DENIED BASED ON INACCURATE INFORMATION FILED AS OUTLINED ABOVE.

2 – TRAFFIC MITIGATION

Affected sections of the SRC:

- 300.210(a)
- 808.025
- 808.030
- 808.035
- 808.045

Salem Area Transportation Plan, Preface, p iii-1

"Mobility is the ability to travel **safely** within our neighborhoods, our city, our region, and beyond."

Staff Response, Notice of Decision

"The development is not responsible for mitigating existing traffic issues; they are required to mitigate the impacts from their development."

SRC 803-015 – Traffic impact analysis.

(a) *Purpose*. The purpose of a traffic impact analysis is to ensure that development generating a significant amount of traffic provides the facilities necessary to accommodate the traffic impacts of the proposed development.

Merriam-Webster

Impact

- 1 a : an impinging or striking especially of one body against another
- b : a forceful contact or onset
- 2 : the force of impression of one thing on another : a significant or major effect

One impact, result, or effect of this development, is the proposed road (Hilfiker Lane) and subsequent intersection that is proposed at Commercial Street to Pringle Road/Battle Creek Road.

Although the city and applicant state that this proposed road will be a Collector B Street, and plan to design and mitigate it as such, **it will most definitely function as an arterial street.** This fact has been acknowledged by staff and documented directly in the Salem Transportation System Plan (P 18-2). The decision to allow driveway access on an under-mitigated street will inevitably invite further traffic hazards and safety risks. In reality, this application should be required to comply with the requirements of SRC 804.035(2).

The technical details of the problems with the proposed intersection are well-outlined in the letter submitted by the Morningside Neighborhood Association for the 1/10/22 public hearing. In lieu of repeating those details, I want to point out the obvious:

Significantly more traffic will be using this intersection than was considered in the design of its mitigation.

As a result, this intersection is severely under-mitigated for the level of traffic that will be using it. Factor in the fact that most motorists on this road travel *well* above the posted 40 mph speed limit, *the risk this intersection would present is a serious threat to public safety.*

Regardless of who was responsible to analyze what, the public interest is supposed to be the primary concern of all public officials. The city of Salem is obligated to provide a safe transportation system to its citizens.

Traffic from multiple developments, especially the new Costco location, will be increased along Battle Creek and Pringle Roads—whether that traffic uses the proposed Hilfiker Lane or not.

Northbound, left-turning traffic from Battle Creek Road to Hilfiker Lane will pile up in a 2-car left-turn lane on northbound Battle Creek.

When this happens, northbound through-traffic will back up into the northbound lane on Battle Creek Road.

Northbound traffic creating the hill to the immediate south of this intersection cannot see backed-up traffic in their lane until they creat over the hill and hit them.

Motorists tend to speed up to gain or maintain momentum for the hills to the south of this intersection. The hazard the proposed intersection will create will be more significant for vehicles travelling over the speed limit. The red dot on this map is the crest of the hill on Battle Creek Road:



For another perspective, this is a south-facing aerial view of the same hill, including the dots in the same locations.



This is the northbound view on a clear day from just before the crest of the hill (red dot) on Battle Creek Road



The average recognition and reaction time to hit the brakes when you notice a stopped car in your path is around 2 seconds. https://nacto.org/docs/usdg/vehicle_stopping_distance_and_time_upenn.pdf This is the view from the location of the orange dot. When travelling 40 mph, it takes around 1 second to travel from the red to the orange dot.



After the existing developments in this area are complete, traffic waiting to turn left (or stopped by that traffic ahead of them) could easily be backed up to this point.

This is the view from the yellow dot, and the location of the proposed 50-foot (2-car) left-turn lane.



Notice the sign indicating that left-hand turns are not permitted.

"The city of Salem has long-identified this location for an additional east-west connection", however *that plan was built on traffic patterns over 40 years ago*. Salem is supposed to adapt to the changing environment when making these kinds of decisions.

The reality of what will come from the decision to allow this intersection to be constructed does not go away because the city has not reconsidered what is best for the safety of its citizens <u>now</u>.

Please do not turn a blind eye to the inevitability of what will come with this intersection if it is developed. This is not a 'hindsight' type of situation. The time to prevent bad decision making is now.

Allowing the applicant to develop this intersection will mean the guaranteed damage, injury, and/or death of Salem residents—all of which can be avoided.

3 – OWNERSHIP

The applicant has failed to provide adequate evidence to support their claim of ownership.

SRC 300.200(a) states that a Type II land use application "may be submitted by one or more of the following persons:

- (a) The owner of the subject property;
- (b) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent."

Ownership is not absolute when the question of ownership is currently under litigation.

Trustees who signed the PSA in 2019 with Kehoe were removed under ORC 130.625(2) by Circuit Court Judge Hart under allegations of trustee negligence (breach of trust) in an **ongoing court case**. An interim trustee was appointed; however, the Judge hearing this case can remove the appointed Trustee at his discretion, and this farm can be given back to the rightful owners. The current trustee's decision to authorize the application to the city before a judgement has been issued could mean a violation of ORS 130.655. This case could go on for *much* longer, as the actions leading to the filing of this application could be further disputed by the trust beneficiaries.

The filing of this application for development has wasted a considerable amount of time, money, and resources.

Considering that the dispute over trust and land ownership is handled by a separate judicial entity, any action that would pre-empt the judgment of an ongoing ownership dispute should not be allowed.

4 – PROTECTION OF DOCUMENTED STRATEGY HABITATS FOR IMPERILED WILDLIFE SPECIES

Yes, I'm bringing this up again.

The city has responded to concerns regarding the protection of the documented wildlife habitats on the Meyer Farm with the statement "Loss of Wildlife Habitat is not a criterion for granting or denying a phased subdivision tentative plan."

While that may be true by the city's current regulations, it is because the city has been out of compliance with the state laws that *require* the city to comply with the requirements of Goal 5 for the protection of identified wildlife habitats for over 25 years.

That is outrageous.

I understand that natural resources are finally going to be reviewed (and hopefully implemented-thank you!), however Salem has little habitat left for the imperiled species that also live here, and the habitats on the Meyer farm are incredibly unique. This really is not just another piece of property.

This applicant has an abundance of options for a location to build a subdivision. The species that *require* the existing habitats on the Meyer farm do not. The destruction of those habitats will mean the loss of life for species that are protected by the state.

It is our moral obligation to protect those who cannot protect themselves.

The state has options to mitigate this problem.

- OAR 660-23-0030(7) allows the city to adopt emergency protection orders for significant wildlife habitats to prevent irrevocable harm to those resources.
- A citizen-initiated petition filed per the directions under ORS 197.319-197.335 and 197.646, requesting the city's compliance, could end up at DLCD for forced compliance if the city does not opt to take advantage of emergency protection for this site.

Detailed documents outlining the evidence of significant habitat on the subject property were submitted to the city on 1/9/22. As this letter is already 20+ pages long, I will not be resubmitting that information here.

See also: ORS 197.320(1), ORS 197.320(6), ORS 197.646(3), OAR 660-23-0110, OAR 660-23-0250.

IN CONCLUSION

There are many reasons to deny this application. Some adhere to the requirements of the SRC, and some are based more heavily on morals.

The right decision will consider the *spirit* over the *letter* of the law. There have been too many wrong decisions that have led Salem to a place where developers can game the system and take advantage.

PLEASE DO THE RIGHT THING. VOTE TO DENY THIS APPLICATION.

I know this is a LOT, and I really do appreciate you all for choosing to review this case.

Thank you for all that you do, Elizabeth Backer

> "If a law is unjust, a man is not only right to disobey it, he is obligated to do so." - Thomas Jefferson

"You may choose to look the other way, but you can never again say that you did not know." - William Wilberforce



June 23, 2021

Morningside Neighborhood Association Chair: Pamela Schmidling Land Use Chair: Geoffrey James

RE: Meyer Farm: Proposed 138-lot subdivision

Emerio Design represents the applicant for a single-family residential subdivision proposed at 4540 Pringle Road SE in Salem, Oregon. This application proposes 138 residential lots to be developed in two phases, and an extension of Hilfiker Lane is proposed through the property. The existing farmhouse and accessory buildings are proposed to be preserved on a 3.64-acre parcel. A future development plan has been shown to comply with Salem Revised Code standards, but no development is currently proposed in this area. The applicant proposes to preserve 26.56% of the total trees on the property and detailed tree removal plan sheets have been attached. I am available to answer questions you may have regarding this proposal.

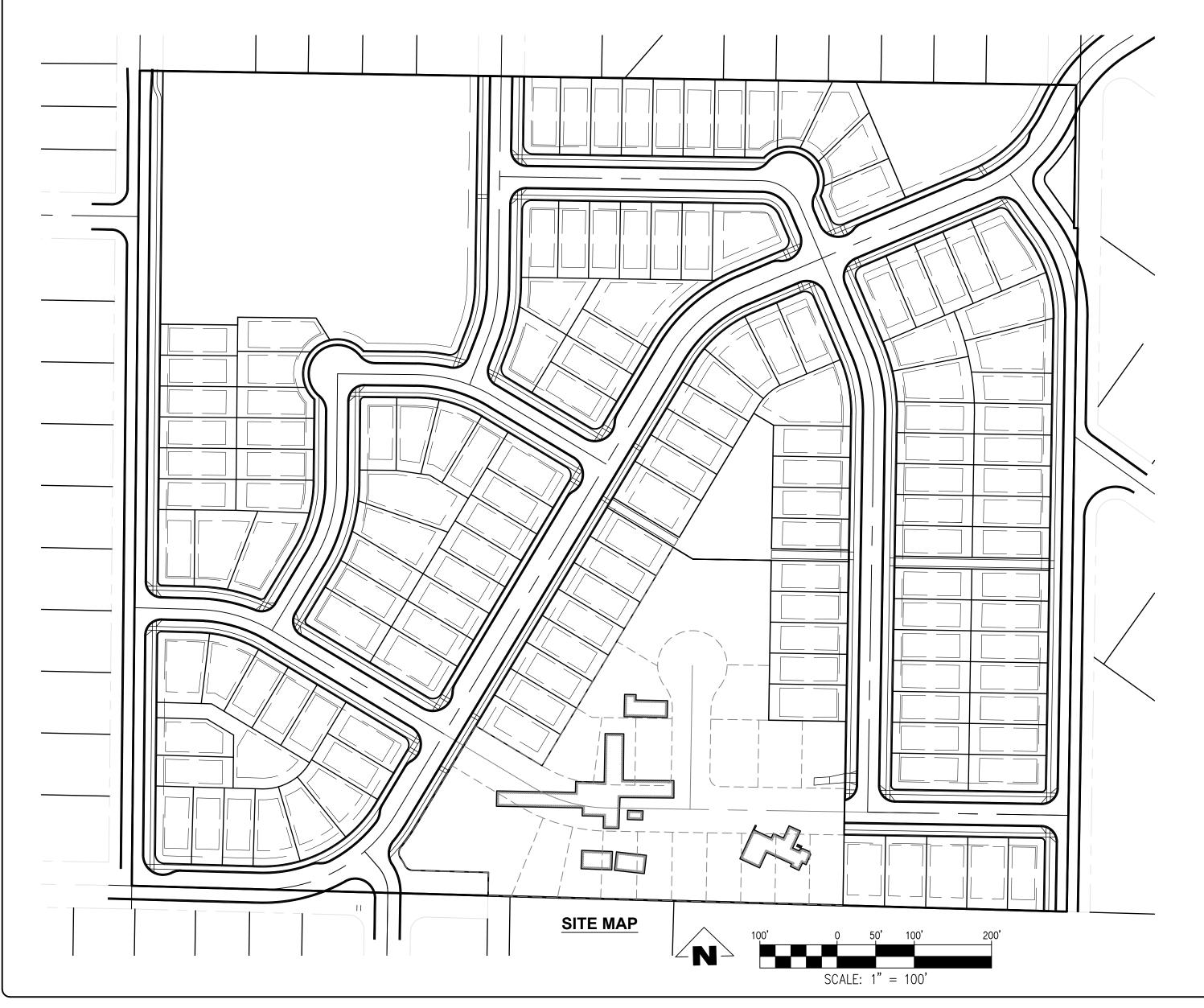


Sincerely,

Jennifer Arnold Sr. Land Use Planner Jarnold@emeriodesign.com (503)746.8812

Applicant Information: Kehoe Northwest Properties: Martin Kehoe mkehoe03@gmail.com 503-970-1111

138-LOT SUBDIVISION - TENTATIVE SUBDIVISION IMPROVEMENT PLANS SW1/4 NW1/4 SECTION 11, T. 8S, R. 3W, W.M. **CITY OF SALEM, OREGON**



PROJECT CONTACTS

<u>OWNER:</u>

KEHOE NORTHWEST PROPERTIES 11627 SUMMERVILLE AVENUE PORTLAND, OR 97219 CONTACT: MARTIN KEHOE (503) 244-3838 (P)

GEOTECHNICAL ENGINEER:

GEO CONSULTANTS NW 2839 SE MILWAUKIE AVENUE PORTLAND, OR 97202 RANDALL GOODE (503) 616-9425 (P)

<u>SURVEYOR:</u>

EMERIO DESIGN, LLC 6445 SW FALLBROOK PLACE, SUITE 100 BEAVERTON, OR 97008 CONTACT: DAN ADSIT, PLS (503) 746-8812 (P)

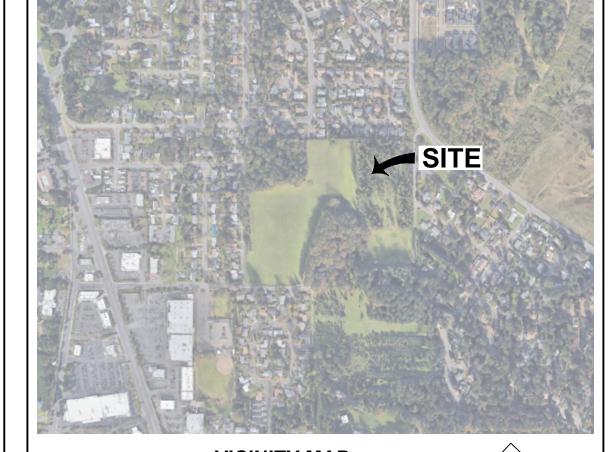
<u>CIVIL ENGINEER:</u>

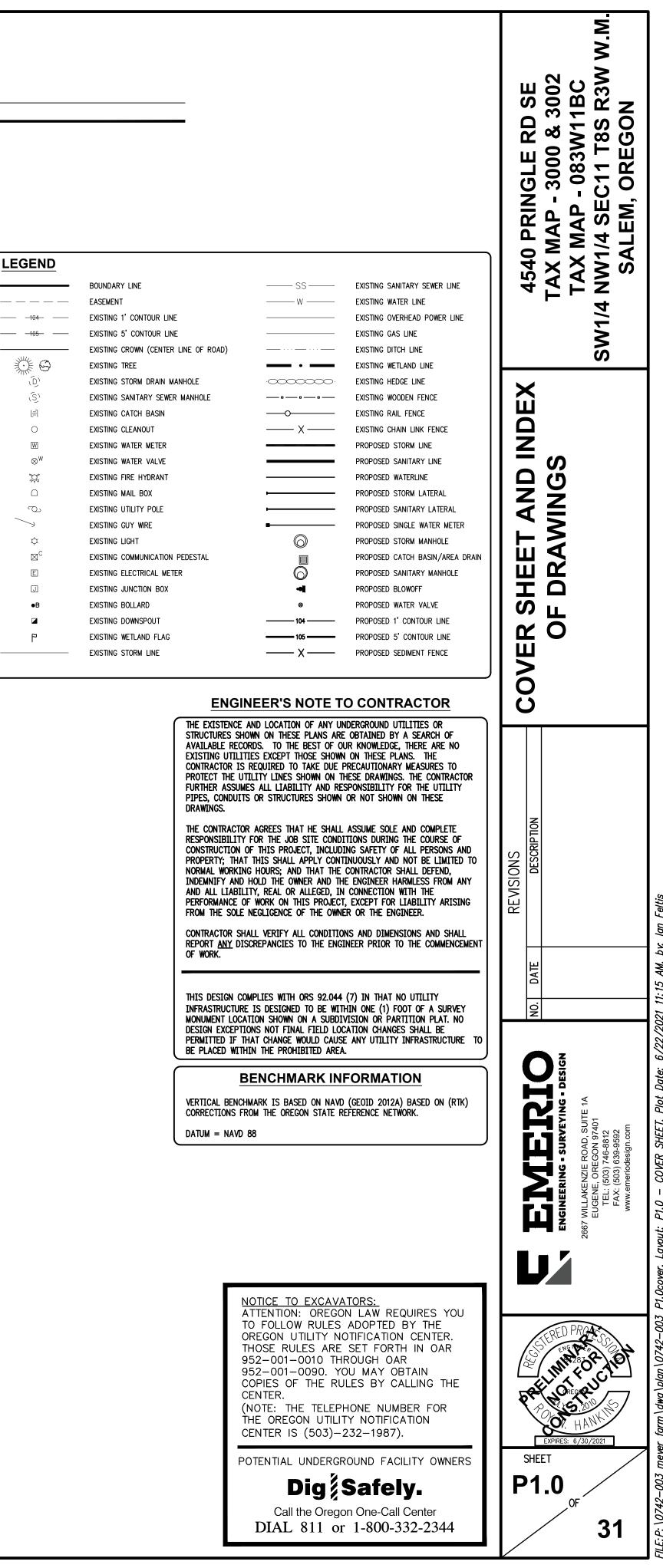
EMERIO DESIGN, LLC 2677 WILLAKENZIE ROAD, SUITE 1A EUGENE, OR 97401 CONTACT: ROY W. HANKINS, P.E. (503) 746-8812 (P) (503) 639-9592 (F)

SITE DATA

SITE AREA:	25.63 A
CURRENT ZONING:	RS/RA
TAX MAP:	083W11
TAX LOTS:	3000 &
NO OF LOTS:	138

MEYER FARM





VICINITY MAP SCALE: 1"=1000'

DRAWING INDEX

ZNY

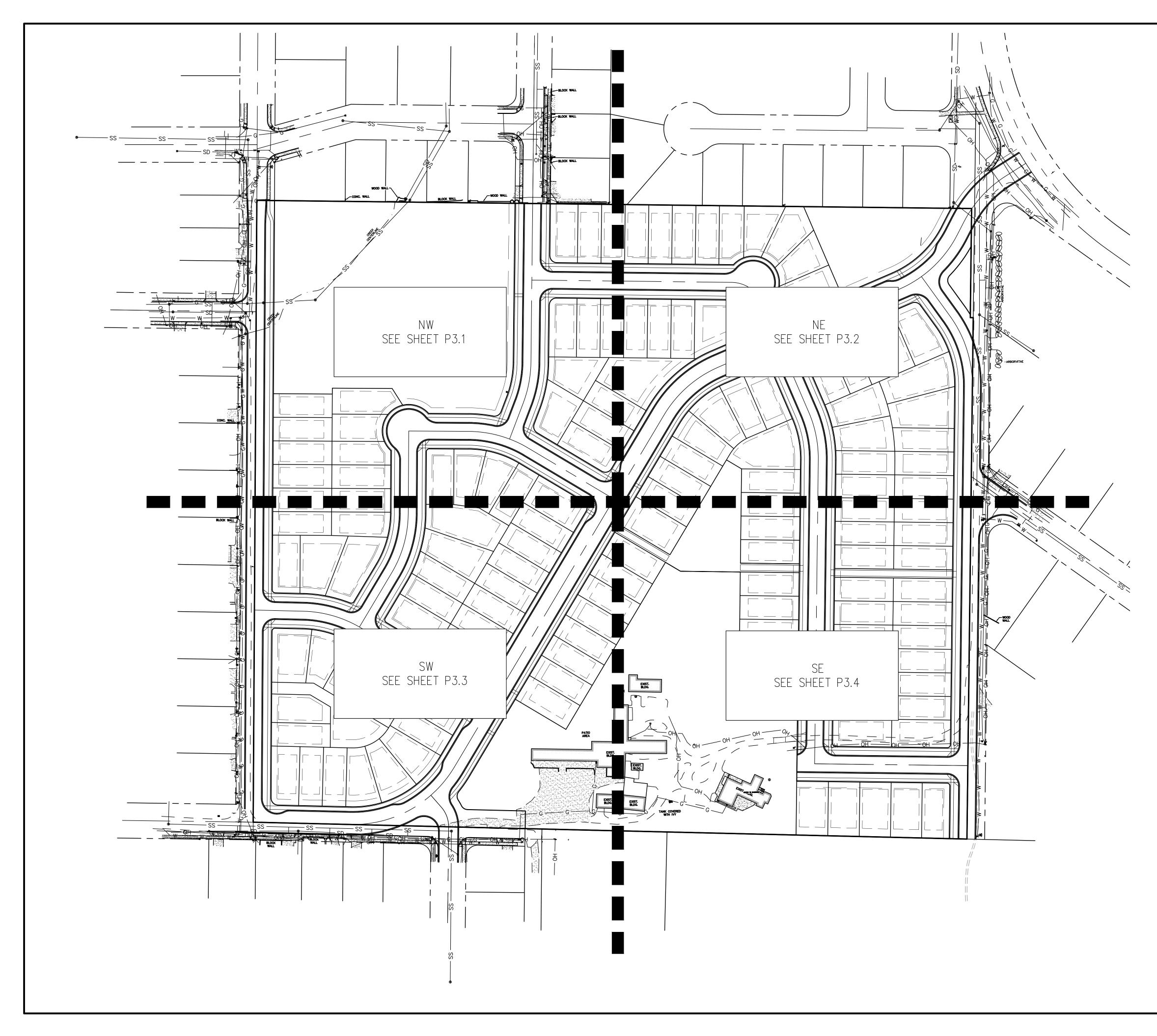
Sheet List Table

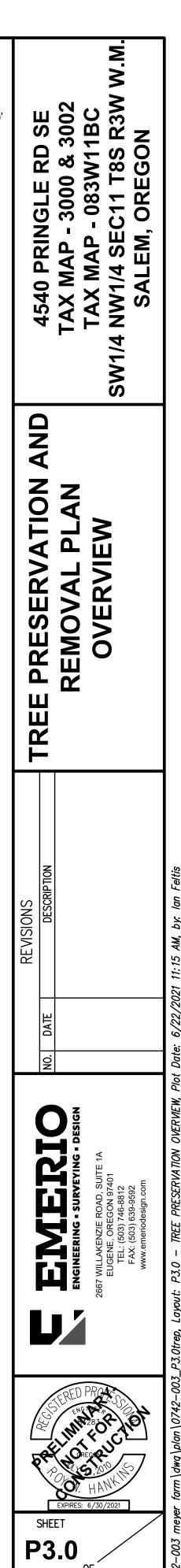
Sheet Number	Sheet Title
1.0	COVER SHEET AND INDEX OF DRAWINGS
2.0	EXISTING CONDITIONS PLAN
23.0	TREE PRESERVATION AND REMOVAL PLAN OVERVIEW
93.1	TREE PRESERVATION AND REMOVAL PLAN - NORTHWEST
93.2	TREE PRESERVATION AND REMOVAL PLAN - NORTHEAST
93.3	TREE PRESERVATION AND REMOVAL PLAN - SOUTHWEST
93.4	TREE PRESERVATION AND REMOVAL PLAN - SOUTHEAST
3.5	TREE PRESERVATION AND REMOVAL PLAN - CITY TREES
94.0	TENTATIVE PLAT
25.0	TENTATIVE SITE PLAN
25.1	TYPICAL STREET SECTIONS
96.0	TENTATIVE COMPOSITE UTILITY PLAN
7.0	TENTATIVE GRADING PLAN
7.1	TENTATIVE EROSION AND SEDIMENT CONTROL PLAN
98.0	HILFIKER LANE SE STA 1+00 TO 6+00 - PLAN AND PROFILE
98.1	HILFIKER LANE SE STA 6+00 TO 13+00 - PLAN AND PROFILE
28.2	HILFIKER LANE SE STA 13+00 TO 20+50 - PLAN AND PROFILE
9.0	12TH STREET SE STA 1+00 TO 6+50 - PLAN AND PROFILE
9.1	12TH STREET SE STA 6+50 TO 13+00 - PLAN AND PROFILE
910.0	HILLROSE STREET SE STA 1+00 TO 7+00 - PLAN AND PROFILE
210.1	HILLROSE STREET SE STA 7+00 TO 12+00 - PLAN AND PROFILE
911.0	MANDY AVENUE SE - PLAN AND PROFILE
912.0	PORTER PLACE – PLAN AND PROFILE
913.0	RAMSAY ROAD STA 1+00 TO 6+00 - PLAN AND PROFILE
913.1	RAMSAY ROAD STA 7+00 TO 10+50 - PLAN AND PROFILE
914.0	WALTON WAY - PLAN AND PROFILE
215.0	MCCOLLUM STREET - PLAN AND PROFILE
916.0	DREXLER DRIVE - PLAN AND PROFILE
917.0	ALDRIDGE AVENUE AND SYLVAN AVENUE SE - PLAN AND PROFILE
918.0	CHAPARRAL DRIVE SE AND LANSFORD DRIVE SE - PLAN AND PROFILE
919.0	TENTATIVE SLOPE ANALYSIS PLAN

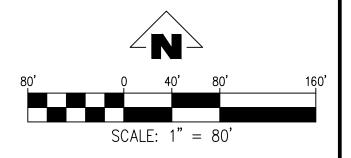
ACRES

1BC

& 3002







TREE PROTECTION SPECIFICATIONS

- 1. PRECONSTRUCTION CONFERENCE. PRIOR TO THE START OF CONSTRUCTION ACTIVITY, THE CONTRACTOR SHALL COORDINATE WITH THE PROJECT ARBORIST IN A TIMELY MANNER TO REVIEW THE TREE PROTECTION PLAN, VERIFY THAT TREES TO BE RETAINED ARE IDENTIFIED WITH NUMBERED TAGS ON THE GROUND, AND TO INSPECT AND VERIFY THE INSTALLATION OF TREE PROTECTION MEASURES.
- 2. FENCING. TREES TO REMAIN ON SITE SHALL BE PROTECTED BY INSTALLATION OF TREE PROTECTION FENCING AS DEPICTED ON SITE PLANS IN ORDER TO PREVENT INJURY TO TREE TRUNKS OR ROOTS, OR SOIL COMPACTION WITHIN THE ROOT PROTECTION AREA. FENCES SHALL BE A MINIMUM 6-FOOT HIGH 2-INCH CHAIN LINK MESH SECURED TO METAL POSTS DRIVEN INTO THE GROUND. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH THE PROJECT ARBORIST PRIOR TO OPENING, ADJUSTING OR REMOVING TREE PROTECTION FENCING.

TREE PROTECTION ZONE. WITHOUT AUTHORIZATION FROM THE PROJECT ARBORIST, NONE OF THE FOLLOWING SHALL OCCUR BENEATH THE DRIPLINE OF ANY PROTECTED TREE:

- a) GRADE CHANGE OR CUT AND FILL;
- NEW IMPERVIOUS SURFACES;
- UTILITY OR DRAINAGE FIELD PLACEMENT;
- STAGING OR STORAGE OF MATERIALS AND EQUIPMENT; OR
- VEHICLE MANEUVERING.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING THE PROJECT ARBORIST IN A TIMELY MANNER PRIOR TO WORKING BENEATH PROTECTED TREE DRIPLINES. ROOT PROTECTION ZONES MAY BE ENTERED FOR TASKS LIKE SURVEYING, MEASURING AND SAMPLING. FENCES MUST BE CLOSED UPON COMPLETION OF THESE TASKS.
- 4. TREE AND STUMP REMOVAL. TREES TO BE REMOVED SHALL BE CLEARLY IDENTIFIED WITH TREE-MARKING PAINT OR OTHER METHODS APPROVED IN ADVANCE BY THE PROJECT ARBORIST. PROTECTION FENCING MAY BE TEMPORARILY OPENED IN TRACT B FOR REMOVAL OF TREES #6654 AND #6655, IN THE REAR OF LOT 3 FOR REMOVAL OF TREE #6248 AND #6375, IN THE REAR OF LOT 9 FOR REMOVAL OF TREE #50316 AND IN THE REAR OF LOT 10 FOR REMOVAL OF TREES #50398 AND #50399. WITHIN TREE PROTECTION ZONES, TREE REMOVAL SHALL BE PERFORMED WITH HAND TOOLS ONLY AND TREES SHALL BE DIRECTIONALLY FELLED OR SURGICALLY REMOVED TO AVOID DAMAGE TO REMAINING NEARBY TREES. THE STUMPS OF THESE PARTICULAR TREES SHALL REMAIN IN THE GROUND, BE REMOVED APPROXIMATELY 6-INCHES BELOW THE GROUND SURFACE USING A STUMP GRINDER, OR ELSE EXTRACTED FROM THE GROUND UNDER ARBORIST SUPERVISION.

5. PRUNING. PRUNING MAY BE NEEDED TO PROVIDE OVERHEAD CLEARANCE AND TO REMOVE DEAD AND DEFECTIVE BRANCHES FOR SAFETY. THE PROJECT ARBORIST CAN HELP IDENTIFY WHERE PRUNING IS NECESSARY ONCE TREES RECOMMENDED FOR REMOVAL HAVE BEEN REMOVED AND THE SITE IS PREPARED FOR CONSTRUCTION. TREE REMOVAL AND PRUNING SHALL BE PERFORMED BY A QUALIFIED TREE SERVICE.

EXCAVATION AND ROOT PRUNING. EXCAVATION BENEATH PROTECTED TREE DRIPLINES SHALL BE AVOIDED IF ALTERNATIVES ARE AVAILABLE. IF EXCAVATION IS UNAVOIDABLE, THE PROJECT ARBORIST SHALL EVALUATE THE PROPOSED EXCAVATION TO DETERMINE METHODS TO MINIMIZE IMPACTS TO TREES. ROOT PRUNING SHALL BE DIRECTED AND DOCUMENTED BY THE PROJECT ARBORIST.

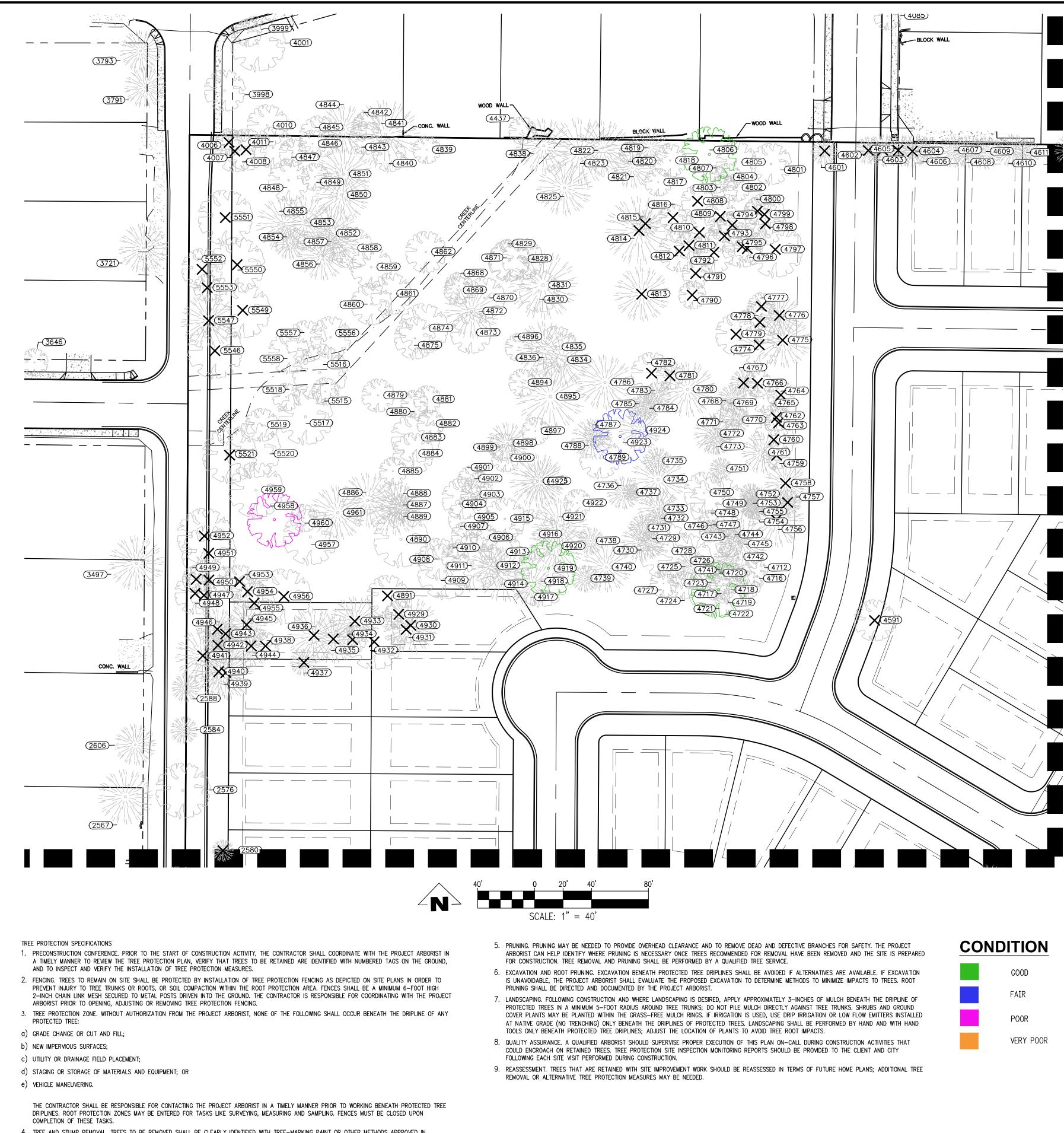
7. LANDSCAPING. FOLLOWING CONSTRUCTION AND WHERE LANDSCAPING IS DESIRED, APPLY APPROXIMATELY 3-INCHES OF MULCH BENEATH THE DRIPLINE OF PROTECTED TREES IN A MINIMUM 5-FOOT RADIUS AROUND TREE TRUNKS; DO NOT PILE MULCH DIRECTLY AGAINST TREE TRUNKS. SHRUBS AND GROUND COVER PLANTS MAY BE PLANTED WITHIN THE GRASS-FREE MULCH RINGS. IF IRRIGATION IS USED, USE DRIP IRRIGATION OR LOW FLOW EMITTERS INSTALLED AT NATIVE GRADE (NO TRENCHING) ONLY BENEATH THE DRIPLINES OF PROTECTED TREES. LANDSCAPING SHALL BE PERFORMED BY HAND AND WITH HAND TOOLS ONLY BENEATH PROTECTED TREE DRIPLINES; ADJUST THE LOCATION OF PLANTS TO AVOID TREE ROOT IMPACTS.

8. QUALITY ASSURANCE. A QUALIFIED ARBORIST SHOULD SUPERVISE PROPER EXECUTION OF THIS PLAN ON-CALL DURING CONSTRUCTION ACTIVITIES THAT COULD ENCROACH ON RETAINED TREES. TREE PROTECTION SITE INSPECTION MONITORING REPORTS SHOULD BE PROVIDED TO THE CLIENT AND CITY FOLLOWING EACH SITE VISIT PERFORMED DURING CONSTRUCTION.

9. REASSESSMENT. TREES THAT ARE RETAINED WITH SITE IMPROVEMENT WORK SHOULD BE REASSESSED IN TERMS OF FUTURE HOME PLANS; ADDITIONAL TREE REMOVAL OR ALTERNATIVE TREE PROTECTION MEASURES MAY BE NEEDED.

TREE PRESERVATION					
PROPOSED PLAN	NUMBER OF TREES				
ONSITE TREES REMOVED	595				
ONSITE SIGNIFICANT TREES REMOVED	5				
TOTAL TREES REMOVED	600				
ONSITE TREES PRESERVED	217				
TOTAL ONSITE TREES (INCLUDING SIGNIFICANT)	817				
PERCENTAGE OF TREES PRESERVED	26.56%				

31



4. TREE AND STUMP REMOVAL. TREES TO BE REMOVED SHALL BE CLEARLY IDENTIFIED WITH TREE-MARKING PAINT OR OTHER METHODS APPROVED IN ADVANCE BY THE PROJECT ARBORIST. PROTECTION FENCING MAY BE TEMPORARILY OPENED IN TRACT B FOR REMOVAL OF TREES #6654 AND #6655, IN THE REAR OF LOT 3 FOR REMOVAL OF TREE #6248 AND #6375, IN THE REAR OF LOT 9 FOR REMOVAL OF TREE #50316 AND IN THE REAR OF LOT 10 FOR REMOVAL OF TREES #50398 AND #50399. WITHIN TREE PROTECTION ZONES, TREE REMOVAL SHALL BE PERFORMED WITH HAND TOOLS ONLY AND TREES SHALL BE DIRECTIONALLY FELLED OR SURGICALLY REMOVED TO AVOID DAMAGE TO REMAINING NEARBY TREES. THE STUMPS OF THESE PARTICULAR TREES SHALL REMAIN IN THE GROUND, BE REMOVED APPROXIMATELY 6-INCHES BELOW THE GROUND SURFACE USING A STUMP GRINDER, OR ELSE EXTRACTED FROM THE GROUND UNDER ARBORIST SUPERVISION.

2580	FIR	12	
2584	PINE	14	
2588	PINE	12	
2606	PINE	24	
3497	FIR	30	
3646	DECD	12	
3721	FIR	24	
3791	FIR	20	
3793	FIR	20	
3998	OAK	16	
3999	MAPLE	8	
4001	OAK	20	
4006	OAK	8	REMOVE
4007	OAK	16	REMOVE
4008	ΟΑΚ	10	REMOVE
4010	ΟΑΚ	14	
4011	OAK	12	
4437	MAPLE	16	
4591	WALNUT	22	REMOVE
4601	FIR (x2)	12	REMOVE
4602	FIR	14	REMOVE
4603	FIR	22	REMOVE
	FIR	15	
4604			REMOVE
4605	FIR	15	REMOVE
4606	FIR	14	
4607	FIR	18	
4608	FIR	18	
4609	FIR	14	
4610	FIR	16	
4611	FIR	10	
4711	FIR	18	
4712	OAK	8	
4716	OAK	8	T[
4717	OAK	10	
4718	OAK	16	
4719	OAK	10	
4720	OAK	10	
4721	OAK	28	
4721	OAK OAK	18	
4722	OAK OAK	10	
			┨────┤
4724		8	<u> </u>
4725	FIR	12	
4726	OAK	22	
4727	OAK	12	
4728	OAK (x2)	18	ļ]
4729	FIR	14	ļ]
4730	FIR	22	
4731	FIR	12	
4732	FIR	8	
4733	FIR	26	
4734	FIR	36	
4735	FIR	10	
4736	FIR	16	
4737	FIR	8	
4738	FIR	12	
4739	FIR	12	
4740	FIR	28	
4741	FIR	12	
4742	OAK (x3)	14	
4743			
	OAK	10	
4744	FIR	12	
4745	FIR	20	
4746	FIR	8	ļ]
4747	DECD	10	
4748	DECD (x2)	18	
4749	OAK	22	
4750	OAK	20	
4751	FIR	8	
4752	FIR	8	
4753	FIR	16	
4754	FIR	12	
4755	FIR	20	
4756	FIR	22	REMOVE
4757	FIR	8	REMOVE
4758	FIR	24	REMOVE
4759	OAK	8	REMOVE
4760	OAK (x2)	16	REMOVE
4761	FIR	26	
4762	OAK (x3)	12	REMOVE
4763	OAK	8	REMOVE
4764	OAK	8	REMOVE
4764	OAK (x2)	12	
	OAK (x2) OAK (x2)	12	REMOVE
1766			
4766	FIR	16	REMOVE
4767		12	
4767 4768	FIR		ı – – – – – – – – – – – – – – – – – – –
4767 4768 4769	OAK	14	
4767 4768 4769 4770	OAK FIR	14	
4767 4768 4769 4770 4771	OAK FIR OAK	14 10	
4767 4768 4769 4770	OAK FIR	14	
4767 4768 4769 4770 4771	OAK FIR OAK	14 10	
4767 4768 4769 4770 4771 4772	OAK FIR OAK FIR	14 10 20	REMOVE
4767 4768 4769 4770 4771 4772 4773	OAK FIR OAK FIR FIR	14 10 20 16	REMOVE REMOVE
4767 4768 4769 4770 4771 4772 4773 4774	OAK FIR OAK FIR FIR OAK	14 10 20 16 16	
4767 4768 4769 4770 4771 4772 4773 4774 4775	OAK FIR OAK FIR FIR OAK FIR (x2)	14 10 20 16 16 18	REMOVE
4767 4768 4769 4770 4771 4772 4773 4774 4775 4776	OAK FIR OAK FIR FIR OAK FIR (x2) FIR	14 10 20 16 16 18 20	REMOVE REMOVE
4767 4768 4769 4770 4771 4772 4773 4774 4775 4776 4777	OAK FIR OAK FIR FIR OAK FIR (x2) FIR OAK	14 10 20 16 16 18 20 14	REMOVE REMOVE REMOVE

TREE #

2567

2576

2580

CEDAR

OAK

FIR

SPECIES DBH* REMOVE

40

18

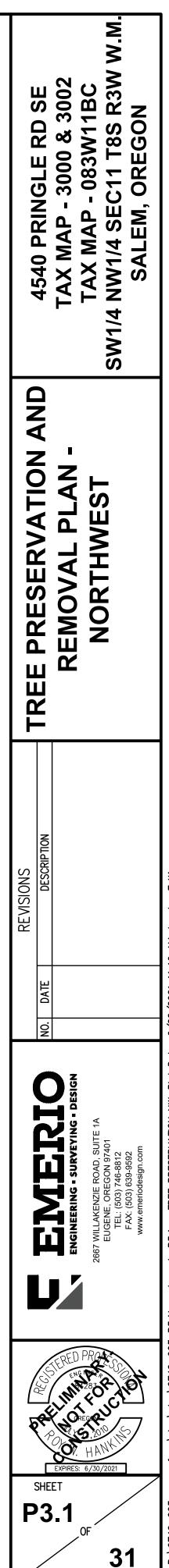
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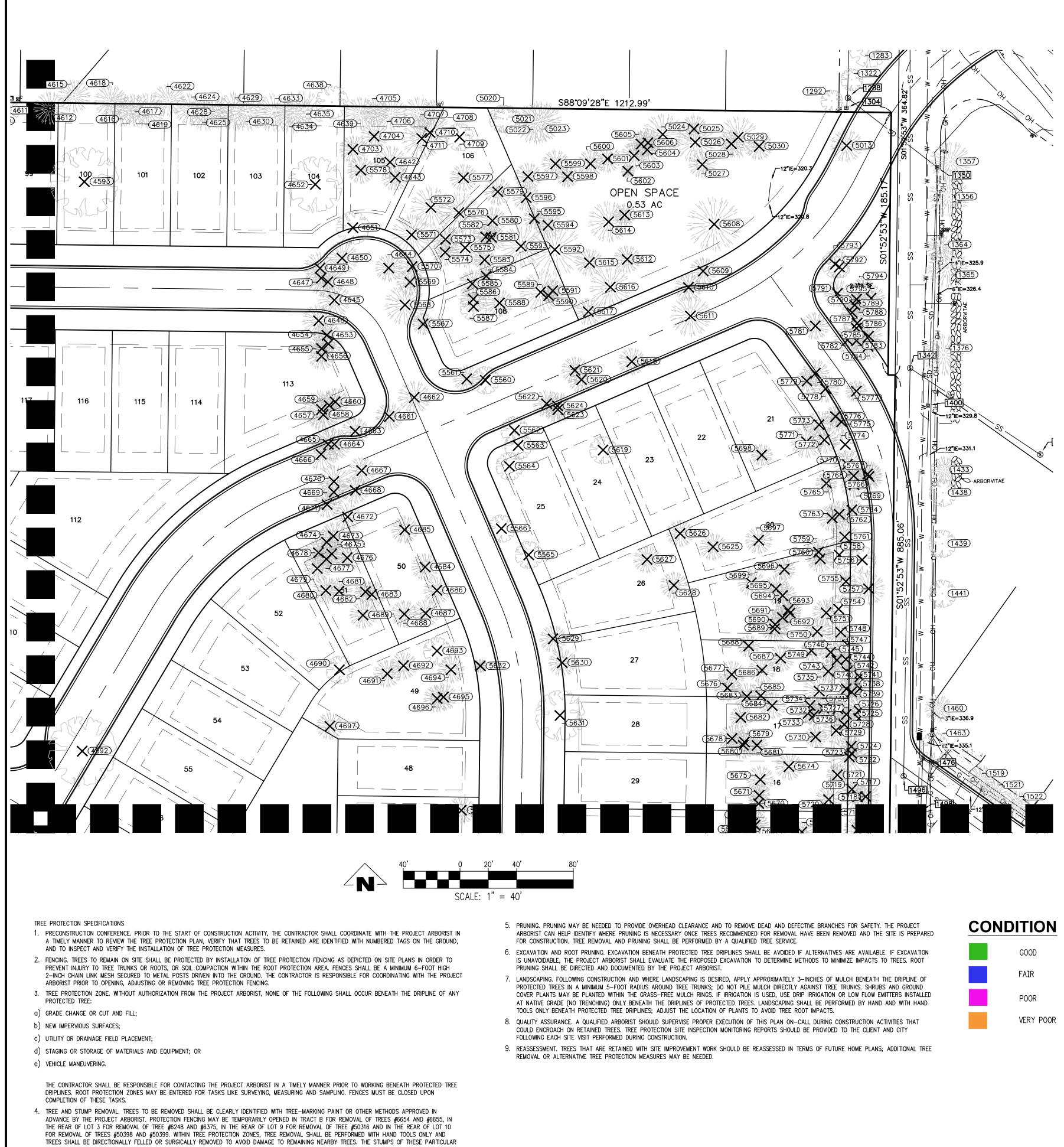
4781

OAK 12 REMOVE

TREE #	SPECIES	DBH*	REMOVE
4782 4783	ALDER FIR	10 12	REMOVE
4784	FIR	12	
4785 4786	FIR FIR	12 20	
4787	FIR	8	
4788 4789	FIR ALDER	14 10	
4790	OAK	14	REMOVE
4791 4792	OAK OAK (x2)	16 14	REMOVE REMOVE
4793	OAK	8	REMOVE
4794 4795	OAK OAK	14 18	REMOVE REMOVE
4796	OAK	12	REMOVE
4797 4798	OAK OAK	18 16	REMOVE REMOVE
4799	OAK (x3)	12	REMOVE
4800 4801	OAK (x2) OAK	10 16	REMOVE
4802	OAK	10	
4803 4804	OAK OAK	10 10	
4805	OAK	14	
4806 4807	OAK OAK	24 10	
4808	OAK	12	REMOVE
4809 4810	OAK MAPLE (x3)	14 10	REMOVE REMOVE
4811	OAK	10	REMOVE
4812 4813	OAK FIR	14 24	REMOVE REMOVE
4814	FIR	28	REMOVE
4815 4816	FIR OAK	8 10	REMOVE REMOVE
4817	OAK	10	
4818 4819	OAK FIR	10 20	
4820	DECD	10	
4821 4822	FIR FIR	20 24	
4823	FIR (x2)	24	
4825 4828	FIR OAK	24 14	
4829	0AK 0AK (x2)	14	
4830	OAK	16	
4831 4834	FIR FIR	30 18	
4835	OAK	16	
4836 4838	FIR FIR	20 32	
4839	DECD	12 10	
4840 4841	OAK FIR	32	
4842	OAK	10	
4843 4844	OAK FIR	14 24	
4845 4846	OAK OAK	16 8	
4847	OAK OAK	8	
4848 4849	OAK OAK	12 8	
4850	FIR	30	
4851	FIR	28	
4852 4853	FIR FIR	30 28	
4854 4855	FIR	12 32	
4855 4856	FIR FIR	32 16	
4857 4858	FIR OAK	16 12	
4859	OAK OAK (x2)	12	
4860 4861	OAK OAK	13 16	
4861	0AK 0AK (x2)	12	
4868 4869	OAK OAK	14 14	
4809 4870	OAK	14	
4871 4872	OAK (x2) FIR	12 28	
4873	OAK	12	
4874 4875	OAK (x3) OAK	12 14	
4879	ALDER	10	
4880 4881	ALDER ALDER	8 8	
4882	ALDER	8	
4883 4884	ALDER OAK	14 16	
4885	OAK	10	
4886 4887	FIR FIR	18 24	
4888	FIR	14	
4889 4890	FIR OAK	10 20	
4890	0AK 0AK (x2)	14	REMOVE
4894 4895	OAK FIR	10 30	
4896	OAK (x2)	10	
4897	OAK	12	

TREE #	SPECIES	DBH*	REMOVE
4898	FIR	14	
4899	OAK	14	
4900	OAK	12	
4901	OAK	10	
4902	OAK	12	
4903	OAK	10	
4904	OAK	14	
4905	OAK	16	
4906	0AK (x2)	8	
4907	OAK	12	
4908	OAK	16	
4909	OAK	18	
	OAK	•	
4910		8	
4911	0AK (x3)	16	
4912	FIR	10	
		16	
4913	OAK	16	
4914	FIR	36	
4915	OAK (x4)	12	
4916	OAK	22	
4917	FIR	18	
4918	OAK	12	
4919	OAK	28	
4920	FIR	24	
4921	FIR	24	
4922	OAK	16	
4923	OAK	28	
4924	FIR	25	
4925	FIR	18	
4926	FIR		
		24	
4929	OAK	8	REMOVE
4930	FIR	26	REMOVE
4931	OAK	12	REMOVE
4932	OAK (x2)	18	REMOVE
4933	FIR	16	REMOVE
4934	OAK	10	REMOVE
4935	FIR	16	REMOVE
4936	FIR	28	REMOVE
		20	
4937	FIR	8	REMOVE
4938	ALDER	8	REMOVE
		-	
4939	FIR	22	REMOVE
4940	FIR	18	REMOVE
4941	FIR	18	REMOVE
4942	FIR	12	REMOVE
4943	FIR	8	REMOVE
4944	EID	22	
4944	FIR	22	REMOVE
4945	FIR	18	REMOVE
4946	FIR	12	REMOVE
4947	OAK	12	REMOVE
4948	OAK	16	REMOVE
4949	OAK	12	
			REMOVE
4950	OAK (x2)	14	REMOVE
4951	OAK	22	REMOVE
4952	OAK	18	REMOVE
4953	ALDER	8	REMOVE
4954	OAK	14	REMOVE
4955	OAK	12	REMOVE
4956	OAK	18	REMOVE
4957	OAK (x2)	18	
4958	OAK	24	
4959	OAK	16	
4960	OAK	12	
4961	FIR	28	
		12	
5515	ALDER	12	
5516	CTNWD	20	
5516	CTNWD	20	
5516 5517 5518	CTNWD OAK OAK	20 22 12	
5516 5517	CTNWD OAK	20 22	
5516 5517 5518	CTNWD OAK OAK	20 22 12	
5516 5517 5518 5519 5520	CTNWD OAK OAK OAK OAK	20 22 12 14 19	PEMO//E
5516 5517 5518 5519 5520 5521	CTNWD OAK OAK OAK OAK OAK	20 22 12 14 19 16	REMOVE
5516 5517 5518 5519 5520	CTNWD OAK OAK OAK OAK	20 22 12 14 19	REMOVE
5516 5517 5518 5519 5520 5521 5546	CTNWD OAK OAK OAK OAK OAK	20 22 12 14 19 16	
5516 5517 5518 5519 5520 5521 5546 5547	CTNWD OAK OAK OAK OAK OAK OAK FIR	20 22 12 14 19 16 22 30	REMOVE REMOVE
5516 5517 5518 5519 5520 5521 5546	CTNWD OAK OAK OAK OAK OAK	20 22 12 14 19 16 22	REMOVE
5516 5517 5518 5519 5520 5521 5546 5547	CTNWD OAK OAK OAK OAK OAK OAK FIR	20 22 12 14 19 16 22 30	REMOVE REMOVE
5516 5517 5518 5519 5520 5521 5546 5547 5549 5550	CTNWD OAK OAK OAK OAK OAK FIR OAK (x2) OAK	20 22 12 14 19 16 22 30 16 16	REMOVE REMOVE REMOVE REMOVE
5516 5517 5518 5520 5521 5546 5547 5549 5550 5550 5551	CTNWD OAK OAK OAK OAK OAK FIR OAK (x2) OAK OAK	20 22 12 14 19 16 22 30 16 16 16	REMOVE REMOVE REMOVE REMOVE REMOVE
5516 5517 5518 5519 5520 5521 5546 5547 5549 5550	CTNWD OAK OAK OAK OAK OAK FIR OAK (x2) OAK	20 22 12 14 19 16 22 30 16 16	REMOVE REMOVE REMOVE REMOVE
5516 5517 5518 5520 5521 5546 5547 5549 5550 5551 5551	CTNWD OAK OAK OAK OAK OAK OAK FIR OAK (x2) OAK OAK	20 22 12 14 19 16 22 30 16 16 16 16 16 14	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
5516 5517 5518 5520 5521 5546 5547 5549 5550 5551 5551 5552 5553	CTNWD OAK OAK OAK OAK OAK OAK FIR OAK (x2) OAK OAK OAK	20 22 12 14 19 16 22 30 16 16 16 16 14 8	REMOVE REMOVE REMOVE REMOVE REMOVE
5516 5517 5518 5520 5521 5546 5547 5549 5550 5551 5551	CTNWD OAK OAK OAK OAK OAK OAK FIR OAK (x2) OAK OAK	20 22 12 14 19 16 22 30 16 16 16 16 16 14	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
5516 5517 5518 5520 5521 5546 5547 5549 5550 5551 5552 5552 5553 5555	CTNWD OAK OAK OAK OAK OAK OAK CAK OAK OAK OAK OAK	20 22 12 14 19 16 22 30 16 16 16 16 16 14 8 14	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
5516 5517 5518 5520 5521 5546 5547 5549 5550 5551 5552 5553 5553 5556 5557	CTNWD OAK OAK OAK OAK OAK OAK OAK OAK OAK OAK	20 22 12 14 19 16 22 30 16 16 16 16 16 14 8 14 12	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
5516 5517 5518 5520 5521 5546 5547 5549 5550 5551 5552 5552 5553 5555	CTNWD OAK OAK OAK OAK OAK OAK CAK OAK OAK OAK OAK	20 22 12 14 19 16 22 30 16 16 16 16 16 14 8 14	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
5516 5517 5518 5520 5521 5546 5547 5549 5550 5551 5552 5553 5553 5556 5557	CTNWD OAK OAK OAK OAK OAK OAK OAK OAK OAK OAK	20 22 12 14 19 16 22 30 16 16 16 16 16 14 8 14 12	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE



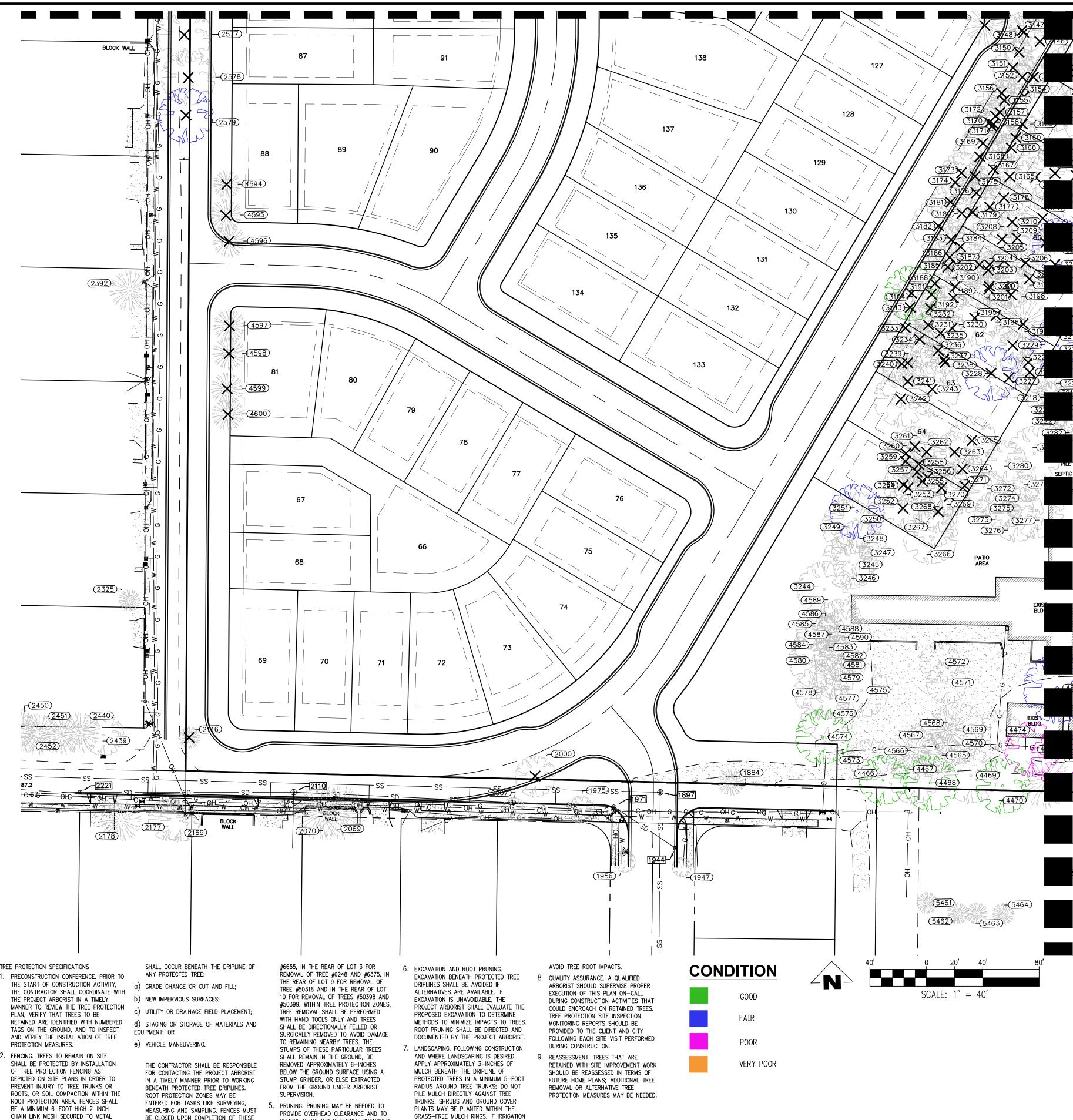


TREES SHALL REMAIN IN THE GROUND, BE REMOVED APPROXIMATELY 6-INCHES BELOW THE GROUND SURFACE USING A STUMP GRINDER, OR ELSE EXTRACTED FROM THE GROUND UNDER ARBORIST SUPERVISION.

TREE #	SPECIES	DBH*	REMOVE	TREE #
1283	ΟΑΚ	12		4710
1284	OAK	8		4711
1292 1322	BIRCH	8 8		5013 5020
1356	FIR	18		5020
1357	FIR	18		5022
1364	PINE	8		5023
1365 1376	FIR FIR	20 14		5024 5025
1433	FIR	10		5025
1438	BIRCH	6		5027
1439	BIRCH	12		5028
1441 1460	BIRCH FIR	12 8		5029 5030
1463	BIRCH	6		5560
1519	FIR	8		5561
1521	PINE	18		5562
1522 4592	PINE WALNUT	8 32	REMOVE	5563 5564
4593	WALNUT	24	REMOVE	5565
4612	FIR (x2)	14		5566
4615	FIR	12		5567
4616 4617	FIR FIR	14 14		5568 5569
4617	PINE	14		5570
4619	FIR	16		5571
4622	FIR	14		5572
4624 4625	FIR FIR	16 18		5573 5574
4628	FIR	16		5575
4629	FIR	22		5576
4630	FIR	16		5577
4633 4634	FIR FIR (x2)	18 22		5578 5579
4634	FIR (XZ)	22		5580
4638	DECD	14		5581
4639	FIR	14		5582
4642	FIR	16	REMOVE	5583
4643 4644	FIR FIR	16 14	REMOVE REMOVE	5584 5585
4645	FIR	18	REMOVE	5586
4646	FIR	12	REMOVE	5587
4647	FIR	18	REMOVE	5588
4648 4649	FIR FIR	14 18	REMOVE REMOVE	5589 5590
4650	FIR	18	REMOVE	5591
4651	MADRONA	10	REMOVE	5592
4652	WALNUT	28	REMOVE	5593
4653 4654	FIR FIR	12 16	REMOVE REMOVE	5594 5595
4655	FIR	14	REMOVE	5596
4656	FIR	14	REMOVE	5597
4657	FIR	20	REMOVE	5598
4658 4659	FIR FIR	18 18	REMOVE REMOVE	5599 5600
4660	FIR	12	REMOVE	5601
4661	FIR	12	REMOVE	5602
4662	FIR FIR	14 14	REMOVE REMOVE	5603 5604
4663 4664	FIR	14	REMOVE	5605
4665	FIR	20	REMOVE	5606
4666	FIR	14	REMOVE	5608
4667 4668	FIR FIR	14 14	REMOVE REMOVE	5609 5610
4669	FIR	16	REMOVE	5610
4670	FIR	14	REMOVE	5612
4671	FIR	16	REMOVE	5613
4672 4673	FIR FIR	10 16	REMOVE REMOVE	5614 5615
4673	FIR	16	REMOVE	5616
4675	FIR	14	REMOVE	5617
4676	FIR	14	REMOVE	5618
4677 4678	FIR FIR	12 18	REMOVE REMOVE	5619 5620
4679	FIR	18	REMOVE	5621
4680	FIR	24	REMOVE	5622
4681 4682	FIR FIR	18 12	REMOVE REMOVE	5623 5624
4682 4683	FIR	12	REMOVE	5625
4684	FIR	12	REMOVE	5626
4685	FIR	10	REMOVE	5627
4686	FIR	10	REMOVE	5628
4687 4688	FIR FIR (x2)	16 12	REMOVE REMOVE	5629 5630
4689	FIR	24	REMOVE	5631
4690	MADRONA	10	REMOVE	5632
4691 4692	FIR FIR	8 16		5633 5669
4692 4693	MADRONA	16 8	REMOVE REMOVE	5669
4694	FIR	8	REMOVE	5671
4695	FIR	8	REMOVE	5672
4696 4697	FIR	8 10	REMOVE	5673 5674
4697 4703	FIR FIR	20	REMOVE	5675
4704	FIR	18	REMOVE	5676
4705	FIR	12		5677
4706 4707	FIR FIR	16 16	REMOVE	5678 5679
4707	FIR	16		5679
4709	MADRONA	8	REMOVE	5681

SPECIES	DBH*	REMOVE	TREE #	SPECIES	DBH*	REMOVE	Σ
FIR FIR	16 18	REMOVE REMOVE	5682 5683	FIR PINE	8 10	REMOVE REMOVE	
MADRONA	12	REMOVE	5684	FIR	12	REMOVE	
MADRONA MADRONA	8 8		5685 5686	PINE FIR	8 10	REMOVE REMOVE	SE 8002 R3W N
FIR	16		5687	PINE	10	REMOVE	
FIR	32		5688	FIR	8	REMOVE	
FIR FIR	18 8	REMOVE REMOVE	5689 5690	FIR PINE	12 12	REMOVE REMOVE	
FIR	28	REMOVE	5691	PINE	8	REMOVE	GLE R 3000 8 083W 01 T8 OREG
FIR FIR	16 18	REMOVE REMOVE	5692 5693	FIR FIR	10 12	REMOVE REMOVE	
FIR	20	REMOVE	5694	PINE	8	REMOVE	PRIN AP - EM,
FIR MADRONA	8 8	REMOVE REMOVE	5695 5696	PINE FIR	14 8	REMOVE REMOVE	0 PRI MAP 1/4 SI ALEN
FIR	14	REMOVE	5697	PINE	14	REMOVE	4540 TAX M NW1/1 SAL
MADRONA	8	REMOVE	5698	PINE	8	REMOVE	4540 TAX T TAX I NW1 SA
MADRONA MADRONA	8 8	REMOVE REMOVE	5699 5716	PINE	12 12	REMOVE	
MADRONA	10	REMOVE	5717	PINE	8	REMOVE	SW1/4
MADRONA FIR	8 8	REMOVE REMOVE	5718 5719	PINE FIR	10 12	REMOVE REMOVE	
FIR	20	REMOVE	5720	FIR	8		S
FIR	16	REMOVE	5721	FIR	8 16	REMOVE	
FIR FIR	8 18	REMOVE REMOVE	5722 5723	FIR PINE	8	REMOVE REMOVE	
FIR	20	REMOVE	5724	PINE	8	REMOVE	AN
FIR FIR	8 8	REMOVE REMOVE	5725 5726	PINE	12 12	REMOVE REMOVE	
FIR	20	REMOVE	5727	PINE	10	REMOVE	
FIR FIR	20 8	REMOVE REMOVE	5728 5729	PINE	8 14	REMOVE REMOVE	
FIR	18	REMOVE	5730	PINE	8	REMOVE	ĕ I ĕ
FIR	16	REMOVE	5731	PINE	10	REMOVE	
FIR FIR	18 16	REMOVE REMOVE	5732 5733	PINE	10 10	REMOVE REMOVE	
FIR	14	REMOVE	5734	PINE	10	REMOVE	PRESERV REMOVAL NORTHE
FIR FIR	10 12	REMOVE REMOVE	5735 5736	PINE	10 8	REMOVE REMOVE	
FIR	16	REMOVE	5737	PINE	8	REMOVE	
FIR MADRONA	12 8	REMOVE REMOVE	5738 5739	PINE FIR	8 8	REMOVE REMOVE	
FIR	16	REMOVE	5740	PINE	10	REMOVE	
FIR	22	REMOVE	5741	PINE	8	REMOVE	іш і
FIR FIR	8 14	REMOVE REMOVE	5742 5743	FIR PINE	8 10	REMOVE REMOVE	L R
FIR	26	REMOVE	5744	FIR	10	REMOVE	
FIR FIR	20 16	REMOVE REMOVE	5745 5746	FIR PINE	8 9	REMOVE REMOVE	
FIR	10	REMOVE	5747	PINE	8	REMOVE	
FIR	16 16	REMOVE REMOVE	5748	FIR	10	REMOVE REMOVE	
FIR FIR	14	REMOVE	5749 5750	FIR PINE	8 12	REMOVE	
FIR	18	REMOVE	5751	PINE	12	REMOVE	NO
FIR FIR	16 16	REMOVE REMOVE	5754 5755	MADRONA FIR	10 8	REMOVE REMOVE	DESCRIPTION
FIR	8	REMOVE	5756	MADRONA	8	REMOVE	REVISIONS
FIR FIR	16 18	REMOVE REMOVE	5757 5758	PINE MADRONA	12 8	REMOVE REMOVE	//SIC
FIR	18	REMOVE	5759	PINE	12	REMOVE	REV
FIR	18	REMOVE	5760	FIR	8	REMOVE	
FIR FIR	26 10	REMOVE REMOVE	5761 5762	FIR FIR	10 10	REMOVE REMOVE	
FIR	18	REMOVE	5763	PINE	10	REMOVE	DATE
FIR FIR	20 14	REMOVE REMOVE	5764 5765	PINE FIR	8 8	REMOVE REMOVE	Δ
FIR	10	REMOVE	5766	PINE	12	REMOVE	Ň
FIR FIR	18 18	REMOVE REMOVE	5767 5768	PINE	8 10	REMOVE REMOVE	
FIR	18	REMOVE	5769	FIR	8	REMOVE	7
FIR	16	REMOVE	5770	FIR	10	REMOVE	
FIR MADRONA	16 8	REMOVE REMOVE	5771 5772	FIR FIR	12 10	REMOVE REMOVE	EEEERDE SURVEVING - DESIGN 67 WILLAKENZIE ROAD, SUITE 1A EUGENE, OREGON 97401 TEL: (503) 639-9592 www.emeriodesign.com
FIR	16	REMOVE	5773	PINE	10	REMOVE	EEEERAD SUITE 14 ENGINEERING - SURVEYING ENGINEERING - SURVEYING 2667 WILLAKENZIE ROAD, SUITE 1A EUGENE, OREGON 97401 TEL: (503) 639-9592 www.emeriodesign.com
FIR FIR	18 18	REMOVE REMOVE	5774 5775	MADRONA FIR	9 8	REMOVE REMOVE	ILLAKENZIE ROAD, SL ILLAKENZIE ROAD, SL UGENE, OREGON 9740 TEL: (503) 746-8812 FAX: (503) 639-9592 www.emeriodesign.com
FIR	16	REMOVE	5776	FIR	8	REMOVE	NEERING - SURV NEERING - SURV LLAKENZIE ROAD, S GENE, OREGON 972 GENE, OREGON 972 TEL: (503) 539-9592 MW.emeriodesign.cor
FIR FIR	14 8	REMOVE REMOVE	5777 5778	FIR FIR	8 10	REMOVE REMOVE	RING ENZIE ENZIE ENZIE (503) merio merio
FIR	18	REMOVE	5779	PINE	12	REMOVE	NEER NEER GENE FAX: (FAX: (
FIR	16	REMOVE	5780	FIR	8	REMOVE	
FIR FIR	12 12	REMOVE REMOVE	5781 5782	PINE	10 12	REMOVE REMOVE	266 M
FIR	12	REMOVE	5783	FIR	10	REMOVE	
CTNWD FIR	28 8	REMOVE REMOVE	5784 5785	PINE FIR	10 10	REMOVE REMOVE	
FIR	0 12		5786	FIR	10	REMOVE	
FIR	12		5787		8	REMOVE	OF DRAK
FIR PINE	12 10	REMOVE REMOVE	5788 5789	FIR FIR	8 8	REMOVE REMOVE	SEKLU I ING TO SAL
PINE	10		5790	FIR	8	REMOVE	LINN FOR TO
MADRONA FIR	8 8	REMOVE	5791 5792	FIR MADRONA	12 8	REMOVE REMOVE	
PINE	0 10	REMOVE	5792 5793	DECD	0 10	REMOVE	
FIR	14	REMOVE	5794	PINE	10	REMOVE	POR HANK
FIR FIR	12 16	REMOVE REMOVE	5795 DBH* DL		12 REAST H	REMOVE EIGHT, INCHES.	EXPIRES: 6/30/2021
FIR	10	REMOVE	ע ¥ חסע UI		LAJI H		SHEET
FIR	8 8	REMOVE REMOVE					P3.2
FIR							OF

31



POSTS DRIVEN INTO THE GROUND. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH THE PROJECT ARBORIST PRIOR TO OPENING, ADJUSTING OR REMOVING TREE PROTECTION FENCING. TREE PROTECTION ZONE. WITHOUT AUTHORIZATION FROM THE PROJECT ARBORIST, NONE OF THE FOLLOWING

BE CLOSED UPON COMPLETION OF THESE TASKS.

4. TREE AND STUMP REMOVAL. TREES TO BE REMOVED SHALL BE CLEARLY IDENTIFIED WITH TREE-MARKING PAINT OR OTHER METHODS APPROVED IN ADVANCE BY THE PROJECT ARBORIST. PROTECTION FENCING MAY BE TEMPORARILY OPENED IN TRACT B FOR REMOVAL OF TREES #6654 AND

REMOVE DEAD AND DEFECTIVE BRANCHES FOR SAFETY. THE PROJECT ARBORIST CAN HELP IDENTIFY WHERE PRUNING IS NECESSARY ONCE TREES RECOMMENDED FOR REMOVAL HAVE BEEN REMOVED AND THE SITE IS PREPARED FOR CONSTRUCTION. TREE REMOVAL AND PRUNING SHALL BE PERFORMED BY A QUALIFIED TREE SERVICE.

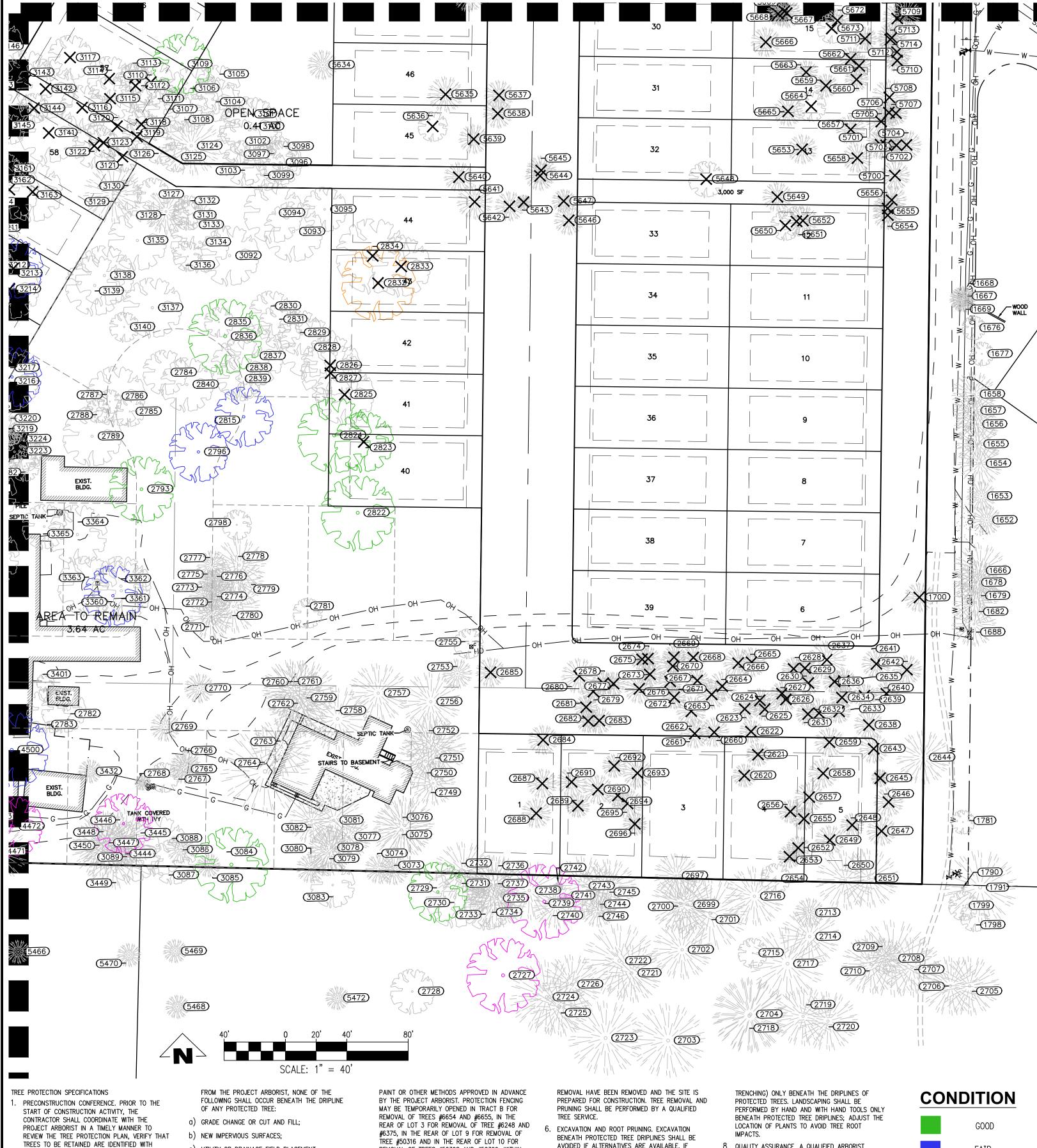
IS USED, USE DRIP IRRIGATION OR LOW FLOW EMITTERS INSTALLED AT NATIVE GRADE (NO TRENCHING) ONLY BENEATH THE DRIPLINES OF PROTECTED TREES. LANDSCAPING SHALL BE PERFORMED BY HAND AND WITH HAND TOOLS ONLY BENEATH PROTECTED TREE DRIPLINES; ADJUST THE LOCATION OF PLANTS TO

"	0050150		
			REMOVE
		-	
		_	
			REMOVE
		-	
			REMOVE
			REMOVE
			REMOVE
3148	OAK	8	REMOVE
3149	FIR	16	REMOVE
3150	OAK (x2)	8	REMOVE
		-	REMOVE
3152	OAK	8	REMOVE
3153	0AK (x2)	14	REMOVE
3154	OAK (x2)	18	REMOVE
3155	OAK	18	REMOVE
3156	OAK	8	REMOVE
3157	OAK	18	REMOVE
3158	OAK	12	REMOVE
3159	OAK	10	REMOVE
3160	OAK	16	REMOVE
3161	OAK	12	
3162	OAK (x3)	16	
3163	OAK	22	
3164	OAK (x2)	14	REMOVE
3165	OAK	12	REMOVE
3166	OAK	10	REMOVE
3167	OAK (x2)	14	REMOVE
3168	OAK (x2)	12	REMOVE
3169	OAK (x2)	10	REMOVE
3170	OAK	18	REMOVE
3171	OAK	10	REMOVE
3172	OAK	10	REMOVE
3173	OAK	10	REMOVE
3174	OAK	10	REMOVE
3175	OAK	8	REMOVE
			REMOVE
		_	REMOVE REMOVE
		-	REMOVE
			REMOVE
			REMOVE
			REMOVE
		14	REMOVE
			REMOVE
			REMOVE
3195	0AK (x2)	16	REMOVE
3196	OAK	14	REMOVE
3197	FIR	24	REMOVE
3198	OAK	12	REMOVE
3199	OAK	14	REMOVE
3200	OAK	10	REMOVE
3201	OAK	16	REMOVE
3202	OAK	12	REMOVE
3203	OAK	12	REMOVE
3204	OAK	14	REMOVE
3205	OAK	10	REMOVE
3206	OAK	14	REMOVE
3207	OAK	10	REMOVE
3208	OAK	14	REMOVE
3209	OAK	14	REMOVE
3210	OAK	12	REMOVE
3211	OAK	14	REMOVE
3212	OAK	12	REMOVE
3213	OAK	28	REMOVE
3214	OAK (x2)	16	REMOVE
	OAK	18	
3216			1
3216 3217	OAK	24	ļI
3216 3217 3218	OAK OAK	16	
3216 3217 3218 3219	OAK OAK OAK	16 10	
3216 3217 3218	OAK OAK	16	
	314931503151315231533153315431553157315831573158315031603161316231633164316531633164316531673168317031713172317331743175317631773178317431753176317731783179318031813182318431853184318731903191319231933194319531943195320032013202320332043205320632073208320932103211	1884CEDAR1947BIRCH1956MAPLE1975BIRCH2000OAK2007BIRCH2069FIR2069FIR2146FIR2146FIR2159BIRCH2177BIRCH2178FIR2256PINE2325FIR2392FIR2439OAK2440FIR2451FIR2452FIR2577OAK2578OAK2578OAK2579OAK3146OAK (x2)3147OAK3148OAK3149FIR3150OAK (x2)3144OAK3151OAK3152OAK3154OAK3155OAK3155OAK3156OAK3157OAK3158OAK3159OAK3161OAK3162OAK3163OAK3164OAK3175OAK3165OAK3164OAK3174OAK3175OAK3163OAK3164OAK3165OAK3174OAK3175OAK3176OAK3177OAK3180OAK3181OAK3182OAK3183OAK <td< td=""><td>1884CEDAR141947BIRCH81955BIRCH82000OAK162007BIRCH82008FIR322146FIR162177BIRCH122177BIRCH122177BIRCH122177BIRCH122156PINE102325FIR302439OAK122440FIR162449ALDER162451FIR162452FIR162579OAK202578OAK202579OAK323146OAK (x2)183147OAK83148OAK183150OAK (x2)183151OAK183152OAK183153OAK123154OAK123155OAK183155OAK183156OAK123157OAK123158OAK123164OAK123155OAK183156OAK123167OAK123168OAK123169OAK123160OAK123161OAK123162OAK123163OAK123164OAK</td></td<>	1884CEDAR141947BIRCH81955BIRCH82000OAK162007BIRCH82008FIR322146FIR162177BIRCH122177BIRCH122177BIRCH122177BIRCH122156PINE102325FIR302439OAK122440FIR162449ALDER162451FIR162452FIR162579OAK202578OAK202579OAK323146OAK (x2)183147OAK83148OAK183150OAK (x2)183151OAK183152OAK183153OAK123154OAK123155OAK183155OAK183156OAK123157OAK123158OAK123164OAK123155OAK183156OAK123167OAK123168OAK123169OAK123160OAK123161OAK123162OAK123163OAK123164OAK

TREE #	SPECIES	DBH*	REMOVE
3226	OAK	12	REMOVE
3227	OAK (x2)	12	REMOVE
3228	OAK	32	REMOVE
3229	OAK	12	REMOVE
3230	OAK	10	REMOVE
3231	OAK	8	REMOVE
3232	OAK	16	REMOVE
3233	OAK	12	REMOVE
3234	OAK	8	REMOVE
3235	OAK (x2)	12	REMOVE
3236	OAK	8	REMOVE
3237	OAK	8	REMOVE
3238	OAK	16	REMOVE
3238	FIR	8	REMOVE
	OAK	10	REMOVE
3240	OAK OAK (x2)	16	
3241			REMOVE
3242	OAK (x3)	16	REMOVE
3243	OAK (x3)	16	REMOVE
3244	OAK (x5)	14	
3245	OAK	14	
3246	0AK (x2)	16	
3247	OAK	15	
3248	OAK	18	
3249	OAK (x2)	12	
3250	OAK	16	
3251	OAK	24	
3252	OAK	14	REMOVE
3253	OAK	8	REMOVE
3254	OAK	10	REMOVE
3255	OAK	8	REMOVE
3256	OAK	10	REMOVE
3257	OAK	8	REMOVE
3258	OAK	8	REMOVE
3259	OAK	12	REMOVE
3260	OAK	14	REMOVE
3261	OAK (x3)	12	REMOVE
3262	OAK	10	REMOVE
3263	OAK (x3)	10	REMOVE
3264	OAK	10	REMOVE
3265	OAK	16	REMOVE
3266	OAK	16	
3267	OAK	10	
3268	OAK	16	REMOVE
3269	OAK	10	REMOVE
3270	OAK	18	REMOVE
	0AK 0AK (x3)		REMOVE
3271		12	REMOVE
3272	OAK (x2)	12	
3273	OAK	18	
3274	OAK	10	
3275	OAK (x2)	18	
3276	OAK	12	
3277	OAK	22	
3278	OAK	10	
3280	OAK	18	
3281	OAK (x2)	16	
3282	OAK	8	
4466	OAK	30	
4467	OAK	18	
4468	OAK	24	
4469	OAK	22	
4470	OAK	24	
4471	FIR	36	
4472	OAK	24	
4473	OAK	24	
4474	OAK	14	
4500	OAK	36	
4565	OAK	18	
4566	FIR	36	
4567	OAK	14	
4568	FIR	16	
4569	OAK	20	
4570	OAK	14	
4571	OAK	20	
4572	OAK	19	
4573	OAK	18	
4574	OAK	28	
4575	OAK	22	
4576	OAK	20	
4577	OAK	12	
4578	OAK	18	
4579	OAK	14	
4580	OAK	18	
4581	OAK	14	
4582	OAK	14	
4583	OAK	12	
•	OAK	10	
4584			
4585	OAK	12	
4585 4586	OAK OAK	10	
4585 4586 4587	OAK OAK OAK	10 12	
4585 4586 4587 4588	OAK OAK OAK OAK	10 12 8	
4585 4586 4587 4588 4589	OAK OAK OAK OAK (x2)	10 12 8 12	
4585 4586 4587 4588 4589 4590	OAK OAK OAK OAK (x2) OAK (x2)	10 12 8 12 16	
4585 4586 4587 4588 4589	OAK OAK OAK OAK (x2) OAK (x2) FIR	10 12 8 12 16 18	REMOVE
4585 4586 4587 4588 4589 4590	OAK OAK OAK OAK (x2) OAK (x2)	10 12 8 12 16	REMOVE REMOVE
4585 4586 4587 4588 4589 4590 4594	OAK OAK OAK OAK (x2) OAK (x2) FIR	10 12 8 12 16 18	
4585 4586 4587 4588 4589 4590 4594 4595	OAK OAK OAK OAK (x2) OAK (x2) FIR FIR	10 12 8 12 16 18 18	REMOVE
4585 4586 4587 4588 4589 4590 4594 4595 4596	OAK OAK OAK OAK (x2) OAK (x2) FIR FIR FIR	10 12 8 12 16 18 18 20	REMOVE REMOVE
4585 4586 4587 4588 4589 4590 4594 4595 4596 4597	OAK OAK OAK OAK (x2) OAK (x2) FIR FIR FIR FIR	10 12 8 12 16 18 18 20 22	REMOVE REMOVE REMOVE
4585 4587 4588 4589 4590 4594 4595 4595 4596 4597 4598	OAK OAK OAK OAK (x2) OAK (x2) FIR FIR FIR FIR FIR FIR	10 12 8 12 16 18 18 20 22 20	REMOVE REMOVE REMOVE REMOVE
4585 4587 4588 4589 4590 4594 4595 4595 4597 4598 4599	OAK OAK OAK OAK (x2) OAK (x2) FIR FIR FIR FIR FIR FIR FIR FIR	10 12 8 12 16 18 20 22 20 18	REMOVE REMOVE REMOVE REMOVE REMOVE

TREE #	SPECIES	DBH*	REMOVE	
5462	FIR	8		
5463	FIR	8		
5464	FIR	8		
5466	FIR	8		
5468	FIR	8		
5469	FIR	8		
5470	FIR	8		
5472	FIR	8		
DBH* DIAMETER AT BREAST HEIGHT, INCHES.				

	4040 FRINGLE RD OF	TAX MAP - 3000 & 3002	TAX MAP - 083W11BC	SW1/4 NW1/4 SECTT 185 K3W W.M. SALEM ORFGON	
TDEE DDECEDVATION AND	I ALL TALGERVATION AND	REMOVAL PLAN -	SOUTHWEST		
REVISIONS	NO. DATE DESCRIPTION				
		ENGINEERING - SURVEYING - DESIGN	2667 WILLAKENZIE ROAD, SUITE 1A EUGENE, OREGON 97401	TEL: (503) 746-8812 FAX: (503) 639-9592 www.emeriodesian.com	
ر الا P		.3	PRO4 22 4 6/30/20 0F	₹ 10 10 10 10 10 10 10 10 10 10	



- NUMBERED TAGS ON THE GROUND, AND TO INSPECT AND VERIFY THE INSTALLATION OF TREE PROTECTION MEASURES.
- FENCING. TREES TO REMAIN ON SITE SHALL BE PROTECTED BY INSTALLATION OF TREE PROTECTION FENCING AS DEPICTED ON SITE PLANS IN ORDER TO PREVENT INJURY TO TREE TRUNKS OR ROOTS, OR SOIL COMPACTION WITHIN THE ROOT PROTECTION AREA. FENCES SHALL BE A MINIMUM 6-FOOT HIGH 2-INCH CHAIN LINK MESH SECURED TO METAL POSTS DRIVEN INTO THE GROUND. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH THE PROJECT ARBORIST PRIOR TO OPENING, ADJUSTING OR REMOVING TREE PROTECTION FENCING.

TREE PROTECTION ZONE. WITHOUT AUTHORIZATION

c) UTILITY OR DRAINAGE FIELD PLACEMENT; d) STAGING OR STORAGE OF MATERIALS AND EQUIPMENT; OR e) VEHICLE MANEUVERING.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING THE PROJECT ARBORIST IN A TIMELY MANNER PRIOR TO WORKING BENEATH PROTECTED TREE DRIPLINES. ROOT PROTECTION ZONES MAY BE ENTERED FOR TASKS LIKE SURVEYING, MEASURING AND SAMPLING. FENCES MUST BE CLOSED UPON COMPLETION OF THESE TASKS.

4. TREE AND STUMP REMOVAL. TREES TO BE REMOVED SHALL BE CLEARLY IDENTIFIED WITH TREE-MARKING

REMOVAL OF TREES #50398 AND #50399. WITHIN TREE PROTECTION ZONES, TREE REMOVAL SHALL BE PERFORMED WITH HAND TOOLS ONLY AND TREES SHALL BE DIRECTIONALLY FELLED OR SURGICALLY REMOVED TO AVOID DAMAGE TO REMAINING NEARBY TREES. THE STUMPS OF THESE PARTICULAR TREES SHALL REMAIN IN THE GROUND, BE REMOVED APPROXIMATELY 6-INCHES BELOW THE GROUND SURFACE USING A STUMP GRINDER, OR ELSE EXTRACTED FROM THE GROUND UNDER ARBORIST SUPERVISION.

- PRUNING. PRUNING MAY BE NEEDED TO PROVIDE OVERHEAD CLEARANCE AND TO REMOVE DEAD AND DEFECTIVE BRANCHES FOR SAFETY. THE PROJECT ARBORIST CAN HELP IDENTIFY WHERE PRUNING IS NECESSARY ONCE TREES RECOMMENDED FOR
- AVOIDED IF ALTERNATIVES ARE AVAILABLE. IF EXCAVATION IS UNAVOIDABLE, THE PROJECT ARBORIST SHALL EVALUATE THE PROPOSED EXCAVATION TO DETERMINE METHODS TO MINIMIZE IMPACTS TO TREES. ROOT PRUNING SHALL BE DIRECTED AND DOCUMENTED BY THE PROJECT ARBORIST.
- 7. LANDSCAPING. FOLLOWING CONSTRUCTION AND WHERE LANDSCAPING IS DESIRED, APPLY APPROXIMATELY 3-INCHES OF MULCH BENEATH THE DRIPLINE OF PROTECTED TREES IN A MINIMUM 5-FOOT RADIUS AROUND TREE TRUNKS; DO NOT PILE MULCH DIRECTLY AGAINST TREE TRUNKS. SHRUBS AND GROUND COVER PLANTS MAY BE PLANTED WITHIN THE GRASS-FREE MULCH RINGS. IF IRRIGATION IS USED, USE DRIP IRRIGATION OR LOW FLOW EMITTERS INSTALLED AT NATIVE GRADE (NO

TREE #	SPECIES	DBH*	REMOVE
1652	FIR FIR	16 18	
1653 1654	FIR	18	
1655	FIR	16	
1656	FIR	16	
1657	FIR	14	
1658 1666	FIR FIR	22 20	
1667	CEDAR	20 8	
1668	CEDAR	8	
1669	CEDAR	10	
1676	APPLE	8	
1677	APPLE	8	
1678	FIR	12	
1679 1682	FIR FIR	14 16	
1688	FIR	18	
1700	PINE	12	REMOVE
1781	ALDER	8	
1790	FIR	28	
1791	FIR	36	
1798 1799	MAPLE ALDER	8 8	
2620	PINE	12	REMOVE
2621	PINE	12	REMOVE
2622	PINE	10	REMOVE
2623	PINE	12	REMOVE
2624	PINE	10	REMOVE
2625 2626	PINE PINE	10 12	REMOVE REMOVE
2626	PINE	12	REMOVE
2628	PINE	16	REMOVE
2629	PINE	10	REMOVE
2630	PINE	9	REMOVE
2631	PINE	12	REMOVE
2632 2633	PINE	13 8	REMOVE
2633	PINE	8	REMOVE
2635	PINE	12	REMOVE
2636	PINE	12	REMOVE
2637	PINE	16	REMOVE
2638	PINE	16	REMOVE
2639 2640	PINE PINE	10 10	REMOVE REMOVE
2641	PINE	14	REMOVE
2642	PINE	12	REMOVE
2643	PINE	14	REMOVE
2644	FIR	32	
2645	PINE	8	REMOVE
2646 2647	PINE PINE	18 13	REMOVE REMOVE
2648	PINE	10	REMOVE
2649	PINE	12	REMOVE
2650	FIR	28	
2651	FIR	28	
2652 2653	PINE PINE	12 8	REMOVE REMOVE
2653		15	REMOVE
2655	PINE	11	REMOVE
2656	PINE	8	REMOVE
2657	PINE	18	REMOVE
2658	PINE	12	REMOVE
2659 2660	PINE	12 18	REMOVE
2661	PINE	12	REMOVE
2662	PINE	14	REMOVE
2663	PINE	12	REMOVE
2664	PINE	12	REMOVE
2665 2666	PINE PINE	13 13	REMOVE REMOVE
2665	PINE	9	REMOVE
2668	PINE	9	REMOVE
2669	PINE	9	REMOVE
2670	PINE	18	REMOVE
2671 2672	PINE PINE	10 10	REMOVE REMOVE
2672	PINE	10	REMOVE
2674	PINE	16	REMOVE
2675	PINE	8	REMOVE
2676	PINE	14	REMOVE
2677	PINE	11	REMOVE
2678 2679	PINE PINE	12 10	REMOVE REMOVE
2680	PINE	18	REMOVE
2681	PINE	10	REMOVE
2682	PINE	12	REMOVE
2683	PINE	14	REMOVE
2684 2685	PINE	16 18	REMOVE
2685 2687	PINE PINE	18 14	REMOVE REMOVE
2688	PINE	18	REMOVE
2689	PINE	12	REMOVE
2690	PINE	16	REMOVE
2691	PINE	12	REMOVE
2692	PINE	10 14	REMOVE
2693 2694	PINE PINE	14 10	REMOVE REMOVE
2694	PINE	16	REMOVE
2696	PINE	10	REMOVE
2697	FIR	18	

-	TREE # 2699	SPECIES FIR	DBH* 22	REMOVE
	2700	FIR	34	
_	2701	FIR	48	
-	2702 2703	FIR FIR	28 24	
	2704	FIR	42	
4	2705	FIR	28	
-	2706 2707	FIR FIR	28 26	
	2708	FIR	40	
4	2709	FIR	14	
-	2710 2713	FIR FIR	32 12	
	2714	FIR	28	
	2715	OAK	8	
-	2716 2717	FIR	28 32	
	2718	FIR	40	
	2719	FIR	28	
-	2720 2721	FIR FIR	28 32	
	2722	FIR	44	
_	2723	FIR	40	
-	2724 2725	FIR FIR	48 22	
	2726	FIR	24	
	2727	OAK	38	
-	2728 2729	OAK OAK	16 24	
	2730	OAK	18	
	2731	OAK	12	
-	2732 2733	FIR OAK	30 14	
-	2734	OAK	14	
	2735	FIR	30	
-	2736 2737	FIR FIR	18 14	
-	2738	FIR	30	
	2739	OAK	24	
_	2740	FIR FIR	22 12	
-	2741 2742	FIR	12	
	2743	FIR	28	
4	2744	FIR	24	
-	2745 2746	FIR FIR	23 14	
	2749	FIR	18	
	2750	FIR	30	
-	2751 2752	FIR FIR	32 24	
1	2753	PINE	14	
	2755	DECD	10	
-	2756 2757	FIR FIR	40 32	
	2758	FIR	32	
	2759	FIR	32	
-	2760 2761	FIR	30 16	
-	2762	FIR	22	
	2763	FIR	36	
-	2764 2765	FIR PINE	52 12	
-	2766	PINE	8	
	2767	DECD	8	
-	2768 2769	PINE FIR	8 22	
-	2769	PINE	16	
]	2771	FIR	16	
-	2772 2773	FIR FIR	14 16	
-	2773	FIR	10	
]	2775	FIR	8	
+	2776 2777	FIR FIR	12 12	
-	2778	FIR	26	
]	2779	FIR	26	
-	2780 2781	FIR BIRCH	30 12	
-	2781	OAK	12	
]	2783	0AK (x3)	14	
4	2784	OAK	18	
-	2785 2786	OAK OAK	10 18	
	2787	OAK	10	
4	2788	OAK	10	
-	2789 2793	OAK OAK	18 24	
	2796	OAK	24	
]	2798	DECD	14	
-	2815 2822	OAK OAK	26 44	
1	2822	OAK	24	REMOVE
]	2824	OAK	26	
-	2825 2826	OAK OAK (x3)	20 16	REMOVE REMOVE
-	2826	OAK (x3) OAK (x2)	16	REMOVE
]	2828	OAK	20	
-	2829 2830	OAK	18 18	
-	2830 2831	OAK OAK	18 18	
	L	-	-	

- 8. QUALITY ASSURANCE. A QUALIFIED ARBORIST SHOULD SUPERVISE PROPER EXECUTION OF THIS PLAN ON-CALL DURING CONSTRUCTION ACTIVITIES THAT COULD ENCROACH ON RETAINED TREES. TREE PROTECTION SITE INSPECTION MONITORING REPORTS SHOULD BE PROVIDED TO THE CLIENT AND CITY FOLLOWING EACH SITE VISIT PERFORMED DURING CONSTRUCTION.
- 9. REASSESSMENT. TREES THAT ARE RETAINED WITH SITE IMPROVEMENT WORK SHOULD BE REASSESSED IN TERMS OF FUTURE HOME PLANS; ADDITIONAL TREE REMOVAL OR ALTERNATIVE TREE PROTECTION MEASURES MAY BE NEEDED.

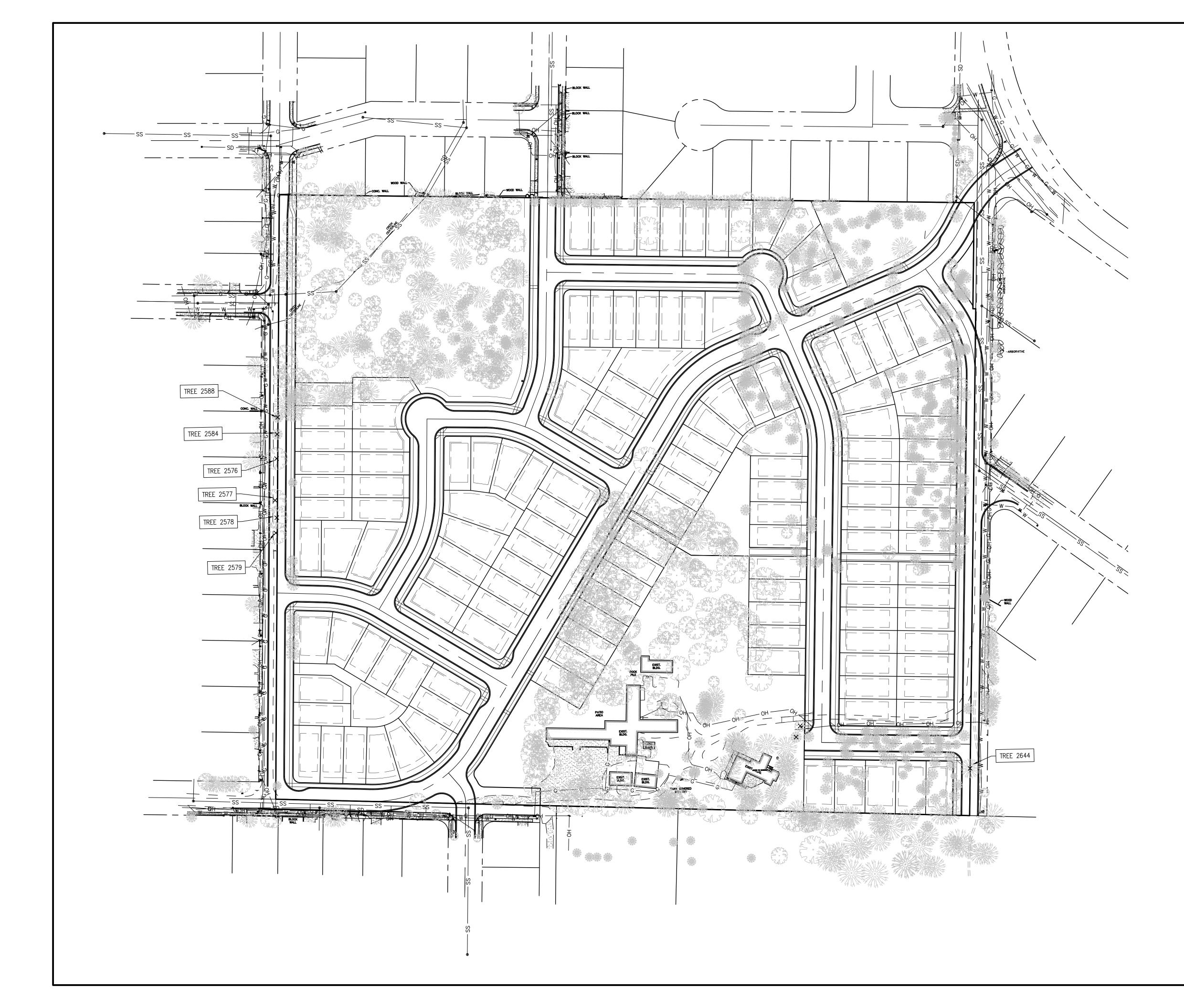
FAIR POOR

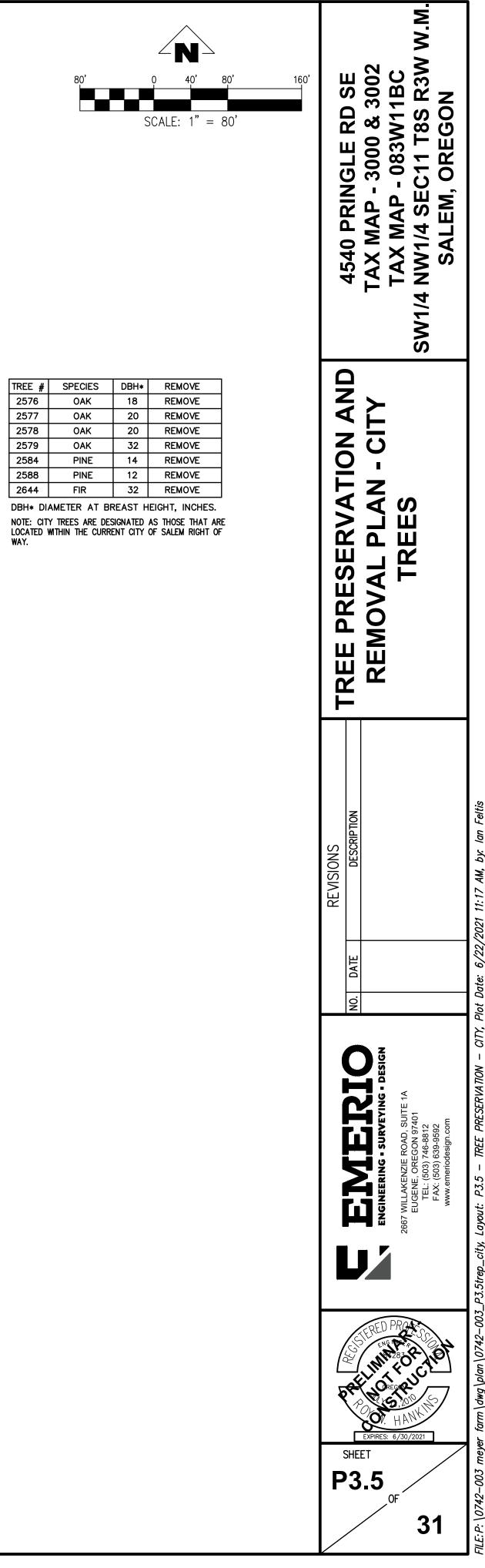
VERY POOR

TREE #	SPECIES	DBH*	REMOVE
2832	OAK	24	REMOVE
2833	OAK (x2)	16	REMOVE
2834	OAK	22	REMOVE
2835	OAK	10	
2836 2837	OAK OAK	30 18	
2838	0AK (x3)	18	
2839	OAK (x2)	12	
2840	OAK	20	
3073	FIR	14	
3074 3075	FIR FIR	14 36	
3075	FIR	26	
3077	FIR	24	
3078	FIR	24	
3079	FIR	24	
3080	FIR	15	
3081	FIR	26	
3082 3083	FIR WALNUT	22 10	
3084	OAK	28	
3085	PINE	9	
3086	FIR	10	
3087	OAK	17	
3088	OAK	22	
3089	OAK (x2)	16	
3092 3093	OAK (x2) OAK	18 22	
3094	OAK	20	
3095	OAK (x3)	14	
3096	OAK	14	
3097	OAK	10	
3098	OAK	10	
3099 3100	OAK (x2) OAK	12 20	
3100	OAK OAK	12	
3102	0AK (x2)	16	
3103	OAK (x2)	12	
3104	OAK	12	
3105	OAK	16	
3106 3107	0AK (x2)	18	
3107 3108	OAK OAK	12 12	
3109	OAK	28	
3110	OAK (x2)	14	REMOVE
3111	OAK	14	
3112	OAK	10	REMOVE
3113	OAK	10	REMOVE
3114 3115	OAK OAK	14 16	REMOVE REMOVE
3116	0AK 0AK (x2)	16	REMOVE
3117	OAK	16	REMOVE
3118	OAK	8	REMOVE
3119	OAK	12	REMOVE
3120	OAK	18	REMOVE
3121	OAK	12	REMOVE
3122 3123	OAK OAK	14 10	REMOVE REMOVE
3124	FIR	30	
3125	OAK	14	
3126	OAK	12	
3127	OAK	12	
3128	FIR	20	
3129	FIR	36	
3130 3131	OAK OAK	12 12	
3132	OAK	12	
3133	OAK	18	
3134	0AK (x2)	22	
3135	OAK	22	
3136 3137	OAK OAK	14 22	
3137	OAK (x2)	22	
3139	OAK	18	
3140	OAK	14	
3141	OAK	22	REMOVE
3142	OAK	20	REMOVE
3143 3144	OAK OAK	20 10	REMOVE REMOVE
3145	OAK	12	REMOVE
3222	OAK	12	
3223	OAK	14	
3224	OAK	16	
3360	OAK	24	
3361 3362	OAK OAK	22 18	
3362	0AK 0AK (x2)	18	
3364	OAK (x2)	18	
3365	OAK (x2)	12	
3401	DECD	8	
3432	PINE	9	
3444	FIR	16	
3445 3446	FIR OAK	24 24	
3440	FIR	24	
3448	FIR	20	
3449	FIR	22	
3450	FIR	36	
5634	FIR	16	
5635	FIR	14	REMOVE

TREE #	SPECIES	DBH*	REMOVE
5636	MADRONA	10	REMOVE
5637	FIR (x2)	14	REMOVE
5638	FIR	16	REMOVE
5639	FIR	14	REMOVE
5640	FIR (x2)	16	REMOVE
5641	FIR	26	REMOVE
5642	FIR	18	REMOVE
5643	FIR	16	REMOVE
5644	FIR	16	REMOVE
5645	FIR	18	REMOVE
5646	FIR	14	REMOVE
5647	FIR	16	REMOVE
5648	CTNWD	18	REMOVE
5649	PINE	10	REMOVE
5650		8	REMOVE
5651	MADRONA	12	REMOVE
5652	PINE	14	REMOVE
5653	PINE	8	REMOVE
5655	PINE	0 12	REMOVE
		12	
5655			REMOVE
5656	PINE	10	REMOVE
5657	PINE	12	REMOVE
5658	PINE	12	REMOVE
5659	FIR	8	REMOVE
5660	PINE	10	REMOVE
5661	PINE	8	REMOVE
5662	PINE	8	REMOVE
5663	PINE	8	REMOVE
5664	ALDER	8	REMOVE
5665	PINE	10	REMOVE
5666	PINE	10	REMOVE
5667	PINE	12	REMOVE
5668	PINE	8	REMOVE
5669	FIR	12	REMOVE
5700	PINE	12	REMOVE
5701	FIR	14	REMOVE
5702	PINE	10	REMOVE
5703	PINE	8	REMOVE
5704	PINE	10	REMOVE
5705	PINE	10	REMOVE
5706	PINE	8	REMOVE
5707	PINE	10	REMOVE
5708	PINE	16	REMOVE
5709	FIR	10	REMOVE
5710	PINE	8	REMOVE
5711	FIR	8	REMOVE
5712	PINE	12	REMOVE
5713	PINE	12	REMOVE
5714	FIR	8	REMOVE
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ERED ENTRES ET	ENGINEERING - SURVEYING - DESIGN			REMOVAL PLAN -	TAX MAP - 3000 & 3002
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2021 3	BEFAAAGEHENTE)NO/RETREGROOD/BY/3212008 TEL: (503) 746-8812				SW1/4 NW1/4 SEC11 T8S R3W W.M
e 7	FAX: (503) 639-9592 www.emeriodesign.com				SALEM, OREGON







LE:P:\0742–003 meyer farm\dwg\plan\0742–003_P4.0pplat_ph1, Layout: P4.0 – TENTATIVE PLAT PH1, Plot Date: 6/22/2021 11:17 AM, by: la

From: Sent: To: Subject: Attachments: Jennifer Arnold Monday, July 12, 2021 10:17 AM 'Geoffrey James A.I.A.' **RE: The Meyer Farm** 26405_report_July 9.pdf

Good morning,

Attached is the Traffic Impact Analysis for the Meyer Farm subdivision proposal. We are still planning to submit this application by the end of the week. Per our previous emails, I committed to sharing this report with you prior to submitting the application. Let me know if you have any questions.

Jennifer



Jennifer Arnold | Senior Land Use Planner **EIMLEIRIO** ENGINEERING • SURVEYING • DESIGN 6445 SW Fallbrook Place, Suite 100, Beaverton, OR 97008 503.746.8812-Main | 541.263.0933- Cell <u>www.emeriodesign.com</u>

From: Geoffrey James A.I.A. <gjamesarchitect@gmail.com> Sent: Monday, June 28, 2021 10:37 AM To: Jennifer Arnold <jarnold@emeriodesign.com> Subject: RE: The Meyer Farm

[External Sender]

Thanks for the response.

The tables are very misleading because they show hundreds of trees being preserved that are not a part of the actual application (123 offsite trees at the perimeter and all of the trees in the area to be preserved, for example). Trees not part of the subdivision application/tree preservation calculation should not be included in the application or survey.

Can you please provide a revised tree preservation table and calculation that shows the actual trees relevant to this subdivision proposal?

Geoffrey James

Geoffrey James A.I.A. Architect Telephone: 503-931-4120 giamesarchitect@gmail.com WWW.GJAMESARCHITECT.COM 4115 Fraser Lane SE, Salem, Oregon 97302

via Newton Mail

On Mon, Jun 28, 2021 at 9:30 AM, Jennifer Arnold <jarnold@emeriodesign.com> wrote:

Hello,

We were advised by the Salem Planning Department to contact the Morningside N.A. as soon as possible, as required by

From:	Jennifer Arnold
Sent:	Friday, July 9, 2021 11:49 AM
То:	Geoffrey James A.I.A.
Subject:	RE: The Meyer Farm
Attachments:	20210617 - Meyer Farm - Stormwater Technical Memorandum.pdf; [3] P3.0 TREE
	PRESERVATION AND REMOVAL PLAN OVERVIEW.pdf; [6] P3.3 TREE PRESERVATION
	AND REMOVAL PLAN - SOUTHWEST.pdf; [7] P3.4 TREE PRESERVATION AND REMOVAL
	PLAN - SOUTHEAST.pdf; [8] P3.5 TREE PRESERVATION AND REMOVAL PLAN - CITY
	TREES.pdf; [4] P3.1 TREE PRESERVATION AND REMOVAL PLAN - NORTHWEST.pdf; [5]
	P3.2 TREE PRESERVATION AND REMOVAL PLAN - NORTHEAST.pdf

Hello,

We have preliminarily completed the stormwater report and the edits to the tree table you requested. Off-site trees were not included in our preservation numbers and are shaded on the table. We have not completed the Traffic Impact Analysis, but I will share it with you once we have a copy. We would like to submit this application by the end of next week but that depends on when we get the traffic study. Let me know if you have any questions.

Jennifer



ENGINEERING - SURVEYING - DESIGN Jennifer Arnold | Senior Land Use Planner 6445 SW Fallbrook Place, Suite 100, Beaverton, OR 97008 503.746.8812-Main | 541.263.0933- Cell <u>www.emerlodesign.com</u>

From: Geoffrey James A.I.A. <gjamesarchitect@gmail.com> Sent: Monday, June 28, 2021 10:37 AM To: Jennifer Arnold <jarnold@emeriodesign.com> Subject: RE: The Meyer Farm

[External Sender]

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Q

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Geoffrey James

Geoffrey James A.I.A. Architect Telephone: 503-931-4120 gjamesarchitect@gmail.com WWW.GJAMESARCHITECT.COM 4115 Fraser Lane SE, Salem, Oregon 97302

From: Sent: To: Subject: Jennifer Arnold Monday, June 28, 2021 10:48 AM Geoffrey James A.I.A. RE: The Meyer Farm

Hello,

I will pass along this request to our arborist and Project Manager. It will likely be included with the other reports you requested that are still in progress.

Jennifer



Jennifer Arnold | Senior Land Use Planner 6445 SW Fallbrook Place, Suite 100, Beaverton, OR 97008 503.746.8812-Main | 541.263.0933- Cell <u>www.emeriodesign.com</u>

From: Geoffrey James A.I.A. <gjamesarchitect@gmail.com>
Sent: Monday, June 28, 2021 10:37 AM
To: Jennifer Arnold <jarnold@emeriodesign.com>
Subject: RE: The Meyer Farm

[External Sender]

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The tables are very misleading because they show hundreds of trees being preserved that are not a part of the actual application (123 offsite trees at the perimeter and all of the trees in the area to be preserved, for example). Trees not part of the subdivision application/tree preservation calculation should not be included in the application or survey.

Can you please provide a revised tree preservation table and calculation that shows the actual trees relevant to this subdivision proposal?

Geoffrey James

Geoffrey James A.I.A. Architect Telephone: 503-931-4120 gjamesarchitect@gmail.com WWW.GJAMESARCHITECT.COM 4115 Fraser Lane SE, Salem, Oregon 97302

via <u>Newton Mail</u>

On Mon, Jun 28, 2021 at 9:30 AM, Jennifer Arnold < jarnold@emeriodesign.com > wrote:

Hello,

We were advised by the Salem Planning Department to contact the Morningside N.A. as soon as possible, as required by SEC 303.310. We have recently finalized the tentative plans, but other reports are still in progress. We would like to submit this application as soon as possible but we do not have a specific date to do so.

From:	Jennifer Arnold
Sent:	Monday, June 28, 2021 9:30 AM
То:	Geoffrey James A.I.A.
Subject:	RE: The Meyer Farm
Attachments:	[4] P3.1 TREE PRESERVATION AND REMOVAL PLAN - NORTHWEST.pdf; [5] P3.2 TREE PRESERVATION AND REMOVAL PLAN - NORTHEAST.pdf; [6] P3.3 TREE PRESERVATION AND REMOVAL PLAN - SOUTHWEST.pdf; [7] P3.4 TREE PRESERVATION AND REMOVAL PLAN - SOUTHEAST.pdf; Neighborhood Contact packet.pdf

Hello,

We were advised by the Salem Planning Department to contact the Morningside N.A. as soon as possible, as required by SEC 303.310. We have recently finalized the tentative plans, but other reports are still in progress. We would like to submit this application as soon as possible but we do not have a specific date to do so.

We have contracted with a traffic engineering firm for a traffic study which includes an analysis of the Pringle/Battle Creek and Hillrose intersection. This study is still in progress.

Our stormwater report is also in progress.

The resolution on the Tree Preservation and Removal sheets included in my initial email are sufficient for our land use submittal and we do not have other versions to provide to the neighborhood association.

We will provide you with final versions of the three reports described above shortly before we submit the application. I have attached the four quadrant tree removal sheets. The oak trees have been assigned a color based on condition after review by the Arborist. The shadow platted area in the 'area to be preserved' is not counted for our tree protection percentage, however the open space tract just north of this area is part of this application for tree preservation. I also updated our initial contact packet to include the applicant's information.

Jennifer



Jennifer Arnold | Senior Land Use Planner 6445 SW Fallbrook Place, Suite 100, Beaverton, OR 97008 503.746.8812-Main | 541.263.0933- Cell www.emeriodesign.com

From: Geoffrey James A.I.A. <gjamesarchitect@gmail.com> Sent: Thursday, June 24, 2021 8:44 AM To: Jennifer Arnold <jarnold@emeriodesign.com> Subject: The Meyer Farm

[External Sender]

Jennifer Arnold Emirio Design Thank you for sending Morningside N.A. preliminary drawings of The Meyer Farm.

In order for our land use and traffic committees to study this proposal please would you send us the following additional information.

- A high resolution PDF of the tree surveyor's survey. We cannot read the details in the low resolution copy provided.
- A copy of the traffic study.
- Infrastructure plans, specifically storm water.
- Offsite street proposed improvements (proposed signalization at corner of Pringle/Battlecreek, which is a dangerous banked turn with poor visibility).

Thank You.

When will you be submitting an application to the City?

Geoffrey James

Geoffrey James A.I.A. Architect Morningside N.A. Land Use Chair Telephone: 503-931-4120 giamesarchitect@gmail.com WWW.GJAMESARCHITECT.COM 4115 Fraser Lane SE, Salem, Oregon 97302

via Newton Mail

From: Sent: To: Subject: **Attachments:** Jennifer Arnold Wednesday, June 23, 2021 11:39 AM sidrakdragon@live.com; geoffreyjames@comcast.net Proposed Subdivision within the Morningside Neighborhood Association Neighborhood Contact packet.pdf

Hello,

Emerio Design represents the applicant for a single-family residential subdivision proposed at 4540 Pringle Road SE in Salem, Oregon. This property is within the Morningside Neighborhood Association boundary, and the attached information is intended to introduce you to the project. I am available to answer any questions you many have regarding this proposal.

Thank you for your time, Jennifer Arnold



 ENGINEERING - SURVEYING - DESIGN
 Jennifer Arnold | Senior Land Use Planner

 6445 SW Fallbrook Place, Suite 100, Beaverton, OR 97008

 503.746.8812-Main | 541.263.0933- Cell www.emeriodesign.com



MEMORANDUM

DATE:	Inly	5	2021
DAIL.	July	э,	2021

TO: Roy Hankins (Emerio)

FROM: Todd Prager, RCA #597, ISA Board Certified Master Arborist

RE: Oak Tree Protection and Removal Recommendations for Meyer Farm

Summary

This report includes tree protection and removal recommendations for 33 Oregon white oaks over 24-inch DBH at the proposed Meyer Farm Subdivision in Salem.

Background

Emerio is designing the proposed Meyer Farm subdivision at 4540 Pringle Road SE in Salem, Oregon. The site consists of a mix of native and non-native trees including Oregon white oaks (*Quercus garryana*) in the northwestern and southern portions of the site.

My assignment for this project was to assess 33 of the Oregon white oaks over 24inches in trunk diameter (DBH), review the proposed subdivision grading plan in Attachment 1, and provide recommendation for tree preservation or removal based on the proposed impacts.

Tree Assessment

On May 24, 2021, I inventoried and assessed 33 Oregon white oaks over 24-inch DBH. The assessed trees are number in red on the proposed grading plan in Attachment 1. A spreadsheet with the tree assessment data is provided in Attachment 2. The inventory spreadsheet lists the tree number, species (common and scientific names), DBH, crown radius, tree health condition, tree structural condition, pertinent comments, and treatment (remove or retain). The tree numbers in the inventory in Attachment 2 correspond to the tree numbers on the proposed subdivision grading plan in Attachment 1.

Tree Removal and Retention Recommendations

The City of Salem defines tree removal as "to cut down a tree or remove 30 percent or more of the crown, trunk, or root system of a tree." The City defines the root system as a "circular area beneath the tree measuring one foot in radius for every one inch of dbh."

After reviewing the proposed construction and grading plan in Attachment 1, five of the assessed Oregon white oaks (trees 2479, 2823, 2832, 3213, and 3228) will be removed. The remaining 28 assessed Oregon white oaks will be retained.

Protection recommendations for the trees to be retained are provided in the next section of this report.

Tree Protection Recommendations

The following site specific tree protection measures are recommended for the 28 assessed Oregon white oaks to be retained:

- *Directional Felling*: Fell the trees to be removed away from the trees to be retained so they do not contact or otherwise damage the trunks or branches of the trees to be retained. No vehicles or heavy equipment should be permitted within the tree protection zones during tree removal operations.
- *Tree Protection Fencing*: Place tree protection fencing in the locations shown in Attachment 1. The tree protection fencing has been carefully located to ensure no more than 30 percent of the assessed trees' root systems are impacted. It may be necessary to have surveyors locate the tree protection fencing with stakes, flagging, or other markings on site to ensure it is accurately placed. Any work within the tree protection zones shall occur under the onsite supervision of the project arborist.
- *Stump Removal*: The stump of tree 2823 shall be flush cut and retained or carefully stump ground to avoid disturbing the root system of tree 2824.
- **Building Demolition**: If any of the existing buildings in the southern area of the site will be demolished, it shall occur under the onsite supervision of the project arborist. Heavy equipment shall be positioned on the existing driveway or gravel areas, or on steel plates if demolition access is needed on non-paved or graveled areas.
- *Modify Grading*: The proposed grading within the root system of trees 3109 and 3217 needs to be modified so it is outside the tree protection zones and not more than 30 percent of their root systems are impacted by grading.
- **Building Footprint Locations**: The building footprints on lots 40, 41, 56, and 57 will need to be designed so they are outside the tree protection zones of the adjacent trees.
- *Excavation Oversight*: The project arborist shall be onsite to oversee the excavation of the building foundations and proper pruning and protection of roots over 2-inches in diameter adjacent to trees 2822, 2824, 3109, and 3217.
- *Construction Access*: Construction foot traffic into the tree protection zones is permitted if steel plates are placed on the ground or a 12-inch layer of woodchips is placed and maintained over geotextile fabric. The purpose of

these measures is to reduce excessive soil compaction from repeated foot traffic. The project arborist shall be consulted to approve tree protection fence adjustments and compaction reduction methods prior to any encroachments into the tree protection zones.

- **Protect Crowns of Trees**: The crowns of the trees may extend beyond the tree protection fencing. Care will need to be taken to not contact or otherwise damage the crowns of the trees during construction or demolition work. If pruning is required, it shall be the minimum necessary to achieve the required clearance. No more than 20 percent of the live crowns should be removed in one growing season. All pruning shall be consistent with ANSI A300 pruning standards.
- **Sediment Fencing**: Sediment fencing shall be installed outside the protection zones of the trees to be retained to minimize root disturbances. If erosion control is required inside the protection zones, straw wattles shall be used on the soil surface.

Additional tree protection recommendations are provided in Attachment 3.

Conclusion

Five or the assessed Oregon white oak trees are recommended for removal due to construction impacts. The remaining 28 assessed Oregon white oak trees to be retained will be protected during construction by adhering to the recommendations in this report. Any change to the tree protection plan should be completed by the project arborist to ensure the trees to be retained are properly protected.

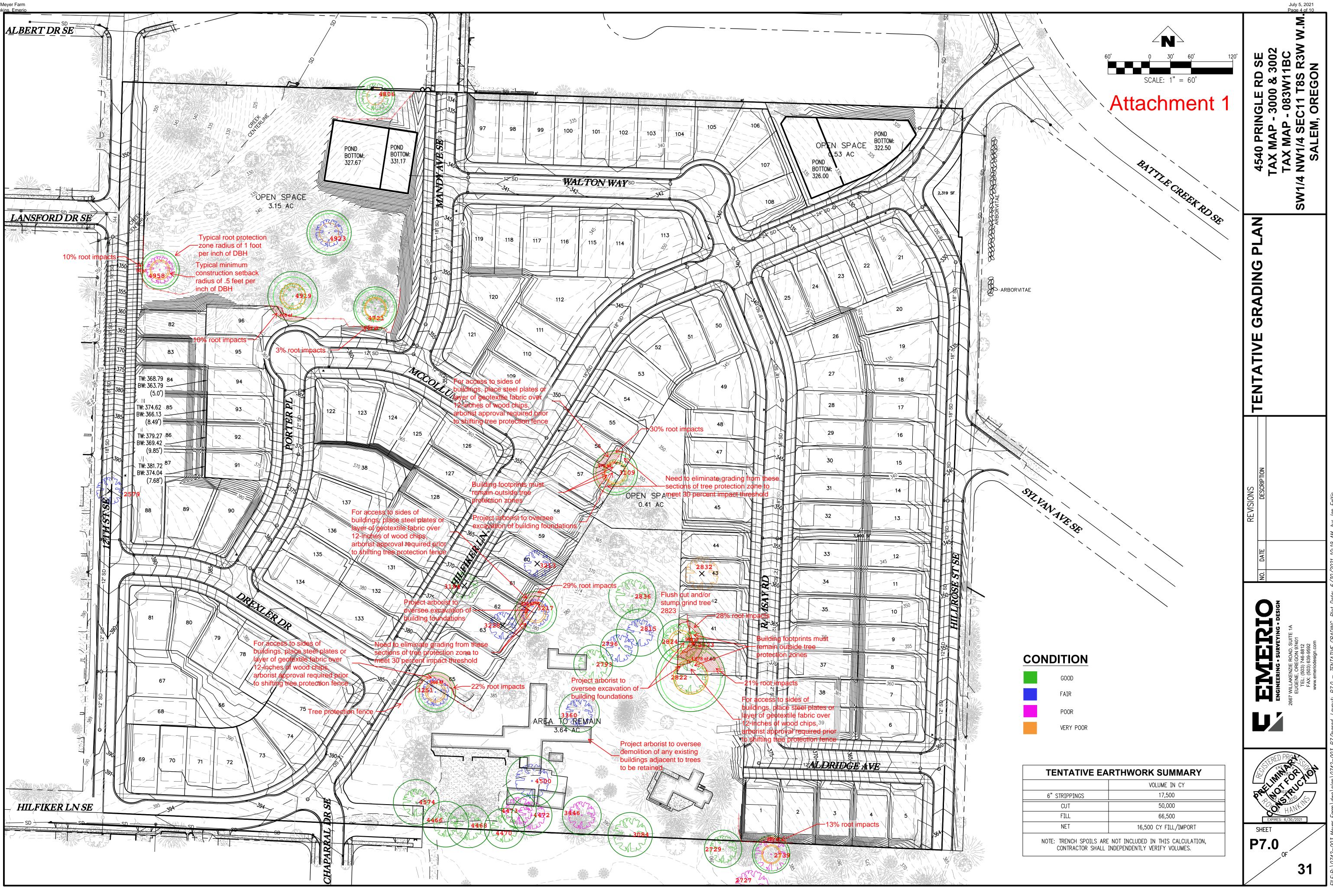
Please contact me if you have questions, concerns, or need any additional information.

Sincerely,

Todd Prager

Todd Prager ASCA Registered Consulting Arborist #597 ISA Board Certified Master Arborist, WE-6723B ISA Qualified Tree Risk Assessor AICP, American Planning Association

Enclosures: Attachment 1 – Grading Plan with Tree Removal and Protection Attachment 2 – Tree Inventory Attachment 3 – Tree Protection Recommendations Attachment 4 – Assumptions and Limiting Conditions





July 5, 2021 Page 5 of 10

Attachment 2

Tree No.	Common Name	Scientific Name	DBH1	C-Rad ²	Condition ³	Structure	Comments	Treatment
2579	Oregon white oak	Quercus garryana	38	39	fair	fair	large scaffold branch failure with large wound at lower trunk, scaffold branch failures in upper crown	remove
2727	Oregon white oak	Quercus garryana	48	25	poor	poor	large scaffold and codominant branch failures, moderately thin crown, offsite	retain
2729	Oregon white oak	Quercus garryana	27	27	good	fair	one sided, leans south, offsite	retain
2739	Oregon white oak	Quercus garryana	27	28	poor	poor	overtopped by adjacent trees, suppressed, significant branch dieback and failures	retain
2793	Oregon white oak	Quercus garryana	28	29	good	good		retain
2796	Oregon white oak	Quercus garryana	27	45	fair	fair	moderately thin upper crown, significant lean south, history of branch failures	retain
2815	Oregon white oak	Quercus garryana	34	30	fair	poor	multiple leaders at 4', extensive scaffold branch failures	retain
2822	Oregon white oak	Quercus garryana	50	28	good	fair	multiple leaders at 5'	retain
2823	Oregon white oak	Quercus garryana	32	30	good	fair	one sided, multiple leaders at 15'	remove
2824	Oregon white oak	Quercus garryana	33	34	good	fair	moderately one sided, upright leaders with included bark	retain
2832	Oregon white oak	Quercus garryana	30	0	very poor	very poor	failed at root crown	remove
2836	Oregon white oak	Quercus garryana	34	29	good	fair	codominant at 6' with included bark, multiple overextended leaders	retain
3084	Oregon white oak	Quercus garryana	32	25	good	fair	dead and failed branches up to 8" diameter	retain
3109	Douglas-fir	Pseudotsuga menziesii	32	26	good	fair	moderately one sided	retain
3194	Oregon white oak	Quercus garryana	27	32	good	fair	one sided, leans west	retain
3213	Oregon white oak	Quercus garryana	42	32	fair	fair	multiple leaders at 3', significant upper branch failures	remove

Teragan Associates, Inc. 3145 Westview Circle • Lake Oswego, OR 97034 Phone: 971.295.4835 • Fax: 503.697.1976 Email: todd@teragan.com • Website: teragan.com



July 5, 2021 Page 6 of 10

Attachment 2

Tree No.	Common Name	Scientific Name		C-Rad ²	Condition ³	Structure	Comments	Treatment
3217	Oregon white oak	Quercus garryana	30	42	fair	fair	significant branch failures, stem connected with adjacent trees, long overextended leaders	retain
3228	Oregon white oak	Quercus garryana	34	30	fair	fair	significant heartrot at lower trunk, codominant at 4.5'	remove
3251	Oregon white oak	Quercus garryana	29	30	fair	fair	one sided, moderate branch dieback, stem connected with adjacent trees	retain
3360	Oregon white oak	Quercus garryana	29	35	good	fair	one sided, leans south, codominant at 6' with included bark	retain
3446	Oregon white oak	Quercus garryana	28	29	poor	poor	one sided, significant lean, thin crown, large branch failures	retain
4466	Oregon white oak	Quercus garryana	33	32	good	fair	large pruning wounds at lower trunk, significant lean south over high voltage lines, compacted gravel on north side	retain
4468	Oregon white oak	Quercus garryana	31	26	good	fair	one sided, leans south, long overextended codominant leader at 10'	retain
4470	Oregon white oak	Quercus garryana	29	22	good	fair	significant lean south, one sided	retain
4472	Oregon white oak	Quercus garryana	29	25	poor	poor	thin crown with significant branch dieback and failures	retain
4473	Oregon white oak	Quercus garryana	25	11	poor	poor	significant crown dieback, conks at Iower trunk	retain
4500	Oregon white oak	Quercus garryana	37	36	fair	fair	moderately thin crown, compaction in root zone, branch dieback and failures	retain
4574	Oregon white oak	Quercus garryana	33	27	good	fair	one sided, branch failures up to 5" diameter	retain
4721	Oregon white oak	Quercus garryana	31	40	good	fair	one sided, connected to adjacent stem	retain

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Attachment 2

Tree No.	Common Name	Scientific Name	DBH ¹	C-Rad ²	Condition ³	Structure	Comments	Treatment	
4806	Oregon white oak	Quercus garryana	28	30	good	fair	moderately one sided, long overextended leaders	retain	
4919	Oregon white oak	Quercus garryana	36	17	good	fair	one sided, extensive ivy	retain	
4923	Oregon white oak	Quercus garryana	32	20	fair	fair	extensive ivy, 25% live crown ratio	retain	
4958	Oregon white oak	Quercus garryana	28	15	poor	poor	smothered by ivy	retain	
¹ DBH is the	¹ DBH is the trunk diameter in inches measured per City of Salem standards.								
² C-Rad is the approximate crown radius in feet.									
³ Condition and Structure ratings range from very poor, poor, fair, to good.									

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Attachment 3 Tree Protection Recommendations

The following recommendations will help to ensure that the trees to be retained are adequately protected:

Before Construction Begins

- 1. Notify all contractors of the tree protection procedures. For successful tree protection on a construction site, all contractors must know and understand the goals of tree protection.
 - a. Hold a tree protection meeting with all contractors to explain goals of tree protection.
 - b. Have all contractors sign memoranda of understanding regarding the goals of tree protection. The memoranda should include a penalty for violating the tree protection plan. The penalty should equal the appraised value of the tree(s) within the violated tree protection zone per the current Trunk Formula Method as outlined in the current edition of the *Guide for Plant Appraisal* plus any resulting fines by government agencies.
 - c. The penalty should be paid to the owner of the property.
- 2. Fencing
 - a. Establish fencing around each tree or group of trees to be retained.
 - b. The fencing should be put in place before the ground is cleared to protect the trees and the soil around the trees from disturbances.
 - c. Fencing should be established by the project arborist based on the needs of the trees to be protected and to facilitate construction.
 - d. Fencing should consist of 4-foot high steel fencing on anchored stands or 4-foot metal fencing secured to the ground with 6-foot metal posts to prevent it from being moved by contractors, sagging, or falling down.
 - e. Fencing should remain in the position that is established by the project arborist and not be moved without approval from the project arborist until final project approval.
- 3. Signage
 - a. All tree protection fencing should provided signage so that all contractors understand the purpose of the fencing.
 - b. Signage should be placed on every other fence panel.

During Construction

- 1. Protection Guidelines Within the Tree Protection Zones
 - a. No traffic should be allowed within the tree protection zones. This includes but is not limited to vehicle, heavy equipment, or even repeated foot traffic.
 - b. No storage of materials including but not limiting to soil, construction material, or waste from the site should be permitted within the tree protection zones. Waste includes but is not limited to concrete wash out, gasoline, diesel, paint, cleaner, thinners, etc.
 - c. Construction trailers should not to be parked/placed within the tree protection zones.
 - d. No vehicles should be allowed to park within the tree protection zones.
 - e. No activity should be allowed that will cause soil compaction within the tree protection zones.
- 2. The trees should be protected from any cutting, skinning or breaking of branches, trunks or woody roots.
- 3. The project arborist should be notified prior to the cutting of woody roots from trees that are to be retained to evaluate and oversee the proper cutting of roots with sharp cutting tools. Cut roots should be immediately covered with soil or mulch to prevent them from drying out.
- 4. No grade changes should be allowed within the tree protection zones.
- 5. Trees that have woody roots cut should be provided supplemental water during the summer months.
- 6. Any necessary passage of utilities through the tree protection zones should be by means of tunneling under woody roots by hand digging or boring with oversight by the project arborist.
- 7. Any deviation from the recommendations in this section should receive prior approval from the project arborist.

After Construction

- 1. Carefully landscape the areas within the tree protection zones. Do not allow trenching for irrigation or other utilities within the tree protection zones.
- 2. Carefully plant new plants within the tree protection zones. Avoid cutting the woody roots of trees that are retained.
- 3. Do not install permanent irrigation within the tree protection zones unless it is drip irrigation to support a specific planting or the irrigation is approved by the project arborist.
- 4. Provide adequate drainage within the tree protection zones and do not alter soil hydrology significantly from existing conditions for the trees to be retained.
- 5. Provide for the ongoing inspection and treatment of insect and disease populations that are capable of damaging the retained trees and plants.
- 6. The retained trees may need to be fertilized if recommended by the project arborist.
- 7. Any deviation from the recommendations in this section should receive prior approval from the project arborist.

Attachment 4 Assumptions and Limiting Conditions

- 1. Any legal description provided to the consultant is assumed to be correct. The site plans and construction information provided by Emerio was the basis of the information provided in this report.
- 2. It is assumed that this property is not in violation of any codes, statutes, ordinances, or other governmental regulations.
- 3. The consultant is not responsible for information gathered from others involved in various activities pertaining to this project. Care has been taken to obtain information from reliable sources.
- 4. Loss or alteration of any part of this delivered report invalidates the entire report.
- 5. Drawings and information contained in this report may not be to scale and are intended to be used as display points of reference only.
- 6. The consultant's role is only to make recommendations. Inaction on the part of those receiving the report is not the responsibility of the consultant.
- 7. The purpose of this report was to assess 33 of the Oregon white oaks over 24inches in DBH, review the proposed subdivision grading plan in Attachment 1, and provide recommendation for tree preservation or removal based on the proposed impacts.



MEMORANDUM

DATE: August 31, 2021

TO: Roy Hankins (Emerio)

FROM: Todd Prager, RCA #597, ISA Board Certified Master Arborist

RE: Tree Assessment at Meyer Farm

Summary

This report includes a summary of trees that have fallen, died, or been removed since the initial survey for the Meyer Farm site.

Background

Emerio is designing the proposed Meyer Farm subdivision at 4540 Pringle Road SE in Salem, Oregon. The survey of existing trees at the site occurred in 2019, and many trees in Salem have been lost since that time due in part to a catastrophic ice storm in February 2021.

My assignment for this project was to visit the site, assess trees shown as 10-inch DBH or greater in Attachment 1, and provide a list of the fallen, dead, and removed trees.

Tree Assessment

On August 26, 2021, I visited the Meyer Farm Subdivision site to identify trees that have fallen, died, or been removed since the initial survey. During my site visit I assessed 63 trees that had significant health or structural issues. The inventory of these trees is provided in Attachment 1 and includes the tree number, species (common and scientific names), comments, and notations of fallen, dead, or removed trees. Attachment 2 is the tree plan with the highlighted locations of the 63 trees. Table 1 is a summary of assessment.

Summing of Functi, Deud, und Remov				
Tree Condition	Number of Trees			
Fallen	6			
Dead	24			
Removed	4			
Total	34			

Table 1: Summary of Fallen, Dead, and Removed Trees

Teragan & Associates, Inc. 3145 Westview Circle • Lake Oswego, OR 97034 Phone: 971.295.4835 • Fax: 503.697.1976 Email: todd@teragan.com • Website: teragan.com As shown in Table 1, a total of 34 trees are fallen, dead, or removed. The remaining 29 of 63 trees that I assessed had significant health and/or structural issues but were still standing and alive.

Conclusion

A total of 34 assessed trees are fallen, dead, or removed at the Meyer Farm site. The remaining 29 of 63 assessed trees had significant health and/or structural issues but were still standing and alive.

Please contact me if you have questions, concerns, or need any additional information.

Sincerely,

Todd Prager

Todd Prager ASCA Registered Consulting Arborist #597 ISA Board Certified Master Arborist, WE-6723B ISA Qualified Tree Risk Assessor AICP, American Planning Association

Enclosures: Attachment 1 – Inventory of Assessed Trees Attachment 2 – Site Map with Assessed Trees Highlighted



Attachment 2

Tree No.	Common Name	Scientific Name	Comments	Removed	Fallen Over	Dead
1070	Develop fin	De su de terre en se se sis si	topped for overhead high voltage lines			
1678	Douglas-fir	Pseudotsuga menziesii	with extensive decay at 15'			
1700	ponderosa pine	Pinus ponderosa	broken top at 30'			
1790	Douglas-fir	Pseudotsuga menziesii	dead, failed at 25'			х
2623	ponderosa pine	Pinus ponderosa	lost top at 30'			
2625	ponderosa pine	Pinus ponderosa	lost top at 20'			
2627	ponderosa pine	Pinus ponderosa	lost top at 20', dead			х
2629	ponderosa pine	Pinus ponderosa	lost top at 15', dead			х
2635	ponderosa pine	Pinus ponderosa	lost top at 20'			
2636	ponderosa pine	Pinus ponderosa	lost top at 20'			
2640	ponderosa pine	Pinus ponderosa	lost top at 20', dead			х
2641	ponderosa pine	Pinus ponderosa	lost top at 20', dead			х
2642	ponderosa pine	Pinus ponderosa	lost top at 20'			
2647	ponderosa pine	Pinus ponderosa	dead, lost top at 30'			х
2648	ponderosa pine	Pinus ponderosa	dead, lost top at 30'			х
2649	ponderosa pine	Pinus ponderosa	dead, lost top at 25'			х
2659	ponderosa pine	Pinus ponderosa	lost top at 40'			
2660	ponderosa pine	Pinus ponderosa	dead, fallen over		х	
2661	ponderosa pine	Pinus ponderosa	lost top at 20'			
2662	ponderosa pine	Pinus ponderosa	stump	х		
2663	ponderosa pine	Pinus ponderosa	lost top at 25'			
2664	ponderosa pine	Pinus ponderosa	lost top at 25'			
2666	ponderosa pine	Pinus ponderosa	lost top at 30'			
2692	ponderosa pine	Pinus ponderosa	lost top at 25'			
2696	ponderosa pine	Pinus ponderosa	lost top at 25'			
2727	Oregon white oak	Quercus garryana	large scaffold and codominant branch failures, moderately thin crown			

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Attachment 2

Tree No.	Common Name	Scientific Name	Comments	Removed	Fallen Over	Dead
			overtopped by adjacent trees,			
2739	Oregon white oak	Quercus garryana	suppressed, significant branch dieback			
			and failures			
2832	Oregon white oak	Quercus garryana	dead, fallen over		x	
3157	Oregon white oak	Quercus garryana	top failed			
3181	Oregon white oak	Quercus garryana	extensive branch failures			
3242	Oregon white oak	Quercus garryana	extensive branch failures			
2446	Oregon white ook		one sided, significant lean, thin crown,			
3446	Oregon white oak	Quercus garryana	large branch failures			
4463	grand fir	Abies grandis	dead			х
4464	grand fir	Abies grandis	dead, stump	х		
4465	grand fir	Abies grandis	dead, stump	х		
4466	grand fir	Abies grandis	dead, stump	х		
4470	One can white each	0	thin crown with significant branch			
4472	Oregon white oak	Quercus garryana	dieback and failures			
4470		2	significant decay at lower trunk with			
4473	Oregon white oak	Quercus garryana	fungal fruiting bodies			
4591	black walnut	Juglans nigra	extensive dieback			
4505			top failed at 15' above ground with			
4595	grand fir	Abies grandis	significant decay			
4760	Oregon white oak	Quercus garryana	fallen over		x	
4762	Oregon white oak	Quercus garryana	fallen over		х	
4765			species unknown, dead, smothered by			
4765	deciduous		ivy			Х
4770		2	significan branch failures, significant			
4778	Oregon white oak	Quercus garryana	ivy growth			
4782	red alder	Alnus rubra	dead, fallen over, covered with ivy		х	
4783	Douglas-fir	Pseudotsuga menziesii	dead, smothered by ivy			х

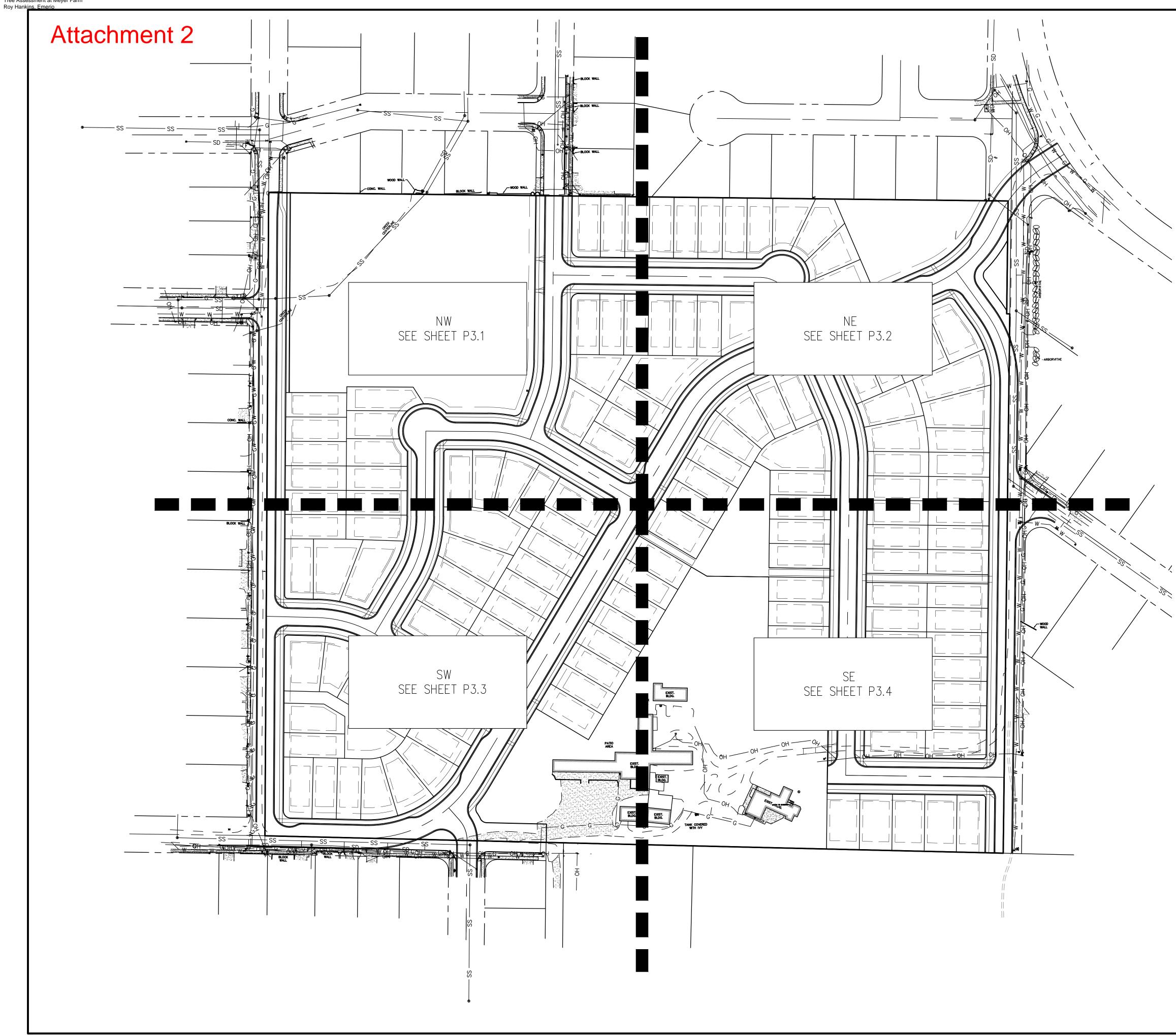
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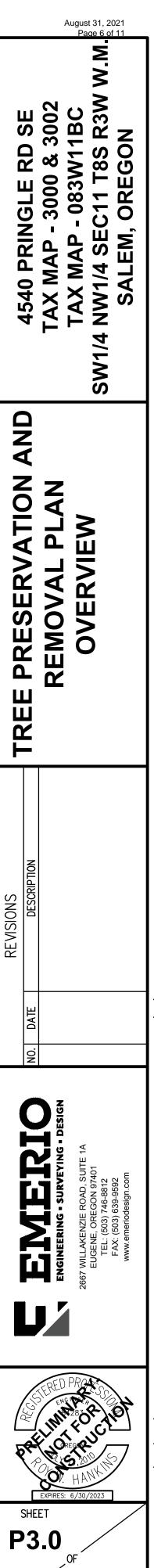


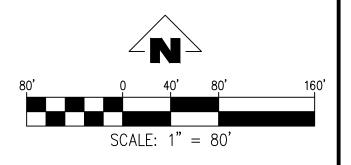
Attachment 2

Tree No.	Common Name	Scientific Name	Comments	Removed	Fallen Over	Dead
4784	Douglas-fir	Pseudotsuga menziesii	dead, smothered by ivy			х
4785	Douglas-fir	Pseudotsuga menziesii	dead, smothered by ivy			х
4813	Douglas-fir	Pseudotsuga menziesii	dead			х
4922	Oregon white oak	Quercus garryana	dead			х
4942	Douglas-fir	Pseudotsuga menziesii	dead			х
4946	Douglas-fir	Pseudotsuga menziesii	dead			х
4958	Oregon white oak	Quercus garryana	smothered by ivy			
5028	grand fir	Abies grandis	dead			х
5029	grand fir	Abies grandis	dead			х
5626	grand fir	Abies grandis	dead top			
5645	grand fir	Abies grandis	dead			х
5655	Scots pine	Pinus sylvestris	significant crown thinning			
5678	grand fir	Abies grandis	dead			х
5679	Scots pine	Pinus sylvestris	dead			х
5686	Douglas-fir	Pseudotsuga menziesii	dead top			
5751	Scots pine	Pinus sylvestris	dead, failed at 8'		х	
5791	Douglas-fir	Pseudotsuga menziesii	dead			х
5793	Scots pine	Pinus sylvestris	dead			х

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TREE PROTECTION SPECIFICATIONS

- PRECONSTRUCTION CONFERENCE. PRIOR TO THE START OF CONSTRUCTION ACTIVITY, THE CONTRACTOR SHALL COORDINATE WITH THE PROJECT ARBORIST IN A TIMELY MANNER TO REVIEW THE TREE PROTECTION PLAN, VERIFY THAT TREES TO BE RETAINED ARE IDENTIFIED WITH NUMBERED TAGS ON THE GROUND, AND TO INSPECT AND VERIFY THE INSTALLATION OF TREE PROTECTION MEASURES.
- 2. FENCING. TREES TO REMAIN ON SITE SHALL BE PROTECTED BY INSTALLATION OF TREE PROTECTION FENCING AS DEPICTED ON SITE PLANS IN ORDER TO PREVENT INJURY TO TREE TRUNKS OR ROOTS, OR SOIL COMPACTION WITHIN THE ROOT PROTECTION AREA. FENCES SHALL BE A MINIMUM 6-FOOT HIGH 2-INCH CHAIN LINK MESH SECURED TO METAL POSTS DRIVEN INTO THE GROUND. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH THE PROJECT ARBORIST PRIOR TO OPENING, ADJUSTING OR REMOVING TREE PROTECTION FENCING.

3. TREE PROTECTION ZONE. WITHOUT AUTHORIZATION FROM THE PROJECT ARBORIST, NONE OF THE FOLLOWING SHALL OCCUR BENEATH THE DRIPLINE OF ANY PROTECTED TREE:

- a) GRADE CHANGE OR CUT AND FILL;
- b) NEW IMPERVIOUS SURFACES;
- c) UTILITY OR DRAINAGE FIELD PLACEMENT;
- d) STAGING OR STORAGE OF MATERIALS AND EQUIPMENT; OR
- e) VEHICLE MANEUVERING.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING THE PROJECT ARBORIST IN A TIMELY MANNER PRIOR TO WORKING BENEATH PROTECTED TREE DRIPLINES. ROOT PROTECTION ZONES MAY BE ENTERED FOR TASKS LIKE SURVEYING, MEASURING AND SAMPLING. FENCES MUST BE CLOSED UPON COMPLETION OF THESE TASKS.
- 4. TREE AND STUMP REMOVAL. TREES TO BE REMOVED SHALL BE CLEARLY IDENTIFIED WITH TREE-MARKING PAINT OR OTHER METHODS APPROVED IN ADVANCE BY THE PROJECT ARBORIST. PROTECTION FENCING MAY BE TEMPORARILY OPENED IN TRACT B FOR REMOVAL OF TREES #6654 AND #6655, IN THE REAR OF LOT 3 FOR REMOVAL OF TREE #6248 AND #6375, IN THE REAR OF LOT 9 FOR REMOVAL OF TREE #50316 AND IN THE REAR OF LOT 10 FOR REMOVAL OF TREES #50398 AND #50399. WITHIN TREE PROTECTION ZONES, TREE REMOVAL SHALL BE PERFORMED WITH HAND TOOLS ONLY AND TREES SHALL BE DIRECTIONALLY FELLED OR SURGICALLY REMOVED TO AVOID DAMAGE TO REMAINING NEARBY TREES. THE STUMPS OF THESE PARTICULAR TREES SHALL REMAIN IN THE GROUND, BE REMOVED APPROXIMATELY 6–INCHES BELOW THE GROUND SURFACE USING A STUMP GRINDER, OR ELSE EXTRACTED FROM THE GROUND UNDER ARBORIST SUPERVISION.

5. PRUNING. PRUNING MAY BE NEEDED TO PROVIDE OVERHEAD CLEARANCE AND TO REMOVE DEAD AND DEFECTIVE BRANCHES FOR SAFETY. THE PROJECT ARBORIST CAN HELP IDENTIFY WHERE PRUNING IS NECESSARY ONCE TREES RECOMMENDED FOR REMOVAL HAVE BEEN REMOVED AND THE SITE IS PREPARED FOR CONSTRUCTION. TREE REMOVAL AND PRUNING SHALL BE PERFORMED BY A QUALIFIED TREE SERVICE.

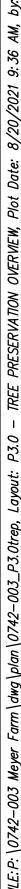
6. EXCAVATION AND ROOT PRUNING. EXCAVATION BENEATH PROTECTED TREE DRIPLINES SHALL BE AVOIDED IF ALTERNATIVES ARE AVAILABLE. IF EXCAVATION IS UNAVOIDABLE, THE PROJECT ARBORIST SHALL EVALUATE THE PROPOSED EXCAVATION TO DETERMINE METHODS TO MINIMIZE IMPACTS TO TREES. ROOT PRUNING SHALL BE DIRECTED AND DOCUMENTED BY THE PROJECT ARBORIST.

7. LANDSCAPING. FOLLOWING CONSTRUCTION AND WHERE LANDSCAPING IS DESIRED, APPLY APPROXIMATELY 3-INCHES OF MULCH BENEATH THE DRIPLINE OF PROTECTED TREES IN A MINIMUM 5-FOOT RADIUS AROUND TREE TRUNKS; DO NOT PILE MULCH DIRECTLY AGAINST TREE TRUNKS. SHRUBS AND GROUND COVER PLANTS MAY BE PLANTED WITHIN THE GRASS-FREE MULCH RINGS. IF IRRIGATION IS USED, USE DRIP IRRIGATION OR LOW FLOW EMITTERS INSTALLED AT NATIVE GRADE (NO TRENCHING) ONLY BENEATH THE DRIPLINES OF PROTECTED TREES. LANDSCAPING SHALL BE PERFORMED BY HAND AND WITH HAND TOOLS ONLY BENEATH PROTECTED TREE DRIPLINES; ADJUST THE LOCATION OF PLANTS TO AVOID TREE ROOT IMPACTS.

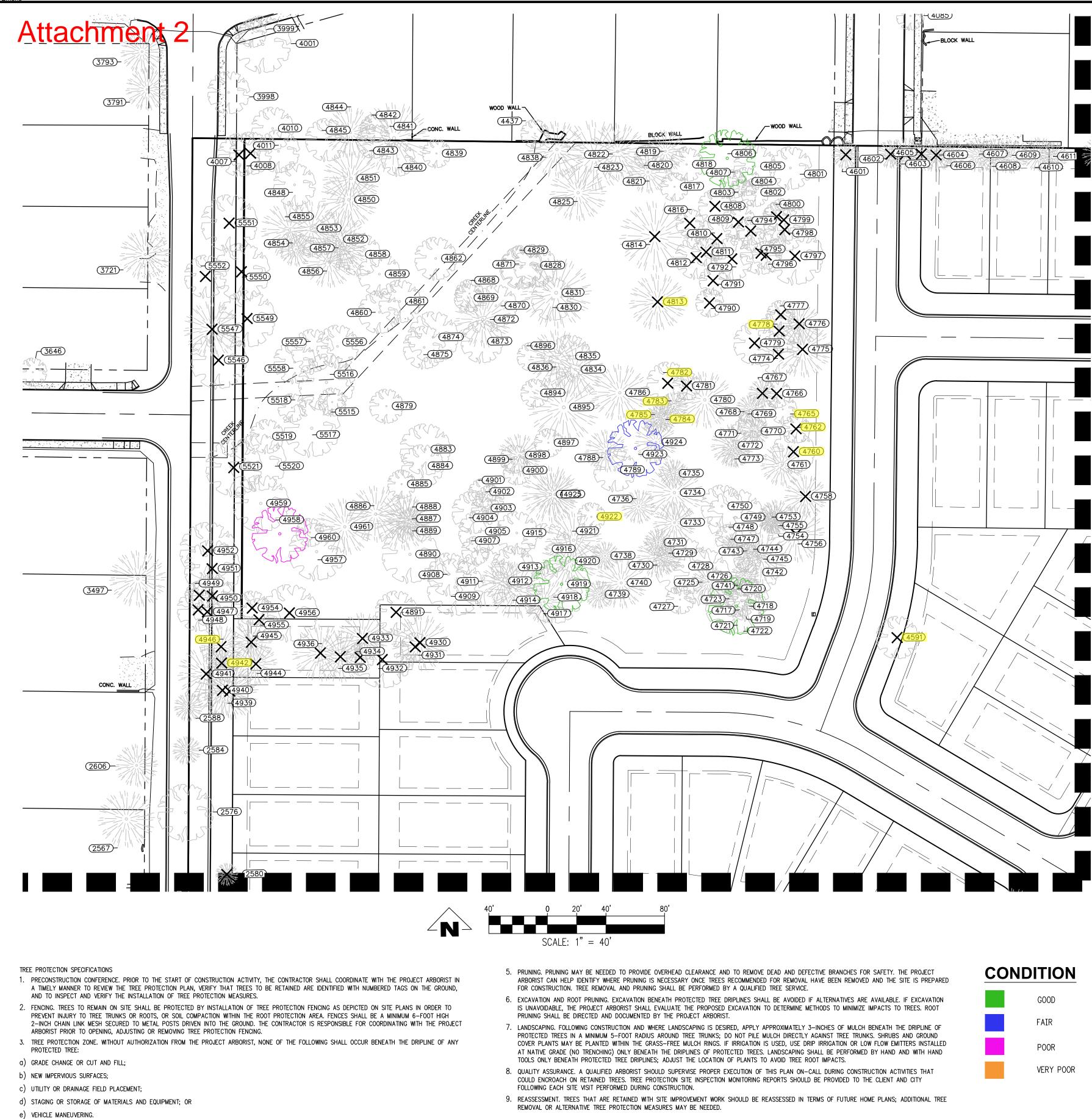
8. QUALITY ASSURANCE. A QUALIFIED ARBORIST SHOULD SUPERVISE PROPER EXECUTION OF THIS PLAN ON-CALL DURING CONSTRUCTION ACTIVITIES THAT COULD ENCROACH ON RETAINED TREES. TREE PROTECTION SITE INSPECTION MONITORING REPORTS SHOULD BE PROVIDED TO THE CLIENT AND CITY FOLLOWING EACH SITE VISIT PERFORMED DURING CONSTRUCTION.

9. REASSESSMENT. TREES THAT ARE RETAINED WITH SITE IMPROVEMENT WORK SHOULD BE REASSESSED IN TERMS OF FUTURE HOME PLANS; ADDITIONAL TREE REMOVAL OR ALTERNATIVE TREE PROTECTION MEASURES MAY BE NEEDED.

TREE PRES	SERVATION
PROPOSED PLAN	NUMBER OF TREES
ONSITE TREES REMOVED	469
ONSITE SIGNIFICANT TREES REMOVED	5
TOTAL TREES REMOVED	474
ONSITE TREES PRESERVED	205
TOTAL ONSITE TREES (INCLUDING SIGNIFICANT)	679
PERCENTAGE OF TREES PRESERVED	30.19%



32



THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING THE PROJECT ARBORIST IN A TIMELY MANNER PRIOR TO WORKING BENEATH PROTECTED TREE DRIPLINES. ROOT PROTECTION ZONES MAY BE ENTERED FOR TASKS LIKE SURVEYING, MEASURING AND SAMPLING. FENCES MUST BE CLOSED UPON COMPLETION OF THESE TASKS.

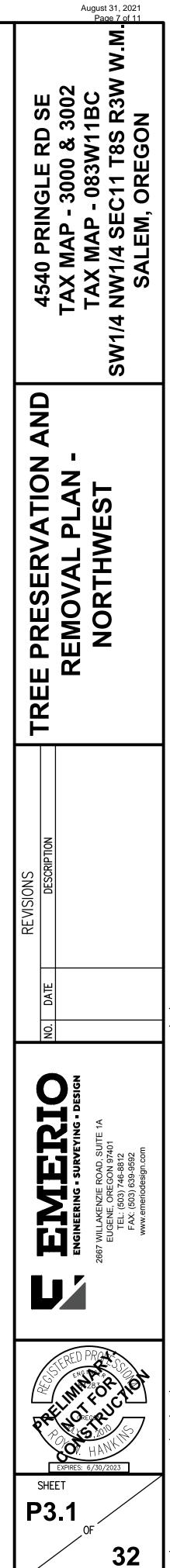
4. TREE AND STUMP REMOVAL. TREES TO BE REMOVED SHALL BE CLEARLY IDENTIFIED WITH TREE-MARKING PAINT OR OTHER METHODS APPROVED IN ADVANCE BY THE PROJECT ARBORIST. PROTECTION FENCING MAY BE TEMPORARILY OPENED IN TRACT B FOR REMOVAL OF TREES #6654 AND #6655, IN THE REAR OF LOT 3 FOR REMOVAL OF TREE #6248 AND #6375, IN THE REAR OF LOT 9 FOR REMOVAL OF TREE #50316 AND IN THE REAR OF LOT 10 FOR REMOVAL OF TREES #50398 AND #50399. WITHIN TREE PROTECTION ZONES, TREE REMOVAL SHALL BE PERFORMED WITH HAND TOOLS ONLY AND TREES SHALL BE DIRECTIONALLY FELLED OR SURGICALLY REMOVED TO AVOID DAMAGE TO REMAINING NEARBY TREES. THE STUMPS OF THESE PARTICULAR TREES SHALL REMAIN IN THE GROUND, BE REMOVED APPROXIMATELY 6-INCHES BELOW THE GROUND SURFACE USING A STUMP GRINDER, OR ELSE EXTRACTED FROM THE GROUND UNDER ARBORIST SUPERVISION.

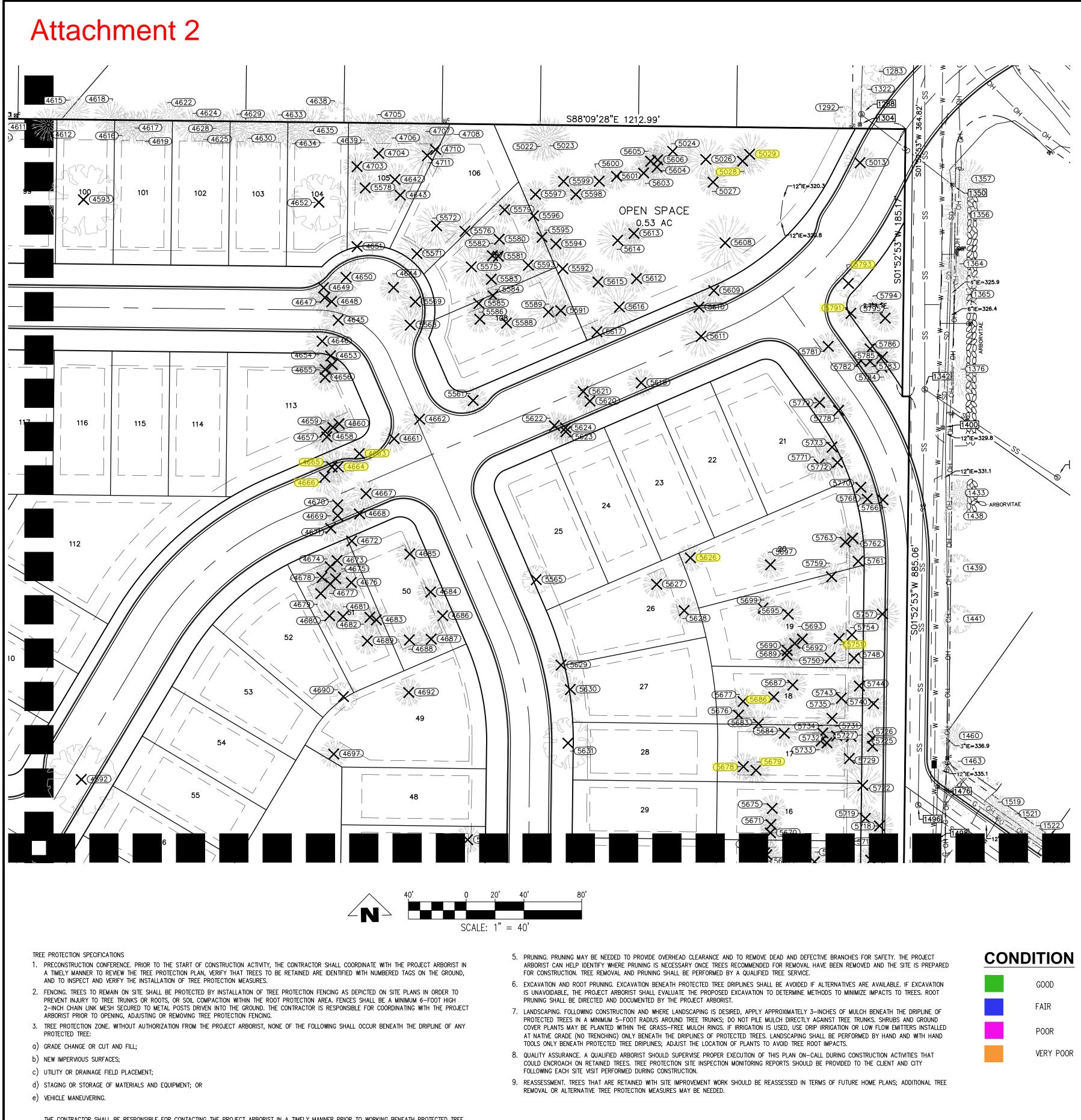
TREE # 2567	SPECIES CEDAR	DBH*	REMOVE
2576	OAK	18	
2580	FIR	12	
2584	PINE	14	
2588	PINE	12	
2606	PINE	24	
3497	FIR	30	
3646	DECD	12	
3721 3791	FIR FIR	24 20	
3793	FIR	20	
3998	OAK	16	
4001	OAK	20	
4007	OAK	16	REMOVE
4008	OAK	10	REMOVE
4010	OAK	14	
4011		12	
4437	MAPLE WALNUT	16 22	REMOVE
4591 4601	FIR (x2)	12	REMOVE REMOVE
4602	FIR	14	REMOVE
4603	FIR	22	REMOVE
4604	FIR	15	REMOVE
4605	FIR	15	REMOVE
4606	FIR	14	
4607	FIR	18	
4608	FIR	18	
4609	FIR	14	
4610	FIR	16	
4611	FIR	10	
4711	FIR	18	
4717	OAK	10	
4718	OAK	16	
4719	OAK	10	
4720	OAK	10	
4721	OAK	28	
4722	OAK	18	
4723	OAK	10	
4725	FIR	12	
4726	OAK	22	
4727		12	
4728	0AK (x2)	18	
4729	FIR	14	
4730	FIR	22	
4731	FIR	12	
4777	EID	26	
4733 4734	FIR	26 36	
4735	FIR	10	
4736	FIR	10	
4730	FIN		
4738	FIR	12	
4739	FIR	12	
4740	FIR	28	
4741	FIR	12	
4742	0AK (x3)	14	
4743	OAK	10	
4744	FIR	12	
4745	FIR	20	
4747	DECD	10	
4748	DECD (x2)	18	
4749	OAK	22	
4750	OAK	20	
4753	FIR	16	
4754	FIR	12	
4755	FIR	20	
4756	FIR	22	REMOVE
47			
4758	FIR	24	REMOVE
4700			
4760	0AK (x2)	16	REMOVE
4761	FIR OAK (x3)	26 12	REMOVE
4762	0AK (x3)		REMOVE
4765	0AK (x2)	12	
4765	OAK (x2) OAK (x2)	12	REMOVE
4767	FIR	16	REMOVE
4767	FIR	12	
4768		12	
4769	FIR	14	
4770		14	
4772	FIR	20	
4773	FIR	16	
4774		16	REMOVE
4775	FIR (x2)	16	REMOVE
4776	FIR (x2) FIR	20	REMOVE
4777	OAK	14	REMOVE
4778	0AK 0AK (x2)	14	REMOVE
4779		12	REMOVE
4780	FIR	26	
	OAK	12	REMOVE
4781		1 14	

TREE #	SPECIES	DBH*	REMOVE
4782	ALDER	10	REMOVE
4783	FIR	12	
4784	FIR	12	
4785 4786	FIR FIR	12 20	
4788	FIR	14	
4789	ALDER	10	
4790 4791	OAK OAK	14 16	REMOVE REMOVE
4792	OAK (x2)	14	REMOVE
4794	OAK	14	REMOVE
4795 4796	OAK OAK	18 12	REMOVE REMOVE
4797	OAK	18	REMOVE
4798	OAK	16	REMOVE
4799	OAK (x3)	12	REMOVE
4800 4801	OAK (x2) OAK	10 16	REMOVE
4802	OAK	10	
4803	OAK	10	
4804	OAK	10	
4805 4806	OAK OAK	14 24	
4807	OAK	10	
4808	OAK	12	REMOVE
4809	OAK	14	REMOVE
4810	MAPLE (x3)	10	REMOVE
4811 4812	OAK OAK	10 14	REMOVE REMOVE
4813	FIR	24	REMOVE
4814	FIR	28	REMOVE
4816	OAK OAK	10	REMOVE
4817 4818	OAK OAK	10 10	
4819	FIR	20	
4820	DECD	10	
4821	FIR	20	
4822 4823	FIR FIR (x2)	24 24	
4825	FIR (X2)	24	
4828	OAK	14	
4829	OAK (x2)	10	
4830		16	
4831 4834	FIR FIR	30 18	
4835	OAK	16	
4836	FIR	20	
4070		32	
4838	FIR		
4839	DECD	12	
4839 4840 4841 4842	DECD OAK FIR OAK	12 10 32 10	
4839 4840 4841 4842 4843	DECD OAK FIR OAK OAK	12 10 32 10 14	
4839 4840 4841 4842	DECD OAK FIR OAK	12 10 32 10	
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4839 4840 4841 4842 4843 4844 4845 	DECD OAK FIR OAK OAK FIR OAK OAK FIR FIR	12 10 32 10 14 24 16 12 12 30 28	
4839 4840 4841 4842 4843 4844 4845 4845 4850 4851 4852	DECD OAK FIR OAK OAK FIR OAK OAK FIR FIR FIR	12 10 32 10 14 24 16 12 30 28 30	
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4839 4840 4841 4842 4843 4844 4845 4845 4850 4851 4852 4853 4854 4855 4855 4856 4857 4858 4857 4858 4857 4858 4859 4850 4860 4861 4862 4868 4869 4870 4871 4872	DECD OAK FIR OAK OAK OAK OAK OAK FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	12 10 32 10 14 24 16 12 30 28 30 28 30 28 12 32 16 12 13 16 12 13 16 12 13 14 14 12 28 12 13 16 12 13 16 12 13 14 14 12 28 12 12 13 14 12 28 12 13 14 12 28 12	
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4839 4840 4841 4842 4843 4844 4845 4845 4850 4851 4852 4853 4854 4855 4855 4855 4855 4856 4857 4858 4859 4850 4857 4858 4859 4860 4861 4862 4868 4869 4860 4861 4862 4868 4869 4870 4871 4872 4873	DECD OAK FIR OAK OAK OAK OAK OAK FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	12 10 32 10 14 24 16 12 30 28 30 28 30 28 12 32 16 12 13 16 12 13 16 12 13 16 12 13 16 12 13 16 12 14 14 10	
4839 4840 4841 4842 4843 4844 4845 4855 4850 4851 4852 4853 4854 4855 4855 4856 4857 4858 4857 4858 4859 4850 4857 4858 4859 4850 4857 4858 4859 4860 4861 4857 4858 4859 4860 4861 4862 4863 4869 4870 4871 4872 4873 4874 4875 4874 4875	DECD OAK FIR OAK OAK OAK OAK OAK OAK FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	12 10 32 10 14 24 16 12 30 28 30 28 30 28 12 31 16 12 13 16 12 13 16 12 13 16 12 14 14 10 14 16 10 14 10	
483948404841484248434843484548554851485248534854485548564857485848594860486148624868487048714872487348744875487548744875488448854884	DECD OAK FIR OAK OAK OAK OAK OAK FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	12 10 32 10 14 24 16 12 30 28 30 28 32 16 12 330 28 12 32 16 12 13 16 12 13 16 12 14 14 16 12 13 16 12 14 14 16 10 18	
4839 4840 4841 4842 4843 4844 4845 4855 4850 4851 4852 4853 4854 4855 4855 4856 4857 4858 4857 4858 4859 4860 4857 4858 4859 4860 4857 4858 4859 4860 4857 4858 4859 4860 4871 4872 4873 4874 4875 4870 4871 4872 4873 4874 4875 4875	DECD OAK FIR OAK OAK OAK OAK OAK OAK FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	12 10 32 10 14 24 16 12 30 28 30 28 30 28 12 31 16 12 13 16 12 13 16 12 13 16 12 14 14 10 14 16 10 14 10	
483948404841484248434843484548554851485248534854485548564857485848594860486148624868487048714872487348744875487548744875488448854884	DECD OAK FIR OAK OAK OAK OAK OAK FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	12 10 32 10 14 24 16 12 30 28 30 28 30 28 12 32 16 12 32 16 12 13 16 12 13 16 12 13 16 12 13 16 12 14 14 16 10 14 16 10 18 24	
4839484048414842484348434843484548504851485248534854485548564857485848594860486148624863487148724873487448754873487448754879487348744875487948834884488548864887488848894889	DECD OAK FIR OAK OAK OAK OAK OAK FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	12 10 32 10 14 24 16 12 30 28 30 28 30 28 12 32 16 12 32 16 12 13 16 12 13 16 12 13 16 12 13 16 12 14 14 10 14 10 18 24 14 10 20	
483948404841484248434843484548454850485148524853485448554856485748584859486048614862486348714872487348744875487548744875487448754874487548744875487448754874487548794884488548844885488948904891	DECD OAK FIR OAK OAK OAK OAK OAK FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	12 10 32 10 14 24 16 12 30 28 30 28 30 28 12 13 16 12 13 16 12 13 16 12 13 16 12 13 16 12 14 14 10 20 14 10 20 14	
4839484048414842484348434845485048514852485348544855485648574858485948604861486248684870487148724868486948704871487348744875487948794888488748884889489048914894	DECD OAK FIR OAK OAK OAK OAK FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	12 10 32 10 14 24 16 12 30 28 30 28 30 28 12 32 16 12 32 16 12 13 16 12 13 16 12 13 16 12 13 16 12 14 14 10 28 12 14 10 20 14 10 20 14 10 20 14 10	
483948404841484248434843484548454850485148524853485448554856485748584859486048614862486348714872487348744875487548744875487448754874487548744875487448754874487548794884488548844885488948904891	DECD OAK FIR OAK OAK OAK OAK OAK FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	12 10 32 10 14 24 16 12 30 28 30 28 30 28 12 13 16 12 13 16 12 13 16 12 13 16 12 13 16 12 14 14 10 20 14 10 20 14	
4839484048414842484348434844485048514852485348544855485648574858485948604861485248534854485748584859486048704871487248734874487548794870487148724873487448754879488848894889489148944895	DECD OAK FIR OAK OAK OAK OAK OAK FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	12 10 32 10 14 24 16 12 30 28 30 28 12 30 28 12 14 12 30 28 12 13 16 12 13 16 12 14 14 14 14 10 14 10 20 14 10 20 14 10 30	

TREE #SPECIESDBH*REMOVE4898FIR144899OAK144890OAK124901OAK104902OAK124903OAK144905OAK144905OAK164907OAK164908OAK164909OAK164901OAK164903OAK164904FIR104913OAK164914FIR364915OAK224915OAK224916OAK224917FIR184928OAK124918OAK244929FIR244921FIR244922OAK164923OAK124924FIR264925FIR164930FIR284931OAK124932OAK164933FIR164934FIR284935FIR184936FIR284937OAK124938FIR184939FIR284939FIR184930FIR184931OAK124932FIR184933FIR164934FIR28				
4898FIR144899OAK144900OAK124901OAK104902OAK114903OAK104904OAK144905OAK164907OAK184908OAK184909OAK184901OAK164902FIR104913OAK124914FIR364915OAK124916OAK124917FIR184918OAK124919OAK224917FIR184918OAK124919OAK284920FIR244921FIR244922OAK164923OAK124924FIR264925FIR184926FIR284927OAK104930FIR164931OAK104932OAK104933FIR164934OAK104935FIR184936FIR184937OAK124938FIR184939FIR184930FIR184931OAK124936FIR184937OAK124938<				
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4900OAK124901OAK104902OAK124903OAK144905OAK144905OAK124908OAK164909OAK184909OAK1849107OAK104911OAK164912FIR104913OAK164914FIR364915OAK224916OAK224917FIR364918OAK224919OAK284919OAK284920FIR244921FIR244922OAK164923OAK284924FIR244925FIR184926FIR244927OAK124938FIR164939FIR264931OAK124932FIR164933FIR164934FIR224935FIR164936FIR284937OAK124938FIR184939FIR284934FIR124935FIR184936FIR284937OAK124938FIR184949AK124939<	4899	OAK	14	
4901OAK104902OAK124903OAK104904OAK144905OAK164907OAK124908OAK164909OAK164909OAK164911OAK (x3)164912FIR104913OAK124914FIR364915OAK (x4)124916OAK224917FIR184918OAK244920FIR244921FIR244922OAK164923OAK284924FIR254925FIR184926FIR244927OAK124930FIR264931OAK124932OAK124933FIR164934OAK104935FIR164934OAK104935FIR184934FIR224935FIR184934FIR124934FIR124935FIR184934FIR124935FIR184934FIR124935FIR184934FIR124935FIR184934FIR12 <tr< td=""><td></td><td></td><td></td><td></td></tr<>				
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4950 OAK (x2) 14 REMOVE 4951 OAK 22 REMOVE 4952 OAK 18 REMOVE 4952 OAK 18 REMOVE 4954 OAK 14 REMOVE 4955 OAK 14 REMOVE 4955 OAK 12 REMOVE 4956 OAK 18 REMOVE 4957 OAK (x2) 18 REMOVE 4958 OAK 24	4948	OAK	16	REMOVE
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4951 OAK 22 REMOVE 4952 OAK 18 REMOVE 4954 OAK 14 REMOVE 4954 OAK 14 REMOVE 4955 OAK 12 REMOVE 4956 OAK 18 REMOVE 4957 OAK (x2) 18 4958 OAK 24 4959 OAK 16 4960 OAK 12 4961 FIR 28 5515 ALDER 12 5516 CTNWD 20 5517 OAK 12 5518 OAK 12 5519 OAK 14 5520 OAK 19 5546 OAK 22 REMOVE 5547 FIR 30 REMOVE 5549 OAK (x2) 16 <t< td=""><td>4950</td><td></td><td>14</td><td></td></t<>	4950		14	
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4957 OAK (x2) 18 4958 OAK 24 4959 OAK 16 4960 OAK 12 4961 FIR 28 5515 ALDER 12 5516 CTNWD 20 5517 OAK 12 5518 OAK 12 5519 OAK 12 5519 OAK 12 5518 OAK 12 5519 OAK 14 5520 OAK 19 5521 OAK 16 REMOVE 5546 OAK 22 REMOVE 5547 FIR 30 REMOVE 5549 OAK (x2) 16 REMOVE 5550 OAK 16 REMOVE 5551 OAK 16 REMOVE				
4958 OAK 24 4959 OAK 16 4960 OAK 12 4961 FIR 28 5515 ALDER 12 5516 CTNWD 20 5517 OAK 12 5518 OAK 12 5519 OAK 12 5520 OAK 14 5520 OAK 19 5521 OAK 16 REMOVE 5546 OAK 22 REMOVE 5547 FIR 30 REMOVE 5549 OAK (x2) 16 REMOVE 5550 OAK 16 REMOVE 5551 OAK 16 REMOVE				REMOVE
4959 OAK 16 4960 OAK 12 4961 FIR 28 5515 ALDER 12 5516 CTNWD 20 5517 OAK 22 5518 OAK 14 5520 OAK 19 5546 OAK 22 5546 OAK 12 5547 FIR 30 5547 FIR 30 5549 OAK (x2) 16 5549 OAK 16 5550 OAK 16 5551 OAK 16	4957	UAK (x2)		
4960 OAK 12 4961 FIR 28 5515 ALDER 12 5516 CTNWD 20 5517 OAK 22 5518 OAK 12 5519 OAK 14 5520 OAK 19 5521 OAK 16 5546 OAK 22 5547 FIR 30 5547 FIR 30 5549 OAK (x2) 16 5550 OAK 16 5551 OAK 16	4958	OAK	24	
4960 OAK 12 4961 FIR 28 5515 ALDER 12 5516 CTNWD 20 5517 OAK 22 5518 OAK 12 5519 OAK 14 5520 OAK 19 5521 OAK 16 5546 OAK 22 5547 FIR 30 5547 FIR 30 5549 OAK (x2) 16 5550 OAK 16 5551 OAK 16	4959	OAK	16	
4961 FIR 28 5515 ALDER 12 5516 CTNWD 20 5517 OAK 22 5518 OAK 12 5519 OAK 14 5520 OAK 19 5546 OAK 22 5547 FIR 30 5547 FIR 30 5549 OAK (x2) 16 5549 OAK 16 5550 OAK 16 5551 OAK 16				
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5516 CTNWD 20 5517 OAK 22 5518 OAK 12 5519 OAK 14 5520 OAK 19 5521 OAK 16 5546 OAK 22 5547 FIR 30 5549 OAK (x2) 16 5549 OAK 16 5550 OAK 16 5551 OAK 16				
5517 OAK 22 5518 OAK 12 5519 OAK 14 5520 OAK 19 5521 OAK 16 REMOVE 5546 OAK 22 REMOVE 5547 FIR 30 REMOVE 5549 OAK (x2) 16 REMOVE 5550 OAK 16 REMOVE 5551 OAK 16 REMOVE	5515	ALDER		
5518 OAK 12 5519 OAK 14 5520 OAK 19 5521 OAK 16 REMOVE 5546 OAK 22 REMOVE 5547 FIR 30 REMOVE 5550 OAK 16 REMOVE 5551 OAK 16 REMOVE	5516	CTNWD	20	
5518 OAK 12 5519 OAK 14 5520 OAK 19 5521 OAK 16 REMOVE 5546 OAK 22 REMOVE 5547 FIR 30 REMOVE 5550 OAK 16 REMOVE 5551 OAK 16 REMOVE	5517	OAK	22	
5519 OAK 14 5520 OAK 19 5521 OAK 16 REMOVE 5546 OAK 22 REMOVE 5547 FIR 30 REMOVE 5549 OAK (x2) 16 REMOVE 5550 OAK 16 REMOVE 5551 OAK 16 REMOVE				
5520 OAK 19 5521 OAK 16 REMOVE 5546 OAK 22 REMOVE 5547 FIR 30 REMOVE 5549 OAK (x2) 16 REMOVE 5550 OAK 16 REMOVE 5551 OAK 16 REMOVE				
5521 OAK 16 REMOVE 5546 OAK 22 REMOVE 5547 FIR 30 REMOVE 5549 OAK (x2) 16 REMOVE 5550 OAK 16 REMOVE 5551 OAK 16 REMOVE				
5546 OAK 22 REMOVE 5547 FIR 30 REMOVE 5549 OAK (x2) 16 REMOVE 5550 OAK 16 REMOVE 5551 OAK 16 REMOVE	5520	OAK	19	
5546 OAK 22 REMOVE 5547 FIR 30 REMOVE 5549 OAK (x2) 16 REMOVE 5550 OAK 16 REMOVE 5551 OAK 16 REMOVE	5521	OAK	16	REMOVE
5547 FIR 30 REMOVE 5549 OAK (x2) 16 REMOVE 5550 OAK 16 REMOVE 5551 OAK 16 REMOVE				
5549 OAK (x2) 16 REMOVE 5550 OAK 16 REMOVE 5551 OAK 16 REMOVE				
5550 OAK 16 REMOVE 5551 OAK 16 REMOVE				
5551 OAK 16 REMOVE	5549	OAK (x2)	16	REMOVE
5551 OAK 16 REMOVE	5550	OAK	16	REMOVE
JUJZ I UAR I IA I REMITE				
	JJJJZ	UAK		REMUVE
5556 OAK 14	5556	OAK	14	
5557 OAK (x3) 12	5557	OAK (x3)	12	
5558 OAK 14				

DBH* DIAMETER AT BREAST HEIGHT, INCHES. INDICATES OFFSITE TREE, OR TREE NOT LOCATED WITHIN PROJECT AREA. NOT INCLUDED IN TREE PRESERVATION COUNT.



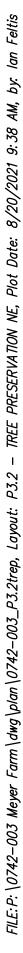


THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING THE PROJECT ARBORIST IN A TIMELY MANNER PRIOR TO WORKING BENEATH PROTECTED TREE DRIPLINES. ROOT PROTECTION ZONES MAY BE ENTERED FOR TASKS LIKE SURVEYING, MEASURING AND SAMPLING. FENCES MUST BE CLOSED UPON COMPLETION OF THESE TASKS.

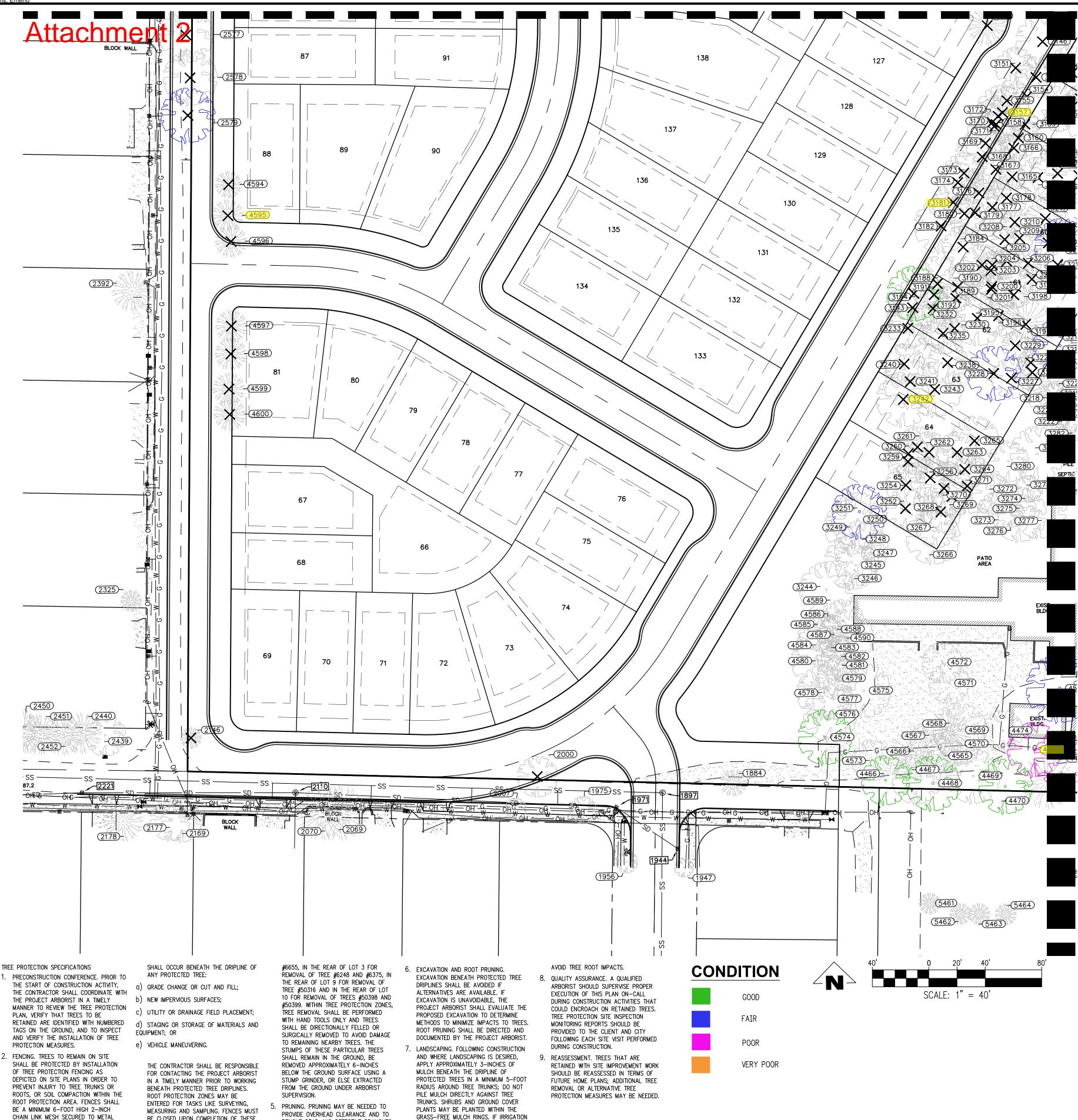
4. TREE AND STUMP REMOVAL. TREES TO BE REMOVED SHALL BE CLEARLY IDENTIFIED WITH TREE-MARKING PAINT OR OTHER METHODS APPROVED IN ADVANCE BY THE PROJECT ARBORIST. PROTECTION FENCING MAY BE TEMPORARILY OPENED IN TRACT B FOR REMOVAL OF TREES #6654 AND #6655, IN THE REAR OF LOT 3 FOR REMOVAL OF TREE #6248 AND #6375, IN THE REAR OF LOT 9 FOR REMOVAL OF TREE #50316 AND IN THE REAR OF LOT 10 FOR REMOVAL OF TREES #50398 AND #50399. WITHIN TREE PROTECTION ZONES, TREE REMOVAL SHALL BE PERFORMED WITH HAND TOOLS ONLY AND TREES SHALL BE DIRECTIONALLY FELLED OR SURGICALLY REMOVED TO AVOID DAMAGE TO REMAINING NEARBY TREES. THE STUMPS OF THESE PARTICULAR TREES SHALL REMAIN IN THE GROUND, BE REMOVED APPROXIMATELY 6-INCHES BELOW THE GROUND SURFACE USING A STUMP GRINDER, OR ELSE EXTRACTED FROM THE GROUND UNDER ARBORIST SUPERVISION.

<u>CC</u>	NDITION
	GOOD
	FAIR
	POOR
	VERY POOR

													August 31, 2021 Page 8 of 11
TREE #	SPECIES	DBH*	REMOVE	TREE #	SPECIES	DBH*	REMOVE	TREE #	SPECIES	DBH*	REMOVE		M
1283	OAK	12		4710 4711	FIR FIR	16 18	REMOVE REMOVE	5683	PINE	10	REMOVE		Š
				5013	MADRONA	12	REMOVE	5684	FIR	12	REMOVE		
1356	FIR	18						5686	FIR	10	REMOVE		ас 3С 3У
1357	FIR	18		5022	FIR	16		5687	PINE	12	REMOVE		30 S 1B 0 N
1365	FIR	20		5023 5024	FIR FIR	32 18	REMOVE	5689	FIR	12	REMOVE		RD 8.0 W1 78S 18S
1376	FIR	14						5690	PINE	12	REMOVE		ш О 🖉 Г Ш
1433	FIR	10		5026 5027	FIR FIR	28 16	REMOVE REMOVE	5692	FIR	10	REMOVE		GLI 08 08 08 08 08
1439	BIRCH	12		5028	FIR	18	REMOVE	5693	FIR	12	REMOVE		
1441	BIRCH	12		5029	FIR	20	REMOVE	5695	PINE	14	REMOVE		PRIN- IAP - MAP - 4 SEC
1521	PINE	18		5561	FIR	14	REMOVE	5697	PINE	14	REMOVE		4540 -AX N TAX NW1 SA
1021								5699	PINE	12	REMOVE		¥ Z Z Z
4592 4593	WALNUT WALNUT	32 24	REMOVE REMOVE	5565	MADRONA	10	REMOVE	5716	PINE	12			. 4
4612	FIR (x2)	14						5718	PINE	10	REMOVE		SW1
4615	FIR	12 14		5568	FIR	20	REMOVE	5719	FIR	12	REMOVE		S
4617	FIR	14		5569	FIR	16	REMOVE					ľ	
4618	PINE FIR	14 16		5571	FIR	18	REMOVE	5722	FIR	16	REMOVE		
4622	FIR	14		5572	FIR	20	REMOVE						AN
4624 4625	FIR FIR	16 18						5725 5726	PINE PINE	12 12	REMOVE REMOVE		z '
4628	FIR	16		5575	FIR	20	REMOVE	5727	PINE	12	REMOVE		AN
4629	FIR FIR	22 16		5576	FIR	20	REMOVE	5720	PINE	14			
4630 4633	FIR	18		5578	FIR	18	REMOVE	5729	PINE	14	REMOVE		PL AS
4634	FIR (x2)	22		5579	FIR	16	REMOVE	5731	PINE	10	REMOVE		́́З Ц й
4635	FIR DECD	20 14		5580 5581	FIR FIR	18 16	REMOVE REMOVE	5732 5733	PINE PINE	10 10	REMOVE REMOVE		AL H
4639	FIR	14		5582	FIR	14	REMOVE	5734	PINE	10	REMOVE		SE V/
4642 4643	FIR FIR	16 16	REMOVE REMOVE	5583 5584	FIR FIR	10 12	REMOVE REMOVE	5735	PINE	10	REMOVE		ы О Ю
4644	FIR	14	REMOVE	5585	FIR	16	REMOVE						E PRESERVATI REMOVAL PLA NORTHEAST
4645 4646	FIR FIR	18 12	REMOVE REMOVE	5586	FIR	12	REMOVE						Ч Щ —
4647	FIR	18	REMOVE	5588	FIR	16	REMOVE	5740	PINE	10	REMOVE		
4648 4649	FIR FIR	14 18	REMOVE REMOVE	5589	FIR	22	REMOVE						Ш
4650	FIR	18	REMOVE	5591	FIR	14	REMOVE	5743	PINE	10	REMOVE		TRE
4651 4652	MADRONA WALNUT	10 28	REMOVE REMOVE	5592 5593	FIR FIR	26 20	REMOVE REMOVE	5744	FIR	10	REMOVE	ŀ	
4653	FIR	12	REMOVE	5594	FIR	16	REMOVE						
4654 4655	FIR FIR	16 14	REMOVE REMOVE	5595 5596	FIR FIR	10 16	REMOVE REMOVE	5748	FIR	10	REMOVE		
4656	FIR	14	REMOVE	5597	FIR	16	REMOVE						
4657 4658	FIR FIR	20 18	REMOVE REMOVE	5598 5599	FIR FIR	14 18	REMOVE REMOVE	5750 5751	PINE PINE	12 12	REMOVE REMOVE		Z
4659	FIR	18	REMOVE	5600	FIR	16	REMOVE	5754	MADRONA	10	REMOVE		ONS DESCRIPTION
4660 4661	FIR FIR	12 12	REMOVE REMOVE	5601	FIR	16	REMOVE						NS
4662	FIR	14	REMOVE	5603	FIR	16	REMOVE	5757	PINE	12	REMOVE		E VISIONS DESCF
4663 4664	FIR FIR	14 18	REMOVE REMOVE	5604 5605	FIR FIR	18 18	REMOVE REMOVE	5759	PINE	12	REMOVE		REV
4665	FIR	20	REMOVE	5606	FIR	18	REMOVE						
4666 4667	FIR FIR	14 14	REMOVE REMOVE	5608 5609	FIR	26 10	REMOVE REMOVE	5761 5762	FIR FIR	10 10	REMOVE REMOVE		
4668	FIR	14	REMOVE	5610	FIR	18	REMOVE	5763	PINE	10	REMOVE		DATE
4669 4670	FIR FIR	16 14	REMOVE REMOVE	5611 5612	FIR FIR	20 14	REMOVE REMOVE						٥
4671	FIR	16	REMOVE	5613	FIR	10	REMOVE	5766	PINE	12	REMOVE		NO.
4672 4673	FIR FIR	10 16	REMOVE REMOVE	5614 5615	FIR FIR	18 18	REMOVE REMOVE	5768	PINE	10	REMOVE		
4674	FIR	16	REMOVE	5616	FIR	18	REMOVE						∧ z
4675 4676	FIR FIR	14 14	REMOVE REMOVE	5617 5618	FIR FIR	16 16	REMOVE REMOVE	5770 5771	FIR FIR	10 12	REMOVE REMOVE		Design
4677	FIR	12	REMOVE					5772	FIR	10	REMOVE		
4678 4679	FIR FIR	18 18	REMOVE REMOVE	5620 5621	FIR FIR	16 18	REMOVE REMOVE	5773	PINE	10	REMOVE		EEERALE SURVEYING ENGINEERING - SURVEYING 2667 WILLAKENZIE ROAD, SUITE 1A EUGENE, OREGON 97401 TEL: (503) 746-8812 FAX: (503) 639-9592 www.emeriodesign.com
4680	FIR	24	REMOVE	5622	FIR	18	REMOVE						SURV SURV DAD, 8 DAD, 8 5-8812 9-9592 9-9592
4681 4682	FIR FIR	18 12	REMOVE REMOVE	5623 5624	FIR FIR	16 14	REMOVE REMOVE						INTERING - SURVE INTERING - SURVE ULAKENZIE ROAD, SL JGENE, OREGON 9740 TEL: (503) 746-8812 FAX: (503) 639-9592 www.emeriodesign.com
4683	FIR	18	REMOVE					5778	FIR	10	REMOVE		ENGINEERING ENGINEERING EUGENE, ORE TEL: (503) MWW. Emerico
	FIR FIR	12 10	REMOVE REMOVE	5626 5627	FIR FIR	18 16	REMOVE REMOVE	5779	PINE	12	REMOVE		57 WILLA
4684	1 11 X	10	REMOVE	5628	FIR	10	REMOVE	5781	PINE	10	REMOVE		
4684 4685 4686	FIR	16	REMOVE REMOVE	5629 5630	FIR FIR	12 12	REMOVE REMOVE	5782 5783	PINE FIR	12 10	REMOVE REMOVE		
4685 4686 4687	FIR			3030	CTNWD	28	REMOVE	5784	PINE	10	REMOVE		
4685 4686		12 24	REMOVE	5631				5785 5786	FIR	10 10	REMOVE REMOVE		
4685 4686 4687 4688	FIR FIR (x2)	12				10		1 3/80	FIR				
4685 4686 4687 4688 4689	FIR FIR (x2) FIR	12 24	REMOVE	5631 5633 5669	FIR	12 12							
4685 4686 4687 4688 4689 4690	FIR FIR (x2) FIR MADRONA	12 24 10	REMOVE REMOVE	5633 5669 5670	FIR FIR FIR	12 12	REMOVE					ŀ	ETERED PROAF
4685 4686 4687 4688 4689 4690	FIR FIR (x2) FIR MADRONA	12 24 10	REMOVE REMOVE	5633 5669	FIR FIR	12	REMOVE REMOVE						STERED PROATS
4685 4686 4687 4688 4689 4690 4692	FIR FIR (x2) FIR MADRONA FIR	12 24 10 16	REMOVE REMOVE	5633 5669 5670 5671	FIR FIR FIR PINE	12 12 10		5791	FIR	12	REMOVE		STERED PROATS
4685 4687 4688 4689 4690 4692 4692 4697	FIR FIR (x2) FIR MADRONA FIR FIR	12 24 10 16 	REMOVE REMOVE REMOVE	5633 5669 5670 5671	FIR FIR FIR PINE	12 12 10	REMOVE				REMOVE		ENER PROATE
4685 4686 4687 4689 4690 4692 4692 4697 4703 4704	FIR FIR (x2) FIR MADRONA FIR FIR FIR FIR FIR	12 24 10 16 	REMOVE REMOVE	5633 5669 5670 5671 5672 5675 5676	FIR FIR FIR PINE PINE PINE FIR	12 12 10 10 10 10 10 14	REMOVE REMOVE REMOVE	5791 5793 5794	FIR DECD PINE	12 10 10	REMOVE REMOVE REMOVE		FRED PRATIC
4685 4687 4688 4690 4690 4692 4692 4697 4703 4704 4705	FIR FIR (x2) FIR MADRONA FIR FIR FIR	12 24 10 16 	REMOVE REMOVE REMOVE	5633 5669 5670 5671 5672 5675	FIR FIR FIR PINE PINE PINE	12 12 10 10 10 10	REMOVE REMOVE	5791 5793 5794 5795	FIR DECD PINE PINE	12 10 10 12	REMOVE REMOVE REMOVE REMOVE REMOVE		EXPIRES: 6/30/2023
4685 4686 4687 4688 4689 4690	FIR FIR (x2) FIR MADRONA FIR FIR FIR FIR FIR FIR	12 24 10 16 	REMOVE REMOVE REMOVE REMOVE REMOVE	5633 5669 5670 5671 5672 5675 5675 5676	FIR FIR FIR PINE PINE PINE FIR FIR	12 12 10 10 10 10 110 110 110 110 110 110 110 110 110 110 110 110 110 112	REMOVE REMOVE REMOVE REMOVE	5791 5793 5794 5795	FIR DECD PINE PINE	12 10 10 12 REAST F	REMOVE REMOVE REMOVE REMOVE REMOVE IEIGHT, INCHES. OR TREE NOT		PRE DECRUIS



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POSTS DRIVEN INTO THE GROUND. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH THE PROJECT ARBORIST PRIOR TO OPENING, ADJUSTING OR REMOVING TREE PROTECTION FENCING. TREE PROTECTION ZONE. WITHOUT AUTHORIZATION FROM THE PROJECT ARBORIST, NONE OF THE FOLLOWING

BE CLOSED UPON COMPLETION OF THESE TASKS.

4. TREE AND STUMP REMOVAL. TREES TO BE REMOVED SHALL BE CLEARLY IDENTIFIED WITH TREE-MARKING PAINT OR OTHER METHODS APPROVED IN ADVANCE BY THE PROJECT ARBORIST. PROTECTION FENCING MAY BE TEMPORARILY OPENED IN TRACT B FOR REMOVAL OF TREES #6654 AND

REMOVE DEAD AND DEFECTIVE BRANCHES FOR SAFETY. THE PROJECT ARBORIST CAN HELP IDENTIFY WHERE PRUNING IS NECESSARY ONCE TREES RECOMMENDED FOR REMOVAL HAVE BEEN REMOVED AND THE SITE IS PREPARED FOR CONSTRUCTION. TREE REMOVAL AND PRUNING SHALL BE PERFORMED BY A QUALIFIED TREE SERVICE.

IS USED, USE DRIP IRRIGATION OR LOW

GRADE (NO TRENCHING) ONLY BENEATH

THE DRIPLINES OF PROTECTED TREES.

LANDSCAPING SHALL BE PERFORMED BY

HAND AND WITH HAND TOOLS ONLY

BENEATH PROTECTED TREE DRIPLINES;

ADJUST THE LOCATION OF PLANTS TO

FLOW EMITTERS INSTALLED AT NATIVE

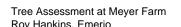
TREE #	SPECIES CEDAR	DBH*	REMOVE
2000	OAK	16	REMOVE
2069	FIR	36	
2070	FIR	32	REMOVE
2169	BIRCH	12	
2177 2178	BIRCH FIR	14 22	
2256	PINE	10	
2325 2392	FIR FIR	12 30	
2439	OAK	12	
2440 2449	FIR ALDER	16 16	
2450	FIR	16 16	
2451 2452	FIR	16	
2577 2578	OAK OAK	20 20	
2579	OAK	32	
3146	OAK (x2)	18	REMOVE
3149	FIR	16	REMOVE
3151	OAK	14	REMOVE
3153	OAK (x2)	14	REMOVE
3154 3155	OAK (x2) OAK	18 18	REMOVE REMOVE
3157 3158	OAK OAK	18 12	REMOVE REMOVE
3159	OAK	10	REMOVE
3160 3161	OAK OAK	16 12	REMOVE
3162	OAK (x3)	16	
3163 3164	0AK 0AK (x2)	22 14	REMOVE
3165 3166	OAK OAK	12 10	REMOVE REMOVE
3167	0AK (x2)	10	REMOVE
3168 3169	OAK (x2) OAK (x2)	12 10	REMOVE REMOVE
3170	OAK	18	REMOVE
3171 3172	0AK 0AK	10 10	REMOVE REMOVE
3173	OAK	10	REMOVE
3174	ΟΑΚ	10	REMOVE
3176 3177	OAK OAK	12 14	REMOVE REMOVE
3178	OAK	14	REMOVE
3179 3180	OAK (x2) OAK	18 12	REMOVE REMOVE
3181	OAK (x2)	18	REMOVE
3182	OAK	18	REMOVE
3184	OAK	10	REMOVE
7100	0AK (x3)	12	
3188 3189	OAK	12	REMOVE REMOVE
3190 3191	OAK (x2) OAK	10 10	REMOVE REMOVE
3192	OAK	14	REMOVE
3193 3194	OAK (x3) OAK	14 24	REMOVE REMOVE
3195	OAK (x2)	16	REMOVE
3196 3197	OAK FIR	14 24	REMOVE REMOVE
3198	OAK	12	REMOVE
3199 3200	OAK OAK	14 10	REMOVE REMOVE
3201 3202	OAK OAK	16 12	REMOVE REMOVE
3203	OAK	12	REMOVE
3204 3205	OAK OAK	14 10	REMOVE REMOVE
3206	OAK	14	REMOVE
3207 3208	OAK OAK	10 14	REMOVE REMOVE
3209	OAK	14	REMOVE
3210 3211	OAK OAK	12 14	REMOVE REMOVE
3212	OAK	12	REMOVE
3213 3214	0AK 0AK (x2)	28 16	REMOVE REMOVE
3216	OAK	18	
3217 3218	OAK OAK	24 16	
3219 3220	OAK OAK	10 12	
	U.I.	16	

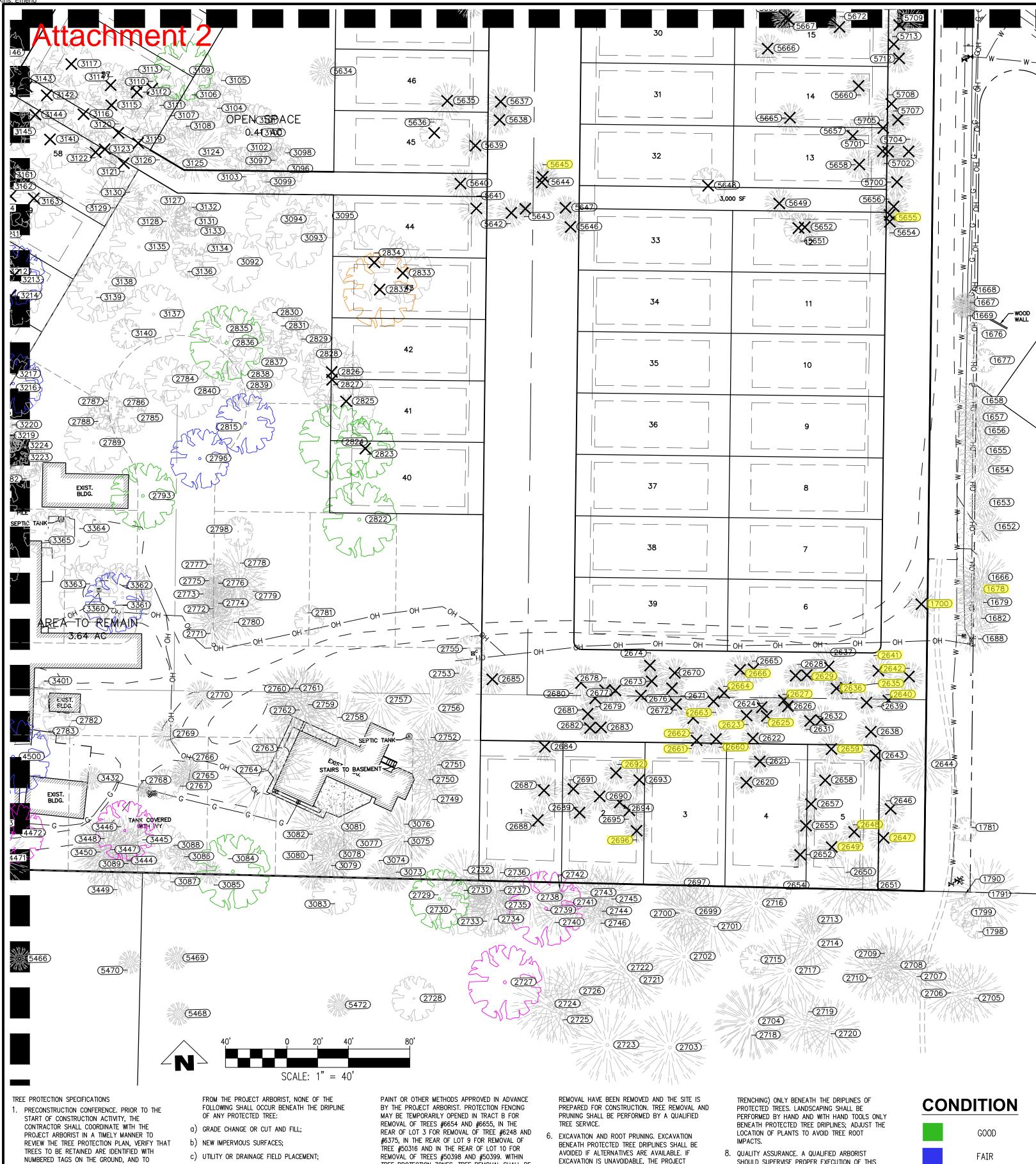
TREE #	SPECIES	DBH*	REMOVE
3226	OAK	12	REMOVE
3227	0AK (x2)	12	REMOVE
3228	OAK	32	REMOVE
3229	OAK	12	REMOVE
3230	ΟΑΚ	10	REMOVE
7070	0.01/	10	
3232 3233	OAK OAK	16 12	REMOVE
5255	UAK		REMOVE
3235	0AK (x2)	12	REMOVE
0200		12	
3238	ΟΑΚ	16	REMOVE
3240	ΟΑΚ	10	REMOVE
3241	0AK (x2)	16	REMOVE
3242	0AK (x3)	16	REMOVE
3243	0AK (x3)	16	REMOVE
3244	0AK (x5)	14	
3245	OAK	14	
3246	OAK (x2) OAK	16 15	
3248	OAK	18	
3249	OAK (x2)	12	
3250	OAK	16	
3251	OAK	24	
3252	ΟΑΚ	14	REMOVE
3254	OAK	10	REMOVE
3256	OAK	10	REMOVE
		ļĪ	
3259	OAK	12	REMOVE
3260		14	REMOVE
3261	0AK (x3)	12	REMOVE
3262 3263	OAK OAK (x3)	10 10	REMOVE REMOVE
3263		10	REMOVE
3265	OAK	16	REMOVE
3266	OAK	16	
3267	OAK	10	
3268	ΟΑΚ	16	REMOVE
3269	OAK	10	REMOVE
3270	OAK	18	REMOVE
3271	OAK (x3)	12	REMOVE
3272	OAK (x2)	12	
3273	OAK	18	
3274	OAK	10	
3275	0AK (x2)	18 12	
3276	OAK OAK	22	
3277	OAK	10	
3280	OAK	18	
3281	OAK (x2)	16	
4466	ΟΑΚ	30	
4467	OAK	18	
4468	OAK	24	
	OAK	22	
4469		24	
4470	OAK		
4470 4471	FIR	36	
4470 4471 4472	FIR OAK	36 24	
4470 4471 4472 4473	FIR OAK OAK	36	
4470 4471 4472	FIR OAK	36 24 24	
4470 4471 4472 4473 4474	FIR OAK OAK OAK	36 24 24 14	
4470 4471 4472 4473 4474 4500	FIR OAK OAK OAK OAK	36 24 24 14 36	
4470 4471 4472 4473 4474 4500 4565	FIR OAK OAK OAK OAK	36 24 24 14 36 18	
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568	FIR OAK OAK OAK OAK FIR OAK FIR	36 24 14 36 18 36 14 16	
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569	FIR OAK OAK OAK OAK FIR OAK FIR OAK	36 24 14 36 18 36 14 20	
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4569	FIR OAK OAK OAK OAK FIR OAK FIR OAK OAK	36 24 14 36 18 36 14 36 14 36 14 36 14 16 20 14	
4470 4471 4472 4473 4474 4500 4565 4566 4566 4567 4568 4569 4570 4571	FIR OAK OAK OAK OAK FIR OAK FIR OAK OAK OAK	36 24 14 36 18 36 14 20 14 20	
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4569 4570 4571 4572	FIR OAK OAK OAK OAK FIR OAK FIR OAK OAK OAK	36 24 14 36 18 36 14 36 14 20 14 20 19	
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4570 4570 4571 4572 4573	FIR OAK OAK OAK OAK OAK FIR OAK OAK OAK OAK OAK	36 24 14 36 18 36 14 16 20 14 20 14 20 18	
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4569 4570 4571 4572	FIR OAK OAK OAK OAK FIR OAK FIR OAK OAK OAK	36 24 14 36 18 36 14 36 14 20 14 20 19	
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574	FIR OAK OAK OAK OAK OAK FIR OAK OAK OAK OAK OAK	36 24 14 36 18 36 14 36 14 20 14 20 14 20 14 20 14 20 14 20 18 20 19 18 28	
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4570 4570 4571 4572 4573 4574	FIR OAK OAK OAK OAK OAK FIR OAK OAK OAK OAK OAK OAK	36 24 14 36 18 36 14 16 20 14 20 18 20 18 20 18 20 19 18 28 22	
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576	FIR OAK OAK OAK OAK OAK FIR OAK OAK OAK OAK OAK OAK OAK	36 24 14 36 18 36 14 16 20 14 20 14 20 14 20 14 20 14 20 14 20 12 20 14 20 14 20 12 20 13 20 14 20 15 20 18 28 22 20	
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4579	FIR OAK OAK OAK OAK OAK FIR OAK OAK OAK OAK OAK OAK OAK OAK OAK OAK	36 24 14 36 18 36 14 16 20 14 20 14 20 14 20 14 20 14 20 12 18 14 14 20 18 22 20 12 18 14	
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4575 4576 4577 4578 4579 4580	FIR OAK OAK OAK OAK OAK FIR OAK OAK OAK OAK OAK OAK OAK OAK OAK OAK	36 24 14 36 18 36 14 16 20 14 20 14 20 14 20 14 20 14 20 18 28 22 20 12 18 14 18 14 18 14	
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4575 4576 4577 4578 4577 4578 4579 4580 4581	FIR OAK	36 24 14 36 18 36 14 16 20 14 20 14 20 14 20 14 20 14 20 18 28 20 12 18 14 18 14 18 14	
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4574 4575 4576 4577 4578 4577 4578 4579 4580 4581 4582	FIR OAK	36 24 14 36 18 36 14 16 20 14 20 14 20 14 20 14 20 14 20 18 28 20 12 18 14 18 14 18 14 18 14 18 14 18 14	
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4570 4570 4571 4572 4573 4574 4575 4574 4575 4576 4577 4578 4577 4578 4579 4580 4581 4582	FIR OAK	36 24 14 36 18 36 14 16 20 14 20 14 20 14 20 14 20 18 22 20 12 18 14 18 14 18 14 18 14 18 14 12	
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4573 4574 4575 4576 4577 4578 4577 4578 4579 4580 4581 4582	FIR OAK	36 24 14 36 18 36 14 16 20 14 20 14 20 14 20 14 20 14 20 18 28 20 12 18 14 18 14 18 14 18 14 18 14 18 14 18 14 18 14 12 10	
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4570 4570 4571 4572 4573 4574 4575 4574 4575 4576 4577 4578 4577 4578 4579 4580 4581 4582	FIR OAK	36 24 14 36 18 36 14 16 20 14 20 14 20 14 20 14 20 18 22 20 12 18 14 18 14 18 14 18 14 18 14 12	
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4573 4574 4575 4576 4577 4578 4577 4578 4577 4578 4579 4580 4581 4582 4583	FIR OAK	36 24 14 36 18 36 14 16 20 14 20 14 20 14 20 14 20 18 22 20 12 18 14 18 14 18 14 12 10 12 10 12	
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4573 4574 4573 4574 4575 4576 4577 4578 4577 4578 4577 4578 4579 4580 4581 4581 4583	FIR OAK OAK	36 24 14 36 18 36 18 36 14 16 20 14 20 14 20 14 20 18 28 20 12 18 14 18 14 12 18 14 12 10 12 10 12 10	
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4573 4574 4573 4574 4575 4576 4577 4578 4577 4578 4577 4578 4579 4580 4581 4581 4583	FIR OAK O	36 24 14 36 18 36 18 36 14 16 20 14 20 14 20 14 20 18 28 20 12 18 14 18 14 12 18 14 12 10 12 10 12 10	
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4573 4574 4575 4576 4577 4578 4577 4578 4577 4578 4579 4580 4581 4582 4583 4584 4585	FIR OAK O	36 24 14 36 18 36 14 20 14 20 14 20 14 20 14 20 14 20 18 22 20 12 18 14 18 14 18 14 12 10 12 10 12 10 12 10 12 10 12 10 12	
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4574 4575 4576 4577 4578 4577 4578 4578 4579 4580 4581 4582 4583 4584 4585 4584 4585 4586 4587	FIR OAK O	36 24 14 36 18 36 14 16 20 14 20 14 20 14 20 14 20 14 20 18 28 22 20 12 18 14 12 18 14 12 10 12 10 12 16 18 18	
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4573 4574 4575 4576 4577 4578 4577 4578 4578 4579 4580 4581 4582 4583 4584 4583 4584 4585 4586 4587	FIR OAK O	36 24 14 36 18 36 14 16 20 14 20 14 20 14 20 14 20 14 20 18 22 20 12 18 14 18 14 12 10 12 10 12 10 12 10 12 10 12 10 12 18 18 14 18 14 18 18 18 18 18 18 18 18 18 18 18 18 18 18 18 18 18	REMOVE
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4572 4573 4574 4575 4576 4577 4578 4577 4578 4578 4580 4581 4582 4583 4584 4585 4586 4587 4589 4590	FIR OAK O	36 24 14 36 18 36 14 16 20 14 20 14 20 14 20 14 20 14 20 14 20 18 21 18 14 12 10 12 10 12 10 12 10 12 10 12 10 12 10 12 10 12 10 12 13 14	REMOVE REMOVE
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4573 4574 4575 4576 4577 4578 4577 4578 4578 4579 4580 4581 4581 4582 4583 4584 4583 4584 4585 4586 4587	FIR OAK O	36 24 14 36 18 36 18 36 14 16 20 14 20 14 20 14 20 14 20 14 20 12 18 14 12 18 14 12 10 12 10 12 10 12 10 12 10 12 10 22 20 22 20 12 10 12 10 12 13 14 12 10 12 13 14 12 10 12 13 20 22	REMOVE REMOVE REMOVE
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4573 4574 4575 4576 4577 4578 4577 4578 4577 4578 4580 4581 4582 4583 4584 4583 4584 4585 4586 4587 4586 4587	FIR OAK O	36 24 14 36 18 36 18 36 14 20 14 20 14 20 14 20 14 20 18 22 20 12 18 14 12 10 12 10 12 10 12 10 12 20 22 20 22 20 22 20 12 10 12 10 12 10 12 10 12 10 12 10 12 10 12 12 13 20 22 20 22 20	REMOVE REMOVE REMOVE REMOVE
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4573 4574 4575 4576 4577 4578 4577 4578 4578 4580 4581 4582 4583 4584 4583 4584 4585 4586 4587 4586 4587 4586 4587	FIR OAK O	36 24 14 36 18 36 18 36 14 16 20 14 20 14 20 14 20 14 20 18 22 20 12 18 14 12 10 12 10 12 10 12 10 12 10 12 10 12 10 12 13 14 14 15 16 18 18 20 22 20 18 18 18 18 18 18 18 20 21 20 18	REMOVE REMOVE REMOVE REMOVE REMOVE
4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4573 4574 4575 4576 4577 4578 4577 4578 4577 4578 4580 4581 4582 4583 4584 4583 4584 4585 4586 4587 4586 4587	FIR OAK O	36 24 14 36 18 36 18 36 14 20 14 20 14 20 14 20 14 20 18 22 20 12 18 14 12 10 12 10 12 10 12 10 12 20 22 20 22 20 22 20 12 10 12 10 12 10 12 10 12 10 12 10 12 10 12 12 13 20 22 20 22 20	REMOVE REMOVE REMOVE REMOVE

TREE #	SPECIES	DBH*	REMOVE			
-						
DBH* DI	DBH* DIAMETER AT BREAST HEIGHT, INCHES.					

INDICATES OFFSITE TREE, OR TREE NOT LOCATED WITHIN PROJECT AREA. NOT INCLUDED IN TREE PRESERVATION COUNT.

	(² ¥			REVISIONS		
			NO. DATE	DESCRIPTION		
	ERED HINN EXPIRES ET	ENGINEERING - SURVEYING - DESIGN			REMOVAL PLAN -	
OF	/	2667 WILLAKENZIE ROAD, SUITE 1A			SOUTHWEST	
32		EUGENE, UREGUN 9/401 TEL: (503) 746-8812 FAX: (503) 639-9592				
2	5 7	www.emeriodesign.com				





- d) STAGING OR STORAGE OF MATERIALS AND
- EQUIPMENT; OR
- e) VEHICLE MANEUVERING.

INSPECT AND VERIFY THE INSTALLATION OF TREE

FENCING. TREES TO REMAIN ON SITE SHALL BE

PROTECTED BY INSTALLATION OF TREE PROTECTION

FENCING AS DEPICTED ON SITE PLANS IN ORDER TO

PREVENT INJURY TO TREE TRUNKS OR ROOTS, OR

AREA. FENCES SHALL BE A MINIMUM 6-FOOT HIGH

SOIL COMPACTION WITHIN THE ROOT PROTECTION

2-INCH CHAIN LINK MESH SECURED TO METAL

CONTRACTOR IS RESPONSIBLE FOR COORDINATING

WITH THE PROJECT ARBORIST PRIOR TO OPENING,

TREE PROTECTION ZONE. WITHOUT AUTHORIZATION

ADJUSTING OR REMOVING TREE PROTECTION

POSTS DRIVEN INTO THE GROUND. THE

PROTECTION MEASURES.

FENCING.

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING THE PROJECT ARBORIST IN A TIMELY MANNER PRIOR TO WORKING BENEATH PROTECTED TREE DRIPLINES. ROOT PROTECTION ZONES MAY BE ENTERED FOR TASKS LIKE SURVEYING, MEASURING AND SAMPLING. FENCES MUST BE CLOSED UPON COMPLETION OF THESE TASKS.
- 4. TREE AND STUMP REMOVAL. TREES TO BE REMOVED SHALL BE CLEARLY IDENTIFIED WITH TREE-MARKING

TREE PROTECTION ZONES, TREE REMOVAL SHALL BE PERFORMED WITH HAND TOOLS ONLY AND TREES SHALL BE DIRECTIONALLY FELLED OR SURGICALLY REMOVED TO AVOID DAMAGE TO REMAINING NEARBY TREES. THE STUMPS OF THESE PARTICULAR TREES SHALL REMAIN IN THE GROUND, BE REMOVED APPROXIMATELY 6-INCHES BELOW THE GROUND SURFACE USING A STUMP GRINDER, OR ELSE EXTRACTED FROM THE GROUND UNDER ARBORIST SUPERVISION.

- PRUNING. PRUNING MAY BE NEEDED TO PROVIDE OVERHEAD CLEARANCE AND TO REMOVE DEAD AND DEFECTIVE BRANCHES FOR SAFETY. THE PROJECT ARBORIST CAN HELP IDENTIFY WHERE PRUNING IS NECESSARY ONCE TREES RECOMMENDED FOR
- EXCAVATION IS UNAVOIDABLE, THE PROJECT ARBORIST SHALL EVALUATE THE PROPOSED EXCAVATION TO DETERMINE METHODS TO MINIMIZE IMPACTS TO TREES. ROOT PRUNING SHALL BE DIRECTED AND DOCUMENTED BY THE PROJECT ARBORIST.
- 7. LANDSCAPING. FOLLOWING CONSTRUCTION AND WHERE LANDSCAPING IS DESIRED, APPLY APPROXIMATELY 3-INCHES OF MULCH BENEATH THE DRIPLINE OF PROTECTED TREES IN A MINIMUM 5-FOOT RADIUS AROUND TREE TRUNKS; DO NOT PILE MULCH DIRECTLY AGAINST TREE TRUNKS. SHRUBS AND GROUND COVER PLANTS MAY BE PLANTED WITHIN THE GRASS-FREE MULCH RINGS. IF IRRIGATION IS USED, USE DRIP IRRIGATION OR LOW FLOW EMITTERS INSTALLED AT NATIVE GRADE (NO

TREE #	SPECIES	DBH*	REMOVE
1652 1653	FIR	16 18	
1655	FIR	18	
1655	FIR	16	
1656	FIR	16	
1657	FIR	14	
1658	FIR	22	
1666	FIR	20	
1660		10	
1669	CEDAR	10	
1678	FIR	12	
1679	FIR	14	
1682	FIR	16	
1688	FIR	18	
1700	PINE	12	REMOVE
1790	FIR	28	
1791	FIR	36	
2620	PINE	12	REMOVE
2621	PINE	12	REMOVE
2622 2623	PINE	10 12	REMOVE REMOVE
2623	PINE	10	REMOVE
2625	PINE	10	REMOVE
2626	PINE	12	REMOVE
2627	PINE	10	REMOVE
2628	PINE	16	REMOVE
2629	PINE	10	REMOVE
2631	PINE	12	REMOVE
2631	PINE	12	REMOVE
2635	PINE	12	REMOVE
2636	PINE	12	REMOVE
2637	PINE	16	REMOVE
2638 2639	PINE	16 10	REMOVE REMOVE
2640	PINE	10	REMOVE
2641	PINE	14	REMOVE
2642	PINE	12	REMOVE
2643	PINE	14	REMOVE
2644	FIR	32	
2646	DINE	10	BEMOVE
2646 2647	PINE	18 13	REMOVE REMOVE
2648	PINE	10	REMOVE
2649	PINE	12	REMOVE
2650	FIR	28	
2651	FIR	28	
2652	PINE	12	REMOVE
2654	0AK (x2)	15	
2655	PINE	11	REMOVE
2000			1121110112
2657	PINE	18	REMOVE
2658	PINE	12	REMOVE
2659	PINE	12	REMOVE
2660	PINE	18	REMOVE
2661 2662	PINE	12 14	REMOVE REMOVE
2663	PINE	12	REMOVE
2664	PINE	12	REMOVE
2665	PINE	13	REMOVE
2666	PINE	13	REMOVE
2670	PINE	18	REMOVE
2671	PINE	10	REMOVE
2672	PINE	10	REMOVE
2673	PINE	10	REMOVE
2674	PINE	16	REMOVE
2676	PINE	14	REMOVE
2677	PINE	11	REMOVE
2678	PINE	12	REMOVE
2679	PINE	10	REMOVE
2680	PINE	18	REMOVE
2681 2682	PINE	10 12	REMOVE
2682 2683	PINE	12 14	REMOVE REMOVE
2684	PINE	16	REMOVE
2685	PINE	18	REMOVE
2687	PINE	14	REMOVE
2688	PINE	18	REMOVE
2689	PINE	12	REMOVE
2690 2691	PINE	16 12	REMOVE
2691 2692	PINE	12	REMOVE REMOVE
2693	PINE	14	REMOVE
2694	PINE	10	REMOVE
2695	PINE	16	REMOVE
2696	PINE	10	REMOVE
2697	FIR	18	

TREE #	SPECIES	DBH*	REMOVE
2699	FIR	22	
2700	FIR	34	
2701	FIR FIR	48	
2702	FIR	28 24	
2704	FIR	42	
2705	FIR	28	
2706	FIR	28	
2707	FIR	26	
2708	FIR FIR	40 14	
2709	FIR	32	
2713	FIR	12	
2714	FIR	28	
2716	FIR	28	
2717	FIR FIR	32 40	
2719	FIR	28	
2720	FIR	28	
2721	FIR	32	
2722	FIR	44	
2723	FIR	40	
2724	FIR FIR	48 22	
2725	FIR	24	
2727	OAK	38	
2728	OAK	16	
2729	OAK	24	
2730	OAK	18	
2731	OAK	12 30	
2732	FIR OAK	30 14	
2733	OAK	14	
2735	FIR	30	
2736	FIR	18	
2737	FIR	14	
2738	FIR OAK	30 24	
2739	FIR	24	
2741	FIR	12	
2742	FIR	12	
2743	FIR	28	
2744	FIR	24	
2745	FIR FIR	23 14	
2740	FIR	18	
2750	FIR	30	
2751	FIR	32	
2752	FIR	24	
2753	PINE	14	
2755 2756	DECD FIR	10 40	
2757	FIR	32	
2758	FIR	32	
2759	FIR	32	
2760	FIR	30	
2761	FIR	16	
2762	FIR FIR	22 36	
2763	FIR	52	
2765	PINE	12	
		20	
2769	FIR PINE	22 16	
2770	FIR	16	
2772	FIR	14	
2773	FIR	16	
2774	FIR	10	
2776	FIR	12	
2776	FIR	12 12	
2778	FIR	26	
2779	FIR	26	
2780	FIR	30	
2781	BIRCH	12	
2782	OAK OAK (x3)	14 14	
2783	OAK (X3) OAK	14	
2785	OAK	10	
2786	OAK	18	
2787	OAK	10	
2788	OAK	10	
2789	OAK OAK	18 24	
2795	OAK	24	
2798	DECD	14	
2815	OAK	26	
2822	OAK	44	
2823 2824	OAK OAK	24 26	REMOVE
2824	OAK OAK	20	REMOVE
2825	0AK (x3)	16	REMOVE
2827	OAK (x2)	14	REMOVE
2828	OAK	20	
2829	OAK OAK	18 18	
2830 2831	OAK OAK	18 18	

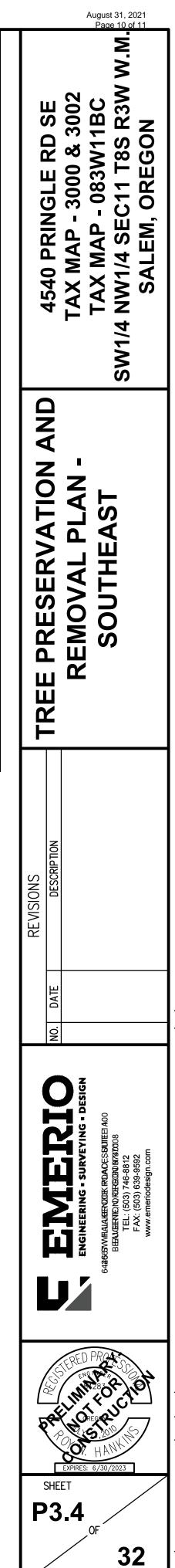
- SHOULD SUPERVISE PROPER EXECUTION OF THIS PLAN ON-CALL DURING CONSTRUCTION ACTIVITIES THAT COULD ENCROACH ON RETAINED TREES. TREE PROTECTION SITE INSPECTION MONITORING REPORTS SHOULD BE PROVIDED TO THE CLIENT AND CITY FOLLOWING EACH SITE VISIT PERFORMED DURING CONSTRUCTION.
- 9. REASSESSMENT. TREES THAT ARE RETAINED WITH SITE IMPROVEMENT WORK SHOULD BE REASSESSED IN TERMS OF FUTURE HOME PLANS; ADDITIONAL TREE REMOVAL OR ALTERNATIVE TREE PROTECTION MEASURES MAY BE NEEDED.

- POOR
- VERY POOR

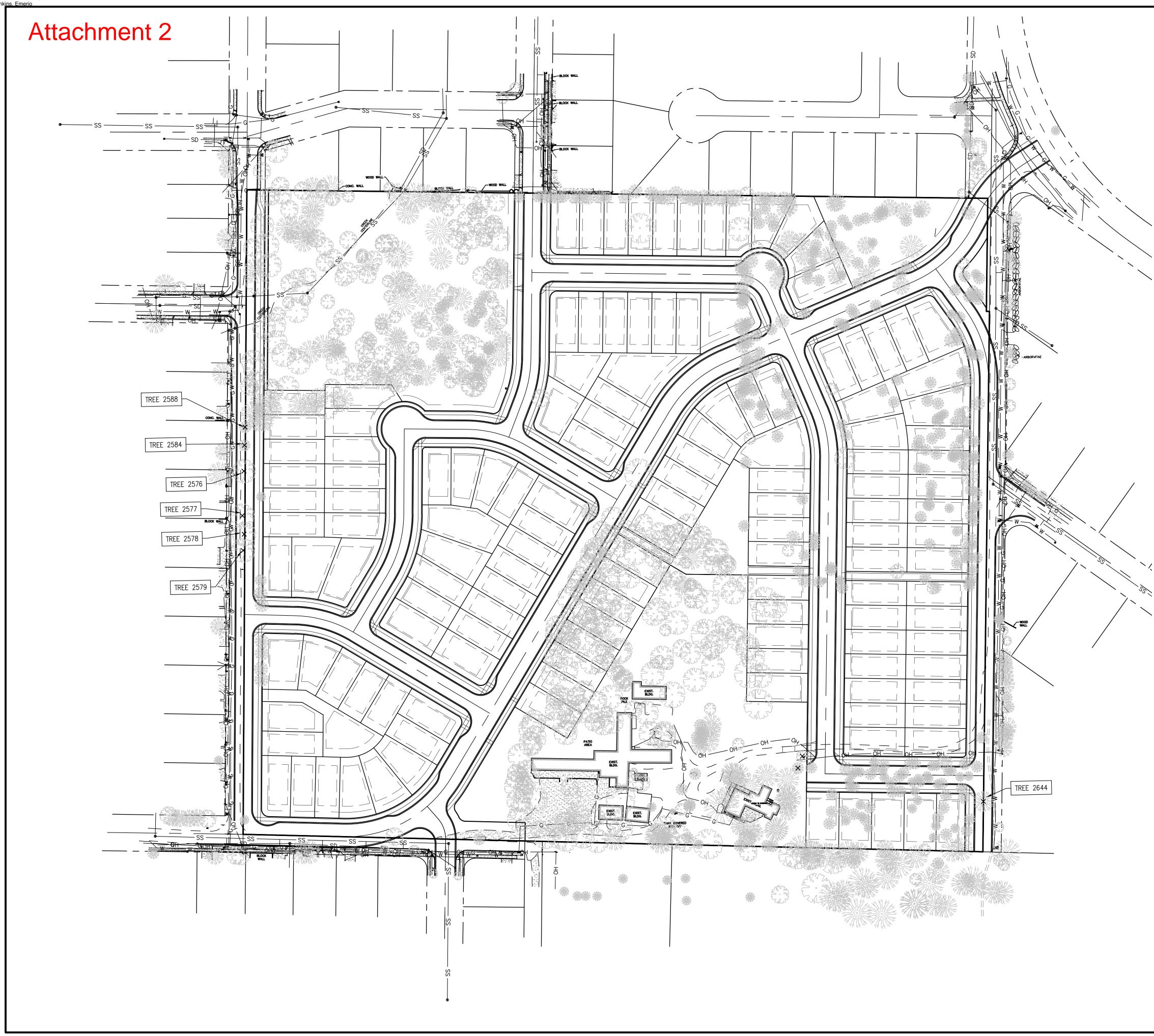
TREE #	SPECIES	DBH*	REMOVE
2832	OAK	24	REMOVE
2833	OAK (x2)	16	REMOVE
2834	OAK	22	REMOVE
2835	OAK	10	
2836	OAK	30	
2837	OAK	18	
2838	OAK (x3)	18	
2839	OAK (x2)	12	
2840	OAK	20	
3073	FIR	14	
<u> </u>	FIR FIR	14 36	
3076	FIR	26	
<u> </u>	FIR FIR	24 24	
3079	FIR	24	
3080	FIR	15	
3080	FIR	26	
3082	FIR	22	
3083	WALNUT	10	
3084	OAK	28	
3086	FIR	10	
3087	OAK	17	
3088	OAK	22	
3089	0AK (x2)	16	
3092	OAK (x2)	18	
3093	OAK	22	
3094	OAK	20	
3095	OAK (x3)	14	
3096	OAK	14	
3097	OAK	10	
3098	OAK	10	
3099	0AK (x2)	12	
3100	OAK	20	
3101	OAK	12	
3102	OAK (x2)	16	
3103	OAK (x2)	12	
3103 3104	OAK (x2) OAK	12	
3105	OAK	16	
3106	OAK (x2)	18	
3107	OAK	12	
3108	OAK	12	
3109	OAK	28	
3110	OAK (x2)	14	REMOVE
3111	OAK	14	
3112	OAK	10	REMOVE
3113	OAK	10	REMOVE
3114	OAK	14	REMOVE
3115	OAK	16	REMOVE
3116	OAK (x2)	16	REMOVE
3117	OAK	16	REMOVE
3119	ΟΑΚ	12	REMOVE
3120	OAK	18	REMOVE
3121	OAK	12	REMOVE
3122	OAK	14	REMOVE
3123	OAK	10	REMOVE
3124	FIR	30	
3125	OAK	14	
3126	OAK	12	
3127	OAK	12	
3128	FIR FIR	20 36	
3129 3130	OAK	12	
3131	OAK	12	
3132	OAK	12	
3133	OAK	18	
3134	OAK (x2)	22	
3135	OAK	22	
3136	OAK	14	
3137	OAK	22	
3138	0AK (x2)	20	
3139	OAK	18	
3140	OAK	14	
3141	OAK	22	REMOVE
3142	OAK	20	REMOVE
3143	OAK	20	REMOVE
3144	OAK	10	REMOVE
3145	OAK	12	REMOVE
3222	OAK	12	
3223	OAK	14	
3224	OAK	16	
3360	OAK	24	
3361	OAK	22	
3362	OAK	18	
3363	OAK (x2)	18	
3364	OAK (x2)	18	
3365	OAK (x2)	12	
3444	FIR	16	
3445	FIR	24	
3446	OAK	24	
3447	FIR	24	
3448	FIR	20	
3449	FIR	22	
3450	FIR	36	
5634	FIR	16	
5635	FIR	14	REMOVE

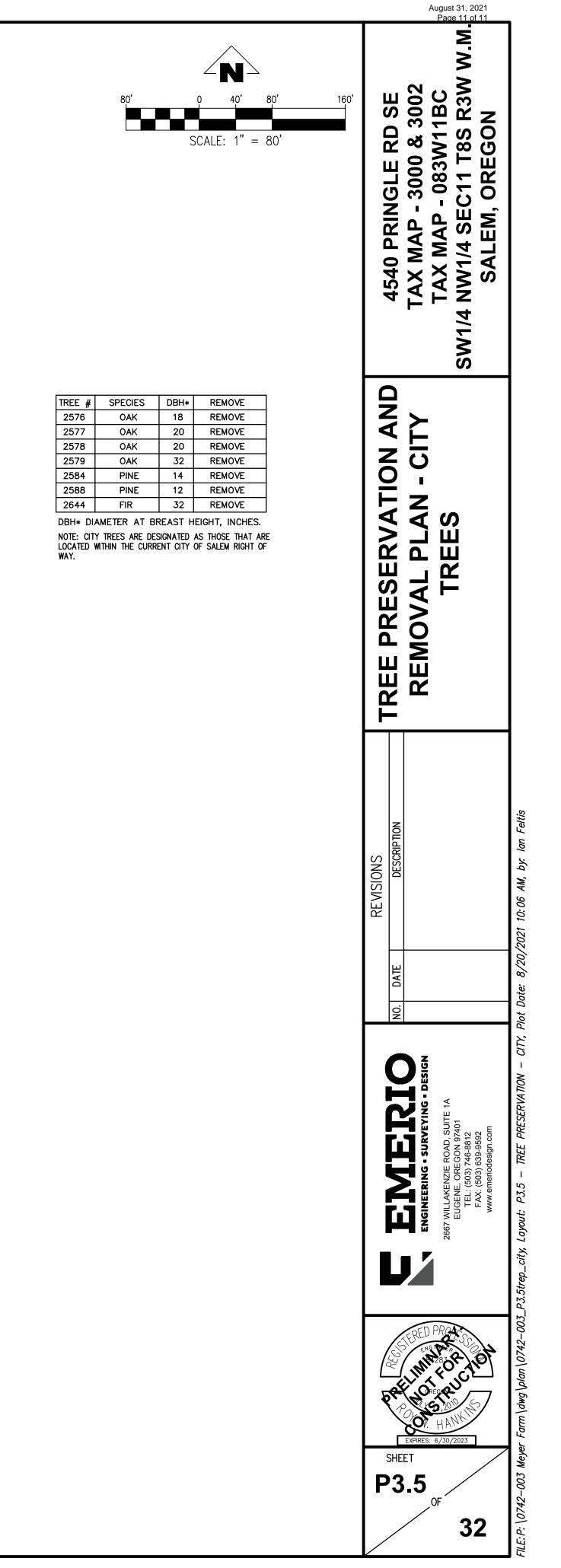
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TREE #	SPECIES	DBH*	REMOVE		
5636	MADRONA	10	REMOVE		
5637	FIR (x2)	14	REMOVE		
5638	FIR	16	REMOVE		
5639	FIR	14	REMOVE		
5640	FIR (x2)	16	REMOVE		
5641	FIR	26	REMOVE		
5642	FIR	18	REMOVE		
5643	FIR	16	REMOVE		
5644	FIR	16	REMOVE		
5645	FIR	18	REMOVE		
5646	FIR	14	REMOVE		
5647	FIR	16	REMOVE		
5648	CTNWD	18	REMOVE		
5649	PINE	10	REMOVE		
5651	MADRONA	12	REMOVE		
5652	PINE	14	REMOVE		
5654	PINE	12	REMOVE		
5655	PINE	10	REMOVE		
5656	PINE	10	REMOVE		
5657	PINE	12	REMOVE		
5658	PINE	12	REMOVE		
5660	PINE	10	REMOVE		
5665	PINE	10	REMOVE		
5666	PINE	10	REMOVE		
5667	PINE	12	REMOVE		
5669	FIR	12	REMOVE		
5700	PINE	12	REMOVE		
5701	FIR	14	REMOVE		
5702	PINE	10	REMOVE		
0/02	1 1112				
5704	PINE	10	REMOVE		
5705	PINE	10	REMOVE		
5705					
5707	PINE	10	REMOVE		
5708	PINE	16	REMOVE		
5708	FIR	10	REMOVE		
5709					
5712	PINE	12	REMOVE		
5712	PINE	12	REMOVE		
5/13	FINE	12			
DBH* DIAMETER AT BREAST HEIGHT, INCHES.					

INDICATES OFFSITE TREE, OR TREE NOT LOCATED WITHIN PROJECT AREA. NOT INCLUDED IN TREE PRESERVATION COUNT.



Tree Assessment at Meyer Farm Roy Hank<u>ins. Emerio</u>







THE PROPOSED SUBDIVISION OF THE MEYER FARM. CASE NO. SUB 21-09 **MORNINGSIDE N.A. RECOMMENDATION TO CITY COUNCIL** For Public Hearing: January 10, 2022

Mayor and City Council:

Morningside Neighborhood Association recommends DENIAL of this application. MNA Sub Committees on Traffic, Trees, and Land Use, have been meeting for months to develop detailed recommendations, which were forwarded to the Executive Board each time for review and approval. These deliberations were therefore based on a MNA detailed review, by committees, of the Applicant's materials, which are on file.

The committees found that some submitted Applicant reports were inaccurate, incomplete, and deceptive.

Traffic Concerns: Our primary traffic concerns are the safety, capacity, and traffic operations of the Hillrose St SE & Battle Creek Rd SE intersection and the Hilfiker Ln SE & Commercial St SE intersection. As the new Hilfiker/Hillrose section will be the only direct Commercial St SE - Battle Creek Rd SE connection between the Kuebler Blvd connection to the South and the Madrona Ave SE connection to the North, it won't just be traffic from the new housing development, but also existing traffic that finds this to be a more convenient East/West route.

The applicant's Traffic Impact Study doesn't appear to fully take this into account. It also doesn't appear to factor in any traffic from other planned developments in the area. There are hundreds of new residential units in the surrounding area already approved and the relocated Costco will increase Battle Creek traffic when it opens.

There were many omissions and deficiencies in the applicant's Traffic Impact Analysis, and therefore, we believe that it does not provide sufficient or reliable conclusions related to the safety, traffic operations and capacity of the study intersections. Our specific concerns are enumerated in the attached comments.

Trees Concerns: Our primary concern about the Applicant's Tree Preservation and Protection plan is that it does not adequately support objectives in City Code Section 808, in regards to amount of native tree cover being removed, likely exclusion of significant Oregon white oak trees from the roster of trees to be removed, and removal of potential Heritage Trees of other species.

Land Use Concerns: Our Committee found a complete disregard for State Law. State Land Use Goal 5 which requires protection of significant historic resources, significant trees, waterways, endangered species, etc. The City of Salem has indeed decided to include Compliance of Goal 5 in the next budget. At this time however, the City, and this Applicant, are not in compliance. If and when this gets to the State for adjudication, on Appeal, then State Laws will be enforced and this matter will indeed be remanded back to the City to get it right. The

time to address this correctly is now. That heritage should respected, and State Law requires that it be protected, and not disregarded, as it has been so far, in this unfortunate process.

History and Heritage Concerns:

Loss of an important piece of Salem's history. The Meyer Farm holds significant historical value, and the destruction of this pristine property means the loss of that heritage. This property is one of the last original parcels remaining from the Land Donation Act of 1850. Ownership of the farm is traced back to the original claimant, Joseph Waldo.

Overwhelming Neighbor Concerns: In December the Applicant, his engineer and his planner, came to Morningside and presented their subdivision plans. The room was full, and masked neighbors sat around all sides of the room. Toward the end of the meeting the neighbors were asked "all those opposed to the proposed development of The Meyer Farm please stand". The entire room of neighbors, i.e. 100%, stood in silent protest, and this further impressed the board with the significance of the Farm in this community. MNA is supposed to be the body that represents neighborhood concerns, and that quiet demonstration made it clear what the community thinks.

ATTACHED COMMITTEE REPORTS:

These reasons for Denial have been documented in great detail in the following Reports, and these facts provide the Council with the valid reasons for denial. See the following sections regarding Land Use, Traffic, Trees, History & Heritage, for the details of these MNA recommendations.

At the end is an Executive Summary of the main points.

MNA recommends that this proposal be denied.

Pamela Schmidling

Pamela Schmidling, Chair Morningside Neighborhood Association

SEE ATTACHED COMMITTEE REPORTS

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Page 1: Cover Letter Page 3: Land Use Page 5: Traffic Page 13: Trees Page 16: History and Heritage Page 17: Executive Summary

MNA LAND USE CONCERNS

Since 1947, the Meyer family has owned and protected this unique 30-acre farm located just minutes from the Oregon State Capitol building in Salem.

The Meyer Family Farm is believed to be the largest remaining undeveloped urban farm in Southeast Salem. It is the original homestead resulting from a patent issued by The Donation Land Claim Act of 1850 and settled by an Oregon Trail pioneer.

This is a special 30-acre property that has been a working farm in the Morningside Neighborhood and is known as The Meyer Farm which operated under a farm trust. A majority of the Meyer Family wants the farm to remain as dedicated open space. The neighborhood hopes that area can continue to the case, i.e. that The Meyer Farm remain as dedicated open space, as alreadt planned on the Parks Master Plan map, and possibly with public access bicycle or walking paths through the delightful property, possibly also as a bike/ped extension of existing and adjacent Hilfiker Park.

MNA is aware that the Parks Master Plan shows a large asterisk in this area of Morningside, i.e. indicating the need for a large 30+ acre parks or open space area in this neighborhood. All other large tracts have been spoken for, e.g. Coburn Heights, Jackson Heights, etc. so this is the only large tract left. It does need to be designated Open Space. It has been for years, as a farm trust property, with meadows, farming, animals, and stunning stands od White Oaks, planted by the Kalapuyas, and is a beloved treasure of an amenity in our neighborhood. The community believes it should be left as open space, per State Goal 5, and would not require City funds for its continued farm operation and as an amenity of 30 acres of open space in our continually and rapidly developed urban area. One city staff member is opposed, but MNA believes in implementation of the Parks Master Plan, and showing it officially designated green on the Comprehensive Plan Map. Details about future limited public access can be discussed with the Meyer Family Trust, once the current court arguments about legitimate ownership are resolved in 2022.

The MNA Neighborhood Plan shows a future connected walking trail from Hilfiker Park through Historic Meyer Farm open space, through The Woods open space, to undeveloped Fairview Park and beyond.

HISTORIC RESOURCES:

When the Kalapuyas planted those Oaks in the 1720's in an arrow formation pointing north they probably envisaged those Oaks growing for hundreds of years. 300 years later our land use laws have to protect our trees.

WATERWAYS:

Neighbors have commented that there are springs and waterways on the Meyer Farm. They are supposed to be identified and protected.

ENDANGERED SPECIES:

The Western Gray Squirrel is listed as an Oregon Conservation Strategy Species in the Willamette Valley ecoregion by the Oregon Department of Fish and Wildlife. The listing status for this squirrel is SENSITIVE.

The primary habitat for the Western Gray Squirrel is... "oak woodlands, oak savannas, and mixed oak-pine-fir woodlands. They prefer older oak trees with large limbs and continuous canopy cover to facilitate movement." ORS Chapter 660 outlines procedures and requirements for complying with Oregon Land Conservation and Development's Goal # 5.

When land (public OR private) has been documented to perform a life support function for a wildlife species listed by the state government as threatened, endangered, or SENSITVE, it may be determined to be a Significant Wildlife Habitat under OAR 660-023-0040.

Because Salem has NOT included Goal 5 wildlife information in its Comprehensive Plan, it is out of compliance with ORS 197.230(1)(c)(I).

STATE LAND USE GOAL 5: NO COMPLIANCE

If the city is out of compliance with this goal (which it is), it is REQUIRED to make land use decisions and limited land use decisions in compliance with the state goals, including goal #5 (ORS 197.175(2)(c). Basically, since Salem hasn't added anything about this State-required goal in its Comprehensive Plan, the city is required to follow the state guidelines when making decisions on land-use applications.

Those guidelines allow any area that is proven to significantly support life functions of a Sensitive Species (Oak trees and the Western Gray Squirrel) to be protected, and "conflicting uses" (destruction of said habitat for development) are prohibited.

Similarly, no development should be contemplated until there has been a comprehensive archeological survey of the property, including Kalapuya tree plantings, artifacts, and the burial mound should all be investigated, with the coordination with the tribes.

MNA TRAFFIC CONCERNS

MNA primary traffic concerns are the safety, capacity, and traffic operations of the Hillrose St SE & Battle Creek Rd SE intersection and the Hilfiker Ln SE & Commercial St SE intersection.

As the new Hilfiker/Hillrose section will be the only direct Commercial St SE - Battle Creek Rd SE connection between the Kuebler Blvd connection to the South and the Madrona Ave SE connection to the North, it will not just be traffic from the new housing development, but also existing traffic that finds this to be a more convenient East/West route.

The Traffic Impact Study does not appear to fully take this into account. It also does not appear to factor in any traffic from other planned developments in the area. There are hundreds of new residential units in the surrounding area already approved and the relocated Costco will increase Battle Creek traffic when it opens. There were many omissions and deficiencies in the Traffic Impact Analysis, and therefore, we believe that it does not provide sufficient or reliable conclusions related to the safety, traffic operations and capacity of the study intersections. Our specific concerns are enumerated in the attached comments.

The Applicant, as required, provided MNA with an emailed advance copy of the Kittleson traffic study for the subdivision application at 4540 Pringle Rd SE. We have reviewed the TIA and have several concerns:

- 1. The proposed development will construct a new collector between Commercial Street SE and Pringle Road/Battle Creek Road all of which are arterials. The traffic study only analyzed the traffic loading on this new collector and the project intersections based on the proposed subdivision traffic. This new collector will attract east/west traffic that needs to be modeled/analyzed. Especially at the Hilfiker Lane/Hillrose Street/Battle Creek/Pringle intersection. The added traffic could significantly impact the operations at this intersection (see text on p. 15 and volumes/operations in Figure 7).
- 2. The TIA says that no approved / in-process traffic was considered (p.11thirdparagraph). Please see the list of developments in the vicinity of the project that are approved and should be considered and analyzed as part of this TIA:
 - Costco Commercial Development (Kittelson did the TIA and the development is located at Keubler/27th- SW quadrant)
 - "Kuebler Station" Retail Center (Roodhouse Development located at Keubler/27th- NE quadrant)
 - 183 unit multifamily development at Sustainable Fairview Reed & Strong Rd (The Grove at Fairview 2)
 - 177 lot single family development at Battlecreek / Reed Rd. (Coburn Grand View Estates)
 - 215 lot single family development at Battlecreek/Pringle Rd (Fairview Addition 2)
 - 435 units + 24k SF retail development at Sustainable Fairview along Reed Rd (Fairview Hills Refinement Plan 2012)
 - Industrial development currently under construction along Fairview Industrial Drive.
 - COMING SOON: 75 single family development at Jackson Ridge subdivision (off Crowley SE). See MNA Letter to City regarding Traffic Concerns July 2021.
- 3. There is a combination of a vertical curve and horizontal curve in the southbound direction at the new collector approach from Hilfiker Lane/Hillrose Street to Battle Creek/Pringle intersection that needs to be further evaluated.

- 4. The 16% grade at 12th. St. does not meet local street standards and is a fire and life safety issue for new and existing homes. The steep grade also creates restricted sight lines for ingress/egress from existing and new residential driveways, as well as pedestrian crossings to the new proposed open space. Regrading of this section of street to improve sight lines should be evaluated as a condition of development.
- 5. The developer should improve the sidewalks on both sides of 12th St. as a condition of development, and potentially Hillrose Street, both of which are existing single family residential streets having open ditch stormwater and no sidewalks.
- 6. The collector appears to lack bike lanes. This is an important east-west bicycle connection. A shared bicycle/vehicle travel lane ("sharrow") will not be safe on such a high volume collector street. Dedicated bicycle infrastructure should be included in the collector design. Bicycle route connectivity is needed to Hilfiker Park and to Fairview Park, and beyond.

Traffic Concerns

To evaluate the KAI TAI for the proposed Meyer Farm Development, a review was made of the City of Salem Code that applies to a TIA and applicable portions of the analysis. Comments are provided to portions of the TIA that need to be re-analyzed and/or revised to meet City of Salem Administrative Rules.

CITY OF SALEM DEPARTMENT OF PUBLIC WORKS ADMINISTRATIVE RULES CHAPTER 109 Division 001—General—Design Standards

1.15—Traffic Impact Analysis

The Salem Transportation System Plan (TSP) establishes the requirement for a Traffic Impact Analysis (TIA) as part of a land use development proposal. Whether or not a TIA will be required for a particular project is determined during the land use application process. Guidelines for completing the TIA are provided in Division 006—Streets, and in Appendix 1C– Traffic Impact Analysis Report Format of this Division. The EOR shall be responsible for submitting the TIA as part of the development review process, as required.

Portions of Division 001 Appendix C-Traffic Impact Analysis Report Format 1C.3-Existing Conditions

(a) Study Area.

(1). Limits of Traffic Study.

(2). Anticipated Future Development in Area.

(b) Transportation System Inventory.

(1). Area Roadway System (Travel Lanes, Traffic Control, Geometric Issues). (2). Traffic Volumes and Conditions.

(3). Existing Safety and Capacity Deficiencies.

(4). Transit Service.

(5). Pedestrian and Bicycle Facilities.

1C.4—Projected Traffic

(a) Background Traffic.(1). Base Year Traffic.

(2). Method of Traffic Volume Projection (Background Growth). (3). Projected Traffic Volumes.

(4). Traffic Volumes from Other Proposed Developments.

(5). Total Background Traffic.

(b) Site Traffic.

(1). Trip Generation.

(2). Trip Distribution. (c) Total Network Traffic.

1C.5—Traffic Analysis

1

(a) Capacity and Level of Service of Study Area. (1). Signalized Intersections.

(2). Unsignalized Intersections. (3). Site Access.

(4). Design Vehicle Requirements. (5). Site Circulation and Parking.

(b) Traffic Safety.

1C.6—Improvement Analysis

(a) Analysis of Proposed Mitigation. (1). Year of Opening.

(2). Each Subsequent Phase. 1C.7—Findings

(a) Traffic Impacts.

(b) Compliance with Operational Standards (LOS, v/c, etc.). (c) Needed Improvements.

1C.8—Recommendations and Mitigation

(a) Site Access and Circulation Plan.

(b) Roadway and Intersection Improvements. (c) Transportation System Management Actions.

From **1C.3—Existing Conditions (b)** Transportation System Inventory. **(3).** Existing Safety and Capacity Deficiencies.

The existing Safety Deficiency at the Battlecreek Road/Hillrose Street Intersection is not addressed in the TIA.

Battlecreek Road to Hillrose Street Intersection

The KAI TIA does not address the existing safety concern at the Battlecreek Road/Hillrose Street. Page 9 of the TIA states "For the analysis it should be noted that left turns at Battle Creek Road/Hillrose Street are not permitted on the northbound approach, however our analysis includes one observed left-turning vehicle (note that the existing connection to Battle Creek Road will be realigned with the proposed site development and **northbound left-turns will then be allowed**)".

The intersection currently has a regulatory "No Left Turn" sign to alert northbound motorists on Battlecreek Road that it is illegal to make a left turn to Hillrose Street. The decision to locate a regulatory sign at this location would have been due to some previous analysis, likely by a city or county traffic engineer depending on who had the jurisdiction of the roadway when the sign was erected. The TIA does not include a Tintersection design to show how the intersection will adequately and safely accommodate northbound left turns from Battlecreek Road to Hillrose Street.

Page 17 of the KAI TIA states

Sight Distance Preliminary sight distance was reviewed at the proposed public street connection to Battle Creek Road. For the analysis, measurements of intersection sight distance (ISD) and stopping sight distance (SSD) were approximated and then compared against design parameters from A Policy on Geometric Design of Highways and Streets published by the American Association of State Highway and Transportation Officials (AASHTO, Reference 6). With a posted speed of 40 miles per hour on Battle Creek Road, the corresponding recommended ISD for a left- turn from a stop (left turn from Hillrose Street onto Battle Creek Road) is 445 feet and the recommended SSD is 305 feet. From preliminary sight distance measurements ISD and SSD are anticipated to be met and no obstructions or grade issues were identified that would impact sight distance upon buildout of the site.

While it is acknowledged that the posted speed for this portion of Battlecreek Road is 40 mph, personal observations suggest that many motorists drive this section of roadway faster than the posted speed. Additionally, there is a crest vertical on Battlecreek Road immediately south of the intersection, resulting in a downgrade as motorists approach Hillrose Street. If the downgrade exceeds 3-percent, it results in a greater SSD requirement and may additional ISD. The TIA does not address the downgrade on Battlecreek Road.

The text states that intersection sight distance and stopping distance were approximated, then later it states that preliminary sight distance measurements ISD and SSD are anticipated to be met. It is unclear if any on-site survey was conducted to identify exact sight distance measurements in the field. No existing ISD or SSD data is provided in the TIA.

A research paper on "Intersection Sight Distance April 2012", published by The Kiewit Center for Infrastructure and Transportation at Oregon State University, (Dr. Robert Layton) includes the following;

From page 2 of the research "The intersection sight distance is a major control for the safe operation of roadways. It is of particular concern for access management with the numerous driveways and approach roads that must be safely accommodated. Driveways are intersections, according to the Greenbook. All intersecting driveways and roadways should have adequate intersection sight distance".

From page 3 of the research "Intersection sight distance presents a complex and difficult issue. It requires a somewhat involved analysis. The best criteria to determine a safe intersection sight distance are not clear. Numerous conditions influence the intersection sight distance. Conditions and operations vary on different highways, by urban vs. rural, speed, expectations, and volume levels".

There are two separate ISD measurements that apply at a T-intersection such as the Battlecreek/Hillrose intersection.

- Left turn from minor road, and
- Left Turns from Major Road

The required ISD also vary based on the vertical alignment of the roadways. The entire research OSU paper on SSD can be found at

https://cce.oregonstate.edu/sites/cce.oregonstate.edu/files/12-4-intersection-sight-distance.pdf

A research paper on "Stopping Sight Distance April 2012", published by The Kiewit Center for Infrastructure and Transportation at Oregon State University, (Dr. Robert Layton and Dr. Karen Dixon) includes the following;

Primary Stopping Sight Distance Factors

- Perception-reaction time
- Driver eye height
- Object height
- Vehicle operating speed
- Pavement coefficient of friction
- Deceleration rates
- Roadway grade

From page 20 of the research, on level roadways, the SSD is 305 feet when motorists are traveling at 40 MPH, 360 feet when traveling at speeds of 45 MPH and 425 feet when traveling at speeds of 50 MPH. SSD requirements also increase when downhill grades exceed 3-percent, and again when downhill grades exceed 6-percent and 9-percent.

The entire research OSU paper on SSD can be found at

https://cce.oregonstate.edu/sites/cce.oregonstate.edu/files/12-2-stopping-sight-distance.pdf

From **1C.4—Projected Traffic** (a) Background Traffic. (4). Traffic Volumes from Other Proposed Developments.

The existing Projected Traffic Volumes from other Proposed Developments are not considered or included in the TIA at either of the two study intersections.

From Page 12 of the KAI TIA states

"Background Traffic Conditions The background traffic analysis identifies how the study area's transportation system will operate in the year the proposed development is to be built and includes regional traffic growth but does not include the trips associated with the development. At the direction of City staff, a 1.5-percent annual growth rate was applied to the existing conditions volumes for all movements at the study intersections. **No in-process developments were assumed with this project".**

As the Salem Administrative Rules for TIA's clearly states that (4). Traffic Volumes from Other Proposed Developments are to be made a part of the (a) Background Traffic, it is unclear why "No

in-process developments were assumed with this project" or why the TIA was approved. Many nearby projects have been approved by the City of Salem staff, with several under construction, and others to be constructed in the future. It is anticipated that all six of the following approved developments will increase traffic volumes on either Battlecreek Road or South Commercial, or both roadways.

- Kuebler Gateway Shopping Center (Costco)
- South Salem Retail Center (Roodhouse Development located at Kuebler/27th-NE

quadrant)

- 183-unit multifamily development at Reed & Strong Rd (The Grove at Fairview 2)
- 177 lot single family development at Battlecreek / Reed Rd. (Coburn Grand View

Estates)

- 215 lot single family development at Battlecreek/Pringle Rd (Fairview Addition 2)
- Industrial development currently under construction along Fairview Industrial Drive.

A review of the KAI TIA PacTrust Kuebler site (later described as the Kuebler Gateway Shopping Center) from 2006 identified that 15-percent of all new site-generated trips would access the property via Battlecreek Road. However, when KAI updated the TIA for a Costco development in in 2018, the consultant assigned a mere 5-percent of the Costco generated site traffic to Battlecreek Road. It is acknowledged that KAI assumed that 15-percent of the retail pads site-generated traffic will access the site via Battlecreek Road though this is a relatively insignificant amount of traffic.

As proposed in the KAI Costco TIA, the development will have little impact on Battlecreek Road and therefore does not significantly impact the traffic operations at the Battlecreek Road/Hillrose Street intersection, however, the TIA assigned 40-percent of the Costco site generated traffic to the west on Kuebler Blvd. The consultant must contend that most of the traffic using this route are from Dallas, West Salem, Downtown Salem, and possibly even portions of Keizer. Therefore, nearly all the 40-percent of the new Costco traffic will use commercial Street to the north of Kuebler Blvd. This Costco generated traffic was not considered at the Commercial Street/Hilfiker Lane study intersection in the KAI TIA for the Meyer Farm Development.

The other approved in-process developments are likely to increase traffic volumes on Battlecreek Road in the vicinity of Hillrose Street and possibly on Commercial Street in the vicinity of Hilfiker Lane.

1C.5—Traffic Analysis (a) Capacity and Level of Service of Study Area. (1). Signalized Intersections.(2). Unsignalized Intersections.

As the existing Projected Traffic Volumes from other Proposed Developments are not considered or included in the TIA at either of the two study intersections, the TIA findings do not accurately reflect the Capacity of Level of Service at the two study intersections. The adjusted traffic volumes on Commercial Street will likely result in a longer length of vehicle queue on eastbound Hilfiker Lane.

1C.6—Improvement Analysis (a) Analysis of Proposed Mitigation. (1). Year of Opening.

As it appears that the two study intersections did not include sufficient traffic volumes from in-process traffic as part of the Traffic Analysis, it cannot be determined if the improvement analysis at the study intersections is correct as stated in the TIA. An extended vehicle queue on eastbound Hilfiker Lane may require additional mitigation measures.

1C.7—Findings (a) Traffic Impacts. (b) Compliance with Operational Standards (LOS, v/c, etc.). (c) Needed Improvements.

At such time that the two study intersections adequately include the in-process traffic volumes and subsequent analysis, findings can be made to properly identify (a) traffic impacts, (b) Compliance with Operational Standards and (c) Needed Improvements. Additional traffic volumes on Commercial Street may result in necessary mitigation measures for an extended vehicle queue on eastbound Hilfiker Lane.

1C.8—Recommendations and Mitigation (b) Roadway and Intersection Improvements.

Page 17 of the KAI TIA states

"The eastbound approach will be reconfigured with site buildout, and, as such, we recommend that a final sight distance evaluation be conducted during design and after construction in conformance with City standards. We further recommend that all above ground utilities, signage, and on-street parking be located and maintained to provide adequate intersection sight distance in conformance with City standards".

Page 22 of the KAI TIA states

"On-site landscaping, as well as any above ground utilities and signage, should be located and maintained at the site roadways to provide adequate intersection sight distance, per City and County requirements. Additionally, when the eastbound approach at the Hillrose Street/Battle Creek Road intersection is reconfigured with site buildout, a full sight distance evaluation should be conducted during design and after construction to provide adequate site distance in conformance with City standards".

As the Intersection Sight Distance and Safe Stopping Distance measurements are critical elementals to ensure the highest possible degree of safety at the Battlecreek Road/Hillrose Street intersection, it is imperative that a site plan of the intersection is designed to ensure that all necessary sight distances can be adequately provided based on the operating speed of motorists in the site vicinity and considering the impact of the northbound downgrade on Battlecreek Road prior to City of Salem approval for the Meyer Farm Development.

It is recommended that.

• As the through speed on Battlecreek Road is critical to the design of a realigned Battlecreek Road/Hillrose Street intersection and the construction of a north-bound left-turn lane, a speed study based on City of Salem standards is to be conducted on Battlecreek Road in the vicinity of Hillrose Street to determine the running/operating speed of motorists on the major roadway.

- A topographical survey of the vicinity around the future Battlecreek Road/Hillrose Street intersection to establish the existing grade on Battlecreek Road and Hillrose Street, existing sight lines, cut slopes and any other obstructions in the area that may have an impact on existing and future sight line requirements.
- Based on the site survey, the consultant is to develop a Battlecreek Road/Hillrose Street intersection and north-bound left-turn lane on Battlecreek Road design that meets all SSD and ISD requirements prior to approval and construction of the Meyer Farm Development.
- To predict the future capacity analysis and traffic operations more accurately at the Commercial Street/Hilfiker Lane study intersection, the additional Costco site-generated traffic on Commercial Street should be included in the background traffic volumes, as well as additional traffic from other approved in-process traffic volumes that may impact this study intersection. The traffic volumes should also include diverted traffic from the in- process developments. A revised vehicle queueing analysis on eastbound Hilfiker Lane may identify the need for additional mitigation measures beyond what is presented in the KAI TIA.
- To predict the future capacity analysis and traffic operations more accurately at the Battlecreek Road/Hillrose Street intersection and north-bound left-turn lane on Battlecreek Road, all additional traffic from other approved in-process traffic volumes that may impact this study intersection. The traffic volumes should also include diverted traffic from the in- process developments.

MNA TREE PRESERVATION AND TREE PROTECTION CONCERNS

MNA has the following concerns about the plan's incongruity with City Code Section 808 objectives to preserve significant trees and expand tree canopy:

1. <u>Amount of native tree cover being removed</u> –

Applicant's plan is to remove most of the trees from in the eastern half of the onsite area. Many trees in the north are remnants of plantations (including Christmas trees) and are declining in vigor. Under the plan, many healthy trees of natural origin – including potentially-significant Oregon white oaks – will be removed. The high density of the proposed development (small lots) in this area makes it impossible to safely retain such trees. A tree's crown cover area is more proportional to *basal area* of the tree trunk diameter than to *diameter*; accordingly we submit the under-representation of canopy impact by removal is about 50%. Planting two trees (per Code) on each 4,000 square foot lot will take decades to replace canopy removed for development. Fewer and larger lots in the tree-covered parts of this development would reduce impacts on preserved trees, require more new trees to be planted and help minimize canopy recovery time.

2. Exclusion of "Significant" trees from the inventory -

Code defines an Oregon white oak 24 inches or larger DBH as a "Significant" tree, requiring more deference and protection in land development. The report by "consultant" Teragan & Associates on its examination of 33 of the trees in the applicant's original tree survey reveals significant initial <u>underrecording of tree diameter</u>. Thus it is likely that *significant-size* trees were not identified as such. On average, for all 33 re-examined trees, applicant's original measurements were 83% those measured and recorded by the consultant. Furthermore, Applicant's original average for trees to be removed is about 62% of the follow-up survey diameters. One 42" oak tree (#3123) which applicant plans to remove was recorded as 10 inches (24% of actual diameter.) Even after eliminating this and two other trees with greatest disparities, original measurements are 81% of consultant's follow-up. A more comprehensive follow-up survey is apparently needed to validate original tree measurements and removal impacts.

3. Omission of potential Heritage Trees -

Two large and old <u>black walnut trees</u> are <u>slated for removal</u>. These non-native trees were planted by early occupants of the land who were prominent in Salem and Oregon histories. Walnut trees are vulnerable to certain insects and pathogens. These trees have survived the most recent infestation of white walnut twig beetle in this area – which bodes well for their potential longevity. These grand old links to our City's past deserve to be preserved.

PROBLEMS WITH THE TREE PLAN

SERIOUS DISCREPANCIES

There is a large diameter Oregon White Oak (tree #3194), a protected tree under the code, that is in the pathway of the proposed collector and proposed be removed. The curve radius of the collector near 12th St should begin earlier, so as to avoid removal of this protected Significant Tree. This would be consistent with code when a reasonable design alternative exists. The collector should be shifted enough so that the required silt fencing which marks the protective zone around the Significant Tree is maintained throughout duration of construction of the collector, include grading, excavation, and installation for the adjacent sidewalk and entire right of way.

The Tree Plan is dated 2021 but it seems as if it is an outdated one.

The ordinance requires a new Tree Survey conducted in the last 6 months.

More importantly there are serious discrepancies in the tree table regarding large significant Oaks etc.

The Tree Table (see below) claims one set of sizes.

However, the Arborist report (see the next row of sizes) says that the trees are actually a much larger diameter, and up to twice the claimed size. This is a very serious error.

RESPONSIBLE DESIGN IS NEEDED

A better and more responsible approach would be to

1. Map the trees (accurately) and then

2. Locate any future dwellings (footprints) and roads and utility lines and easements, so as to miss major groves of trees.

A better, and more responsible approach, especially for a pristine property, would be to honor what the City is trying to achieve, i.e. preservation of significant trees.

The Planning Commission and the City Council have been discussing preservation of large trees of other species and including them as "significant" plus requiring the tree cover and root lines to be protected (by fencing) during construction, from damage and compaction by heavy equipment.

It should be the responsibility of the applicant to respect these 2021 City goals and standards even while the ordinance is still being finalized. Of course, the applicant could maintain that they will use the previous standards until new ones are final, but they have a moral responsibility to respect the City tree preservation goals and policies and go the extra mile to do a good job in designing a responsible layout that saves the trees.

Regarding the tree protection plan: It did say "preliminary – not for construction" on the map. So, it is assumed that the developer's arborist just tagged, measured and mapped the trees (eyeballed ones they could get to through the brush.) Teragan's survey was focused on the trees identified as "Significant" per Salem Code; so Teragan measured and evaluated the tree more-precisely. The City should focus on protecting the "Groves" rather than the isolated tree.

The following spreadsheet is a table that MNA compiled to document the inaccuracies in the submitted Tree Table and to show that there be found to be a large number of Significant Trees (mostly White Oaks) and these trees shall be saved and protected by City Ordinance Chapter 808.

Tree ID	Emerio Tree Preservation Plan dated 6/22/21 (DBH Inches)	Teragan Arborist Report dated 7/25/21 (DBH Inches)	Variance (DBH Inches)	Variance %
3194	24	27	3	12%
3213	28	42	14	50%
4466	30	33	3	10%
4468	24	31	7	29%
4470	24	29	5	21%
4472	24	29	5	21%
4473	24	25	1	4%
4500	36	37	1	3%
4574	28	33	5	18%
4721	28	31	3	11%
4806	24	28	4	17%
4919	28	36	8	29%
4923	28	32	4	14%
4958	24	28	4	17%
2727	38	48	10	26%
2729	24	27	3	12%
2739	24	27	3	12%
2796	24	27	3	12%
2815	26	34	8	31%
2822	44	50	6	14%
2823	24	32	8	33%
2824	26	33 💼	7	27%
2832	24	30	6	25%
2836	30	34	4	13%
3064	28	32	4	14%
3109	28	32	4	14%
3360	24	29	5	21%
3360	24	29	5	21%
3446	24	28	4	17%

MNA HISTORY AND HERITAGE CONCERNS

Loss of an important piece of Salem's history. The Meyer Farm holds significant historical value, and the destruction of this pristine property means the loss of that heritage. This property is one of the last original parcels remaining from the Land Donation Act of 1850. Ownership of the farm is traced back to the original claimant, Joseph Waldo.

Loss of Heritage

The barn that Joseph Waldo built in 1854 still sits on the property. This barn is qualified to be listed on the National Registry of Historic Places, which would give the property additional protection from development.

In addition, a Black Walnut Tree with a circumference over 100" stands in the center of the property. It is likely that Joseph Waldo planted this tree himself sometime in the 1850s. Approval of the proposed subdivision means this tree will be destroyed to pave a new street.

The tree could potentially be given Heritage Tree status in Salem, and the barn could be added to the National register. No historic recognition of any kind is possible during evaluation of a Land Development proposal.

Possibility of Native American artifacts

The ancient grove of oaks on the Meyer Farm was likely planted a few hundred years ago by the Kalapuyan Native Americans, purposefully in the shape of an arrowhead, and potentially marking a burial site.

EXECUTIVE SUMMARY

Morningside Neighborhood Association recommends Denial of SUB 21-09 for the following reasons.

TRAFFIC

Traffic Concerns: Our primary traffic concerns are the safety, capacity, and traffic operations of the Hillrose St SE & Battle Creek Rd SE intersection and the Hillfiker Ln SE & Commercial St SE intersection. As the new Hilfiker/Hillrose section will be the only direct Commercial St SE - Battle Creek Rd SE connection between the Kuebler Blvd connection to the South and the Madrona Ave SE connection to the North, it won't just be traffic from the new housing development, but also existing traffic that finds this to be a more convenient East/West route.

The Traffic Impact Study doesn't appear to fully take this into account. It also doesn't appear to factor in any traffic from other planned developments in the area. There are hundreds of new residential units in the surrounding area already approved and the relocated Costco will increase Battle Creek traffic when it opens.

There were many omissions and deficiencies in the Traffic Impact Analysis, and therefore, we believe that it does not provide sufficient or reliable conclusions related to the safety, traffic operations and capacity of the study intersections. Our specific concerns are enumerated in the attached comments.

TREES

Trees Concern: Our primary concern about Applicant's Tree Preservation and Protection plan is that it does not adequately support objectives in City Code Section 808, in regards to amount of native tree cover being removed, likely exclusion of significant Oregon white oak trees from the roster of trees to be removed, and removal of potential Heritage Trees of other species.

LAND USE

Noncompliance with State Law

The city's land development laws are not compliant with Oregon State Land Use & Development Goal #5. This law requires cities to address the protection of a variety of resources in their land development practices, including open space, historic resources, and wildlife habitats. Since city ordinances have not yet been updated to include these requirements, many of these resources, which exist on the Meyer Farm property, will be lost or destroyed if the subdivision is constructed.

Wildlife Habitat

Fourteen local wildlife species that require the unique habitats of the Meyer Farm to survive, are listed as Special Sensitive Species by the State of Oregon and/or the Federal Bureau of Land Management. Not only are these species protected by local, State, and Federal law, but their required habitats are also protected.

HISTORY AND HERITAGE

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Resolution of the Land Ownership:

Once the Family resolves its case in Circuit Court, the majority of the Meyer Family have expressed to the City that the Farm should continue to be preserved as open space and working farm for future generations. That would be consistent with the Morningside Neighborhood Plan and the MNA Resolution. Meanwhile this proposal by a developer should be turned down for all these documented reasons.

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

February 14, 2022

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

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

Dear Mr. Panko,

This letter, as well as the exhibits attached to it, may be found at <u>this link</u> for downloading, until 9 ayem pacific time tomorrow. Most of the documents are the same as I sent you on January 3.

But I have edited those documents for length and privacy, adding one new exhibit (Exh 15), adding exhibit labels to each document, and including brief synopses of each in this letter, per below.

The importance of the changes are significant enough to ask that you replace all the exhibits from the January 3 attachment with the exhibits attached here:

--Exh 1 Peter Meyer bio. Fourth (of six) child born to Henry and Marian Meyer; grew up on the farm at 4540 Pringle Rd.

--Exh 2a S-J Front page 10-3-21.

--Exh 2b S-J front page 10-3-21 text by senior reporter Capi Lyn.

--Exh 3 HarpersMagazine-1979-01-0076790 A cover story by Peter Meyer, Land Rush: A Survey of America's Land: Who owns it – Who controls it – How much is left. Written the same year that Henry Meyer established a Trust to preserve his farm. (Excerpt)

--Exh 3a HAM Trust Document which states "Trustor's expectation that family businesses and family

business arrangements shall continue uninterrupted"

--Exh 4 THM Option 3 Proposal and vote. On a proposal by longtime trustee and beneficiary Tim Meyer beneficiaries vote 5-0, with 1 abstention, to transfer the farm to a "family-owned entity" at the Trust's termination in May of 2020. Tim died just after the vote.

Exh 5 HAM Trust Document. Repeat of Exh 3a above

Exh 6 Meyer Urban Farm - Update and Next Steps. Shows the continued intent of the family to preserve the farm

Exh 7 15-day notice 2019-05-28 Ltr to Beneficiaries. A surprise notice by Trustee lawyer proposing "an outright sale of the complete real property and an option to divide the real property into two parcels for sale." The plan was rejected by a majority of the beneficiaries

Exh 8 PBM Petition for Instructions Regarding Trustee Negligence. With Trustees refusing to discuss the sale of the farm beneficiary filed a suit in Marion County court on August 12, 2019, to remove them. See here Exh 9 Meyer Family Farm Preliminary Elements Business Plan. Another example of the promise of continuing the farm and the family support for it It includes a post-mortem email from Tim Meyer to his nieces and nephews, just after he died, saying, *"I know you are going to carry the legacy and vision of your grandparents to continue enjoying and appreciating the privileges to be brought up in such a wonderful place."*

Exh 9a Meyer Family Farm History & Legacy. A continuation of Exh 9 above with new information about the historic barn and the City Planning staff report of 1/10/22 acknowledging that the 1915 farmhouse "could be eligible for designation as a historical resource," failing to mention the property's cultural heritage, original barn, and ancient white oaks.

Exh 10 Surveymonkey Poll In February of 2020 twenty eight (28) 2nd, 3d, and 4th generation direct descendants of Henry & Marian Meyer over the age of 18 were asked if they a supported "a 15-acre minimum" farm; 19 (68%) said Yes and 9 (32%) did not respond.

Exh 11 John Santana 2-26-21 letter to Judge Hart. On February 26, 2021, John Santana, Henry and Marian Meyer's oldest (of 17) grandchildren, writes to the court on behalf of 23 descendants expressing support for preserving the farm and accepting the offer of a family-owned LLC to buy it for \$3MM.

Exh 12 Kehoe PSA 8-5-20 Excerpt 13.2 This excerpt from the PSA signed on TK date by Martin Kehoe and trustees Molly Meyer and Ian Meyer acknowledges "a judicial supervision lawsuit brought by three beneficiaries [that] has not concluded," further acknowledging that "the Court retains oversight and jurisdiction over the assets and actions of the Trustees/Seller."

Exh 13 Transcript of Hearing removing co-Trustees. Judge Hart removes cotrustees Ian and Molly from their positions on October 23, 2020, saying, "We're going to start shaking the fruit out of the tree. It's that time of the vear."

Exh 14 HAM Trust Forensic Accounting Report EXCERPT. In a court-ordered forensic accounting report dated November 20, 2021, auditors "discovered many cases where the

historical accounting records of the Glass Barn had been altered years after their original

recording to recharacterize likely personal expenses of Molly Meyer."

Exh 15 (new) Exh 15 SUB21-09 Summary Objections This is an anonymous report summarizing the history of this conflict and the major issues at stake.

In the end, I hope my testimony will trace the story of Meyer Farm ownership of the subject property and the questions at the center of the Council's decision on Subdivision Case No. SUB21-09: who owns the property? It is my testimony, through these documents, that Mr. Kehoe doesn't have the right to propose this subdivision; that the ownership of 4540 Pringle Rd. SE is hardly settled; and that it is premature for the City Council to be approving such a subdivision proposal.

Thank you for your consideration.

Peter Meyer Beneficiary of the HAM Trust, *pro se* litigant in

Attachments: Exhibits 1—15.

Peter Meyer, Author at Education Next



SUBSCRIBE

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AUTHOR

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Peter Meyer

Peter Meyer is a former News Editor of Life magazine and the author of numerous nonfiction books, including the critically acclaimed The Yale Murder (Empire Books, 1982; Berkley Books, 1983) and Death of Innocence (G.P. Putnam's Sons, 1985; Berkley Books, 1986). Over the course of his three-decade journalism career Meyer, who holds a masters degree in history from the University of Chicago, has touched down in cities around the globe, from Bennington to Baghdad, and has written hundreds of stories, on subjects as varied as anti-terrorist training for American ambassadors to the history of the 1040 income tax form. His work has appeared in such publications as Harper's, Vanity Fair, National Geographic, New York, Life, Time and People. Since 1991 Meyer has focused his attentions on education reform in the United States, an interest joined while writing a profile of education reformer E.D. Hirsch for Life. Meyer subsequently helped found a charter school, served on his local Board of Education (twice) and, for the last eight years, has been an editor at Education Next. His articles for the journal include "The Early Education of our Next President" (Fall 2008), "New York City's Education Battles: The mayor, the schools, and the `rinky-dink candy store'" (Spring 2008), "Learning Separately: The case for singlesex schools" (Winter 2008), and "Can Catholic Schools Be Saved?" (Spring 2007). Meyer also writes and edits, mostly on education, for the American Enterprise Institute, the Manhattan Institute, and the Thomas B. Fordham Foundation, where he is a Senior Visiting Fellow.

statesman journal

NEWS

Future of historic SE Salem Meyer Farm hinges on trust dispute, subdivision proposal

Capi Lynn Salem Statesman Journal Published 6:00 a.m. PT Oct. 3, 2021

Floyd Roe appreciates the park-like view across the street from his home in southeast Salem.

He's lived in the neighborhood for more than five decades, first in the old Hilfiker farmhouse and then in the house he built next door in 1981.

He knew Henry Meyer, the man who once owned the pastoral property most known today as the Meyer Farm.

The panorama is picturesque from Roe's driveway, from the oak conifer forest in the northwest corner shading a seasonal creek, through the expansive open field, to a grove of historic Oregon white oaks to the east.

"This, I thought, was the legacy for Henry, what he wanted," Roe said. "I think he envisioned a park with trees, kind of like Bush or Minto. That vision was passed on, at least he thought so."

Descendants of Henry Meyer have been fighting over the future of the farm for more than two years, split on whether to sell the land or maintain their father and grandfather's legacy for future generations.

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"I don't know which side will win," Roe said. "We'll probably be the losers — the people that live around here."

Fellow neighbors treasure the wooded oasis near 12th Street and Hilfiker Lane, which is just a couple blocks from the hustle and bustle of Commercial Street SE. Many of them hoped it would someday become a public park they could walk or bike through, not just appreciate from afar or alongside the fenced perimeter.

Now they worry it will never happen.

In addition to the ongoing family trust dispute in Marion County Circuit Court, a Portland developer has filed a subdivision plan with the city for the nearly 30-acre site.

Who was Henry Meyer?

Henry Meyer, no relation to Fred Meyer who founded the chain of Oregon-based stores, was born in Idaho and moved to Mount Angel at around age 10. His family later moved to Salem, where he graduated from high school in 1933.

He attended Northwestern College of Law, married Marian Williams in 1941, and served in the Army during World War II.

The Statesman Journal reported in April 1943 that Lt. Meyer was with forces three months earlier in Africa, accompanying President Franklin D. Roosevelt and Prime Minister Winston Churchill when they met to discuss Allied strategy at the Casablanca Conference.

Henry retired as a major in 1944 and a few years later, purchased the farm in south Salem and became manager of Schatz Furniture store downtown.

He eventually established Henry Meyer Furniture and Interiors and became a wellknown interior designer whose clients were some of Salem's most notable residents,

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including Gov. Mark Hatfield. For years, Henry had space on the third floor of Miller's Department Store, which once occupied the Reed Opera House.

The farm, back then, had filbert and walnut orchards and was surrounded by other farms and orchards. Henry and Marian raised their six children there, all while working to improve and preserve the farm. They cultivated filberts, walnuts, hay and Christmas trees. They raised horses, sheep, chickens and llamas.

This man's travel secret during COVID-19: Walk every street in Salem

They also hosted many parties and events in the 1950s through 1970s and were regulars in the local society pages, their place often referred to as a country estate.

Marian hosted teas, luncheons and benefits. She and Henry both helped establish Salem's symphony and were founding members of Queen of Peace Catholic Church and Illahe Country Club.

In 1976, two of their children launched a new business venture on their property, the Glass Barn. It was an interior plantscaping business.

Marian died two years later and in 1979, Henry established the Henry A. Meyer Revocable Living Trust.

Dispute lands in the courtroom

The trust was supposed to be dissolved 20 years after his death — Henry died May 30, 2000, at the age of 84 — but began to unravel before then.

At the time, it was managed primarily by Tim Meyer, one of the sons, an international banker and co-owner of Salem-based Kettle Chips. He was a co-trustee helping plan for the dissolution in 2018, outlining options that included transferring the farm and trust assets to a family-owned LLC, according to one sibling.

Most of the siblings served as a co-trustee at one time or another.

Tim died in April of that year before he could implement any plan, and successor trustees allegedly made plans to sell the farm without consulting all siblings.

Peter Meyer, another son of Henry's who lives in New York, filed a petition in August 2019 in Marion County Circuit Court alleging the successor trustees abused their discretionary authority and engaged in "reckless misconduct" and "willful wrongdoing" in violation of the trust. The petition asked that they be removed and cease and desist all activities to sell the property.

Exhibits filed with the court include a redacted July 2019 letter of intent for the purchase and sale of the farm for a projected 240-unit single-family development for \$5.75 million.

Multiple objections, counterclaims and cross petitions have been made in court since.

The court removed the trustees, with no finding of fault or liability, and named a new successor trustee in late 2020, an attorney not related to the family. Up until that point, the trust had been managed by descendants of Henry.

The court also ordered a forensic accounting of the trust to determine the extent of debt. Assets on the property include the greenhouse structures where the Glass Barn once operated and the farmhouse, which was used as a vacation rental in recent years.

The next scheduled court proceeding in the trust case is a status check hearing Monday, Oct. 4.

Growth engulfs unique property

At the heart of the case is a historic property that was part of the original Donation Land Claim of Oregon Trail pioneer Joseph Waldo, whose homestead was

surrounded by other claimants with the last names Pringle, Reed and Minto.

Nearly a century after Waldo settled the property, Henry and Marian Meyer purchased their farm, which included a 1915 two-story farmhouse, an 1854 barn then filled with hay and farming gear, a mixture of fields and pasture, seasonal wetlands and a diverse tree canopy including now-protected Oregon white oaks.

Meyer Farm hasn't been an active farm for several years. No longer do the couple's children, grandchildren and great-grandchildren run through the oak grove, swing from the 143-year-old black walnut tree, ride horses, cultivate crops or pick fruits and berries.

But despite the property being engulfed by growth and development, it remains one of Salem's unique urban spaces and is a habitat for wildlife such as deer, coyotes, skunks, rabbits and, according to Salem Audubon Society, at least 14 different bird species.

"It's a special property beloved by the community. It's not just like another piece of property," Geoffrey James, who lives within walking distance of Meyer Farm, said. "It's a huge amenity in our neighborhood."

James is a local architect and planner and a board member for the neighborhood association, which supports the preservation of the farm. So does the Friends of The Meyer Farm Facebook Group, which James and Helen Caswell oversee.

The private group was created in April 2021, "determined to save this historically significant and beautiful SE Salem urban farm." As of Friday afternoon, the group had grown to 112 members.

"This land is right near where the city has stated it needs a 75-acre urban park, and it's ideally suited — with its trees, wildlife, open spaces, oak groves — for a park," Caswell wrote in an email to the Statesman Journal. "It has the qualities Salem people value, with room for extensive trails, parkland, playing fields, picnicking with views of the Cascades, and so forth.

"When this singular property is covered with housing, all that public value is lost."

The Morningside neighborhood has been identified in the city's parks master plan as needing more park space. The neighborhood association has had past conversations with city staff about Meyer Farm's park potential, and others have been touting it, too.

"This is a wonderful opportunity for Salem," Mark Wigg, vice president of the Northwest Land Conservation Trust, said. "I hope they don't miss it."

City parks officials, however, believe Fairview Park, a new 27-acre community park located in the Sustainable Fairview development to the east across Battle Creek Road SE, fulfills the need for not just Morningside but multiple neighborhoods.

The city acquired that property in 2017 and has made initial street improvements in the area, with further development anticipated in the next five years. Significant trees, including a grove of Douglas fir and century-old Oregon white oak, have been incorporated in the park design.

Closer to the farm is Hilfiker Park, a five-acre neighborhood park at the end of Hilfiker Lane the city purchased the property for in 2003. While still described as undeveloped, the city in cooperation with the neighborhood association has completed initial enhancements to the park, including a 1,750-foot-long, unpaved pedestrian trail.

Rob Romanek, parks planner in the Public Works department, said the city is looking elsewhere for a larger urban park location that could attract people from outside to major events. He said Meyer Farm doesn't make sense because of its location in the middle of a community.

While Romanek said the city doesn't have plans to acquire any portion of the Meyer Farm — which has a market value of more than \$1.4 million for 29.68 acres and multiple structures — it's keeping an eye on the portion that includes the oak grove.

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"It would be nice if we could possibly someday preserve some of those oak trees," Romanek said.

Acquiring that portion could also enable the city to connect trails with Hilfiker Park.

Subdivision plans are filed

The oak trees, protected by city code, are sure to be a factor in any decisions made about the property.

A proposal to turn the farm into a 138-lot, single-family residential subdivision was filed last month with the city by a Portland real estate developer, and the public comment is closed.

Salem Planning Administrator Lisa Anderson-Ogilvie said it's rare for a subdivision plan to be filed when ownership of the property may be in question, whether it be because of litigation or another reason. She said the city did ask for confirmation of ownership of the Meyer Farm property and who has the right to submit the application. The city was satisfied with documentation provided by the applicant at this point.

David L. Carlson, attorney for the current successor trustee, signed to authorize the filing of the subdivision application. He said neither he nor the successor trustee could comment because of pending litigation.

As of 1 p.m. Friday, four hours before the deadline, the city had received 61 comments in response to the proposal, including testimony from the Morningside and South Gateway neighborhood associations.

"These seem to be the type of subdivisions that are most painful for adjacent owners," Anderson-Ogilvie said.

The subdivision plan calls for the removal of hundreds of trees, although the number to be preserved would surpass the city code of at least 25% designated for

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preservation. So far, there has been a discrepancy about the number of trees on site - ranging from 651 to 817 - but the city said the applicant is working to clarify the inventory.

More: Subdivision, tree removal proposed for historic 30-acre Meyer Farm

City staff will consider written comments received while analyzing the application and reviewing criteria such as water, sewer, lot and tree layout.

Anderson-Ogilvie said she expects a decision to be issued by the end of October, followed by a 14-day appeal period. The applicant, affected neighborhood associations, or anyone who provided written comments or received mailed notice of the decision can appeal.

James said Morningside Neighborhood Association wouldn't likely appeal, but the Friends of The Meyer Farm might. The City Council also could choose to review the application whether or not an appeal is filed.

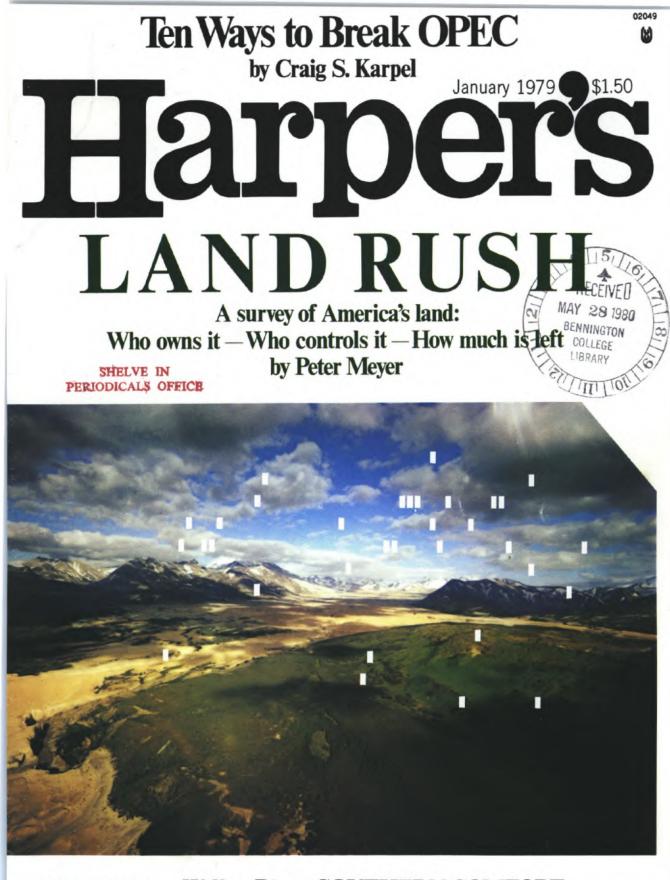
Residents near and beyond are watching the process closely, anticipating it will be months, perhaps even years, before anything is settled or the property is developed.

Neighbors like Roe continue to cling to hope that Meyer Farm will one day be designated public open space instead of a subdivision.

He doesn't want to live here if his view goes away, many of the trees are removed, and the land is sliced into residential lots.

"I was hoping I would die here," he said. "Now, maybe not."

Capi Lynn is the Statesman Journal's news columnist. Her column taps into the heart of this community — its people, history and issues. Contact her at clynn@StatesmanJournal.com or 503-399-6710, or follow her on Twitter @CapiLynn and Facebook @CapiLynnSJ.





Walker Percy: SOUTHERN COMFORT Michael Harrington: TO THE DISNEY STATION Eugene McCarthy: POEMS

A SURVEY OF AMERICA'S LAND WHO OWNS IT—WHO CONTROLS IT HOW MUCH IS LEFT

by Peter Meyer

bout two years ago I witnessed for the first time an American event that in the past decade has become so saturated with meaning as to assume the significance of ritual. It was an early weekday evening in Salem, Oregon, a small but growing city like many others around the country. Downtown, in a local government building emptied of employees except for a janitor waxing and polishing the marble floor, ten or fifteen people were standing outside a small conference room, talking casually about their families, their work, their animals, and the weather. Among the group were a carpenter, a lawyer, a housewife or two, a farmer, an interior designer, a reporter, a jeweler, an electrician and his wife, and a student-as varied a group as could be found milling about the front doors of church on a Sunday morning. Some were devout be-lievers, others only Sunday practi-tioners. But their devotion was to the same idol: property. The event was a land planning commission meeting convened by the three elders of the board, which was to decide whether to approve a proposed housing development on ten acres of wooded land just south of the city.

It was a raucous two-hour meeting, and it seemed that most of the participant-landowners, whose title claims ranged from as little as a quarter-acre residential lot to as much as thirty acres of farmland, opposed the development planned in their backyards. Toward the end of the session a gentleman farmer, prominent in the town as a jeweler, stood to state his objections. After a few minutes of kindly debate-the commissioners arguing that the proposed subdivision land was located within the established "urban growth boundary" and would be subdivided eventually anyway, and that, in any case, the owner had a right to use his property the way he saw fit; the longtime resident saying that that was all right as long as he would be left alone-the official behind the table decided to end the discussion. "Mr. Jackson," he said in an effort to summarize, "I don't think your property is really at issue here. It's a case of apples and oranges, and our board has to concern itself with the proposal at hand. But thank you very much for your comments."

The group waited for Jackson to take his seat. The gray-haired man, who had lived most of his seventy

years on his eight acres of land, remained standing, rocking to and fro, his hands on the folding chair in front of him. Finally, with most of the eyes in the room now turned in his direction, Jackson blurted, "Hell! I'm not talking about apples or oranges! I'm talking about bananas!"

Stone-faced, Jackson slowly sat. His unexpected reply had prompted a burst of supportive applause and laughter from his neighbors, but it was only a symbolic victory. Several minutes later the three commissioners voted to approve the development.

A few months after that, the city council, on the recommendation of the planning commission, agreed to annex the property to the city, thus guaranteeing that the subdivision would be provided with sewer, water, and electrical lines and police and fire protection. Then, because of a state law that forbade "islands" of non-city land within city limits, most of the property of owners who had fought against the development was automatically an-nexed to the city. Next came a flock of other developers, now assured of city services, knocking on the doors of once-irate residents, offering as much as \$8,000 for an acre of land that-only months before-was worth \$1,000 at best. The tax assessors came, too: not only would tax rates be higher-to pay for the added services the city was obliged to provide all of its residents-but the assessed value of the property would have to be adjusted to reflect the change in market value. Almost overnight, property taxes jumped wildly. One by one the residents, many of whom had owned their ten or twenty or thirty acres of green and wooded hillsides for a generation or more, sold. Those who didn't soon began receiving notices from the city asking for permission to cross their land with sewer or water lines to the new developments. If permission was refused, the city began "condemnation" proceedings to acquire an easement on, or title to, the land it needed. Legal fees soon became another major cost of owning the land. Meanwhile, earthmoving machines were leveling hillsides, bulldozers were uprooting trees, huge dump trucks were unloading their tons of gravel, steamrollers were packing the new asphalt streets and four-lane thoroughfares were being laid over old country roads in anticipation of the traffic.

I happened recently to meet one of the landowners who had early on decided to subdivide his sixteen acres of orchard land. The man, a retired carpenter and part-time farmer, was riding his ancient caterpillar tractor, scratching away at the land owned by one of his neighbors—a man who for years had resolutely refused to sell his property to developers or make concessions to the city. When the farmer stepped down from his machine to say hello, I asked him why he was bulldozing land that wasn't his.

He bristled a bit. "The city owns this land," he said, "and this is where the street into my subdivision is going to be."

Coincidentally, I had just seen the deed to the land, and it showed that his neighbor owned it. I asked what he meant.

"Well, hell," he muttered, "the city gets what it wants anyway; and they've already given permission for the street —yesterday. If they don't own it now, they will later. So what's the difference?" With that, he turned around, climbed back on his tractor, and continued his leveling.



n almost every section of the country these days at least half the citizens in any given town or agency seem to be embroiled in a passionate land dispute. Over the past year, while sorting through hundreds of pages of reports, documents, studies, and statistics purporting to describe these arguments, I came to understand that they had as much to do with vivid myths and dreams as with the so-called facts of the matter. The metaphor of the land (whether as Eden, homestead, utopia, farm, refuge, or fortress) still exerts a commanding force on the American imagination.

This is true even though nobody knows very much about what is happening to the land or who owns it or how much of it remains open to what kind of use and settlement. Some observations, however, can be made with a certain degree of confidence. In the decade between 1965 and 1975 the value of land of all kinds and descriptions increased at an average rate of 150 percent. During the same period the population increased by 11 percent, the consumer price index by 80 percent, and the divorce rate by 100 percent. It is possible that people were paying such high prices for land only for speculative reasons, because it provided them with a defense against inflation.

But I suspect that the prices also reflected a collective and unconscious fear that American land might be slipping away from beneath people's feet and that its loss entailed the defeat of the great national dream. Everywhere the courts were besieged with suits from people trying to retain their holdings against what they perceived as heavy odds. Last year as much as onefifth of the American estate was being contested in courtrooms, in legislatures, before town councils and government commissions. Huge corporations were buying more land (not that they didn't already own a great deal), and many individuals were finding themselves helpless to correct what they saw as the wanton destruction of the environment-mountainsides clearcut of timber, water courses polluted with industrial wastes, hillsides scraped bare of soil. People aligning themselves with both the commercial and the environmental interests beseeched the government at every level (municipal, state, federal) to intercede on their behalf and to help them bring about the proper management of the public lands that they regarded as part of their private inheritance.

The clamoring of people with different visions of the landscape has resulted in what one federal official described as a decade of "quiet revolution." Responding to the many and contradictory appeals for justice, the federal government gradually has assumed the role of gardener and caretaker, not only for the 761 million acres that it already owned but for almost all of the 2.2 billion acres of America's vast estate. To the extent that this revolution has become known to people, it has encouraged yet another fear-that government itself will usurp the individual's right to own property. There is an irony in this worthy of a literature not yet written. Seeking to assert the inalienable right to hold property, it is possible that people have given their rights away. The unhappiness of the small landowners in Oregon testifies to the not only lingering but still powerful belief in the American dream; it also testifies to the bleak and melancholy possibility that the circumstances of modern America may no longer warrant hold-ing to such a belief. The disputes currently going forward in the country have as much to do with preserving a political and economic system as with preserving the land itself. We still know very little about the land, but apparently we know even less about the dreams that govern and sustain it.

Peter Meyer is the author of James Earl Carter: The Man and the Myth, published last month by Sheed Andrews & McMeel.

AMENDMENT TO TRUST AGREEMENT

THIS AGREEMENT between HENRY A. MEYER (Trustor) and TIMOTHY H. MEYER and JOHN K. MEYER (Trustees),

WITNESSETH:

Trustor desires to amend the trust agreement between the parties dated 18 October 1979 and does hereby revoke any other amendments thereto. Such trust agreement is amended as follows:

1. ARTICLE X (C) (2) is amended to extend the time for final distribution until twenty (20) years after the date of Trustor's death.

2. ARTICLE X (C) (8) is added to read as follows:

It is Trustor's intent that the Trustor's property at 4540 (8)Pringle Road, SE, Salem, Oregon 97302, may continue to be operated in substantially the same manner as it was operated at the time of Trustor's death, including the operation of the businesses situated upon the premises at that time. Trustee shall be indemnified and held harmless from any liability for failure to diversify assets, produce a reasonable rate of return on assets, or failure to follow the "prudent man" rule in carrying out the intent of Trustor that such operations on Trustor's property be continued in the same manner as existed at the time of Trustor's death. Trustor is confident that Trustee shall carry out Trustor's intent to the greatest extent practicable, but in the event that Trustee determines that such operations cannot be continued without undo losses or hardships to the trust beneficiaries, or that it would be in the best interest of the beneficiaries to develop or sell the trust property, then the above statements of intent shall not be deemed to detract from Trustee's discretionary power. Upon termination of the trust, Trustee shall have absolute discretion whether to sell trust assets and distribute proceeds, distribute assets wholly or partly in kind, or to distribute to an entity formed to continue the trust property as a unit with each beneficiary receiving an equal interest in such business entity.

3. Except as above modified the trust agreement is affirmed.

DATED this 22 day of 20 . 1985. TRUSTOR:

SECOND AMENDMENT TO TRUST AGREEMENT

THIS AGREEMENT between HENRY A. MEYER (Trustor) and TIMOTHY H. MEYER and JOHN K. MEYER (Trustees),

WITNESSETH

Trustor desires to further amend the trust agreement between the parties dated 18 Oct. 1979 and first amended on 22 Sept. 1985, and the parties agree that such trust agreement is amended as follows:

1. ARTICLE X (C) (8) is amended to add that in case the trustees cannot agree upon any question relating to the interpretation, administration, investment or distribution of the trust, then either trustee can declare a deadlock by giving 10 days written notice to all the children of Trustor with an explanation of the issue and calling for a vote. Notice shall be deemed given when mailed by certified or registered mail to the last known address of a child. The issue shall be decided by the majority vote of all the then living children of trustor. If no majority is obtained within 90 days of the date of notice, then the issue shall be decided between the trustees by the flip of a coin.

ARTICLE X (C) (9) is added to read as follows:

(9) During the term of the trust, so long as she is operating the business known as the Glass Barn on the trust's premises, Trustor's daughter, MOLLY MEYER FARRELL, shall have the option to reside in Trustor's residence so long as she complies with the following conditions:

(a) pay rent as fixed by the trustees;

(b) maintain the house (including furnishings therein belonging to the Trust or legatees of Trustor) and yard in reasonable operating condition, with the Trustees being responsible for capital expenditures and maintenance of the exterior roof, walls and foundation;

(c) use best efforts to make the home available to family members as in the past.

(d) vacate the premises upon 30 days written notice from the Trustees, if she is no longer operating the Glass Barn.

DATED this day of ____

HENRY A. MEYER REVOCABLE LIVING TRUST

THIS AGREEMENT between HENRY A. MEYER, hereinafter referred to as the "Trustor," and TIMOTHY H. MEYER and JOHN K. MEYER, co-Trustees, hereinafter collectively referred to as "Trustee" (the term "trustee" may hereafter be referred to in the masculine, feminine, or neuter gender),

WITNESSETH:

WHEREAS, the Trustor desires to establish a trust with the Trustee and for that purpose has transferred and delivered to the Trustee the assets described in Schedule "A" hereto attached, which said assets and any other assets which may be made subject to the trust, as hereinafter provided, shall constitute the trust estate and shall be held by the Trustee upon the trusts and powers hereinafter declared;

NOW, THEREFORE, it is agreed between said parties as follows:

ARTICLE I

Such titles and interests as it has now received or may hereafter acquire in said trust property, and such other property as may hereafter be added hereto and accepted by it, shall be vested exclusively in the Trustee and be held by it upon the trusts and powers herein set forth.

ARTICLE II

The Trustor may, by written instrument executed by the Trustor and filed with the Trustee, revoke this Agreement at any

Page 1 - Revocable Living Trust Henry A. Meyer time, or withdraw from the trust estate, discharged of the trust, the whole or any part of the principal and accumulated income upon paying all sums due to the Trustee and indemnifying the Trustee to its satisfaction against liabilities lawfully incurred in the administration of this trust. The Trustor may, by written instrument executed by the Trustor and the Trustee, alter or amend this Agreement at any time. In the absence of other express provision herein to the contrary, the rights of revocation, withdrawal, alteration and amendment reserved by the Trustor must be exercised by the Trustor personally and may not be exercised by any agent, guardian or personal representative.

ARTICLE III

The Trustee shall have the power, at its sole discretion, to receive and accept other property, real or personal, including life insurance policies, devised, bequeathed, granted, conveyed, assigned or made payable to it by the Trustor or by any other person or persons, which, upon acceptance by the Trustee, shall be added to and become a part of the trust estate and be subject to the trusts and powers herein declared concerning the same.

ARTICLE IV

If there shall be included in the trust insurance on the Trustor's life which designates the Trustee as beneficiary, the duty and responsibility concerning the payment of premiums and other charges on said policies during the lifetime of the Trustor shall rest solely upon the Trustor and the Trustee shall be under no obligation whatever in respect to said policies during the

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lifetime of the Trustor other than to keep safely, subject to the Trustor's order, such of the said policies as may be deposited with the Trustee. Insofar as this Agreement relates to such insurance, it shall cover only the money that may accrue or become payable upon said insurance at the death of the Trustor, and all benefits, privileges and options accruing to the Trustor under said insurance prior to that time shall be for the sole benefit of the Trustor and shall not be subject to this trust, and the Trustee shall execute such documents as may be required to enable the Trustor to exercise such rights. If the Trustor changes the beneficiary under the insurance or surrenders the insurance for its cash surrender value, such act shall have the effect of revoking this trust with respect to the policy or policies so changed or surrendered. Upon the death of the Trustor, the proceeds of all said policies then subject to the terms hereof shall be collected by the Trustee and held under the terms hereof. The payment to the Trustee by any insurance company of the proceeds of any such policy of insurance shall be a full discharge of said insurance company on account of said policy and such insurance company shall in no wise be responsible for the proper discharge of the trust or any part thereof. The Trustee shall not, except at its option, enter into or maintain any litigation to enforce payment of said policies until it shall have been indemnified to its satisfaction against all expenses and liabilities to which it may in its judgment be involved by such action on its part.

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ARTICLE V

Any co-trustee shall have the right and power to resign as Trustee at any time. Upon notification of resignation, the Trustor shall revoke the trust or shall appoint a new co-Trustee. In the event of resignation after the death or incapacity of the Trustor, then Trustor names PETER B. MEYER to serve in the place and stead of the resigning co-trustee. Thereafter, any vacancy in the position of co-trustee shall be filled by majority vote of the children of the Trustor. No successor Trustee shall be under any duty to examine, verify, question or audit the books, records, accounts, or transactions of any preceding Trustee and no successor Trustee shall be liable or responsible in any way for any acts or defaults of any predecessor Trustee nor for any loss or expense from or occasioned by anything done or neglected to be done by any predecessor Trustee. A successor Trustee shall be liable only for his own acts and defaults, and then not for simple negligence, but rather only for reckless misconduct or willful wrongdoing. The Trustee is expressly relieved of any responsibility to diversify the investments of the trust, and it is Trustor's expectation that family businesses and family business arrangements shall continue uninterrupted, and the Trustee is expressly authorized to continue such businesses and to take any action or make any investment decision that the Trustee deems necessary in the Trustee's sole discretion in order to carry out the intent of Trustor in establishing such businesses and business relationships.

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ARTICLE VI

The Trustor has reserved the right to designate certain assets of the Trust as "management assets" and to designate certain other assets of the trust as "standby assets." The provisions of Article VII of this Trust Agreement shall apply to management assets and the provisions of Article VIII shall apply to standby assets.

ARTICLE VII

The provisions of this Article shall apply with regard to management assets. The Trustee shall hold and manage the trust estate, and in addition to all powers conferred by ORS 709.150, or successor statutes defining the powers of corporate trustees in Oregon, shall have the right and power to do all acts, except as herein otherwise specified, in its judgment needful or desirable for the proper and advantageous management of the trust estate, to the same extent and with the same effect as might legally be done by an individual in absolute ownership and control of the said property.

ARTICLE VIII

The provisions of this Article shall apply with regard to standby assets. During the Trustor's lifetime and while trustor is not incapacitated to the extent that trustor is unable to manage trustor's business affairs, and in the absence of written instructions to the contrary delivered by the Trustor to the Trustee, the parties agree as follows:

(A) The Trustor may act as nominee of the Trustee for any

standby assets held by the Trustee under this Agreement. Without limitation of the foregoing, the Trustor shall be deemed to hold standby assets as nominee of the Trustee where the Trustor executes and delivers to the Trustee an instrument transferring the standby property to the Trustee, even though the Trustor retains registration of the standby property in the name of the Trustor and retains possession of the certificate or other instrument evidencing such standby property or evidencing the title thereto. The Trustor may establish a joint bank account or accounts with the Trustee. Deposits made from time to time into such joint bank account or accounts shall constitute transfers to the Trustee. Capacity of the Trustor under any joint bank account shall be that of nominee of the Trustee and not that of co-owner. At any given time the then balance or balances in such joint account or accounts shall determine the extent to which such account or accounts shall constitute standby trust assets held by the Trustee under this Agreement. Where the Trustor is acting as nominee for standby property transferred to the Trustee, the Trustor may receive directly any dividends, interest, income or distributions from or upon such standby property and neither the Trustor nor the Trustee shall have any duty of accounting to the other or to any other person in regard thereto. A transfer by the Trustor of standby trust property (including stock and securities) for which the Trustor is acting as nominee shall constitute a withdrawal of such property from the trust, and the Trustee shall have no further interest therein or duties in regard thereto. The Trustor

shall notify the Trustee of standby property withdrawn from the trust pursuant to the preceding sentence, but such notice shall not be a condition precedent to the effective withdrawal of such property from the trust or to the conveyance of good and sufficient title to the transferee. Where the Trustor has established a joint bank account or accounts with the Trustee, the Trustor may write checks thereon or make withdrawals therefrom without the co-signature of the Trustee, and such writing of checks and withdrawals by the Trustor shall constitute withdrawals from the Trust, and the Trustee shall have no further interest in the amounts so withdrawn or any further duty in regard thereto.

(B) The Trustor shall be entitled to receive and to devote to trustor's own use and benefit all income of the standby trust estate.

(C) The Trustor reserves to himself the possession and use of the standby property without payment of rental therefor and without any other accounting to the Trustee, and shall have the exclusive powers and duties of management and custody of the standby property.

(D) The Trustee shall not be required to insure, pay taxes or assessments upon, or otherwise protect the standby property, except for the safekeeping of such property delivered to, and accepted by, trustee.

(E) The Trustee shall be entitled to receive reasonable compensation for its services in connection with standby assets of the trust estate.

Page 7 - Revocable Living Trust Henry A. Meyer (F) At such time as the Trustor (i) has so instructed the Trustee in writing delivered to the Trustee, (ii) is deceased, Or (iii) becomes incapacitated to the extent that trustor is unable to manage business affairs, whichever shall first occur, the provisions of this article shall no longer apply and the standby assets shall thereupon become management assets. Upon such conversion of standby assets to management status, the Trustee shall be responsible only for such of those assets of which it has actual knowledge or of which it has been notified by the Trustor and which have come into its possession and control. The Trustee shall have no duty, accountability or responsibility to the Trustor or to any other person with respect to standby assets of which it has no knowledge or notice or which have not come into its possession and control.

In determining whether the Trustor is incapacitated to the extent that trustor is unable to manage trustor's business affairs, the fact of incapacity (whether by illness, age, or other cause, including disappearance) may be determined by the Trustee by any means deemed by it to be adequate for such purpose, and if the Trustee acts in good faith in the belief that the Trustor is so incapacitated, it shall not be liable for any acts or omissions by it in reliance upon said belief. In making such determination, Trustee shall consult with Trustor's physician and spouse.

ARTICLE IX

Neither the principal nor the income of the trust estate shall be liable for the debts of any beneficiary hereunder, nor

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shall the same be subject to seizure by any creditors of any beneficiary under any lien or proceeding at law or in equity, and no beneficiary hereunder shall have power to sell, assign, transfer, encumber, or in any other manner to anticipate or dispose of his or her interest in the trust estate or the income produced thereby.

ARTICLE X

The principal and income of the trust estate shall be distributed as follows:

(A) During the lifetime of the Trustor, the Trustee shall distribute to or for the benefit of the Trustor such amounts from income and principal as Trustor may from time to time direct. If for any reason the Trustor is unable to give directions for disbursements, the Trustee shall pay to or apply for the benefit of the Trustor and to or for the benefit of members of the Trustor's family who are dependent upon trustor for support amounts from income and principal which the Trustee in the exercise of its discretion determines to be necessary or advisable to provide for their maintenance, support and general welfare.

(B) Upon the death of the Trustor, the Trustee shall pay from assets of the trust estate other than from proceeds of insurance on the Trustor's life expenses of the Trustor's last illness, funeral and final interment, expenses of administration, debts, taxes of every kind and other liabilities of the Trustor and the Trustor's estate or it shall contribute thereto to the extent it determines to be appropriate after taking into account funds available for the payment thereof from sources other than the trust.

(C) Subject to the foregoing, upon the death of the Trustor, the principal and all accrued, accumulated and undistributed income of the trust estate shall be known as the Residuary Fund and shall be distributed as follows:

- (1) The net income of the Residuary Fund shall be paid to or applied for the benefit of trustor's children in annual or more frequent payments. In addition, the trustee shall have the authority to advance to any one or more of trustor's surviving children such principal sums from their respective expectant distributive shares of the trust as it may deem desirable to assist them in establishing themselves in constructive and useful lives, including for example, but not limited to, financial assistance to enable a child to become established in a business or profession or to acquire and furnish a home.
- (2)At such time as there is no living child of V the trustor under the age of thirty (30) years, the then remaining assets of the trust estate shall be divided into the number of separate funds corresponding to the total number of children of trustor then living and children of trustor then deceased with issue living. The funds thus established shall be equal in amount, except that an adjustment shall be made for advancements of principal therefore made pursuant to the preceding paragraph. The separate funds, as adjusted, shall be distributed forthwith to the child for whom such fund is held, and the trust shall thereupon terminate.
- (3) If a surviving child of trustor for whom a fund had been set aside shall die with issue surviving before receiving full distribution of his or her fund, then the remainder of such fund shall be set aside for such issue and distributed to the descendants of such deceased child as hereinafter set forth. If any such child shall leave no issue surviving,

Page 10 - Revocable Living Trust Henry A. Meyer the residue of the fund from such deceased child shall be divided equally among trustor's remaining living children and the issue by right of representation of any deceased children of trustor; provided, however, that the share due any such beneficiary for whom a fund is still retained in trust hereunder shall be added to the funds so held and shall be distributed in accordance with the terms of this trust applicable thereto.

- (4)A fund established for the descendants of a deceased child of trustor shall be distributed forthwith to the surviving descendants of such deceased child by right of representation; provided, however, that if any such descendants shall be under the age of twentyone (21) years, then such share shall be continued in further trust until such child attains the age of twenty-one (21) years, and in the interval the trustee shall pay to or on behalf of such beneficiary such amounts of income and principal of his or her share as the trustee, in its sole discretion, may deem necessary or desirable for the beneficiary's maintenance, support and education. If any such descendant shall die prior to receiving distribution of his or her share, the remaining assets of the share shall be divided equally among his or her then living brothers and sisters, provided, however, that the portion of the share due any beneficiary for whom a fund is still retained in trust hereunder shall be added to that trust and distributed in accordance with the terms of the trust applicable thereto.
- (5) If there should remain in the hands of the trustee any part of the trust estate for which there is no named beneficiary, such part shall be distributed forthwith to those persons then living who would be entitled to receive trustor's personal property under the Oregon intestate laws.
- (6) The trustee, in the exercise of its discretion, may pay income or principal to which a minor beneficiary is entitled, directly to the minor, to a parent of the minor, to any person having custody of the minor, or to any person who, or corporation which, shall be

Page 11 - Revocable Living Trust Henry A. Meyer furnishing maintenance, support or education to the minor. The receipt of any person to whom payment is made as herein authorized shall be a sufficient voucher for the trustee, and the recipient need not be required to account to the trustee for the disposition thereof.

Notwithstanding anything herein to the (7)contrary, no trust created hereby shall continue for a period longer than twenty-one (21) years after the death of the last survivor of the trustor, the trustor's children living at the date of this trust agreement, and the descendants living at the date of this trust agreement of any deceased child of trustor. At the expiration of such period, any undistributed assets of any fund or trust created hereby, together with all accrued and undistributed income shall be paid and distributed to the persons then entitled to distributions of income, in the manner and proportions herein stated, irrespective of their then attained ages.

IN WITNESS WHEREOF, the trustor and trustee have affixed their signatures hereto this 18 day of October, 1979.

TRUSTOR:

TRUST H. Mer Timothy er

John K. Meyer

Page 12 - Revocable Living Trust Henry A. Meyer Exhibit 3 THM Option 3 Proposal and Vote Molly's Deposition February 20, 2020 See also Peter' Petition, Exhibit 1 Highlighting added by pbm for Deposition purposes

THM Option 3 Proposal and votes March/April 2018.

Compiled by: PBM

For Family Meeting of 2/18/19

Note: This has the THM proposal and all the votes, including that of Mary Ann, on 4/3/18 with the subject Re: [MAMS] HAM Trust analysis & response- April 2, 2018. They have not been closely organized, thus many repetitions, as I have tried to retain the email thread as it originally played out. Best to search between each of the ---------- marks to find a cohesive flow or a rough theme. Only John, Peter, and Mary Ann expressed a vote; evidence of James' "vote," from the evidence here, comes only from Tim's statement that "I am assuming that we have the support of James and John" in the first entry below. /pbm

--THM to Peter + JLM, JKM Confirming Peter, James & John vote on options

From:Tim Meyer <<u>tim@mco.ltd.uk</u>>

To: Peter Meyer <<u>pbmeyer@verizon.net</u>> **Subject: re: HAM Trust voting** Date sent: Thu, 22 Mar 2018 15:54:26 +0000 Copies to: John Meyer <<u>jkm@caretrust.us</u>>, James Meyer <<u>jamesmeyer.rooftop@gmail.com</u>>

Dear Peter,

This confirms our telephone chat earlier today that you will support, if necessary, a majority decision to move forward with forming a new S corp (Meyer Family Farm LLC) to replace the HAM Trust. I am assuming that we have the support of James and John so should Molly and I become "deadlocked" we can continue to move forward.

Cheers and thank you for your support.

Tim

PS: Also today, history was made with your first free telephone call using 'whatsApp'. This should enable us to communicate about trust matters without the worry of telephone costs. There is also a conference call function that will come in handy if we need to pull several people together. Please use this app to improve our communications as we move into a new phase of our lives together.

____.

--THM to beneficiaries 3/23/18 This lays out the 3 options and THM's preference

From: Tim Meyer <<u>tim@mco.ltd.uk</u>>

Sent: Friday, March 23, 2018 1:53 PM

To: Molly Meyer <<u>molly@glassbarngreenhouse.com</u>>; Peter Meyer < <u>pbmeyer@verizon.net</u> >; James Meyer <<u>jamesmeyer.rooftop@gmail.com</u> >; John Meyer < <u>jkm@caretrust.us</u> >; Ma Santana <<u>Santanama2000@aol.com</u>> **Cc:** Jane Meyer <<u>jane@mco.ltd.uk</u>>; Terry M. Wade < <u>twade@ghrlawyers.com</u> > **Subject:** re: HAM Trust analysis

Dear Beneficiaries,

What follows is my attempt, as a Trustee of the HAM Trust, to communicate the key issues of the HAM Trust that must guide our decisions about the future.

I hope you have all read and understand the Trust Amendments of 22 September and October 1985. Essentially they set a termination date of 20 years after Dad's death (May 2020) when we must following one of three choices:

THE CHOICES ARE:

- 1. Sell the Farm and distribute the net proceeds (after paying off Trust debts to my family of \$800,000 secured debt, \$400,000 interest and \$500,000 to cover operating deficits and farmhouse renovation). My immediate family have proposed a goodwill waiver of interest which would leave the debt due about \$1,300,000.
- 2. Divide the Trust land and house into 7 pieces; one piece would be for debt holders and the remaining land into 6 equal pieces.
- 3. Create a new company (the most flexible type of entity would be an S Corporation) and divide the ownership equally among 6 beneficiaries. The new entity (let'S call her the Henry A Meyer Trust LLC— HAMTLLC) would issue units that could be further divided among living children (for example; issue 6000 units divided by 6 equal 1000 units each, which the beneficiary could then divide among say 5 children or 200 units for each child). The only difference between the HAMTLLC and a Trust extension would be that an "extension" requires a unanimous vote and the HAMTrust LLC requires the agreement of both trustees or if 'deadlocked' a majority vote (4 out of 6) and all future decisions would require this "majority vote". To make HAMTLLC work, I would propose the new entity create a temporary "chairman" position to call for meetings and run the voting process for all decisions. This effectively means conversations about governance, money making schemes and even closing down the new entity could continue. It also means that Molly and I would both retire from our current co-trustee positions.

When making your choice you may wish to consider:

- 1. Recently we saw a 30 acre parcel of raw land in West Salem selling for \$100,000 acre. Assuming this is the 'market value' it would be fair to conclude a net selling price of \$1,700,000 divided by six or in broad numbers about \$300,000 for each beneficiary
- 2. The deferred farm tax would come to about \$70,000 a year times 5 years or \$350,000 total benefit. This is a benefit we should avoid loosing and be at risk if we start breaking up the property prematurely.
- 3. Thus, the order upon which we act is important. First we should put the new structure in place, then, with time pressure removed, we would move toward a carefully considered discussion about best governance.
- 4. John and Peter have indicated their intention of gifting Molly 25% of their interest in the new entity.

Could you please cast your vote by 31 March for which choice you prefer;

- 1. If Molly and Tim both chose number 3 we will move directly to forming a new entity.
- 2. If Molly and Tim disagree whichever choice receives the majority will prevail and T Wade will be instructed.

May God shine upon us all. Cheers From:Tim Meyer <<u>tim@mco.ltd.uk</u>> To: John Meyer <<u>ikm@caretrust.us</u>> **Subject: Re: HAM Trust analysis** Date sent: Fri, 30 Mar 2018 15:20:48 +0000 Copies to: Ian Meyer <<u>ian@mco.ltd.uk</u>>, Jane Meyer <<u>jane@mco.ltd.uk</u>>, "<u>twade@ghlawyers.com</u>" <<u>twade@ghlawyers.com</u>>, "ghanna@gordonhanna.com" <<u>ghanna@gordonhanna.com</u>>, Annabelle and Rachid <<u>annamey2004@yahoo.co.uk</u>>, Quinn <<u>quinn@crees-manu.org</u>>, Miranda Meyer Spackman <<u>miranda.spackman@gmail.com</u>>, Molly Meyer <<u>molly@glassbarngreenhouse.com</u>>, "jamesImeyer22@gmail.com" <<u>jamesImeyer22@gmail.com</u>>, "pbmeyer@verizon.net" <pbmeyer@verizon.net>, Ma Santana <Santanama2000@aol.com>

Dear John

Unfortunately I am not available for further conversations on this issue, however I have asked Ian to represent our family interest and continue whatever conversations necessary. I hope that Ian could replace me as co-trustee. If you could arrange that process with T Wade and Gordon Hanna And Jane I would appreciate it.

May the force be with you in resolving these issues and the future of the beautiful farm.

Happy Easter to all Tim Sent from my iPhone

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From PBM to Tim 3/30/18

From:	Peter Meyer < <u>pbmeyer@verizon.net</u> >
To:	Tim Meyer <tim@mco.ltd.uk></tim@mco.ltd.uk>
Subject:	Re: HAM Trust analysis
Copies to:	Ian Meyer < <u>ian@mco.ltd.uk</u> >, Jane Meyer < <u>jane@mco.ltd.uk</u> >,
	"twade@ghlawyers.com" <twade@ghlawyers.com>, "ghanna@gordonhanna.com"</twade@ghlawyers.com>
<ghanna@gordonh< td=""><td></td></ghanna@gordonh<>	
	Annabelle and Rachid < <u>annamey2004@yahoo.co.uk</u> >, Quinn < <u>quinn@crees-</u>
<u>manu.org</u> >,	
	Miranda Meyer Spackman < <u>miranda.spackman@gmail.com</u> >, Molly Meyer
<molly@glassbarng< td=""><td>greenhouse.com>,</td></molly@glassbarng<>	greenhouse.com>,
	"jamesImeyer22@gmail.com" <jamesimeyer22@gmail.com>,</jamesimeyer22@gmail.com>
" <u>pbmeyer@verizon</u>	.net" < <u>pbmeyer@verizon.net</u> >,
	Ma Santana < <u>Santanama2000@aol.com</u> >
Date sent:	Fri, 30 Mar 2018 12:52:31 -0400

Tim

Dear Tim,

Sorry you can't be involved in these discussions; your clear-headedness will be missed. Glad to have lan on board, though I'm not sure he's able to be a co-Trustee of the HAM Trust. That', I'm sure, Mr. Wade will weigh in on.

I was about to offer a couple of comments about the recent suggestion from Molly's friend/attorney to bring some professional mediators to the table. Here's my two cents on that matter:

- We started a mini-summit process of family meetings last fall and though derailed by logistics, I still consider the idea a viable part of the process of family communication and consensus;
- Cost of an outside mediator. It would help to know what these mediations cost, what services are offered, and in what time-frame
- Establishing the mediation groundrules. How many siblings would be required to attend these meetings? Would a "conference call" be acceptable? In the end, are we not facing the same HAM Trust rules: Trustees must agree or the question goes to a vote of the siblings.

Perhaps these mediators are miracle-workers, but I would still like to see some of these questions addressed.

In the meantime, I certainly hope we can continue the discussions about the "new entity." One thought about a governance structure that would provide for a gradual transfer of authority from our generation to the next is to stipulate that the new entity have 7 board members; i.e. the six siblings and one second genner. Each time one of us kicked the bucket or otherwise resigned, a new board member would be selected (by majority vote of the existing board) from the ranks of the 2nd genners. Etc.

Here's to the resurrection!

luv to all

--peter

p.s. anyone who hears from Dylan, have him call his mother.

Peter Meyer 518.929.6505

THM to JLM 3/30/18

From:Tim Meyer <<tim@mco.ltd.uk</th>To:John Meyer <<ti>ikm@caretrust.us >

onhanna.com"

Dear John

Unfortunately I am not available for further conversations on this issue, however I have asked Ian to represent our family interest and continue whatever conversations necessary. I hope that Ian could replace me as co-trustee. If you could arrange that process with T Wade and Gordon Hanna And Jane I would appreciate it.

May the force be with you in resolving these issues and the future of the beautiful farm.

Happy Easter to all Tim Sent from my iPhone

On 30 Mar 2018, at 07:02, John Meyer <<u>ikm@caretrust.us</u>> wrote:

Tim,

Maria and I are in Seattle, and back in SF on Saturday. I know you were hoping to hear by the 31st, so I wanted to at least respond while I've got a few minutes alone and let you know I support proceeding with the new entity. I think it makes the best sense. I haven't had time yet to loop in our kids into the discussion and hope to do so as soon as I can to see if they have any input on this process. In the meantime, let me know if I can help with the implementation in any way.

Best,

John

From: Tim Meyer <<u>tim@mco.ltd.uk</u>>
Sent: Friday, March 23, 2018 1:53 PM
To: Molly Meyer <<u>molly@glassbarngreenhouse.com</u>>; Peter Meyer < <u>pbmeyer@verizon.net</u> >; James
Meyer <<u>jamesmeyer.rooftop@gmail.com</u> >; John Meyer < <u>jkm@caretrust.us</u> >; Ma Santana
<<u>Santanama2000@aol.com</u>>
Cc: Jane Meyer <<u>jane@mco.ltd.uk</u>>; Terry M. Wade < <u>twade@ghrlawyers.com</u> >
Subject: re: HAM Trust analysis

Dear Beneficiaries,

What follows is my attempt , as a Trustee of the HAM Trust, to communicate the key issues of the HAM Trust that must guide our decisions about the future.

I hope you have all read and understand the Trust Amendments of 22 September and October 1985. Essentially they set a termination date of 20 years after Dad's death (May 2020) when we must following one of three choices:

THE CHOICES ARE:

- 4. Sell the Farm and distribute the net proceeds (after paying off Trust debts to my family of \$800,000 secured debt, \$400,000 interest and \$500,000 to cover operating deficits and farmhouse renovation). My immediate family have proposed a goodwill waiver of interest which would leave the debt due about \$1,300,000.
- 5. Divide the Trust land and house into 7 pieces; one piece would be for debt holders and the remaining land into 6 equal pieces.
- 6. Create a new company (the most flexible type of entity would be an S Corporation) and divide the ownership equally among 6 beneficiaries. The new entity (let'S call her the Henry A Meyer Trust LLC— HAMTLLC) would issue units that could be further divided among living children (for example; issue 6000 units divided by 6 equal 1000 units each, which the beneficiary could then divide among say 5 children or 200 units for each child). The only difference between the HAMTLLC and a Trust extension would be that an "extension" requires a unanimous vote and the HAMTrust LLC requires the agreement of both trustees or if 'deadlocked' a majority vote (4 out of 6) and all future decisions would require this "majority vote". To make HAMTLLC work, I would propose the new entity create a temporary "chairman" position to call for meetings and run the voting process for all decisions. This effectively means conversations about governance, money making schemes and even closing down the new entity could continue. It also means that Molly and I would both retire from our current co-trustee positions.

When making your choice you may wish to consider:

- 5. Recently we saw a 30 acre parcel of raw land in West Salem selling for \$100,000 acre. Assuming this is the 'market value' it would be fair to conclude a net selling price of \$1,700,000 divided by six or in broad numbers about \$300,000 for each beneficiary
- 6. The deferred farm tax would come to about \$70,000 a year times 5 years or \$350,000 total benefit. This is a benefit we should avoid loosing and be at risk if we start breaking up the property prematurely.
- 7. Thus, the order upon which we act is important. First we should put the new structure in place, then, with time pressure removed, we would move toward a carefully considered discussion about best governance.
- 8. John and Peter have indicated their intention of gifting Molly 25% of their interest in the new entity.

Could you please cast your vote by 31 March for which choice you prefer;

- 3. If Molly and Tim both chose number 3 we will move directly to forming a new entity.
- 4. If Molly and Tim disagree whichever choice receives the majority will prevail and T Wade will be instructed.

<mark>May God shine upon us all.</mark> Cheers Tim

MAMS to THM 4/3/18

From: mams To: Tim Meyer; John Meyer; Peter Meyer; James Meyer; Molly Meyer Cc: jane@mco.ltd.uk Subject: Re: [MAMS] HAM Trust analysis & response- April 2, 2018 Date: Tuesday, April 03, 2018 7:16:16 AM

To my siblings, our second generation members~

Following is my family's response to Tim's survey which we believe you may benefit from hearing. It is important you all know why we support 'Option 3" and other critical related points and that we act quickly.

Please feel free to share our position with your 3G family members who are interested in future HAM Trust and Farm discussions.

~ Mary Ann

Sent from my Samsung Galaxy Note

----- Original message ------

From: mams <santanama2000@aol.com>

Date: 4/2/18 8:18 PM (GMT-08:00)

To: Tim Meyer <Tim@mco.ltd.uk>

Cc: jane@mco.ltd.uk

Subject: Re: [MAMS] HAM Trust analysis & response- April 2, 2018

Dear Tim,

Thank you for the opportunity to respond.

While my preference is for Option 3 (form a New Entity), it comes with clarification: The first and immediate step is the HAM Trust must be placed in the hands of an impartial, experienced, outside professional institutional estate fiduciary/attorney, effective May 1, 2018, who will serve as Trustee to manage the HAM Trust, examine trust records, analyze and advise family on next steps. The co-trustees must resign and let a professional guide us. This will give second & third generation family representatives the opportunity to discuss next steps with a guided reorganization by an experienced professional.

For clarity, I do not want mediation nor any family member or descendant to replace you as co-trustee; I believe we need an independent expert (no family connection or ties to Salem) to replace the Co-Trustees.

Second, please prepare a Third Amendment to the Trust that preserves the voting rights for each beneficiary's interest, even after the beneficiary's death. The fact that our adult children may inherit our interests and debts, but not have voting rights in Trust affairs, feels like an oversight. Each sibling beneficiary should then identify one of their adult children to represent their beneficiary's interest should the beneficiary be unable to.

Thank you,

~ Mary Ann

Sent from my Samsung Galaxy Note

Verified Correct Copy of Original 8/13/2019.

:

HAM Trust COVER October 18, 1979 and Amendments (9/22/85, 11/5/85)

STATE OF OREGON Marion County Circuit Courts AUG 12 2019 FILED

19PB06270

Exhibit 1

SECOND AMENDMENT TO TRUST AGREEMENT

THIS AGREEMENT between HENRY A. MEYER (Trustor) and TIMOTHY H. MEYER and JOHN K. MEYER (Trustees),

WITNESSETH

Trustor desires to further amend the trust agreement between the parties dated 18 Oct. 1979 and first amended on 22 Sept. 1985, and the parties agree that such trust agreement is amended as follows:

1. ARTICLE X (C) (8) is amended to add that in case the trustees cannot agree upon any question relating to the interpretation, administration, investment or distribution of the trust, then either trustee can declare a deadlock by giving 10 days written notice to all the children of Trustor with an explanation of the issue and calling for a vote. Notice shall be deemed given when mailed by certified or registered mail to the last known address of a child. The issue shall be decided by the majority vote of all the then living children of trustor. If no majority is obtained within 90 days of the date of notice, then the issue shall be decided between the trustees by the flip of a coin.

2. ARTICLE X (C) (9) is added to read as follows:

(9) During the term of the trust, so long as she is operating the business known as the Glass Barn on the trust's premises, Trustor's daughter, MOLLY MEYER FARRELL, shall have the option to reside in Trustor's residence so long as she complies with the following conditions:

(a) pay rent as fixed by the trustees;

(b) maintain the house (including furnishings therein belonging to the Trust or legatees of Trustor) and yard in reasonable operating condition, with the Trustees being responsible for capital expenditures and maintenance of the exterior roof, walls and foundation;

(c) use best efforts to make the home available to family members as in the past.

(d) vacate the premises upon 30 days written notice from the Trustees, if she is no longer operating the Glass Barn.

DATED this day of

SECOND AMENDMENT TO TRUST AGREEMENT

THIS AGREEMENT between HENRY A. MEYER (Trustor) and TIMOTHY H. MEYER and JOHN K. MEYER (Trustees),

WITNESSETH

Trustor desires to further amend the trust agreement between the parties dated 18 Oct. 1979 and first amended on 22 Sept. 1985, and the parties agree that such trust agreement is amended as follows:

1. ARTICLE X (C) (8) is amended to add that in case the trustees cannot agree upon any question relating to the interpretation, administration, investment or distribution of the trust, then either trustee can declare a deadlock by giving 10 days written notice to all the children of Trustor with an explanation of the issue and calling for a vote. Notice shall be deemed given when mailed by certified or registered mail to the last known address of a child. The issue shall be decided by the majority vote of all the then living children of trustor. If no majority is obtained within 90 days of the date of notice, then the issue shall be decided between the trustees by the flip of a coin.

2. ARTICLE X (C) (9) is added to read as follows:

(9) During the term of the trust, so long as she is operating the business known as the Glass Barn on the trust's premises, Trustor's daughter, MOLLY MEYER FARRELL, shall have the option to reside in Trustor's residence so long as she complies with the following conditions:

(a) pay rent as fixed by the trustees;

(b) maintain the house (including furnishings therein belonging to the Trust or legatees of Trustor) and yard in reasonable operating condition, with the Trustees being responsible for capital expenditures and maintenance of the exterior roof, walls and foundation;

(c) use best efforts to make the home available to family members as in the past.

(d) vacate the premises upon 30 days written notice from the Trustees, if she is no longer operating the Glass Barn.

DATED this 3 day of _

AMENDMENT TO TRUST AGREEMENT

THIS AGREEMENT between HENRY A. MEYER (Trustor) and TIMOTHY H. MEYER and JOHN K. MEYER (Trustees),

WITNESSETH:

Trustor desires to amend the trust agreement between the parties dated 18 October 1979 and does hereby revoke any other amendments thereto. Such trust agreement is amended as follows:

1. ARTICLE X (C) (2) is amended to extend the time for final distribution until twenty (20) years after the date of Trustor's death.

2. ARTICLE X (C) (8) is added to read as follows:

It is Trustor's intent that the Trustor's property at 4540 (8) Pringle Road, SE, Salem, Oregon 97302, may continue to be operated in substantially the same manner as it was operated at the time of Trustor's death, including the operation of the businesses situated upon the premises at that time. Trustee shall be indemnified and held harmless from any liability for failure to diversify assets, produce a reasonable rate of return on assets, or failure to follow the "prudent man" rule in carrying out the intent of Trustor that such operations on Trustor's property be continued in the same manner as existed at the time of Trustor's death. Trustor is confident that Trustee shall carry out Trustor's intent to the greatest extent practicable, but in the event that Trustee determines that such operations cannot be continued without undo losses or hardships to the trust beneficiaries, or that it would be in the best interest of the beneficiaries to develop or sell the trust property, then the above statements of intent shall not be deemed to detract from Trustee's discretionary power. Upon termination of the trust, Trustee shall have absolute discretion whether to sell trust assets and distribute proceeds, distribute assets wholly or partly in kind, or to distribute to an entity formed to continue the trust property as a unit with each beneficiary receiving an equal interest in such business entity.

3. Except as above modified the trust agreement is affirmed.

DATED this Zaday of 1985. TRUSTOR

----- B

HENRY A. MEYER REVOCABLE LIVING TRUST

Verified Correct Copy of Original 8/13/2019.

THIS AGREEMENT between HENRY A. MEYER, hereinafter referred to as the "Trustor," and TIMOTHY H. MEYER and JOHN K. MEYER, co-Trustees, hereinafter collectively referred to as "Trustee" (the term "trustee" may hereafter be referred to in the masculine, feminine, or neuter gender),

WITNESSETH:

WHEREAS, the Trustor desires to establish a trust with the Trustee and for that purpose has transferred and delivered to the Trustee the assets described in Schedule "A" hereto attached, which said assets and any other assets which may be made subject to the trust, as hereinafter provided, shall constitute the trust estate and shall be held by the Trustee upon the trusts and powers hereinafter declared;

NOW, THEREFORE, it is agreed between said parties as follows:

ARTICLE I

Such titles and interests as it has now received or may hereafter acquire in said trust property, and such other property as may hereafter be added hereto and accepted by it, shall be vested exclusively in the Trustee and be held by it upon the trusts and powers herein set forth.

ARTICLE II

The Trustor may, by written instrument executed by the Trustor and filed with the Trustee, revoke this Agreement at any

Page 1 - Revocable Living Trust Henry A. Meyer Verified Correct Copy of Original 8/13/2019.

time, or withdraw from the trust estate, discharged of the trust, the whole or any part of the principal and accumulated income upon paying all sums due to the Trustee and indemnifying the Trustee to its satisfaction against liabilities lawfully incurred in the administration of this trust. The Trustor may, by written instrument executed by the Trustor and the Trustee, alter or amend this Agreement at any time. In the absence of other express provision herein to the contrary, the rights of revocation, withdrawal, alteration and amendment reserved by the Trustor must be exercised by the Trustor personally and may not be exercised by any agent, guardian or personal representative.

ARTICLE III

The Trustee shall have the power, at its sole discretion, to receive and accept other property, real or personal, including life insurance policies, devised, bequeathed, granted, conveyed, assigned or made payable to it by the Trustor or by any other person or persons, which, upon acceptance by the Trustee, shall be added to and become a part of the trust estate and be subject to the trusts and powers herein declared concerning the same.

ARTICLE IV

If there shall be included in the trust insurance on the Trustor's life which designates the Trustee as beneficiary, the duty and responsibility concerning the payment of premiums and other charges on said policies during the lifetime of the Trustor shall rest solely upon the Trustor and the Trustee shall be under no obligation whatever in respect to said policies during the

Page 2 - Revocable Living Trust Henry A. Meyer

lifetime of the Trustor other than to keep safely, subject to the Trustor's order, such of the said policies as may be deposited with the Trustee. Insofar as this Agreement relates to such insurance, it shall cover only the money that may accrue or become payable upon said insurance at the death of the Trustor, and all benefits, privileges and options accruing to the Trustor under said insurance prior to that time shall be for the sole benefit of the Trustor and shall not be subject to this trust, and the Trustee shall execute such documents as may be required to enable the Trustor to exercise such rights. If the Trustor changes the beneficiary under the insurance or surrenders the insurance for its cash surrender value, such act shall have the effect of revoking this trust with respect to the policy or policies so changed or surrendered. Upon the death of the Trustor, the proceeds of all said policies then subject to the terms hereof shall be collected by the Trustee and held under the terms hereof. The payment to the Trustee by any insurance company of the proceeds of any such policy of insurance shall be a full discharge of said insurance company on account of said policy and such insurance company shall in no wise be responsible for the proper discharge of the trust or any part thereof. The Trustee shall not, except at its option, enter into or maintain any litigation to enforce payment of said policies until it shall have been indemnified to its satisfaction against all expenses and liabilities to which it may in its judgment be involved by such action on its part.

ARTICLE V

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Any co-trustee shall have the right and power to resign as Trustee at any time. Upon notification of resignation, the Trustor shall revoke the trust or shall appoint a new co-Trustee. In the event of resignation after the death or incapacity of the Trustor, then Trustor names PETER B. MEYER to serve in the place and stead of the resigning co-trustee. Thereafter, any vacancy in the position of co-trustee shall be filled by majority vote of the children of the Trustor. No successor Trustee shall be under any duty to examine, verify, question or audit the books, records, accounts, or transactions of any preceding Trustee and no successor Trustee shall be liable or responsible in any way for any acts or defaults of any predecessor Trustee nor for any loss or expense from or occasioned by anything done or neglected to be done by any predecessor Trustee. A successor Trustee shall be liable only for his own acts and defaults, and then not for simple negligence, but rather only for reckless misconduct or willful wrongdoing. The Trustee is expressly relieved of any responsibility to diversify the investments of the trust, and it is Trustor's expectation that family businesses and family business arrangements shall continue uninterrupted, and the Trustee is expressly authorized to continue such businesses and to take any action or make any investment decision that the Trustee deems necessary in the Trustee's sole discretion in order to carry out the intent of Trustor in establishing such businesses and business relationships.

ARTICLE VI

The Trustor has reserved the right to designate certain assets of the Trust as "management assets" and to designate certain other assets of the trust as "standby assets." The provisions of Article VII of this Trust Agreement shall apply to management assets and the provisions of Article VIII shall apply to standby assets.

ARTICLE VII

The provisions of this Article shall apply with regard to management assets. The Trustee shall hold and manage the trust estate, and in addition to all powers conferred by ORS 709.150, or successor statutes defining the powers of corporate trustees in Oregon, shall have the right and power to do all acts, except as herein otherwise specified, in its judgment needful or desirable for the proper and advantageous management of the trust estate, to the same extent and with the same effect as might legally be done by an individual in absolute ownership and control of the said property.

ARTICLE VIII

The provisions of this Article shall apply with regard to standby assets. During the Trustor's lifetime and while trustor is not incapacitated to the extent that trustor is unable to manage trustor's business affairs, and in the absence of written instructions to the contrary delivered by the Trustor to the Trustee, the parties agree as follows:

(A) The Trustor may act as nominee of the Trustee for any

Page 5 - Revocable Living Trust Henry A. Meyer

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standby assets held by the Trustee under this Agreement. Without limitation of the foregoing, the Trustor shall be deemed to hold standby assets as nominee of the Trustee where the Trustor executes and delivers to the Trustee an instrument transferring the standby property to the Trustee, even though the Trustor retains registration of the standby property in the name of the Trustor and retains possession of the certificate or other instrument evidencing such standby property or evidencing the title thereto. The Trustor may establish a joint bank account or accounts with the Trustee. Deposits made from time to time into such joint bank account or accounts shall constitute transfers to the Trustee. Capacity of the Trustor under any joint bank account shall be that of nominee of the Trustee and not that of co-owner. At any given time the then balance or balances in such joint account or accounts shall determine the extent to which such account or accounts shall constitute standby trust assets held by the Trustee under this Agreement. Where the Trustor is acting as nominee for standby property transferred to the Trustee, the Trustor may receive directly any dividends, interest, income or distributions from or upon such standby property and neither the Trustor nor the Trustee shall have any duty of accounting to the other or to any other person in regard thereto. A transfer by the Trustor of standby trust property (including stock and securities) for which the Trustor is acting as nominee shall constitute a withdrawal of such property from the trust, and the Trustee shall have no further interest therein or duties in regard thereto. The Trustor

: "

Page 6 - Revocable Living Trust Henry A. Meyer shall notify the Trustee of standby property withdrawn from the trust pursuant to the preceding sentence, but such notice shall not be a condition precedent to the effective withdrawal of such property from the trust or to the conveyance of good and sufficient title to the transferee. Where the Trustor has established a joint bank account or accounts with the Trustee, the Trustor may write checks thereon or make withdrawals therefrom without the co-signature of the Trustee, and such writing of checks and withdrawals by the Trustor shall constitute withdrawals from the Trust, and the Trustee shall have no further interest in the amounts so withdrawn or any further duty in regard thereto.

(B) The Trustor shall be entitled to receive and to devote to trustor's own use and benefit all income of the standby trust estate.

(C) The Trustor reserves to himself the possession and use of the standby property without payment of rental therefor and without any other accounting to the Trustee, and shall have the exclusive powers and duties of management and custody of the standby property.

(D) The Trustee shall not be required to insure, pay taxes or assessments upon, or otherwise protect the standby property, except for the safekeeping of such property delivered to, and accepted by, trustee.

(E) The Trustee shall be entitled to receive reasonable compensation for its services in connection with standby assets of the trust estate. Verified Correct Copy of Original 8/13/2019.

(F) At such time as the Trustor (i) has so instructed the Trustee in writing delivered to the Trustee, (ii) is deceased, or (iii) becomes incapacitated to the extent that trustor is unable to manage business affairs, whichever shall first occur, the provisions of this article shall no longer apply and the standby assets shall thereupon become management assets. Upon such conversion of standby assets to management status, the Trustee shall be responsible only for such of those assets of which it has actual knowledge or of which it has been notified by the Trustor and which have come into its possession and control. The Trustee shall have no duty, accountability or responsibility to the Trustor or to any other person with respect to standby assets of which it has no knowledge or notice or which have not come into its possession and control.

In determining whether the Trustor is incapacitated to the extent that trustor is unable to manage trustor's business affairs, the fact of incapacity (whether by illness, age, or other cause, including disappearance) may be determined by the Trustee by any means deemed by it to be adequate for such purpose, and if the Trustee acts in good faith in the belief that the Trustor is so incapacitated, it shall not be liable for any acts or omissions by it in reliance upon said belief. In making such determination, Trustee shall consult with Trustor's physician and spouse.

ARTICLE IX

Neither the principal nor the income of the trust estate shall be liable for the debts of any beneficiary hereunder, nor

Page 8 - Revocable Living Trust Henry A. Meyer shall the same be subject to seizure by any creditors of any beneficiary under any lien or proceeding at law or in equity, and no beneficiary hereunder shall have power to sell, assign, transfer, encumber, or in any other manner to anticipate or dispose of his or her interest in the trust estate or the income produced thereby.

ARTICLE X

The principal and income of the trust estate shall be distributed as follows:

(A) During the lifetime of the Trustor, the Trustee shall distribute to or for the benefit of the Trustor such amounts from income and principal as Trustor may from time to time direct. If for any reason the Trustor is unable to give directions for disbursements, the Trustee shall pay to or apply for the benefit of the Trustor and to or for the benefit of members of the Trustor's family who are dependent upon trustor for support amounts from income and principal which the Trustee in the exercise of its discretion determines to be necessary or advisable to provide for their maintenance, support and general welfare.

(B) Upon the death of the Trustor, the Trustee shall pay from assets of the trust estate other than from proceeds of insurance on the Trustor's life expenses of the Trustor's last illness, funeral and final interment, expenses of administration, debts, taxes of every kind and other liabilities of the Trustor and the Trustor's estate or it shall contribute thereto to the extent it determines to be appropriate after taking into account

Page 9 - Revocable Living Trust Henry A. Meyer funds available for the payment thereof from sources other than the trust.

(C) Subject to the foregoing, upon the death of the Trustor, the principal and all accrued, accumulated and undistributed income of the trust estate shall be known as the Residuary Fund and shall be distributed as follows:

- (1) The net income of the Residuary Fund shall be paid to or applied for the benefit of trustor's children in annual or more frequent payments. In addition, the trustee shall have the authority to advance to any one or more of trustor's surviving children such principal sums from their respective expectant distributive shares of the trust as it may deem desirable to assist them in establishing themselves in constructive and useful lives, including for example, but not limited to, financial assistance to enable a child to become established in a business or profession or to acquire and furnish a home.
- At such time as there is no living child of arkappa(2)the trustor under the age of thirty (30) years, the then remaining assets of the trust estate shall be divided into the number of separate funds corresponding to the total. number of children of trustor then living and children of trustor then deceased with issue The funds thus established shall be living. equal in amount, except that an adjustment shall be made for advancements of principal therefore made pursuant to the preceding The separate funds, as adjusted, paragraph. shall be distributed forthwith to the child for whom such fund is held, and the trust shall thereupon terminate.
- (3) If a surviving child of trustor for whom a fund had been set aside shall die with issue surviving before receiving full distribution of his or her fund, then the remainder of such fund shall be set aside for such issue and distributed to the descendants of such deceased child as hereinafter set forth. If any such child shall leave no issue surviving,

Exhibit A - Page 26 of 99

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the residue of the fund from such deceased child shall be divided equally among trustor's remaining living children and the issue by right of representation of any deceased children of trustor; provided, however, that the share due any such beneficiary for whom a fund is still retained in trust hereunder shall be added to the funds so held and shall be distributed in accordance with the terms of this trust applicable thereto.

- A fund established for the descendants of a (4)deceased child of trustor shall be distributed forthwith to the surviving descendants of such deceased child by right of representation; provided, however, that if any such descendants shall be under the age of twentyone (21) years, then such share shall be continued in further trust until such child attains the age of twenty-one (21) years, and in the interval the trustee shall pay to or on behalf of such beneficiary such amounts of income and principal of his or her share as the trustee, in its sole discretion, may deem necessary or desirable for the beneficiary's maintenance, support and education. If any such descendant shall die prior to receiving distribution of his or her share, the remaining assets of the share shall be divided equally among his or her then living brothers and sisters, provided, however, that the portion of the share due any beneficiary for whom a fund is still retained in trust hereunder shall be added to that trust and distributed in accordance with the terms of the trust applicable thereto.
- (5) If there should remain in the hands of the trustee any part of the trust estate for which there is no named beneficiary, such part shall be distributed forthwith to those persons then living who would be entitled to receive trustor's personal property under the Oregon intestate laws.
- (6) The trustee, in the exercise of its discretion, may pay income or principal to which a minor beneficiary is entitled, directly to the minor, to a parent of the minor, to any person having custody of the minor, or to any person who, or corporation which, shall be

Verified Correct Copy of Original 8/13/2019.

furnishing maintenance, support or education to the minor. The receipt of any person to whom payment is made as herein authorized shall be a sufficient voucher for the trustee, and the recipient need not be required to account to the trustee for the disposition thereof.

Notwithstanding anything herein to the (7)contrary, no trust created hereby shall continue for a period longer than twenty-one (21) years after the death of the last survivor of the trustor, the trustor's children living at the date of this trust agreement, and the descendants living at the date of this trust agreement of any deceased child of trustor. At the expiration of such period, any undistributed assets of any fund or trust created hereby, together with all accrued and undistributed income shall be paid and distributed to the persons then entitled to distributions of income, in the manner and proportions herein stated, irrespective of their then attained ages.

	IN	WITNESS	WHEREOF,	the	trustor	and	trustee	have	aff	ixed
		ignatures			1074		A.T	-1	1	
their	S	ignatures	hereto	this	10-da	ay of	E CLL	uer	1.	1979.

TRUSTOR:

TRUST H er Timot

John K. Meyer



Willamette Professional Center 1011 Commercial St. NE Salem, Oregon 97301-1049 Ph: (503) 581-1501 Fax: (503) 581-5891 www.ghrlawyers.com

May 28, 2019

Via Email Only

Molly Meyer molly@glassbarngreenhouse.com

Mary Ann Meyer-Santana santanama2000@aol.com

Peter Meyer <u>pbmever@verizon.net</u> James Meyer jamesImeyer22@gmail.com

John Meyer jkm@caretrust.us Quinn Meyer <u>Quinn@crees-expeditions.com</u>

Ian Meyer <u>meyerian@gmail.com</u> Miranda Spackman miranda.spackman@gmail.com

Annabelle Ahouiyek Annamey2004@yahoo.co.uk

Re: Henry A. Meyer Revocable Living Trust Our File No. 56925001

Dear Beneficiaries:

This letter and the attachment sets out options for the termination of the Henry A. Meyer Revocable Living Trust.

The Henry A. Meyer Revocable Living Trust (the Trust)¹ provides that following the termination of the Trust on May 30, 2020, the Trustees have the absolute discretion to sell the assets and distribute the proceeds, distribute assets wholly or partly in kind.

Under Oregon law, a revocable trust such as this Trust is not a business entity but, instead, a contractual relationship. Thus, continuing the Trust beyond the termination date does not specifically conform to the provisions of the Amendment and the direction contained in the Trust itself. Absent unanimous consent to continue the Trust, the Trust must be terminated.

¹ As amended by the First Amendment at Section (C)(8) of Article X

May 28, 2019 Page 2

Therefore, the attached plan is being published to all beneficiaries in hopes of inviting input from all beneficiaries to develop the best plan to move forward towards termination and distribution. The Trustees have set a fifteen-day response time for reasonable and constructive comments. Additionally, this plan will be shared with the "next generation" of family members (the sons and daughters of the beneficiaries) for informational purposes only.

As an executive summary, this plan contains the option for an outright sale of the complete real property and an option to divide the real property into two parcels for sale. Beneficiaries will have the option to purchase a "homestead parcel" from the Trust at a fair-market-value price and the remainder of the real property will be sold to an outside party for potential development. Absent agreement, the alternative is to sell the entire, undivided real property for development.

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In conclusion, the Trustees:

- Have concluded, based on written communications with beneficiaries, unanimous agreement to extend the trust will not be reached;
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- Will submit the distribution plan to the court for approval unless full and unanimous agreement is achieved on dividing the property into two parcels by the aforementioned deadline.

Please review the attached information and respond to me within fifteen days with any concerns and/or comments. We appreciate your courtesy and attention to this matter. We will ensure that all communications received from all beneficiaries are forwarded to the Trustees, Ian Meyer and Molly Meyer.

Sincerely,

J. Kevin Shuba jkshuba@ghrlawyers.com

JKS:dkt Enclosure

4851-9856-0919, v. 1

HENRY A MEYER REVOCABLE LIVING TRUST DISSOLUTION PLAN <u>c/o</u> Trustee's: Molly Meyer and Ian Meyer

Dear Beneficiaries,

The Henry A. Meyer Revocable Living Trust was executed on the 18th day of October 1979 by Henry A. Meyer as Trustor and Timothy H. Meyer and John K. Meyer as Trustees and is still in operation.

Upon Henry A. Meyer's death on May 30, 2000, the Henry A. Meyer Revocable Living Trust, became irrevocable and cannot be modified or amended, except as provided by Oregon Statutes.

The Trust powers include, at least, all those trust powers contained in the Uniform Trustee's Powers Act set forth in ORS 130.650 to 130.730 and the currently acting Co-Trustees of the Trust are, Molly Meyer and Ian Meyer. The Trust is due to terminate on May 30th, 2020; 20 years after Henry's death.

The Trustees have been working together to formulate a plan and a schedule on how to terminate the trust in a responsible manner. The Trustees appreciate your patience whilst they have been assembling all of the necessary information to arrive at a solution.

The Trustees recognize the beneficiaries' desire to be informed and it is our hope that this plan, illustrates and explains the Trust's path forward, based on current information. The figures below represent estimates obtained from third parties and will be subject to modification and verification.

Understanding the Trust Termination

As set forth by the Trust, it must terminate 20 years after the death of the Trustor, or May 2020 unless a unanimous vote is obtained by all beneficiaries to extend it. It is the Trustee's understanding, at this time, that at least two beneficiaries have expressed desire for the Trust to be terminated.

In it is important to note at this juncture that the Trustee's remain in full agreement and retain the right to sell and distribute the Trust's assets, and if at any point the Trustees disagree, the beneficiaries will be invited to vote to resolve the deadlock.

The majority of Trust assets are made up of property and its infrastructure, as well as other assets such as (but not limited to) the Meyer Family Company, the Excalibur, farm equipment, furniture and items in the storage barn.

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This analysis was completed by the Trustee's and verified by Grove Mueller CPA. Some of the numbers remain as estimates due to information yet to be confirmed.

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 - a. For 2018 the annual Trust expenses were \$57,062 (which is suppressed as some beneficiaries are contributing their time without compensation) and the annual Trust income was \$53,722. Albeit the smallest it's ever been the Trust still had an operating loss.

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Taking into account, the level of debt incurred and interest accruing, the foreseeable requirement for additional capital investment and the lack of a unity of beneficiaries over the past 19 years, the Co-trustee's conclusion is that: The continued operation of the Trust is financially unsustainable and it will continue to require additional capital investments to operate.

Creation of a Homestead parcel

There has been substantial discussion between beneficiaries seeking the creation of a homestead parcel (approximately 5.0 acres) of land to be made available for beneficiaries. This can be achieved through the creation of a 'successor entity' by one or more beneficiaries, most likely an LLC, who can purchase the homestead parcel from the Trust. The sale price will be determined by the market and beneficiaries will be able to use their trust distribution proceeds as a credit against the purchase price. However, the LLC would have to be formed by participating beneficiaries and able to compete on the open market for purchase of the property.

This illustration shows the current Plat map of the 29.75-acre Parcel, 4540 Pringle Rd. SE Salem Oregon, 97303:



This illustration below shows the proposed homestead parcel which includes the farmhouse and grounds, all outbuildings, and the oak grove. This parcel has been created as a result of information gathered from appraisers, brokers, engineers and the City of Salem and has been determined the best possible parcel of the property that creates the highest value for beneficiaries at the same time as preserving the largest amount of the farm as reasonably possible. The Trustees also factored the family's emotional connection to the land in the evaluation of this option.



The sales price of the homestead will be determined by the market. Based on the estimated sales price provided by brokers the market value of the homestead parcel is \$632,000; in contrast the appraisal provided an estimated value of \$600,000 for the homestead parcel. The Trustees believe that the sale's price will range between these two numbers.

The Trustees believe it is appropriate to enable beneficiaries, that have shown an interest in a homestead parcel, to secure a portion of the property and would therefore consider selling the homestead parcel with credit for their share of the sale proceeds at distribution.

Below is an illustration based on three hypothetical Beneficiaries, through a newly formed Llc, using their distribution credits to purchase the Homestead parcel, using estimated Sale and distribution figures: **This is for illustration purposes only.**

Successor LLC Calculation	
Purchase Price	\$632,000
# of Beneficiaires	3
Distribution credit	\$648,803.30
Remainder Cash Distribution	\$16,803
Cash Distribution/Successor Beneficiaries	\$5,601

In order for the Trust to make a homestead parcel available for beneficiaries to purchase, it would require a signed Memorandum of Understanding (MOU) from a successor entity. The MOU should include the following information for consideration by the Trustees:

- Proof of a Successor Entity
- Ability to Perform
- Intentions for continued use and preservation
- Governing Documents
- Schedule for Purchase

The Trustees have established a 30-day response time from beneficiaries from the date of this letter to provide confirmation of their intention to purchase a homestead parcel by submitting a signed MOU from the designated successor entity.

Sale of Trust Assets

As stated above, to meet the Trust's debt obligations, the Trust will have to sell its real property assets. The Trust has successfully completed its review of five commercial brokers over the past couple of months and has selected 'Real Estate Investment Group' to represent the Trust in the sale of property. The Trustees have begun discussions on how best to market and sell the property and expect to have it listed on the market by June 2019. The Trust has also initiated work with West Tech engineers and a preapplication conference with the city of Salem as part of this process. The sales price is yet to be determined, so estimations are being used in the following illustrations.

Below is a summary of expected distribution totals in addition to verified tax implications and financials for the trust by Grove Mueller:

A. Estimated figures for the sale of all property

Estimated Sales Price	\$4,150,000
Cost of Sale inc Tax	-\$1,083,754
Net Proceeds	\$3,066,246
Debt	-\$1,524,778
Distribution Amount	\$1,541,468
Distribution/Beneficairy	\$256,911

B. Estimated figures for the sale of 24.46-acre parcel and the 5.25-acre Homestead parcel. * <u>ESTIMATED TOTAL</u>

Estimated Sales Price	\$3,721,957
Cost of Sale inc. Tax	-\$899,572
Net Proceeds	\$2,822,385
Debt	-\$1,524,778
Distribution Amount	\$1,297,607
Distribution/Beneficairy	\$216,268

24.46 Acres

Estimated Sales Price	\$3,089,957
Cost of Sale inc. Tax	-\$824,143
Net Proceeds	\$2,265,814
Debt	-\$1,524,778
Distribution Amount	\$741,036
Distribution/Beneficairy	\$123,506

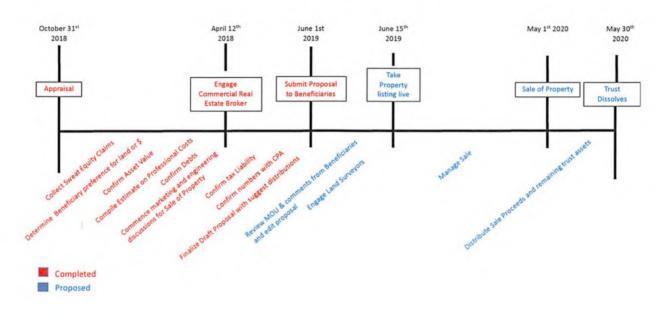
5.29 Acre Homestead

Estimated Sales Price	\$632,000
Cost of Sale inc. Tax	-\$75,430
Net Proceeds	\$556,570
Debt	\$0
Distribution Amount	\$556,570
Distribution/Beneficairy	\$92,762

* Please note that the division of the property into 2 parcels results in a potentially lower sales value. (For more detail please see Addendum 3)

Timeline

This timeline reflects a best-case scenario, based on discussions with multiple commercial real estate brokers. It will require continual adjustments, following input from brokers, engineers, the city of Salem, buyers and more detailed market analysis.



TIMELINE FOR DISSOLUTION OF TRUST

The Trustees welcome your comments or questions in the next 30 days in regard to this plan from any beneficiary. It is also our intention to send a summary of this to the next generation, for informational purposes in order to provide them a status update.

Sincerely

Ian & Molly

Co-Trustee's Henry A. Meyer Revocable Living Trust

ADDENDUM 1



Tom Rohlfing, Assessor Nathaniel Combs, Chief Deputy Assessor 555 Court Street NE, STE 2233, Salem, OR 97301 PO Box 14500, Salem, OR 97309 Telephone: (503) 588-5144 Fax: (503) 588-7985 www.co.marion.or.us/ao

March 11, 2019

Ian Meyer 4540 Pringle Road SE Salem, OR 97302

RE: Account Number(s) – R86578 Location – 4540 PRINGLE RD SE

Dear Requestor:

Per your request, we have calculated the amount of taxes deferred on the above-mentioned property. Should it be removed from special assessment, the figures are as follows:

Special Assessment	Calculated Amount
Program	Deferred
Non-EFU Farmland	\$83,277.17

If the property is removed from this special assessment program within **90 days** from the date of the request, the \$75 calculation fee (receipt enclosed) will be credited to the total deferred tax. If the total deferred taxes are paid in full, a 3% discount will be applied.

If you have any questions, please feel free to call me at (503) 588-5049 or e-mail me at assessor@co.marion.or.us

Sincerely,

6

Christina Wilkes Assessment Clerk Rural Appraisal Section

[Enclosure]

G/GROUPDIR/Assessor/FARM/2019 Account Files/R86578 Informational Letter dock

ADDENDUM 2



April 15, 2016

HENRY A MEYER RT & MEYER, TIMOTHY H TRE & MEYER, JOHN K TRE 4540 PRINGLE RD SE SALEM, OR 97302

RE: Account number(s) - R86578 Location - 4540 Pringle Road SE

Dear Property Owner(s):

.

Hailed 4-19-16

1/2

Tom Rohlfing, Assessor Steve Miner, Chief Deputy Assessor 555 Court St. NE, Suite 2233, Salem, OR 97301 PO Box 14500, Salem, OR 97309 Telephone: (503) 588-5144 Fax: (503) 588-7985 www.co.marion.or.us/no

Spoke to Amy Kennedy # 4-26-2016 to per if received. yes, your salmission charred every thing up. It's ox. Talk to you Net year.

In reviewing the Gross Farm Income Questionnaire that you submitted, we found that some clarification is needed. Please provide the information below and indicate the respective areas on the enclosed aerial photo.

Acres Farmed	Product Produced or Services Provided on these Acres	2014 Income Received	2015 Income Received
13.86-	Hay Equive	11412	4,250
*	Hay - CONSTANCED	3,240	1.911 -

Please provide this information in writing by April 25, 2016. If you have any questions, please feel free to call our office at (503) 588-5049 or send an e-mail to <u>assessor@co.marion.or.us</u>. If you'd rather come to the office in person, it is recommended you call ahead.

Sincerely.

- See map attacked.

Christina Wilkes Assessment Clerk

Amy Kennedy

Senior Assessment Clerk

[Enclosure]

G GROUPDIRUAssensor/FARM/Leners/Gross Income Questionnaired/D Quest account-specific letters 201/6/086578 Charificacion Needeol doc

2/2 loger. Hive Miller 5.9 W 11.96 1,9 1.2 1 ł W= 3.7 F= 11.96 1.9 5.9 3.3 13.86 WE wood lot 14.1 F= Farm Use

ADDENDUM 3 Working Estimate Calculations for Sale of All Property

Henry Meyer Trust Sale of Property - Working Estimate Calculations Entire Property 29.75 acres

Sales Price	4,150,000				
#of Acres	29.75				
Original Basis	(1,190,000)				
Improvements	(279,112)				
Accumulated Depreciation	77,073				
Gain on Sale	2,757,961				
•	-•···		Commissio	n:	
Commissions (6%)	(196,000)		5% of 1st	3,000,000	150,000
· · · · · · · · · · · · · · · · · · ·	(/		4% above	-,,	46,000
Net Gain	2,561,961				
Estimated Attorney/Engineering Fee:	(40,000)				
Estimated Accountant Fees	(10,000)				
Net Operating Loss C/F		ted to 80% of income			
	(238,540) Liilli	teu to 80% of income			
Net Income	2,253,021				
Estimated Tax - Federal	(447,564) Calc	ulation includes deduction	for state tax		
- NIIT	(85,235)				
Estimated Tax - State		ral Deduction Limited to	(10,000)		
· · · · · · · · · · · · · · · · · · ·					
Net Income After Tax	1,498,541				

Estimated Sales Price	\$4,150,000
Cost of Sale inc Tax	-\$1,083,754
Net Proceeds	\$3,066,246
Debt	\$1,524,778
Distribution Amount	\$1,541,468
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Net Cash Flow		
Proceeds from Sale	3,954,000	(Sales Price less commissions)
Expenses:	1	
Attorney/Engineering Fees	(40,000)	
Accountant Fees	(10,000)	Real Estate Tax Recapture:
Real Estate Tax Recapture	(83,274)) Tax Deferral per acre 2,846.00
Taxes	(754,480)	<u>)</u>
	3,066,246	
Repayment of Debt	(1,224,778))
Estimated Sweat Equity	(300,000)	
	1,541,468	- · · ·
Per beneficiary	256,911	

Working Estimate Calculations for Sale of Property retaining Homestead

HOMESTEAD

Henry Meyer Trust Sale of Property - Working Estimate Calculations Retain Homestead 5.29 Acres

Sales Price	3,089,957	
# of Acres	24.46	
Original Basis	(978,400)	
Gain on Sale	2,111,557	
Commissions (6%)	(153,598) Commission: 5% of 1st 3,000,000 150,000	
Net Gain —	1,957,959 4% above 3,598	
Estimated Attorney/Engineering Fee	(40,000)	
Estimated Accountant Fees	(10,000)	
Net Operating Loss C/F	(258,940) Limited to 80% of income	
Net Income	1,649,019	
Estimated Tax - Federal	(326,764) Calculation includes deduction for state t	ax
- NIIT	(62,283)	
Estimated Tax - State	(161,885) Federal Deduction Limited to	(10,000)
Net Income After Tax	1,098,087	
Net Cash Flow		
Proceeds from Sale Expenses:	2,936,359 (Sales Price less commissions)	
Attorney/Engineering Fees	(40,000)	
Accountant Fees	(10,000) Real Estate Recapture	
Real Estate Tax Recapture	(69,613) Tax Deferral per acre 2,846.00	
Taxes	(550,931)	
	2,265,814	
Repayment of Debt	(1,224,778)	
Estimated Sweat Equity	(300,000)	
_	741,036	

Sales Price	632,000	
#of Acres	5.29	
improvements & Accumulated Depreciation	(413,639)	
Gain on Sale	218,361	
Commissions (6%)	0	
Net Gain	218,361	
Engineering Fees	(10,000)	
Net Income	208,361	
Estimated Tax - Federal	(38,632) Calculation includes deduction for state (ax
- N3IT	(7,538)	
Estimated Tax - State	(19,260) Federal Deduction Limiter (10,0)00)
Net Income After Tax	142,931	
Net Cash Flow		
Proceeds from Sale Expenses:	632,000	
Engineering Fees	(10,000)	
Accountant Fees	0	
Real Estate Tax Recapture		
Taxes	(65,430)	
Repayment of Debt	556,570 O	
Estimated Sweat Equity	0	
an est Edant	556,570	
Per beneficiary for 5.29	92,762	

Estimated Sales Price	\$3,089,957
Cost of Sale Inc. Tax	-\$824,143
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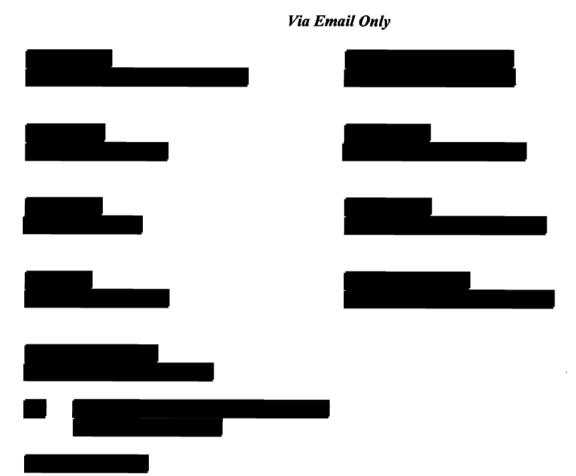
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# of Beneficiaires	3
Distribution credit	\$648,803.30
Remainder Cash Distribution	\$16,803
Cash Distribution/Successor Beneficiaries	\$5,601



Willamette Professional Center 1011 Commercial St. NE Salem, Oregon 97301-1049 Ph: (503) 581-1501 Fax: (503) 581-5891 www.ghrlawyers.com

May 28, 2019



This letter and the attachment sets out options for the termination of the Henry A. Meyer Revocable Living Trust.

The Henry A. Meyer Revocable Living Trust (the Trust)¹ provides that following the termination of the Trust on May 30, 2020, the Trustees have the absolute discretion to sell the assets and distribute the proceeds, distribute assets wholly or partly in kind.

Under Oregon law, a revocable trust such as this Trust is not a business entity but, instead, a contractual relationship. Thus, continuing the Trust beyond the termination date does not specifically conform to the provisions of the Amendment and the direction contained in the Trust itself. Absent unanimous consent to continue the Trust, the Trust must be terminated.

¹ As amended by the First Amendment at Section (C)(8) of Article X

May 28, 2019 Page 2

Therefore, the attached plan is being published to all beneficiaries in hopes of inviting input from all beneficiaries to develop the best plan to move forward towards termination and distribution. The Trustees have set a fifteen-day response time for reasonable and constructive comments. Additionally, this plan will be shared with the "next generation" of family members (the sons and daughters of the beneficiaries) for informational purposes only.

As an executive summary, this plan contains the option for an outright sale of the complete real property and an option to divide the real property into two parcels for sale. Beneficiaries will have the option to purchase a "homestead parcel" from the Trust at a fair-market-value price and the remainder of the real property will be sold to an outside party for potential development. Absent agreement, the alternative is to sell the entire, undivided real property for development.

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Please review the attached information and respond to me within fifteen days with any concerns and/or comments. We appreciate your courtesy and attention to this matter. We will ensure that all communications received from all beneficiaries are forwarded to the Trustees, Ian Meyer and Molly Meyer.

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JKS:dkt Enclosure

4851-9856-0919, v. 1

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Creation of a Homestead parcel

There has been substantial discussion between beneficiaries seeking the creation of a homestead parcel (approximately 5.0 acres) of land to be made available for beneficiaries. This can be achieved through the creation of a 'successor entity' by one or more beneficiaries, most likely an LLC, who can purchase the homestead parcel from the Trust. The sale price will be determined by the market and beneficiaries will be able to use their trust distribution proceeds as a credit against the purchase price. However, the LLC would have to be formed by participating beneficiaries and able to compete on the open market for purchase of the property.

This illustration shows the current Plat map of the 29.75-acre Parcel, 4540 Pringle Rd. SE Salem Oregon, 97303:



This illustration below shows the proposed homestead parcel which includes the farmhouse and grounds, all outbuildings, and the oak grove. This parcel has been created as a result of information gathered from appraisers, brokers, engineers and the City of Salem and has been determined the best possible parcel of the property that creates the highest value for beneficiaries at the same time as preserving the largest amount of the farm as reasonably possible. The Trustees also factored the family's emotional connection to the land in the evaluation of this option.



The sales price of the homestead will be determined by the market. Based on the estimated sales price provided by brokers the market value of the homestead parcel is \$632,000; in contrast the appraisal provided an estimated value of \$600,000 for the homestead parcel. The Trustees believe that the sale's price will range between these two numbers.

The Trustees believe it is appropriate to enable beneficiaries, that have shown an interest in a homestead parcel, to secure a portion of the property and would therefore consider selling the homestead parcel with credit for their share of the sale proceeds at distribution.

Below is an illustration based on three hypothetical Beneficiaries, through a newly formed Llc, using their distribution credits to purchase the Homestead parcel, using estimated Sale and distribution figures: **This is for illustration purposes only.**

Successor LLC Calculation	
Purchase Price	\$632,000
# of Beneficiaires	3
Distribution credit	\$648,803.30
Remainder Cash Distribution	\$16,803
Cash Distribution/Successor Beneficiaries	\$5,601

In order for the Trust to make a homestead parcel available for beneficiaries to purchase, it would require a signed Memorandum of Understanding (MOU) from a successor entity. The MOU should include the following information for consideration by the Trustees:

- Proof of a Successor Entity
- Ability to Perform
- Intentions for continued use and preservation
- Governing Documents
- Schedule for Purchase

The Trustees have established a 30-day response time from beneficiaries from the date of this letter to provide confirmation of their intention to purchase a homestead parcel by submitting a signed MOU from the designated successor entity.

Sale of Trust Assets

As stated above, to meet the Trust's debt obligations, the Trust will have to sell its real property assets. The Trust has successfully completed its review of five commercial brokers over the past couple of months and has selected 'Real Estate Investment Group' to represent the Trust in the sale of property. The Trustees have begun discussions on how best to market and sell the property and expect to have it listed on the market by June 2019. The Trust has also initiated work with West Tech engineers and a preapplication conference with the city of Salem as part of this process. The sales price is yet to be determined, so estimations are being used in the following illustrations.

Below is a summary of expected distribution totals in addition to verified tax implications and financials for the trust by Grove Mueller:

A. Estimated figures for the sale of all property

Estimated Sales Price	\$4,150,000
Cost of Sale inc Tax	-\$1,083,754
Net Proceeds	\$3,066,246
Debt	-\$1,524,778
Distribution Amount	\$1,541,468
Distribution/Beneficairy	\$256,911

B. Estimated figures for the sale of 24.46-acre parcel and the 5.25-acre Homestead parcel. * <u>ESTIMATED TOTAL</u>

Estimated Sales Price	\$3,721,957
Cost of Sale inc. Tax	-\$899,572
Net Proceeds	\$2,822,385
Debt	-\$1,524,778
Distribution Amount	\$1,297,607
Distribution/Beneficairy	\$216,268

24.46 Acres

Estimated Sales Price	\$3,089,957
Cost of Sale inc. Tax	-\$824,143
Net Proceeds	\$2,265,814
Debt	-\$1,524,778
Distribution Amount	\$741,036
Distribution/Beneficairy	\$123,506

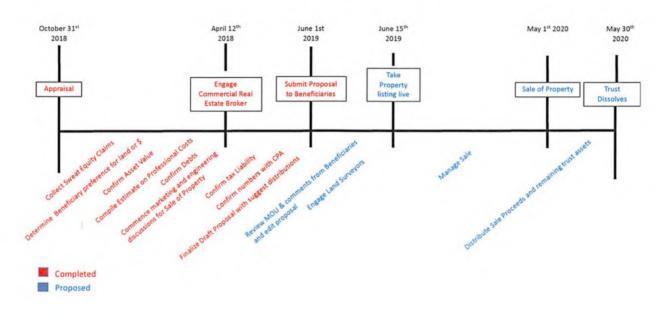
5.29 Acre Homestead

Estimated Sales Price	\$632,000
Cost of Sale inc. Tax	-\$75,430
Net Proceeds	\$556,570
Debt	\$0
Distribution Amount	\$556,570
Distribution/Beneficairy	\$92,762

* Please note that the division of the property into 2 parcels results in a potentially lower sales value. (For more detail please see Addendum 3)

Timeline

This timeline reflects a best-case scenario, based on discussions with multiple commercial real estate brokers. It will require continual adjustments, following input from brokers, engineers, the city of Salem, buyers and more detailed market analysis.



TIMELINE FOR DISSOLUTION OF TRUST

The Trustees welcome your comments or questions in the next 30 days in regard to this plan from any beneficiary. It is also our intention to send a summary of this to the next generation, for informational purposes in order to provide them a status update.

Sincerely

Ian & Molly

Co-Trustee's Henry A. Meyer Revocable Living Trust

ADDENDUM 1



Tom Rohlfing, Assessor Nathaniel Combs, Chief Deputy Assessor 555 Court Street NE, STE 2233, Salem, OR 97301 PO Box 14500, Salem, OR 97309 Telephone: (503) 588-5144 Fax: (503) 588-7985 www.co.marion.or.us/ao

March 11, 2019

Ian Meyer 4540 Pringle Road SE Salem, OR 97302

RE: Account Number(s) – R86578 Location – 4540 PRINGLE RD SE

Dear Requestor:

Per your request, we have calculated the amount of taxes deferred on the above-mentioned property. Should it be removed from special assessment, the figures are as follows:

Special Assessment	Calculated Amount
Program	Deferred
Non-EFU Farmland	\$83,277.17

If the property is removed from this special assessment program within **90 days** from the date of the request, the \$75 calculation fee (receipt enclosed) will be credited to the total deferred tax. If the total deferred taxes are paid in full, a 3% discount will be applied.

If you have any questions, please feel free to call me at (503) 588-5049 or e-mail me at assessor@co.marion.or.us

Sincerely,

6

Christina Wilkes Assessment Clerk Rural Appraisal Section

[Enclosure]

G/GROUPDIR/Assessor/FARM/2019 Account Files/R86578 Informational Letter dock

ADDENDUM 2



April 15, 2016

HENRY A MEYER RT & MEYER, TIMOTHY H TRE & MEYER, JOHN K TRE 4540 PRINGLE RD SE SALEM, OR 97302

RE: Account number(s) - R86578 Location - 4540 Pringle Road SE

Dear Property Owner(s):

.

Hailed 4-19-16

1/2

Tom Rohlfing, Assessor Steve Miner, Chief Deputy Assessor 555 Court St. NE, Suite 2233, Salem, OR 97301 PO Box 14500, Salem, OR 97309 Telephone: (503) 588-5144 Fax: (503) 588-7985 www.co.marion.or.us/no

Spoke to Amy Kennedy # 4-26-2016 to per if received. yes, your salmission charred every thing up. It's ox. Talk to you Net year.

In reviewing the Gross Farm Income Questionnaire that you submitted, we found that some clarification is needed. Please provide the information below and indicate the respective areas on the enclosed aerial photo.

Acres Farmed	Product Produced or Services Provided on these Acres	2014 Income Received	2015 Income Received
13.86-	Hay Equive	11412	4,250
*	Hay - CONSTANCED	3,240	1.911 -

Please provide this information in writing by April 25, 2016. If you have any questions, please feel free to call our office at (503) 588-5049 or send an e-mail to <u>assessor@co.marion.or.us</u>. If you'd rather come to the office in person, it is recommended you call ahead.

Sincerely.

- See map attacked.

Christina Wilkes Assessment Clerk

Amy Kennedy

Senior Assessment Clerk

[Enclosure]

G GROUPDIRUAssensor/FARM/Leners/Gross Income Questionnaired/D Quest account-specific letters 201/6/086578 Charificacion Needeol doc

2/2 loger. Hive Miller 5.9 W 11.96 1,9 1.2 1 ł W= 3.7 F= 11.96 1.9 5.9 3.3 13.86 WE wood lot 14.1 F= Farm Use

ADDENDUM 3 Working Estimate Calculations for Sale of All Property

Henry Meyer Trust Sale of Property - Working Estimate Calculations Entire Property 29.75 acres

Sales Price	4,150,000				
#of Acres	29.75				
Original Basis	(1,190,000)				
Improvements	(279,112)				
Accumulated Depreciation	77,073				
Gain on Sale	2,757,961				
•	-•···		Commissio	n:	
Commissions (6%)	(196,000)		5% of 1st	3,000,000	150,000
· · · · · · · · · · · · · · · · · · ·	(/		4% above	-,,	46,000
Net Gain	2,561,961				
Estimated Attorney/Engineering Fee:	(40,000)				
Estimated Accountant Fees	(10,000)				
Net Operating Loss C/F		ted to 80% of income			
	(238,540) Liilli	teu to 80% of income			
Net Income	2,253,021				
Estimated Tax - Federal	(447,564) Calc	ulation includes deduction	for state tax		
- NIIT	(85,235)				
Estimated Tax - State		ral Deduction Limited to	(10,000)		
· · · · · · · · · · · · · · · · · · ·					
Net Income After Tax	1,498,541				

Estimated Sales Price	\$4,150,000
Cost of Sale inc Tax	-\$1,083,754
Net Proceeds	\$3,066,246
Debt	\$1,524,778
Distribution Amount	\$1,541,468
Distribution/Beneficairy	\$256,911

Net Cash Flow		
Proceeds from Sale	3,954,000	(Sales Price less commissions)
Expenses:	1	
Attorney/Engineering Fees	(40,000)	
Accountant Fees	(10,000)	Real Estate Tax Recapture:
Real Estate Tax Recapture	(83,274)) Tax Deferral per acre 2,846.00
Taxes	(754,480)	<u>)</u>
	3,066,246	
Repayment of Debt	(1,224,778))
Estimated Sweat Equity	(300,000)	
	1,541,468	- · · ·
Per beneficiary	256,911	

Working Estimate Calculations for Sale of Property retaining Homestead

HOMESTEAD

Henry Meyer Trust Sale of Property - Working Estimate Calculations Retain Homestead 5.29 Acres

Sales Price	3,089,957	
# of Acres	24.46	
Original Basis	(978,400)	
Gain on Sale	2,111,557	
Commissions (6%)	(153,598) Commission: 5% of 1st 3,000,000 150,000	
Net Gain —	1,957,959 4% above 3,598	
Estimated Attorney/Engineering Fee	(40,000)	
Estimated Accountant Fees	(10,000)	
Net Operating Loss C/F	(258,940) Limited to 80% of income	
Net Income	1,649,019	
Estimated Tax - Federal	(326,764) Calculation includes deduction for state t	ax
- NIIT	(62,283)	
Estimated Tax - State	(161,885) Federal Deduction Limited to (10,000	
Net Income After Tax	1,098,087	
Net Cash Flow		
Proceeds from Sale Expenses:	2,936,359 (Sales Price less commissions)	
Attorney/Engineering Fees	(40,000)	
Accountant Fees	(10,000) Real Estate Recapture	
Real Estate Tax Recapture	(69,613) Tax Deferral per acre 2,846.00	
Taxes	(550,931)	
	2,265,814	
Repayment of Debt	(1,224,778)	
Estimated Sweat Equity	(300,000)	
_	741,036	

Sales Price	632,000	
#of Acres	5.29	
improvements & Accumulated Depreciation	(413,639)	
Gain on Sale	218,361	
Commissions (6%)	0	
Net Gain	218,361	
Engineering Fees	(10,000)	
Net Income	208,361	
Estimated Tax - Federal	(38,632) Calculation includes deduction for state (ax
- N3IT	(7,538)	
Estimated Tax - State	(19,260) Federal Deduction Limiter (10,0)00)
Net Income After Tax	142,931	
Net Cash Flow		
Proceeds from Sale Expenses:	632,000	
Engineering Fees	(10,000)	
Accountant Fees	0	
Real Estate Tax Recapture		
Taxes	(65,430)	
Repayment of Debt	556,570 0	
Estimated Sweat Equity	0	
animere an car Educă	556,570	
Per beneficiary for 5.29	92,762	

Estimated Sales Price	\$3,089,957
Cost of Sale Inc. Tax	-\$824,143
Net Proceeds	\$2,265,814
Debt	F-\$1,524,778
Distribution Amount	\$741,036
Distribution/Beneficalry	\$123,506

Estimated Sales Price	\$632,000
Cost of Sale Inc. Tax	-\$75,430
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Debt	₹ so
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Distribution Amount	\$1,297,607
Distribution/Beneficalry	\$216,268

Successor LLC Calculation	
Purchase Price	\$632,000
# of Beneficiaires	3
Distribution credit	\$648,803.30
Remainder Cash Distribution	\$16,803
Cash Distribution/Successor Beneficiaries	\$5,601

		Marion County Circuit Courts		
		AUG 12 2019		
1		FILED		
2				
3				
4	IN THE CIRCUIT COURT O	OF THE STATE OF OREGON		
5	FOR THE COUN	ITY OF MARION		
6	In Probate			
7				
8	In the Matter of the Henry A. Meyer Revocable Living TRUST.	No. 19PB06270		
9		PETITION FOR INSTRUCTIONS		
10		REGARDING Trustee Negligence		
11	Dettiling Detablished	Cale Henry A. Marris David alla Linder		
12	Petitioner, Peter Meyer, as beneficiary of the Henry A. Meyer Revocable Living			
13	Trust ("Trust"), alleges as follows:			
14		1.		
15	Current Trustees of the Trust, Molly Meyer and Ian Meyer, have failed to carry out			
16	the Trustor's intent and the Trust's material purpose to operate Trustor's property "in			
17	substantially the same manner as it was operate	ed at the time of Trustor's death" (Exhibit		
18	1: HAM Trust doc, Amendment, Article X (C)	(8)).		
19		2.		
20	Current Trustees have failed to follow the directive of the March/April, 2018, vote by			
	Trust beneficiaries to immediately transfer all Trust assets to a family-owned LLC (Exhibit			
21	2: THM Option 3 Proposal and Votes March-April 2018)			
22		3.		
23	Current Trustees have abused their disc	cretionary authority and engaged in "reckless		
24	misconduct" and "willful wrongdoing," in viol	ation of the terms of the Trust (Exh 1: HAM		
25				
26				
Page	1 - PETITION FOR INSTRUCTIONS RE Living TRUST	EGARDING the Henry A. Meyer Revocable		

Exhibit A - Page 1 of 99

4

5

Trust doc, Article V) and "reckless indifference" in violation of Oregon State Trust Law
 (Ref: ORS 130.735(2) and (3))

FIRST CLAIM FOR RELIEF

(Trustees have failed to honor Trustor's intent)

4.

Between April 2018 and to date, Trustees Molly Meyer and Ian Meyer have failed to
"carry out Trustor's intent to the greatest extent possible," which is to operate Trustor's
property "in substantially the same manner as it was operated at the time of Trustor's death,
including the operation of the businesses situated upon the premises at that time." (Exh 1:
HAM Trust, Amendment, Article X (C)(8)).

11

5.

12 Trustor, Henry A. Meyer, and wife, Marian Williams Meyer, purchased the Trust 13 property (the "Farm"), at 4540 Pringle Road, S.E., Salem, Oregon, in 1947. At the time, the 14 30-acre property was a farm of filbert and walnut orchards, woodlots, with a chicken coop, 15 barn, and small farm house, surrounded by other farms and orchards in the rolling hills 16 southeast of Salem. Trustor and wife spent the next 53 years, until Trustor's death, raising six children, welcoming 17 grandchildren, and entertaining numerous friends and relatives, 17 18 while preserving and improving the Farm, cultivating filberts, walnuts, hay, Christmas trees, 19 raising horses, sheep, chickens, llamas, tending to woodlots, including more than five acres 20 of Oregon White Oak grove (a rare and declining habitat in the Willamette Valley), building 21 a greenhouse and operating an interior plant business (The Glass Barn) that was launched in 22 1976 by Henry and Marian's youngest children, James and Molly, and would come to be 23 owned by the Trust and provide most of the Farm's financial support. Over the years the City 24 of Salem grew to engulf the Farm within the City's urban grown boundaries, becoming one 25 of Salem's most unique urban spaces, both an open-space treasure and viable farm business 26 to this day.

Page 2 - PETITION FOR INSTRUCTIONS REGARDING the Henry A. Meyer Revocable Living TRUST

2 Marian Meyer died on May 11, 1978, and on October 18, 1979, Henry set up a 3 revocable living trust to carry on the legacy that he and Marian had created for the family at 4 this distinctive place, expressly stating his "expectation that family businesses and family 5 business arrangements shall continue uninterrupted." (Exh 1: HAM Trust doc, Article V). 6 7. 7 On September 22, 1985, Trustor amended the Trust to "extend the time for final 8 distribution until twenty (20) years after the date of Trustor's death," which was May 30, 9 2000, and amplified Henry's wish that the Farm "continue to be operated in substantially the 10 same manner as it was operated at the time of Trustor's death." (Exh 1: HAM Trust doc, 11 Amendment, Article X(C)(2)12 8. 13 Instead of maintaining the Trust property "in substantially the same manner," 14 Trustees Molly and Ian, since April of 2018, have intentionally and covertly taken steps, 15 without consultation with beneficiaries, to sell Trustor's estate, a course they verified on July 16 5, 2019, when a Trust attorney announced to beneficiaries that Trustees had sought and 17 received "a letter of intent [LOI] with an offer to purchase the 29.26 acres, with a purchase 18 price of \$5,750,000" (Exhibit 3: 2019-07-05 TMW ltr to Beneficiaries¹). 19 9. 20 Trustees did not send beneficiaries the actual LOI until July 26-and even then felt 21 compelled to redact the name of the prospective buyer (Exhibit 4: Redacted LOI), refusing to 22 disclose it despite an email from this petitioner on July 20 agreeing to abide by any 23 "confidentiality restrictions" per ORS 130.710(7). And in a quick series of emails it was 24 25 ¹ According to Marion County records (Exhibit 5: Marion County Assessor's Records for R86578 & R86579) the Trust owns 29.65 acres. 26

Page 3 - PETITION FOR INSTRUCTIONS REGARDING the Henry A. Meyer Revocable Living TRUST

6.

1	Beneficiary John Meyer ("John") and his nephew James Santana (the fourth child of
2	beneficiary Mary Ann Meyer), both intimately familiar with all aspects of the Farm and with
3	substantial professional experience in real estate and development, and who both raised
4	serious and multiple questions about this LOI and related matters, showing why Tim's
5	Option 3 proposal 16 months earlier (see Second Claim for Relief below)-to move "toward
6	a carefully considered discussion about best governance"-was all the more prescient. (See
7	Exhibit 6: Letter from John Meyer Re LOI consolidated comments and Exhibit 7: Letter to
8	Trustees from J Santana Re LOI.)
9	
10	SECOND CLAIM FOR RELIEF
11	(Current Trustees have failed to follow the directive of the 2018 vote by
12	beneficiaries to transfer Trust assets to a family-owned LLC)
13	10.
14	In a series of emails during March and April of 2018, co-Trustee Timothy Meyer
15	("Tim"), also one of six Trust beneficiaries, just weeks before his death, solicited the
16	opinions of four other Trust beneficiariesMary Ann, John, Peter, and Jamesto a proposal
17	(known as "Option 3") to transfer the Trust assets to a family owned corporation in
18	anticipation of the May 2020 Trust dissolution deadline. The reason for the vote, he noted,
19	following Trust protocol, was a disagreement with co-Trustee Molly Meyer (Molly). As Tim
20	also noted, "with time pressure removed," this would provide opportunity for the family to
21	move "toward a carefully considered discussion about best governance" for the future. He
22	then asked those beneficiaries to vote to implement the Option 3 plan, which they did,
23	unanimously. (Exh 2: THM Option 3 Proposal and votes March-April 2018.)
24	12.
25	At that time Tim had been a Trustee since the inception of the Trust (18 October
26	1979) and had worked diligently over the years to fulfill Trustor's intent to continue the
Page	4 - PETITION FOR INSTRUCTIONS REGARDING the Henry A. Meyer Revocable Living TRUST

1 Farm, including convening a committee of third generation heirs ("3G," aka grandchildren of
2 Henry and Marian Meyer) known as the Meyer Urban Farm Committee (MUFC), which
3 proposed multiple methods of continuing the Farm (Exhibit 8: MUFC Governance Structure
4 - 2014-04-07 jkm edits and Exhibit 9: Meyer Urban Farm – Update and Next Steps), Tim
5 also orchestrated work parties of beneficiaries and friends to plant trees and clean up Farm
6 outbuildings, and made significant private funding available for the care of Trustor and Farm
7 operations and improvements.

8

13.

In fact, in proposing and advocating for Option 3, Trustee Tim was following the 9 10 directive of the Trust document, which expressly authorized the Trust to consider 11 alternatives for distribution of the Trust assets on termination, including "to distribute to an 12 entity formed to continue the trust property as a unit with each beneficiary receiving an equal 13 interest in such business entity." (Exh 1: HAM Trust, Amendment, Section 2. Article 14 X(C)(8)). Tim further stated at that time (March-April 2018) that upon majority vote for 15 Option 3, "Molly and I would both retire from our current co-trustee positions." Had co-16 trustee Molly agreed with Tim in his preference for Option 3, based on the "sole discretion" 17 authority of the Trustees, no vote would have been required for Option 3's implementation, 18 and had she disagreed with him, per the terms of the Second Amendment of the Trust, 19 majority vote by the beneficiaries would decide the outcome (Exh 1: HAM Trust, Second 20 Amendment, Article X (C)(8)). Either way, Option 3 was approved. However, soon after 21 receiving the results of the vote, Tim's health deteriorated and he died on April 21, 2018, 22 before he could implement Option 3. The current co-trustees have subsequently refused to 23 honor that vote and implement Option 3.

24

THIRD CLAIM FOR RELIEF

25 (Current Trustees have abused their discretionary authority and engaged in
 26 "reckless misconduct" and "willful wrongdoing," in violation of the terms of the

Page 5 - PETITION FOR INSTRUCTIONS REGARDING the Henry A. Meyer Revocable Living TRUST

2

3

HAM Trust (Exh 1: HAM Trust doc, Article V) and "reckless indifference" Oregon State Trust Law (ORS 130.735(2) and (3))

14.

For more than a year following Tim Meyer's death on April 21, 2018, co-trustees Molly and nephew Ian Meyer ("Ian") (installed as co-Trustee on April 4, 2018) have made no attempt to carry out the intent of Trustor or Trust's material purpose to operate Trustor's property "in substantially the same manner as it was operated at the time of Trustor's death...." (Exh 1: HAM Trust doc, Amendment, Article X (C)(8)). They refused to implement Option 3 (see Second Claim for Relief) or to provide a plan or timeline for dissolution of the Trust, despite numerous requests from beneficiaries. Trustees also failed to send an annual trustee report to beneficiaries in 2018 as required by law (Ref: ORS 130.710(3)(a)) and have consistently refused to provide requested financial documents, including a closing accounting for 2017—2018 after the resignation of Trustee Tim Meyer on April 3, 2018.

15

15.

Beneficiaries have expressed serious and grave concern that Trustee Ian Meyer, who was asked by his father, Tim, to represent his mother's and siblings personal interests as a cotrustee, has a *de jure* conflict between his fiduciary duties to the Trust and his personal interests (Ref: ORS 130.655 UTC 802 (3)(b)) and has not overcome the exception in ORS by offering anything that would benefit the beneficiaries more than his personal and familial interests. Those interests include a claim of one million two hundred twenty four thousand and seven hundred and seventy eight dollars (\$1,224,778.00) as a debt by his now-deceased father, a gross conflict of interest, seeking moneys for his family and his family alone, which would, by definition, redound to the detriment of Trust beneficiaries. Worse, in taking action to liquidate the entire Farm in order to be repaid, he is engaging in "reckless misconduct" and

Page 6 - PETITION FOR INSTRUCTIONS REGARDING the Henry A. Meyer Revocable Living TRUST

monetizing his family's beneficiary interest in the Farm, to the detriment of Trust
 beneficiaries, a *prima facie* engagement in "willful wrongdoing."

3

4

16.

5 Trustee Ian's conflict of interest was on full display as recently as July 8, 2019, when 6 he wrote to beneficiaries advising them that "THM's estate is not willing to accept land and 7 its associated risks in lieu of re-payment of the debt," thus shifting the risk to the 8 beneficiaries. In that same email memo Trustee Ian further advised that the Trust "is not 9 responsible for individual beneficiary's tax issues/situation," again sacrificing beneficiary 10 benefit for his personal gain." His inexperience and conflicts of interest are such that, in the 11 same July 8 memo, he felt compelled to state that "Trustees have addressed the claim of a 12 fire sale in previous communications, and do not encourage the use of this insightful 13 language." [sic] (Exhibit 10f: Ian letter to beneficiaries 7-8-19)

14

17.

As a beneficiary, special named beneficiary, and long-time resident of the Farm, Trustee Molly has special accommodations from the Trust (see Exh 1: HAM Trust doc, Second Amendment, Section 2, Article X(C)(9) and a significant conflict between her fiduciary and personal interests as they relate to Option 3 and the actions taken to sell the Farm. Per the terms of the HAM Trust, Molly has the express right "to reside in Trustor's residence" but if Option 3 were to be implemented, said right would no longer exist. It is unlikely that any new entity formed by Option 3 would grant a similar right, therefore it is in Molly's personal interest to refuse Option 3 and instead liquidate the entire Farm for cash proceeds, which may include, according to the Trustees' latest accounting, an additional \$300,000 in undocumented "sweat equity" payments to Molly, an obvious deal between the two compromised Trustees. (Exhibit 11: Letter from John Meyer Re Molly sweat equity)

Page 7 - PETITION FOR INSTRUCTIONS REGARDING the Henry A. Meyer Revocable Living TRUST

Trustee Molly has also failed to uphold the dictates of the Trust to pay proper rent to the Trust for living on Trust property and to make the farm Trust property available for other family members to use. (Exh 1: HAM Trust doc, Second Amendment, Article X (C) (9)) She has further refused to allow beneficiaries traveling from out-of-town to tour the outbuildings with a commercial broker for information on current rental options needed to increase farm income.

8

1

19.

9 Trustee Ian has failed to disclose his conflicts, and personal financial interests, in the 10 liquidation of his family's real estate development project (Pringle Creek Community), 11 which is adjacent to the Farm and in competition with the Farm in terms of sales value.

12 (Exhibit 12: Letter from John Meyer calling for Trustees resignation)

13

20.

Trustees Molly and Ian have failed to maintain an approved budget or to keep books adequately for a full or fair accounting of Trust properties and businesses, including the Glass Barn, engaging in numerous instances of co-mingling and self-dealing in their management of Trust businesses and have consistently ignored beneficiary requests for financial data and tax records including VBRO rental records for the farmhouse.

19

Trustees Molly and Ian wrongfully entered into a contract with a company to appraise the Trust property, improperly committing the Trust to a course of action to sell the property without consulting or informing beneficiaries (Ref: ORS 130.730 UTC 817 (2), (3)(a) and (b))

21.

- 24
- 25

26

Page 8 - PETITION FOR INSTRUCTIONS REGARDING the Henry A. Meyer Revocable Living TRUST

2

3 confidentiality despite their legal obligation to provide such information (Ref: ORS 130.710 4 (7)) 23. 5 Between at least April 5, 2018, and to date, Trustees have consistently acted in 6 7 secret, have been untruthful, have consistently failed to respond to requests for information, 8 and have misled beneficiaries as to the true intentions of Trustees vis a vis the dissolution of 9 the Trust, in violation of Oregon Trust Law (Ref: ORS130.710); 24. 10 Despite repeated requests to divulge or discuss their plans, Trustees did not inform 11 12 the beneficiaries of any dissolution plans until May 28, 2019, and then only with a dense 14-13 page proposal to sell the property and a demand that beneficiaries give their "informed 14 consent" to the proposal in fifteen days (Ref: 2019-05-28 Ltr JKS to Beneficiaries) 25. 15 Trustees have made no attempt (let alone made the "best effort practicable") to 16 continue the Farm or, to discuss plans proposed by the beneficiary majority or, conversely, 17 18 document the unsustainability of the Farm's current operations, as required by the HAM 19 Trust. 26. 20 Trustees Molly and Ian have asserted that "the level of debt incurred and interest 21 22 accruing, the foreseeable requirement for additional capital investment and the lack of a unity of beneficiaries over the past 19 years" have led them to conclude that "the continued 23 operation of the Trust is financially unsustainable" (Exhibit 13: 2019-05-28 Ltr JKS to 24 25 Beneficiaries - enc) - assertions that are demonstrably untrue. In fact, beneficiary John, a 26 veteran corporate finance officer (Exxon) and independent developer (Miami, San Francisco,

Page 9 - PETITION FOR INSTRUCTIONS REGARDING the Henry A. Meyer Revocable Living TRUST

Exhibit A - Page 9 of 99

22.

Numerous times Trustees withheld information from beneficiaries on grounds of

and Portland), who oversaw the Trust books for more than ten years, has concluded that the
 Farm is sustainable; as has his nephew James Santana, who has a Master's Degree in
 Environmental Management from Yale, is now VP of a property development corporation in
 Portland, and has been involved in a number of successful Farm projects over the years. (Exh
 6: Letter from John Meyer Re LOI consolidated comments and Exh 7: Letter to Trustees
 from J Santana Re LOI)

7

27.

8 Trustees have provided no properly documented supporting evidence of this alleged 9 Trust debt, or evidence that continued operation of the Trust is "financially unstainable." In 10 fact, many recent reports of Trust operations suggest that Trust properties are very much 11 sustainable, that in fact, evidence suggests that Tim Meyer's "advances" to the Trust were 12 intended as gifts unless the Trust property were sold.

13

28.

14 Trustees have further failed to show that the property and businesses "as operated" 15 (by Trustee Molly) are causing "undo losses or hardships to the trust beneficiaries"; more 16 importantly, Molly's fundamental conflict of interest – given the Trustee's current 17 dissolution proposal (i.e. sell all the land), she has much more to gain if the businesses are 18 "unsustainable" and has direct control making them such. (Exh 1: HAM Trust doc, 19 Amendment, Article X (C)(8))

20

29.

The only logical reason for selling the Farm is to pay off Tim's claim of debt, which is based on a confusing array of undocumented and unaudited financial records. Trustees Molly and Ian circulated a letter of agreement between Jane Meyer, Tim's widow, and the Trust, dated January 23, 2019, stating that the Trustees agree that "full payment of the principal balance of \$1,224,778.00 will be made upon sale of the real property." (Exhibit 14: THM Debt Settlement Agreement 1-23-19). Even if justified, the claim could be settled with

Page 10 - PETITION FOR INSTRUCTIONS REGARDING the Henry A. Meyer Revocable Living TRUST

cash proceeds from selling a small portion of the Farm, not the entire Farm, which was
 discussed at the meeting held February 18, 2019, and formally proposed by John on June 27,
 2019 ("the Elser Plan"). The Elser Plan received support from beneficiaries John, Peter, and
 Mary Ann, now a majority of beneficiaries in June and July of 2019. (Exhibit 15: elser
 plan_jkm 6-27-19) But Trustee Ian dismissed it by saying that his family was not interested
 in land and wished to sell all farm land for cash. (See #16 above.)

7

30.

8 To the extent that Trustees may assert that they have obtained a release from 9 beneficiaries to recognize such debt as valid, it is here stated that the January 23, 2018, letter 10 was not signed by Executrix Jane Meyer in London and so Trustees "failed to adequately 11 disclose to the beneficiary... sufficient information to enable the beneficiary to know of a 12 potential claim or to inquire into the existence of a breach or potential claim." (Ref: ORS 13 130.730 UTC 817 (3)(b))

14

15 It is not even clear that Trustees are not in violation of the express prohibition to use 16 "the principal" or "the income of the trust estate... for the debts of any beneficiary." (Exh 1: 17 HAM Trust doc, Article IX)

18

32.

31.

But it is not necessary to make that argument because there is ample evidence, including from Trustee's own attorneys, that the intent of co-Trustee and beneficiary Tim Meyer was that his "loans" to the Trust would not need to be paid back unless the Trust property was sold, if at all.

23

33.

In fact, Trustees have turned the wishes of Tim Meyer on their head; instead of paying the loans back only if the Farm had to be sold, Trustees have made the loans the very reason for selling the Farm.

Page 11 - PETITION FOR INSTRUCTIONS REGARDING the Henry A. Meyer Revocable Living TRUST Petitioner believes that the failures of Trustees to attempt to carry out the intent of the
Trustor while secretly acting to sell the Trust property constitute a serious breach of fiduciary
duty and "reckless indifference to the purposes of the trust or the interests of the

5 beneficiaries." (Ref: ORS 130.805 UTC 1002 (2))

6

1

WHEREFORE, Petitioner requests that Judgment be entered as follows:

7 1. Trustees will forthwith turn over to beneficiaries requested documents
8 relevant to the extant claims for relief and carry out the wishes of the beneficiaries in their
9 March and April 2018 vote to transfer Trust assets to a family-owned entity.

2. Trustees will cease and desist all activities to cause the Trustor's property to
 be sold.

3. Trustees will cease and desist all activities that are in conflict with theintent of the Trustor and the interests of the beneficiaries of the Trust.

4. Trustees will be removed from their positions at the earliest possible date 15 and the court shall order "appropriate relief... as may be necessary to protect the trust 16 property or the interests of the beneficiaries." (per ORS 130.625 UTC 17 706(2)(a)(b)(c)(d)(B)(C))

- 18
- 19 DATED: 6 August 2019
- 20
- 21
- 22
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- 24
- 25
- 26

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

Page 12 - PETITION FOR INSTRUCTIONS REGARDING the Henry A. Meyer Revocable Living TRUST

:

HAM Trust COVER October 18, 1979 and Amendments (9/22/85, 11/5/85)

STATE OF OREGON Marion County Circuit Courts AUG 12 2019 FILED

19PB06270

Exhibit 1

SECOND AMENDMENT TO TRUST AGREEMENT

THIS AGREEMENT between HENRY A. MEYER (Trustor) and TIMOTHY H. MEYER and JOHN K. MEYER (Trustees),

WITNESSETH

Trustor desires to further amend the trust agreement between the parties dated 18 Oct. 1979 and first amended on 22 Sept. 1985, and the parties agree that such trust agreement is amended as follows:

1. ARTICLE X (C) (8) is amended to add that in case the trustees cannot agree upon any question relating to the interpretation, administration, investment or distribution of the trust, then either trustee can declare a deadlock by giving 10 days written notice to all the children of Trustor with an explanation of the issue and calling for a vote. Notice shall be deemed given when mailed by certified or registered mail to the last known address of a child. The issue shall be decided by the majority vote of all the then living children of trustor. If no majority is obtained within 90 days of the date of notice, then the issue shall be decided between the trustees by the flip of a coin.

2. ARTICLE X (C) (9) is added to read as follows:

(9) During the term of the trust, so long as she is operating the business known as the Glass Barn on the trust's premises, Trustor's daughter, MOLLY MEYER FARRELL, shall have the option to reside in Trustor's residence so long as she complies with the following conditions:

(a) pay rent as fixed by the trustees;

(b) maintain the house (including furnishings therein belonging to the Trust or legatees of Trustor) and yard in reasonable operating condition, with the Trustees being responsible for capital expenditures and maintenance of the exterior roof, walls and foundation;

(c) use best efforts to make the home available to family members as in the past.

(d) vacate the premises upon 30 days written notice from the Trustees, if she is no longer operating the Glass Barn.

DATED this day of

SECOND AMENDMENT TO TRUST AGREEMENT

THIS AGREEMENT between HENRY A. MEYER (Trustor) and TIMOTHY H. MEYER and JOHN K. MEYER (Trustees),

WITNESSETH

Trustor desires to further amend the trust agreement between the parties dated 18 Oct. 1979 and first amended on 22 Sept. 1985, and the parties agree that such trust agreement is amended as follows:

1. ARTICLE X (C) (8) is amended to add that in case the trustees cannot agree upon any question relating to the interpretation, administration, investment or distribution of the trust, then either trustee can declare a deadlock by giving 10 days written notice to all the children of Trustor with an explanation of the issue and calling for a vote. Notice shall be deemed given when mailed by certified or registered mail to the last known address of a child. The issue shall be decided by the majority vote of all the then living children of trustor. If no majority is obtained within 90 days of the date of notice, then the issue shall be decided between the trustees by the flip of a coin.

ARTICLE X (C) (9) is added to read as follows:

(9) During the term of the trust, so long as she is operating the business known as the Glass Barn on the trust's premises, Trustor's daughter, MOLLY MEYER FARRELL, shall have the option to reside in Trustor's residence so long as she complies with the following conditions:

(a) pay rent as fixed by the trustees;

(b) maintain the house (including furnishings therein belonging to the Trust or legatees of Trustor) and yard in reasonable operating condition, with the Trustees being responsible for capital expenditures and maintenance of the exterior roof, walls and foundation;

(c) use best efforts to make the home available to family members as in the past.

(d) vacate the premises upon 30 days written notice from the Trustees, if she is no longer operating the Glass Barn.

DATED this 3 day of _

AMENDMENT TO TRUST AGREEMENT

THIS AGREEMENT between HENRY A. MEYER (Trustor) and TIMOTHY H. MEYER and JOHN K. MEYER (Trustees),

WITNESSETH:

Trustor desires to amend the trust agreement between the parties dated 18 October 1979 and does hereby revoke any other amendments thereto. Such trust agreement is amended as follows:

1. ARTICLE X (C) (2) is amended to extend the time for final distribution until twenty (20) years after the date of Trustor's death.

2. ARTICLE X (C) (8) is added to read as follows:

It is Trustor's intent that the Trustor's property at 4540 (8) Pringle Road, SE, Salem, Oregon 97302, may continue to be operated in substantially the same manner as it was operated at the time of Trustor's death, including the operation of the businesses situated upon the premises at that time. Trustee shall be indemnified and held harmless from any liability for failure to diversify assets, produce a reasonable rate of return on assets, or failure to follow the "prudent man" rule in carrying out the intent of Trustor that such operations on Trustor's property be continued in the same manner as existed at the time of Trustor's death. Trustor is confident that Trustee shall carry out Trustor's intent to the greatest extent practicable, but in the event that Trustee determines that such operations cannot be continued without undo losses or hardships to the trust beneficiaries, or that it would be in the best interest of the beneficiaries to develop or sell the trust property, then the above statements of intent shall not be deemed to detract from Trustee's discretionary power. Upon termination of the trust, Trustee shall have absolute discretion whether to sell trust assets and distribute proceeds, distribute assets wholly or partly in kind, or to distribute to an entity formed to continue the trust property as a unit with each beneficiary receiving an equal interest in such business entity.

3. Except as above modified the trust agreement is affirmed.

DATED this Zaday of 1985. TRUSTOR

----- B

HENRY A. MEYER REVOCABLE LIVING TRUST

Verified Correct Copy of Original 8/13/2019.

THIS AGREEMENT between HENRY A. MEYER, hereinafter referred to as the "Trustor," and TIMOTHY H. MEYER and JOHN K. MEYER, co-Trustees, hereinafter collectively referred to as "Trustee" (the term "trustee" may hereafter be referred to in the masculine, feminine, or neuter gender),

WITNESSETH:

WHEREAS, the Trustor desires to establish a trust with the Trustee and for that purpose has transferred and delivered to the Trustee the assets described in Schedule "A" hereto attached, which said assets and any other assets which may be made subject to the trust, as hereinafter provided, shall constitute the trust estate and shall be held by the Trustee upon the trusts and powers hereinafter declared;

NOW, THEREFORE, it is agreed between said parties as follows:

ARTICLE I

Such titles and interests as it has now received or may hereafter acquire in said trust property, and such other property as may hereafter be added hereto and accepted by it, shall be vested exclusively in the Trustee and be held by it upon the trusts and powers herein set forth.

ARTICLE II

The Trustor may, by written instrument executed by the Trustor and filed with the Trustee, revoke this Agreement at any

Page 1 - Revocable Living Trust Henry A. Meyer

time, or withdraw from the trust estate, discharged of the trust, the whole or any part of the principal and accumulated income upon paying all sums due to the Trustee and indemnifying the Trustee to its satisfaction against liabilities lawfully incurred in the administration of this trust. The Trustor may, by written instrument executed by the Trustor and the Trustee, alter or amend this Agreement at any time. In the absence of other express provision herein to the contrary, the rights of revocation, withdrawal, alteration and amendment reserved by the Trustor must be exercised by the Trustor personally and may not be exercised by any agent, guardian or personal representative.

ARTICLE III

The Trustee shall have the power, at its sole discretion, to receive and accept other property, real or personal, including life insurance policies, devised, bequeathed, granted, conveyed, assigned or made payable to it by the Trustor or by any other person or persons, which, upon acceptance by the Trustee, shall be added to and become a part of the trust estate and be subject to the trusts and powers herein declared concerning the same.

ARTICLE IV

If there shall be included in the trust insurance on the Trustor's life which designates the Trustee as beneficiary, the duty and responsibility concerning the payment of premiums and other charges on said policies during the lifetime of the Trustor shall rest solely upon the Trustor and the Trustee shall be under no obligation whatever in respect to said policies during the

Page 2 - Revocable Living Trust Henry A. Meyer

lifetime of the Trustor other than to keep safely, subject to the Trustor's order, such of the said policies as may be deposited with the Trustee. Insofar as this Agreement relates to such insurance, it shall cover only the money that may accrue or become payable upon said insurance at the death of the Trustor, and all benefits, privileges and options accruing to the Trustor under said insurance prior to that time shall be for the sole benefit of the Trustor and shall not be subject to this trust, and the Trustee shall execute such documents as may be required to enable the Trustor to exercise such rights. If the Trustor changes the beneficiary under the insurance or surrenders the insurance for its cash surrender value, such act shall have the effect of revoking this trust with respect to the policy or policies so changed or surrendered. Upon the death of the Trustor, the proceeds of all said policies then subject to the terms hereof shall be collected by the Trustee and held under the terms hereof. The payment to the Trustee by any insurance company of the proceeds of any such policy of insurance shall be a full discharge of said insurance company on account of said policy and such insurance company shall in no wise be responsible for the proper discharge of the trust or any part thereof. The Trustee shall not, except at its option, enter into or maintain any litigation to enforce payment of said policies until it shall have been indemnified to its satisfaction against all expenses and liabilities to which it may in its judgment be involved by such action on its part.

ARTICLE V

Verified Correct Copy of Original 8/13/2019.

Any co-trustee shall have the right and power to resign as Trustee at any time. Upon notification of resignation, the Trustor shall revoke the trust or shall appoint a new co-Trustee. In the event of resignation after the death or incapacity of the Trustor, then Trustor names PETER B. MEYER to serve in the place and stead of the resigning co-trustee. Thereafter, any vacancy in the position of co-trustee shall be filled by majority vote of the children of the Trustor. No successor Trustee shall be under any duty to examine, verify, question or audit the books, records, accounts, or transactions of any preceding Trustee and no successor Trustee shall be liable or responsible in any way for any acts or defaults of any predecessor Trustee nor for any loss or expense from or occasioned by anything done or neglected to be done by any predecessor Trustee. A successor Trustee shall be liable only for his own acts and defaults, and then not for simple negligence, but rather only for reckless misconduct or willful wrongdoing. The Trustee is expressly relieved of any responsibility to diversify the investments of the trust, and it is Trustor's expectation that family businesses and family business arrangements shall continue uninterrupted, and the Trustee is expressly authorized to continue such businesses and to take any action or make any investment decision that the Trustee deems necessary in the Trustee's sole discretion in order to carry out the intent of Trustor in establishing such businesses and business relationships.

ARTICLE VI

The Trustor has reserved the right to designate certain assets of the Trust as "management assets" and to designate certain other assets of the trust as "standby assets." The provisions of Article VII of this Trust Agreement shall apply to management assets and the provisions of Article VIII shall apply to standby assets.

ARTICLE VII

The provisions of this Article shall apply with regard to management assets. The Trustee shall hold and manage the trust estate, and in addition to all powers conferred by ORS 709.150, or successor statutes defining the powers of corporate trustees in Oregon, shall have the right and power to do all acts, except as herein otherwise specified, in its judgment needful or desirable for the proper and advantageous management of the trust estate, to the same extent and with the same effect as might legally be done by an individual in absolute ownership and control of the said property.

ARTICLE VIII

The provisions of this Article shall apply with regard to standby assets. During the Trustor's lifetime and while trustor is not incapacitated to the extent that trustor is unable to manage trustor's business affairs, and in the absence of written instructions to the contrary delivered by the Trustor to the Trustee, the parties agree as follows:

(A) The Trustor may act as nominee of the Trustee for any

Page 5 - Revocable Living Trust Henry A. Meyer

standby assets held by the Trustee under this Agreement. Without limitation of the foregoing, the Trustor shall be deemed to hold standby assets as nominee of the Trustee where the Trustor executes and delivers to the Trustee an instrument transferring the standby property to the Trustee, even though the Trustor retains registration of the standby property in the name of the Trustor and retains possession of the certificate or other instrument evidencing such standby property or evidencing the title thereto. The Trustor may establish a joint bank account or accounts with the Trustee. Deposits made from time to time into such joint bank account or accounts shall constitute transfers to the Trustee. Capacity of the Trustor under any joint bank account shall be that of nominee of the Trustee and not that of co-owner. At any given time the then balance or balances in such joint account or accounts shall determine the extent to which such account or accounts shall constitute standby trust assets held by the Trustee under this Agreement. Where the Trustor is acting as nominee for standby property transferred to the Trustee, the Trustor may receive directly any dividends, interest, income or distributions from or upon such standby property and neither the Trustor nor the Trustee shall have any duty of accounting to the other or to any other person in regard thereto. A transfer by the Trustor of standby trust property (including stock and securities) for which the Trustor is acting as nominee shall constitute a withdrawal of such property from the trust, and the Trustee shall have no further interest therein or duties in regard thereto. The Trustor

: "

Page 6 - Revocable Living Trust Henry A. Meyer shall notify the Trustee of standby property withdrawn from the trust pursuant to the preceding sentence, but such notice shall not be a condition precedent to the effective withdrawal of such property from the trust or to the conveyance of good and sufficient title to the transferee. Where the Trustor has established a joint bank account or accounts with the Trustee, the Trustor may write checks thereon or make withdrawals therefrom without the co-signature of the Trustee, and such writing of checks and withdrawals by the Trustor shall constitute withdrawals from the Trust, and the Trustee shall have no further interest in the amounts so withdrawn or any further duty in regard thereto.

(B) The Trustor shall be entitled to receive and to devote to trustor's own use and benefit all income of the standby trust estate.

(C) The Trustor reserves to himself the possession and use of the standby property without payment of rental therefor and without any other accounting to the Trustee, and shall have the exclusive powers and duties of management and custody of the standby property.

(D) The Trustee shall not be required to insure, pay taxes or assessments upon, or otherwise protect the standby property, except for the safekeeping of such property delivered to, and accepted by, trustee.

(E) The Trustee shall be entitled to receive reasonable compensation for its services in connection with standby assets of the trust estate.

(F) At such time as the Trustor (i) has so instructed the Trustee in writing delivered to the Trustee, (ii) is deceased, or (iii) becomes incapacitated to the extent that trustor is unable to manage business affairs, whichever shall first occur, the provisions of this article shall no longer apply and the standby assets shall thereupon become management assets. Upon such conversion of standby assets to management status, the Trustee shall be responsible only for such of those assets of which it has actual knowledge or of which it has been notified by the Trustor and which have come into its possession and control. The Trustee shall have no duty, accountability or responsibility to the Trustor or to any other person with respect to standby assets of which it has no knowledge or notice or which have not come into its possession and control.

In determining whether the Trustor is incapacitated to the extent that trustor is unable to manage trustor's business affairs, the fact of incapacity (whether by illness, age, or other cause, including disappearance) may be determined by the Trustee by any means deemed by it to be adequate for such purpose, and if the Trustee acts in good faith in the belief that the Trustor is so incapacitated, it shall not be liable for any acts or omissions by it in reliance upon said belief. In making such determination, Trustee shall consult with Trustor's physician and spouse.

ARTICLE IX

Neither the principal nor the income of the trust estate shall be liable for the debts of any beneficiary hereunder, nor

Page 8 - Revocable Living Trust Henry A. Meyer shall the same be subject to seizure by any creditors of any beneficiary under any lien or proceeding at law or in equity, and no beneficiary hereunder shall have power to sell, assign, transfer, encumber, or in any other manner to anticipate or dispose of his or her interest in the trust estate or the income produced thereby.

ARTICLE X

The principal and income of the trust estate shall be distributed as follows:

(A) During the lifetime of the Trustor, the Trustee shall distribute to or for the benefit of the Trustor such amounts from income and principal as Trustor may from time to time direct. If for any reason the Trustor is unable to give directions for disbursements, the Trustee shall pay to or apply for the benefit of the Trustor and to or for the benefit of members of the Trustor's family who are dependent upon trustor for support amounts from income and principal which the Trustee in the exercise of its discretion determines to be necessary or advisable to provide for their maintenance, support and general welfare.

(B) Upon the death of the Trustor, the Trustee shall pay from assets of the trust estate other than from proceeds of insurance on the Trustor's life expenses of the Trustor's last illness, funeral and final interment, expenses of administration, debts, taxes of every kind and other liabilities of the Trustor and the Trustor's estate or it shall contribute thereto to the extent it determines to be appropriate after taking into account

Page 9 - Revocable Living Trust Henry A. Meyer funds available for the payment thereof from sources other than the trust.

(C) Subject to the foregoing, upon the death of the Trustor, the principal and all accrued, accumulated and undistributed income of the trust estate shall be known as the Residuary Fund and shall be distributed as follows:

- (1) The net income of the Residuary Fund shall be paid to or applied for the benefit of trustor's children in annual or more frequent payments. In addition, the trustee shall have the authority to advance to any one or more of trustor's surviving children such principal sums from their respective expectant distributive shares of the trust as it may deem desirable to assist them in establishing themselves in constructive and useful lives, including for example, but not limited to, financial assistance to enable a child to become established in a business or profession or to acquire and furnish a home.
- At such time as there is no living child of arkappa(2)the trustor under the age of thirty (30) years, the then remaining assets of the trust estate shall be divided into the number of separate funds corresponding to the total. number of children of trustor then living and children of trustor then deceased with issue The funds thus established shall be living. equal in amount, except that an adjustment shall be made for advancements of principal therefore made pursuant to the preceding The separate funds, as adjusted, paragraph. shall be distributed forthwith to the child for whom such fund is held, and the trust shall thereupon terminate.
- (3) If a surviving child of trustor for whom a fund had been set aside shall die with issue surviving before receiving full distribution of his or her fund, then the remainder of such fund shall be set aside for such issue and distributed to the descendants of such deceased child as hereinafter set forth. If any such child shall leave no issue surviving,

Exhibit A - Page 26 of 99

the residue of the fund from such deceased child shall be divided equally among trustor's remaining living children and the issue by right of representation of any deceased children of trustor; provided, however, that the share due any such beneficiary for whom a fund is still retained in trust hereunder shall be added to the funds so held and shall be distributed in accordance with the terms of this trust applicable thereto.

- A fund established for the descendants of a (4)deceased child of trustor shall be distributed forthwith to the surviving descendants of such deceased child by right of representation; provided, however, that if any such descendants shall be under the age of twentyone (21) years, then such share shall be continued in further trust until such child attains the age of twenty-one (21) years, and in the interval the trustee shall pay to or on behalf of such beneficiary such amounts of income and principal of his or her share as the trustee, in its sole discretion, may deem necessary or desirable for the beneficiary's maintenance, support and education. If any such descendant shall die prior to receiving distribution of his or her share, the remaining assets of the share shall be divided equally among his or her then living brothers and sisters, provided, however, that the portion of the share due any beneficiary for whom a fund is still retained in trust hereunder shall be added to that trust and distributed in accordance with the terms of the trust applicable thereto.
- (5) If there should remain in the hands of the trustee any part of the trust estate for which there is no named beneficiary, such part shall be distributed forthwith to those persons then living who would be entitled to receive trustor's personal property under the Oregon intestate laws.
- (6) The trustee, in the exercise of its discretion, may pay income or principal to which a minor beneficiary is entitled, directly to the minor, to a parent of the minor, to any person having custody of the minor, or to any person who, or corporation which, shall be

furnishing maintenance, support or education to the minor. The receipt of any person to whom payment is made as herein authorized shall be a sufficient voucher for the trustee, and the recipient need not be required to account to the trustee for the disposition thereof.

Notwithstanding anything herein to the (7)contrary, no trust created hereby shall continue for a period longer than twenty-one (21) years after the death of the last survivor of the trustor, the trustor's children living at the date of this trust agreement, and the descendants living at the date of this trust agreement of any deceased child of trustor. At the expiration of such period, any undistributed assets of any fund or trust created hereby, together with all accrued and undistributed income shall be paid and distributed to the persons then entitled to distributions of income, in the manner and proportions herein stated, irrespective of their then attained ages.

	IN	WITNESS	WHEREOF,	the	trustor	and	trustee	have	aff	ixed	
		ignatures			1074		A.T	-1	1	1	
their	S	ignatures	hereto	this	18-da	ay of		un	1.	1979.	

TRUSTOR:

TRUST H er Timot

John K. Meyer

M	STATE OF OREGON arion County Circuit Courts
In Charles Constant	AUG 12 2019
	FILED

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THM Option 3 Proposal and votes March/April 2018 COVER Date: multiple, March/April 2018

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THM Option 3 Proposal and votes March/April 2018.

Compiled by: PBM

For Family Meeting of 2/18/19

--THM to Peter + JLM, JKM Confirming Peter, James & John vote on options

From Tim Meyer < tim@mco.ltd.uk >

To: Peter Meyer <<u>pbmeyer@verizon.net</u>> **Subject:** re: HAM Trust voting Date sent: Thu, 22 Mar 2018 15.54·26 +0000

Copies to: John Meyer < ikm@caretrust us>, James Meyer < iamesmeyer.rooftop@gmail.com>

Dear Peter,

This confirms our telephone chat earlier today that you will support, if necessary, a majority decision to move forward with forming a new S corp (Meyer Family Farm LLC) to replace the HAM Trust. I am assuming that we have the support of James and John so should Molly and I become "deadlocked" we can continue to move forward.

Cheers and thank you for your support.

Tim

PS: Also today, history was made with your first free telephone call using 'whatsApp'. This should enable us to communicate about trust matters without the worry of telephone costs. There is also a conference call function that will come in handy if we need to pull several people together. Please use this app to improve our communications as we move into a new phase of our lives together.

--THM to beneficiaries 3/23/18 This lays out the 3 options and THM's preference

From: Tim Meyer <<u>tim@mco.ltd.uk</u>>

Sent: Friday, March 23, 2018 1:53 PM

To: Molly Meyer <<u>molly@glassbarngreenhouse.com</u>>; Peter Meyer < <u>pbmeyer@verizon.net</u> >; James Meyer <<u>jamesmeyer.rooftop@gmail.com</u> >; John Meyer < <u>jkm@caretrust.us</u> >; Ma Santana <Santanama2000@aol.com>

Cc: Jane Meyer <<u>jane@mco.ltd.uk</u>>; Terry M. Wade < <u>twade@ghrlawyers.com</u> > Subject: re: HAM Trust analysis

Dear Beneficiaries,

What follows is my attempt, as a Trustee of the HAM Trust, to communicate the key issues of the HAM Trust that must guide our decisions about the future.

I hope you have all read and understand the Trust Amendments of 22 September and October 1985. Essentially they set a termination date of 20 years after Dad's death (May 2020) when we must following one of three choices:

THE CHOICES ARE:

- Sell the Farm and distribute the net proceeds (after paying off Trust debts to my family of \$800,000 secured debt, \$400,000 interest and \$500,000 to cover operating deficits and farmhouse renovation). My immediate family have proposed a goodwill waiver of interest which would leave the debt due about \$1,300,000
- Divide the Trust land and house into 7 pieces, one piece would be for debt holders and the remaining land into 6 equal pieces.
- 3. Create a new company (the most flexible type of entity would be an S Corporation) and divide the ownership equally among 6 beneficiaries. The new entity (let'S call her the Henry A Meyer Trust LLC— HAMTLLC) would issue units that could be further divided among living children (for example; issue 6000 units divided by 6 equal 1000 units each, which the beneficiary could then divide among say 5 children or 200 units for each child). The only difference between the HAMTLLC and a Trust extension would be that an "extension" requires a unanimous vote and the HAMTrust LLC requires the agreement of both trustees or if 'deadlocked' a majority vote (4 out of 6) and all future decisions would require this "majority vote". To make HAMTLLC work, I would propose the new entity create a temporary "chairman" position to call for meetings and run the voting process for all decisions. This effectively means conversations about governance, money making schemes and even closing down the new entity could continue. It also means that Molly and I would both retire from our current co-trustee positions

When making your choice you may wish to consider:

- Recently we saw a 30 acre parcel of raw land in West Salem selling for \$100,000 acre Assuming this is the 'market value' it would be fair to conclude a net selling price of \$1,700,000 divided by six or in broad numbers about \$300,000 for each beneficiary
- The deferred farm tax would come to about \$70,000 a year times 5 years or \$350,000 total benefit. This is a benefit we should avoid loosing and be at risk if we start breaking up the property prematurely
- 3. Thus, the order upon which we act is important First we should put the new structure in place, then, with time pressure removed, we would move toward a carefully considered discussion about best governance.
- 4. John and Peter have indicated their intention of gifting Molly 25% of their interest in the new entity.

Could you please cast your vote by 31 March for which choice you prefer;

- 1. If Molly and Tim both chose number 3 we will move directly to forming a new entity
- 2. If Molly and Tim disagree whichever choice receives the majority will prevail and T Wade will be instructed.

May God shine upon us all. Cheers Tim

--THM to JKM 3/30/18:

From.Tim Meyer <<u>tim@mco.ltd.uk</u>>

To.	John Meyer <jkm@caretrust.us></jkm@caretrust.us>
Subject:	Re: HAM Trust analysis
Date sent:	Fri, 30 Mar 2018 15 20.48 +0000
Copies to:	Ian Meyer < <u>ian@mco ltd.uk</u> >, Jane Meyer < <u>jane@mco.ltd.uk</u> >, " <u>twade@ghlawyers com</u> "
	<twade@ghlawyers.com>, "ghanna@gordonhanna.com"</twade@ghlawyers.com>
	<ghanna@gordonhanna.com>, Annabelle and Rachid <annamey2004@yahoo co="" uk="">,</annamey2004@yahoo></ghanna@gordonhanna.com>
	Quinn <quinn@crees-manu org="">, Miranda Meyer Spackman</quinn@crees-manu>
	<miranda.spackman@gmail.com>, Molly Meyer <<u>molly@glassbarngreenhouse com</u>>,</miranda.spackman@gmail.com>
	"jameslmeyer22@gmail.com" <jameslmeyer22@gmail.com>, "pbmeyer@verizon.net"</jameslmeyer22@gmail.com>
	optimever@verizon.net>, Ma Santana <santanama2000@aol.com></santanama2000@aol.com>

Dear John

Unfortunately I am not available for further conversations on this issue, however I have asked Ian to represent our family interest and continue whatever conversations necessary. I hope that Ian could replace me as co-trustee. If you could arrange that process with T Wade and Gordon Hanna

And Jane I would appreciate it.

May the force be with you in resolving these issues and the future of the beautiful farm.

Happy Easter to all Tim Sent from my iPhone

From PBM to Tim 3/30/18

From.	Peter Meyer < <u>pbmeyer@verizon.net</u> >
To [.]	Tim Meyer < <u>tim@mco.ltd.uk</u> >
Subject.	Re: HAM Trust analysis
Copies to:	lan Meyer < <u>ian@mco.ltd uk</u> >, Jane Meyer < <u>jane@mco.ltd.uk</u> >,
	"twade@ghlawyers.com" <twade@ghlawyers.com>, "ghanna@gordonhanna.com"</twade@ghlawyers.com>
<ghanna@gordon< td=""><td>hanna.com>,</td></ghanna@gordon<>	hanna.com>,
	Annabelle and Rachid annabelle and Rachid annamey2004@yahoo.co.uk>, Quinn guinn@crees-
manu.org>,	
	Miranda Meyer Spackman < <u>miranda.spackman@gmail.com</u> >, Molly Meyer
<molly@glassbarr< td=""><td>ngreenhouse.com>,</td></molly@glassbarr<>	ngreenhouse.com>,
	"jameslmeyer22@gmail.com" <jameslmeyer22@gmail.com>,</jameslmeyer22@gmail.com>
"pbmeyer@verizo	n.net" <pbmeyer@verizon.net>,</pbmeyer@verizon.net>
	Ma Santana < <u>Santanama2000@aol.com</u> >
Date sent:	Fri, 30 Mar 2018 12:52.31 -0400

Dear Tim,

Sorry you can't be involved in these discussions; your clear-headedness will be missed Glad to have lan on board, though I'm not sure he's able to be a co-Trustee of the HAM Trust. That', I'm sure, Mr. Wade will weigh in on.

I was about to offer a couple of comments about the recent suggestion from Molly's friend/attorney to bring some professional mediators to the table. Here's my two cents on that matter.

- We started a mini-summit process of family meetings last fall and though derailed by logistics, I still consider the idea a viable part of the process of family communication and consensus;
- Cost of an outside mediator It would help to know what these mediations cost, what services are offered, and in what time-frame
- Establishing the mediation groundrules How many siblings would be required to attend these
 meetings? Would a "conference call" be acceptable? In the end, are we not facing the same
 HAM Trust rules Trustees must agree or the question goes to a vote of the siblings.

Perhaps these mediators are miracle-workers, but I would still like to see some of these questions addressed.

In the meantime, I certainly hope we can continue the discussions about the "new entity" One thought about a governance structure that would provide for a gradual transfer of authority from our generation to the next is to stipulate that the new entity have 7 board members, i.e. the six siblings and one second genner Each time one of us kicked the bucket or otherwise resigned, a new board member would be selected (by majority vote of the existing board) from the ranks of the 2nd genners Etc.

Here's to the resurrection!

luv to all

--peter

p.s. anyone who hears from Dylan, have him call his mother.

Peter Meyer 518.929.6505

THM to JLM 3/30/18

 From.
 Tim Meyer < tim@mco.ltd uk</th>

 To:
 John Meyer < tim@caretrust us >

Copies to:	lan Meyer < <u>ian@mco.ltd uk</u> >, Jane Meyer < <u>jane@mco.ltd.uk</u> >,
	"twade@ghlawyers com" <twade@ghlawyers.com>, "ghanna@gordonhanna.com"</twade@ghlawyers.com>
	<ghanna@gordonhanna.com>, Annabelle and Rachid</ghanna@gordonhanna.com>
<annamey2004@ya< td=""><td></td></annamey2004@ya<>	
	Quinn < <u>quinn@crees-manu.org</u> >, Miranda Meyer Spackman
	<miranda com="" spackman@gmail="">, Molly Meyer</miranda>
<molly@glassbarng< td=""><td>reenhouse.com>,</td></molly@glassbarng<>	reenhouse.com>,
	"jameslmeyer22@gmail.com" <jameslmeyer22@gmail.com>,</jameslmeyer22@gmail.com>
"pbmeyer@verizon	
	<pppmeyer@verizon.net>, Ma Santana <<u>Santanama2000@aol.com</u>></pppmeyer@verizon.net>
Subject:	Re: HAM Trust analysis
Date sent.	Fri, 30 Mar 2018 15:20:48 +0000

Dear John

Unfortunately I am not available for further conversations on this issue, however I have asked Ian to represent our family interest and continue whatever conversations necessary. I hope that Ian could replace me as co-trustee. If you could arrange that process with T Wade and Gordon Hanna

And Jane I would appreciate it.

May the force be with you in resolving these issues and the future of the beautiful farm

Happy Easter to all Tim Sent from my iPhone

On 30 Mar 2018, at 07.02, John Meyer <ikm@caretrust.us> wrote:

Tim,

Maria and I are in Seattle, and back in SF on Saturday. I know you were hoping to hear by the 31st, so I wanted to at least respond while I've got a few minutes alone and let you know I support proceeding with the new entity. I think it makes the best sense. I haven't had time yet to loop in our kids into the discussion and hope to do so as soon as I can to see if they have any input on this process. In the meantime, let me know if I can help with the implementation in any way. Best.

John

From: Tim Meyer <<u>tim@mco.ltd.uk</u>>
Sent: Friday, March 23, 2018 1:53 PM
To: Molly Meyer <<u>molly@glassbarngreenhouse.com</u>>; Peter Meyer < <u>pbmeyer@verizon.net</u> >; James
Meyer <<u>jamesmeyer.rooftop@gmail.com</u> >; John Meyer < <u>jkm@caretrust.us</u> >; Ma Santana
<<u>Santanama2000@aol.com</u>>
Cc: Jane Meyer <<u>jane@mco.ltd.uk</u>>; Terry M. Wade < <u>twade@ghrlawyers.com</u> >
Subject: re: HAM Trust analysis

Dear Beneficiaries,

What follows is my attempt, as a Trustee of the HAM Trust, to communicate the key issues of the HAM Trust that must guide our decisions about the future.

I hope you have all read and understand the Trust Amendments of 22 September and October 1985. Essentially they set a termination date of 20 years after Dad's death (May 2020) when we must following one of three choices:

THE CHOICES ARE:

- 4. Sell the Farm and distribute the net proceeds (after paying off Trust debts to my family of \$800,000 secured debt, \$400,000 interest and \$500,000 to cover operating deficits and farmhouse renovation) My immediate family have proposed a goodwill waiver of interest which would leave the debt due about \$1,300,000
- 5. Divide the Trust land and house into 7 pieces; one piece would be for debt holders and the remaining land into 6 equal pieces
- 6. Create a new company (the most flexible type of entity would be an S Corporation) and divide the ownership equally among 6 beneficiaries. The new entity (let'S call her the Henry A Meyer Trust LLC— HAMTLLC) would issue units that could be further divided among living children (for example; issue 6000 units divided by 6 equal 1000 units each, which the beneficiary could then divide among say 5 children or 200 units for each child). The only difference between the HAMTLLC and a Trust extension would be that an "extension" requires a unanimous vote and the HAMTrust LLC requires the agreement of both trustees or if 'deadlocked' a majority vote (4 out of 6) and all future decisions would require this "majority vote". To make HAMTLLC work, I would propose the new entity create a temporary "chairman" position to call for meetings and run the voting process for all decisions. This effectively means conversations about governance, money making schemes and even closing down the new entity could continue It also means that Molly and I would both retire from our current co-trustee positions.

When making your choice you may wish to consider:

- Recently we saw a 30 acre parcel of raw land in West Salem selling for \$100,000 acre. Assuming this is the 'market value' it would be fair to conclude a net selling price of \$1,700,000 divided by six or in broad numbers about \$300,000 for each beneficiary
- 6. The deferred farm tax would come to about \$70,000 a year times 5 years or \$350,000 total benefit. This is a benefit we should avoid loosing and be at risk if we start breaking up the property prematurely.
- Thus, the order upon which we act is important. First we should put the new structure in place, then, with time pressure removed, we would move toward a carefully considered discussion about best governance
- 8. John and Peter have indicated their intention of gifting Molly 25% of their interest in the new entity.

Could you please cast your vote by 31 March for which choice you prefer;

- 3. If Molly and Tim both chose number 3 we will move directly to forming a new entity.
- 4. If Molly and Tim disagree whichever choice receives the majority will prevail and T Wade will be instructed.

May God shine upon us all. Cheers Tim

MAMS to THM 4/3/18

From: mams To: Tim Meyer; John Meyer, Peter Meyer, James Meyer; Molly Meyer Cc: jane@mco.ltd.uk Subject: Re: [MAMS] HAM Trust analysis & response- April 2, 2018 Date: Tuesday, April 03, 2018 7:16:16 AM

To my siblings, our second generation members~

Following is my family's response to Tim's survey which we believe you may benefit from hearing. It is important you all know why we support 'Option 3" and other critical related points and that we act quickly.

Please feel free to share our position with your 3G family members who are interested in future HAM Trust and Farm discussions.

~ Mary Ann

Sent from my Samsung Galaxy Note

----- Original message ------

From: mams <santanama2000@aol.com>

Date: 4/2/18 8:18 PM (GMT-08:00)

To: Tim Meyer <Tim@mco.ltd.uk>

Cc: jane@mco.ltd.uk

Subject: Re: [MAMS] HAM Trust analysis & response- April 2, 2018

Dear Tim,

Thank you for the opportunity to respond.

While my preference is for Option 3 (form a New Entity), it comes with clarification: The first and immediate step is the HAM Trust must be placed in the hands of an impartial, experienced, outside professional institutional estate fiduciary/attorney, effective May 1, 2018, who will serve as Trustee to manage the HAM Trust, examine trust records, analyze and advise family on next steps. The co-trustees must resign and let a professional guide us. This will give second & third generation family representatives the opportunity to discuss next steps with a guided reorganization by an experienced professional.

For clarity, I do not want mediation nor any family member or descendant to replace you as co-trustee; I believe we need an independent expert (no family connection or ties to Salem) to replace the Co-Trustees.

Second, please prepare a Third Amendment to the Trust that preserves the voting rights for each beneficiary's interest, even after the beneficiary's death. The fact that our adult children may inherit our interests and debts, but not have voting rights in Trust affairs, feels like an oversight. Each sibling beneficiary should then identify one of their adult children to represent their beneficiary's interest should the beneficiary be unable to.

Thank you,

~ Mary Ann

Sent from my Samsung Galaxy Note

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2019-07-05 TMW ltr to Beneficiaries COVER Letter from Terry Wade at Garrett Hemann Robertson

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Ephibit 3

Willamette Professional Center 1011 Commercial St. NE Salem, Oregon 97301-1049 Ph. (503) 581-1501 Fax: (503) 581-5891 www.ghrlawyers.com

molly@glassbarngreenhouse.com

Mary Ann Meyer-Santana santanama2000@aol.com

pbmeyer@verizon.net

James Meyer jamesImeyer22@gmail.com

John Meyer c/o C. Marie Eckert Miller Nash Graham & Dunn US Bancorp Tower 111 SW Fifth Avenue, Suite 3400 Portland, OR 97204

Quinn Meyer Ouinn@crees-expeditions.com

Annabelle Ahouivek Annamey2004@yahoo.co.uk

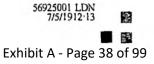
Ian Meyer meyerian@gmail.com Miranda Spackman miranda.spackman@gmail.com

Henry A. Meyer Revocable Living Trust Re: Our File No. 56925001

Dear Beneficiaries:

As you know, a proposal was placed before you to choose between a sale of the entire 29.26-acre parcel held in the name of the Trust, or to reserve a "homestead" of approximately five acres for ownership by some or all of the family members with a sale of the remaining 24.27 acres. The deadline for providing informed consent, to divide the property into two parcels, has passed and we did not receive unanimous approval. Thus, the Trustees will proceed with the sale of the entire 29.26-acre parcel at this time.

The Trustees have received a letter of intent with an offer to purchase the 29.26 acres, with a purchase price of \$5,750,000. A number of provisions in that letter of intent remain to be negotiated, including the due diligence period, times for inspection, surveys, and discussions between the buyers and the City relating to subdivision, location of roads, and treatment of the white oak stand located on the property, which may affect the purchase price. Thus, we do not yet have an accepted offer. This letter is intended to simply provide you with an update on the



July 5, 2019 Page 2

status of the disposition of the real property. More information will be provided to you when an accepted offer is in place.

Sincerely,

twade@ghrlawyers.com

TMW:ldn

4830-2746-2300, v. 1

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Verified Correct Copy of Original 8/13/2019.

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July 2, 2019

To the Meyer Family c/o Nick Diamond REIG

Redacted Letter of Intent COVER

STATE OF OREGON Marion County Circuit Courts AUG 12 2019 FILED

19PB06270

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Exhibit 4



July 2, 2019

Via E-mail to ndiamond@reig.com

The Meyer Family c/o Nick Diamond, REIG

Re: Letter of Intent for the Purchase and Sale of a projected 240-unit single family development site consisting of approximately 29.26 acres – commonly known as the Pringle Road development site – located at 4540 Pringle Road SE, Salem, OR 97302 (the "<u>Property</u>").

Dear Meyer Family,

This non-binding letter of intent contains the basic terms under which a nominee ("Buyer"), would purchase the Property from Seller.

Seller:	The Meyer Family
Purchase Price:	\$5,750,000
Earnest Money:	\$143,750 payable three business days following the effective date of the PSA.
	Unless the PSA is earlier terminated, the earnest money will be retained by the escrow holder until Closing. Following the expiration of the Investigation Period, the earnest money will be nonrefundable to Buyer except in the case of a Seller default, failure of a closing condition, a casualty/condemnation event, or Buyer's failure to receive entitlements.
Investigation Period Expiration Date:	120 days from the effective date of the PSA.
Entitlement Period Expiration Date:	6 months from expiration of the Investigation Period, subject to 2 extension options of 30 days each, each requiring payment of \$50,000 in additional earnest money.
Subdivision:	During the first 60 days following the effective date of the PSA, Seller shall submit its initial application for a boundary line adjustment in order to create the Property as an individual parcel. The exact boundaries of the Property will be agreed upon by Buyer and Seller prior to such submission. Seller will be responsible for 100% of the costs associated with preparing and administering the BLA application and satisfying any conditions to approval of the final map.
Closing Date:	30 days from expiration of the Entitlement Period
Brokers' Fees:	Seller shall pay any commission due to Seller's broker (Nick Diamond of REIG).
Other:	This letter of Intent is only valid until COB July 10, 2019 and is rescinded should Seller engage in any public marketing process.

This letter of intent summarizes the basic business points relating to the transaction described above, it being understood that other material terms of the proposed transaction are not yet agreed upon. Accordingly, this letter of intent is not intended to constitute a legally binding agreement to consummate the transaction contemplated hereby or to enter into a legally binding agreement.

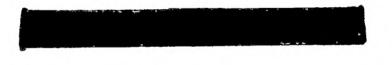


Exhibit A - Page 41 of 99

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July 2, 2019 Page 2

Please sign and return this letter of intent to **Please sign and return this letter of intent to** moving forward with you to a binding PSA and towards the closing of the purchase and sale of the Property.

Sincerely,



Agreed and Accepted by Seller:

SELLER:

By:	
Name:	
Its:	

Marion County Assessor's Records for R86578 & R86579 COVER For 4540 Pringle Rd. SE Salem, Oregon As of August 3, 2019

ST Mari	ATE OF OREGON on County Circuit Courts
	AUG 12 2019
	FILED

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Celuit 5

August 3, 2019

Account No.:	Manufactured Home ID:
R86578	Legal Description:
Situs Address:	PRINGLE FRUIT TRACTS, LOT FR TR 6-7 & 9, TR 8, FR
≝4540 PRINGLE RD SE	VAC ST CC ORD 6-20-73, ACRES 29.26
SALEM, OR 97302	Subdivision:
≧Map Tax Lot:	73610 PRINGLE FRUIT TRACTS
S083W11BC03000	
ŽOwner:	Related Accounts:
HENRY A MEYER RT &	P120465
MEYER, TIMOTHY H TRE &	Linked Accounts:
MEYER, JOHN K TRE	
A540 PRINGLE RD SE	
SALEM, OR 97302	

Buyer	Seller	Sales Info	Deed Info
HENRY A MEYER RT &	MEYER,HENRY A		11/08/1985
			RD - REEL DEEDS RECORDED 1974 AND AFTER
MEYER, TIMOTHY	MEYER, HENRY	10/18/1979	
H & MEYER	A & MARIAN	\$0	12230142
4540 PRINGLE RD SE SALEM, OR 97302		06 - Grantor and grantee are related parties, either by business or family	RD - REEL DEEDS RECORDED 1974 AND AFTER
			E12280121RD
			RD - REEL DEEDS RECORDED 1974 AND AFTER

Property Details	
Legal Acreage:	Levy Code Area:
29.26 acres	92401000
Property Code:	Zoning:
A90S	RS,RA (Contact Local Jurisdiction)
Property Class:	Miscellaneous Code:
541	SPEC, FUZ SPECIALLY ASSESSED ACCOUNT; FARM
Mortgage Agent-Lender:	UNZONED
Mortgage Account No.:	Plat:
	Exemption:

8/3/2019

Marion County Assessor's Property Records

Expiration Date:

ID	Туре	Acre	es	Sq Ft	<u>.</u>
 L1	3310 - TWO HILL DRY	13.8	6		
L2	3610 - WOODLOT-M	14 1	4	·······	
L3	RES - RESIDENTIAL	1.26			
Impro	ovements/Structures:			-	
ID	Туре	Make/Model	Class	Area/Count	Year Built
1	DGU				
1.1	DETACHED GARAGE, UNFINISHED		3	960	1976
2	CG				
2.1	COMMERCIAL GREENHOUSE		6	1980	1976
3	DGOL	<u> </u>			
31	DETACHED GARAGE, OVERSIZED, LOW COST FINISH		3	1400	1976
4	CG				
41	COMMERCIAL GREENHOUSE		5	3072	
5	HOBBY STABLE				
5.1	HOBBY STABLE		5	1040	
6	LB				
61	LOFT BARN		4	960	1940
7	HAY COVER				
7.1	HAY COVER		4	800	
8	GENERAL PURPOSE BUILDING				
8.1	GENERAL PURPOSE BUILDING		4	920	1940
9	ASPHALT DRIVEWAY				
9.1	ASPHALT DRIVEWAY			5000	1955
10	DETACHED GARAGE				
10.1	DETACHED GARAGE, UNFINISHED		3	240	1976

Value Information (per most recent certified tax roll)

RMV Land Market:

\$44,100

-Verified Correct Copy of Original 8/13/2019.

3/2019	Marion County Assessor's Property Records
RMV Land Spec.	\$980,000
Assess.:	
RMV Structures:	\$122,450
RMV Total:	\$1,146,550
RMV Total:	\$34,770
Sexception RMV:	\$0
Exemption RMV:	\$0
Exemption Description:	None
OM5 Taxable:	\$201,320
≥MAV:	\$167,090
SMSAV:	\$14,840
all a second	\$181,390 arket Value and Maximum Assessed Value of this property for past 10 years
For a detailed explanation, p	\$181,390 arket Value and Maximum Assessed Value of this property for past 10 years lease see definition of Assessed Value above (hover over the "i") m Assessed Value
For a detailed explanation, p	Ilease see definition of Assessed Value above (hover over the "i")
	Ilease see definition of Assessed Value above (hover over the "i")
\$1,400,000	Ilease see definition of Assessed Value above (hover over the "i")
\$1,400,000	Ilease see definition of Assessed Value above (hover over the "i")
\$1,400,000 \$1,200,000 \$1,000,000	Ilease see definition of Assessed Value above (hover over the "i")
\$1,400,000 \$1,200,000 \$1,000,000 \$300,000	Ilease see definition of Assessed Value above (hover over the "i")
\$1,400,000 \$1,200,000 \$1,000,000 \$300,000 \$600,000 \$400,000	In Assessed Value above (hover over the "i")
\$1,400,000 \$1,200,000 \$1,000,000 \$800,000 \$600,000	In Assessed Value

Year	Improvements RMV	Land RMV	Special Mkt/Use	Exemptions	Taxable Assessed Value
2018	\$122,450	\$44,100	\$980,000/\$14,840	None	\$181,390
2017	\$122,030	\$40,320	\$896,000/\$14,840	None	\$177,070
2016	\$106,820	\$50,690	\$1,126,440/\$14,410	None	\$171,920
2015	\$105,820	\$50,690	\$1,126,440/\$13,980	None	\$170,490
2014	\$109,380	\$50,690	\$1,126,440/\$13,570	None	\$168,220
2013	\$108,390	\$50,690	\$1,126,440/\$11,570	None	\$161,720
2012	\$84,210	\$50,690	\$1,126,440/\$11,240	None	\$146,140
2011	\$103,990	\$50,690	\$1,126,440/\$11,390	None	\$157,170
2010	\$110,650	\$50,690	\$1,126,440/\$6,180	None	\$147,720
2009	\$118,460	\$53,360	\$1,185,800/\$6,000	None	\$143,420

Taxes: Levy, Owed

Taxes	Levied 2018-19	9:	\$3,612.06
Tax Ra	te:		19 8652
Curren	nt Tax Payoff A	mount:	\$0.00
Year	Total Levied	Ad Valorem	Special Asse
2018	\$3,603 34	\$3,603 34	None
2017	\$3,269 94	\$3,269 94	None
2016	\$3 114 70	\$3 114 70	None

Year	Total Levied	Ad Valorem	Special Assessments	Principal	Interest Due	Date Paid	Total Owed
2018	\$3,603 34	\$3,603 34	None	\$0 00	\$0.00	05/15/19	\$0 00
2017	\$3,269 94	\$3,269 94	None	\$0 00	\$0.00	05/02/18	\$0 00
2016	\$3,114 70	\$3,114 70	None	\$0.00	\$0.00	07/06/17	\$0 00
2015	\$3,205.36	\$3,205.36	None	\$0 00	\$0.00	05/16/16	\$0.00
2014	\$3,152.53	\$3,152.53	None	\$0.00	\$0.00	11/15/14	\$0 00
2013	\$3,057.67	\$3,057.67	None	\$0.00	\$0.00	05/15/14	\$0 00
2012	\$2,777.09	\$2,777 09	None	\$0.00	\$0.00	07/05/13	\$0 00
2011	\$3,783.89	\$2,943.24	SA461 \$840 65	\$0.00	\$0.00	05/14/12	\$0.00
2010	\$2,733.29	\$2,733 29	None	\$0.00	\$0.00	05/13/11	\$0 00
2009	\$2,702 83	\$2,702.83	None	\$0.00	\$0.00	05/15/10	\$0.00

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Tax Payment History

Year	Transaction ID	Tax Paid	Discount	Interest	Amount Paid	Date Paid
2018	12466012.1	\$1,201 11	\$0	\$0	\$1,201 11	05/15/19
2018	12457530.1	\$1,201.11	\$0	\$0	\$1,201.11	02/15/19
2018	12447031.1	\$1,201 12	\$0	\$16.02	\$1,217.14	11/23/18
2017	12327104.1	\$1,089.98	\$0	\$0	\$1,089.98	05/02/18
2017	12313369.1	\$905 25	\$0	\$0.19	\$905 44	11/22/17
2017	12313368 1	\$1,075.64	\$0	\$14 34	\$1,089.98	11/22/17
2017	12318974.1	\$199 07	\$0	\$0	\$199.07	01/31/18
2016	12200928.1	\$13.66	\$0	\$0.36	\$14.02	07/06/17
2016	12198427.1	\$1,024 57	\$0	\$13 66	\$1,038.23	05/22/17
2016	12183404.1	\$1,038.23	\$0	\$0	\$1,038 23	02/02/17
2016	12179731 1	\$1,038.24	\$0	\$13.84	\$1,052 08	12/14/16
2015	12060885 1	\$1,068 45	\$0	\$0	\$1,068.45	05/16/16
2015	12049922 1	\$1,068 45	\$0	\$0	\$1,068.45	02/12/16

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https://mcasr.co marion.or.us/PrintProperty.aspx

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Exhibit A - Page 47 of 995

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Marion County Assessor's Property Records

2019 Year	Transaction ID	Tax Paid	Marion Co Discount	Interest	Amount Paid	Date Paid
			the second the			
2015	11971868.1	\$1,068.46	\$0	\$0	\$1,068.46	11/09/15
2014	11898094.1	\$3,057.95	\$94.58	\$0	\$3,057.95	11/15/14
2013	11788148.1	\$1,019.22	\$0	\$0	\$1,019.22	05/15/14
2013	11773568.1	\$195.43	\$0	\$0	\$195 43	02/10/14
2013	11752119.1	\$823.79	\$0	\$0	\$823 79	11/15/13
2013	11752118.1	\$1,019 23	\$0	\$0	\$1,019.23	11/15/13
2012	11655684.1	\$116.83	\$0	\$3.12	\$119.95	07/05/13
2012	11654698.1	\$771.07	\$0	\$10.28	\$781 35	06/15/13
2012	11627419 1	\$925 70	\$37 79	\$0	\$925.70	11/15/12
2012	11613838.1	\$925 70	\$0	\$0	\$925 70	11/15/12

8/3/2019

August 3, 2019

Account No.:	Manufactured Home ID:
© R86579	Legal Description:
Situs Address:	PRINGLE FRUIT TRACTS, ACRES 0 42, FR TRACT 9
ee4540 PRINGLE RD SE	Subdivision:
SALEM, OR 97302	73610 PRINGLE FRUIT TRACTS
≫Map Tax Lot:	
S083W11BC03200	
Sowner:	Related Accounts:
HENRY A MEYER RT &	Linked Accounts:
MEYER, TIMOTHY H TRE &	
EMEYER, JOHN K TRE	
[≥] 4540 PRINGLE RD SE	
SALEM, OR 97302	

Buyer	Seller	Sales Info	Deed Info
HENRY A MEYER RT &			11/08/1985 12240737 RD - REEL DEEDS RECORDED 1974 AND AFTER
MEYER,TIMOTHY H & MEYER 4540 PRINGLE RD SE SALEM, OR 97302	MEYER,HENRY A & MARIAN	10/18/1979 \$0 06 - Grantor and grantee are related parties, either by business or family.	12230142 RD - REEL DEEDS RECORDED 1974 AND AFTER

Propert	y Details			
Legal Ac	creage:	Levy Code Area:		
0 42 acre	es	92401000		
Property	Code:	Zoning:		
R32		RA (Contact Local Jurisdiction)		
Property	Class:	Miscellaneous Code:		
101		Plat:		
Mortgag	e Agent-Lender:	Exemption:		
Mortgag	e Account No.:	Expiration Date:		
				•
Land Inf	formation:			
ID	Туре	Acres	Sq Ft	
L1	RES - RESIDENTIAL	0.43	18737	

8/3/2019

	Туре			Acres	Sq Ft
L2	OSD - ON SITE DEVELOPMENT				
mpro	ovements/Structures:				
ID	Туре	Make/Model	Class	Area/Count	Year Built
1	RESIDENTIAL				
1.1	MAIN AREA		3	2055	1915
1.2	ATTIC FINISHED		3	694	1915
13	ATTACHED GARAGE, UNFINISHED		3	754	1955
1.4	YARD IMP'S; CLASS 3; AVERAGE			1	

IV Land Market:	\$115,190	
IV Land Spec.	\$0	
sess.:		
V Structures:	\$214,420	
IV Total:	\$329,610	
N:	\$0	
ception RMV:	\$0	
emption RMV:	\$0	
emption Description:	None	
Taxable:	\$329,610	
V:	\$151,500	
SAV:	\$0	
	\$151,500	
Real Market Value Mazar	please see definition of Assessed Value above (hover over the "i")	
Real Market Value Ma.or		
Real Market Value Maxim \$350,000		
Real Market Value Ma.or		/
Real Market Value Maxon \$350,000 \$300,000		/
Real Market Value Maxim \$350,000		
Real Market Value Maxon \$350,000 \$300,000		/
		/
Real Market Value Maxim \$350,000 \$300,000 \$250,000 \$200,000 \$150,000		/
Real Market Value Maxim \$350,000 \$300,000 \$250,000 \$200,000 \$150,000		
Real Market Value Maxim \$350,000		

Year	Improvements RMV	Land RMV	Special Mkt/Use	Exemptions	Taxable Assessed Value
2018	\$214,420	\$115,190	\$0/\$0	None	\$151,500
2017	\$169,460	\$113,600	\$0/\$0	None	\$147,090
2016	\$148,440	\$107,570	\$0/\$0	None	\$142,810
2015	\$138,560	\$103,940	\$0/\$0	None	\$138,660
2014	\$111,780	\$103,940	\$0/\$0	None	\$134,630
2013	\$95,240	\$103,940	\$0/\$0	None	\$130,710
2012	\$88,480	\$105,330	\$0/\$0	None	\$126,910
2011	\$100,030	\$106,730	\$0/\$0	None	\$123,220
2010	\$113,260	\$107,290	\$0/\$0	None	\$119,640
2009	\$121,180	\$111,050	\$0/\$0	None	\$116,160

Taxes: Levy, Owed

Taxes Levied 2018-19:	\$3,009 58
Tax Rate:	19.8652
Current Tax Payoff Amount:	\$0.00

Year	Total Levied	Ad Valorem	Special Assessments	Principal	Interest Due	Date Paid	Total Owed
2018	\$3,009.58	\$3,009.58	None	\$0.00	\$0 00	05/15/19	\$0.00
2017	\$2,716 30	\$2,716 30	None	\$0.00	\$0.00	05/02/18	\$0 00
2016	\$2,587.31	\$2,587.31	None	\$0.00	\$0.00	07/06/17	\$0.00
2015	\$2,606.94	\$2,606.94	None	\$0.00	\$0.00	05/09/16	\$0.00
2014	\$2,523.01	\$2,523.01	None	\$0.00	\$0.00	11/15/14	\$0.00
2013	\$2,471.36	\$2,471 36	None	\$0.00	\$0.00	07/10/14	\$0.00
2012	\$2,411.67	\$2,411 67	None	\$0.00	\$0.00	07/05/13	\$0.00
2011	\$2,307.47	\$2,307 47	None	\$0.00	\$0.00	05/14/12	\$0.00
2010	\$2,213.72	\$2,213.72	None	\$0.00	\$0.00	05/13/11	\$0.00
2009	\$2,189 09	\$2,189.09	None	\$0 00	\$0.00	05/15/10	\$0.00

Tax Payment History

https://mcasr.co.marion.or.us/PrintProperty.aspx

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Year	Transaction ID	Tax Paid	Discount	Interest	Amount Paid	Date Paid
2018	12466011.1	\$1,003.19	\$0	\$0	\$1,003.19	05/15/19
2018	12457529.1	\$1,003 19	\$0	\$0	\$1,003.19	02/15/19
2018	12447030.1	\$1,003 20	\$0	\$13 37	\$1,016 57	11/23/18
2017	12327103.1	\$905.43	\$0	\$0	\$905.43	05/02/18
2017	12319540.1	\$1,738.43	\$0	\$36.22	\$1,774 65	02/05/18
2017	12321844.1	\$72.44	\$0	\$0	\$72.44	02/14/18
2016	12200927 2	\$0	\$0	\$0	\$0 01	07/06/17
2016	12200927 1	\$11.35	\$0	\$0 30	\$11 65	07/06/17
2016	12198428 1	\$851.08	\$0	\$11 35	\$862.43	05/22/17
2016	12183403 1	\$862 44	\$0	\$0	\$862.44	02/02/17
2016	12179730.1	\$862 44	\$0	\$11 50	\$873.94	12/14/16
2015	12058411.1	\$868.98	\$0	\$0	\$868.98	05/09/16
2015	12049923.1	\$868.98	\$0	\$0	\$868 98	02/12/16
2015	11971867 1	\$868.98	\$0	\$0	\$868.98	11/09/15
2014	11898095.1	\$2,447.32	\$75.69	\$0	\$2,447.32	11/15/14
2013	11792626 1	\$2,471.36	\$0	\$164 76	\$2,636 12	07/10/14
2012	11655685.1	\$771.07	\$0	\$20.56	\$791 63	07/05/13
2012	11613838.2	\$803.89	\$0	\$0	\$803 89	11/15/12
2012	11627419.2	\$803.89	\$32.82	\$0	\$803.89	11/15/12

Letter from John Meyer Re LOI consolidated comments COVER Date: 26 July 2019

STATE OF OREGON Marion County Circuit Courts
AUG 12 2019
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Exhibit 6

Questions on Letters of Intent to Sell the Farm Received from Ian and Molly on 7/26/19

#1-8. Quick questions on LOI

Just took a quick look. A couple of questions, for starters:

1. The LOI is unsigned by the seller, and it appears the LOI expiration date (July 10,2019) expired.

- 2. Why does buyer need 4 months for due diligence?
- 3. And then another 6 months to close?
- 4. With extensions, that ties up the property for a year, no?

5. Sounds like this buyer needs financing. Should not take 6 months to close after due diligence if buyer had cash or capacity to close. Correct?

6. How does the property get 240 units? That's about 10 units per acre, which is very high density, and would require zero-lot line if single family residential, which you know from PCC is very tough to market. Does this mean apartment buildings for rent?

7. What happens if trust dissolves in May 2020 and this deal does not close?

8. What quality, level of housing does this developer build?

Broker Role

How did the broker get involved? I thought this deal came from a source outside the broker, which would explain why broker advised you to expect \$4.1 MM and this offer came in at \$5.7 MM. Since you negotiated a split commission with this broker, is it possible broker knew about this prior to signing the listing agreement (which I have not seen)? It would be unethical if broker new of this prior to listing agreement and did not tell you or advised you a much lower selling price. I thought I read somewhere this deal did not come through the broker, so why is the broker getting a commission?

#9. – Sweat Equity Payment to Molly of \$300,000

If I'm reading this correctly, I noticed in your spreadsheets that there is \$300,000 paid for sweat equity. Although you have refused to name who this gets paid to, and stated no deal with Molly has been agreed to or even suggested, since she is the only one to date to have made a claim, I can assume this \$300,000 is set aside for Molly.

- 1. Could you please confirm that is the case?
- 2. Can you confirm if you and Molly are going to recuse yourselves from making a decision on any payments to Molly?
- 3. Can you confirm why Molly did not meet the November 30 deadline for submitting a claim?
- 4. Can you explain why Molly is not bound by that date and I was given 15 days to respond to a decision to sell the farm in its entirety, and you refused to grant me an extension?
- 5. Can you confirm that Molly's claim will be reviewed by an objective, outside party, and that all appropriate offsets will be charged against her claim?
- 6. Can you confirm that Molly's claims will be substantiated against the vote taken by the Trust, and the claim is in accordance with the Trust vote.

1|Page

Letter from John Meyer Re Molly sweat equity Date: 26 July 2019

From: John Meyer <jkm@caretrust.us>

 To:
 Ian Meyer <<u>ian@mco.ltd.uk</u>>, mams <<u>santanama2000@aol.com</u>>, Peter Meyer

 <<u>pbmeyer@verizon.net</u>>, James Meyer <<u>jamesmeyer.rooftop@gmail.com</u>>, Annabelle

 Ahouyiek <<u>annamey2004@yahoo.co.uk</u>>, Quinn Meyer <<u>quinn@crees-manu.org</u>>,

 <u>"miranda spackman@gmail.com</u>" <<u>miranda.spackman@gmail.com</u>>

 Subject:
 sweat equity to Molly RE: HAM Trust Dissolution Plan II

 Date sent:
 Fri, 26 Jul 2019 16:06:12 +0000

 Copies to:
 Molly Meyer <<u>molly@glassbarngreenhouse.com</u>>

lan,

If I'm reading this correctly, I noticed in your spreadsheets that there is \$300,000 paid for sweat equity. Although you have refused to name who this gets paid to, and stated no deal with Molly has been agreed to or even suggested, since she is the only one to date to have made a claim, I can assume this \$300,000 is set aside for Molly.

- 1. Could you please confirm that is the case?
- 2. Can you confirm if you and Molly are going to recuse yourselves from making a decision on any payments to Molly?
- 3. Can you confirm why Molly did not meet the November 30 deadline for submitting a claim?
- 4. Can you explain why Molly is not bound by that date and I was given 15 days to respond to a decision to sell the farm in its entirety, and you refused to grant me an extension?
- 5. Can you confirm that Molly's claim will be reviewed by an objective, outside party, and that all appropriate offsets will be charged against her claim?
- 6. Can you confirm that Molly's claims will be substantiated against the vote taken by the Trust, and the claim is in accordance with the Trust vote.
- 7. You indicated to me verbally last week that you would not be making a decision as trustee on Molly's sweat equity claims, that you agreed that would be inconsistent with the trust governance, and that you would be submitting the decision to court (despite the trust governance requiring it be reviewed and approved by a majority of the trust voting beneficiaries.) Please confirm that is still your intention.

U John

7. You indicated to me verbally last week that you would not be making a decision as trustee on Molly's sweat equity claims, that you agreed that would be inconsistent with the trust governance, and that you would be submitting the decision to court (despite the trust governance requiring it be reviewed and approved by a majority of the trust voting beneficiaries.) Please confirm that is still your intention.

#10 - Pricing of Two Parcels

Here is question #10 re the LOI, which relates to the two different purchase price offers:

- 1. How is the \$1.0 MM value split determined between the 24 ac and the 5 ac parcels.
- 2. If you recall, I cautioned against the possibility of a pricing strategy by the buyer to bid up the price of the farmhouse (making it more difficult for a potential purchase/credit/transfer to family) and at the same time decreasing the value of the remainder. This appears, at least on the surface, to be exactly what has been done in the split LOI's. The buyer has cut his price for the development land by \$1.0 MM, yet is planning the exact same # of units: 240 whether the 5 acre parcel is included or not. Put differently, the buyer has just gotten a \$1.0 MM price reduction on the exact same number of units to be developed. Please explain how this has worked to our advantage.
- 3. I understand from your previous proposal that you intend to offer the 5 ac parcel to family at the \$600k value established by the appraisal, not the \$1.0MM implied in this LOI split pricing scenario. Does that mean you are in effect agreeing that the offer has been arbitrarily split? It would seem so. At the same time, that in effect suggests the buyer has just walked away from the table with a \$1 MM discount.
- 4. Further, a \$1MM offer for the 5 ac parcel (and you know I and other family members strongly object to that delineation) would have to be adjusted for the Hilfiker Extension impacts. Those effects were not even addressed in the MAI appraisal valuation, and based on your subsequent statements, the financial impact is substantial. I don't see how the buyer could be offering \$400k over the appraised value of the farmhouse, oak grove, and deteriorating buildings given that negative impact.

#11. Disclosures

I understand an LOI is non-binding, but typically an LOI would have disclosures about the property that are very important and known to the seller. They would be incorporated into a Purchase and Sale Agreement but the general advice that I am aware of is to make sure these issues are out there and up front as soon as possible. Here are a few that I noticed seem to be missing:

- Hilfiker Extension very big issue for any property, substantial financial impacts on the developer. There was a big discussion about whether this should have been disclosed in the appraisal (it was in the 2000 appraisal done for dad's estate). My recollection is you decided against this, for the appraisal, on the condition that it would be disclosed in the sale documents.
- 2. Trust termination I didn't see reference to the fact that the trust (seller, loosely described as "The Meyer Family") will be dissolving in May 2020 at which point in time the "seller" will be the undivided 6 interests in the property of each beneficiary, and in the case of your family, that is four individuals. That means the buyer will be legally purchasing the property from those

beneficiaries directly. Not only does this warrant a clear disclosure, it also suggests to me that the beneficiaries may need to be signatories to the PSA, and the LOI. Obviously this should have been reviewed by the trust attorney and real estate advisors, but since it was not included in the draft LOI you sent (or did you already sign it and just sent us a copy of an earlier draft??), I'm wondering why it has not been included. As you know, the March 2018 vote specifically provided that the trust property be transferred to a new entity, but you have refused to implement that. Hopefully you are getting some solid advice on these important issues.

- 3. There are various restrictions on the property, such as the Oak Grove protected habitat, the Christmas tree habitat, and the creek (wetlands) running through the NW corner section and the Christmas tree sections. I presume that is covered in the disclosures?
- 4. Typically these types of disclosures are part of a real estate listing brochure or offering memorandum. Are you saying none has been prepared? Please confirm, or send a copy of the listing agreement if you have one.
- 5. Please confirm if, at the time you sent us this unsigned copy of the LOI, you had not already executed an LOI on the property.

I also noticed that the LOI did not seem to include a confidentiality agreement between the parties. That's surprising to me because typically a buyer would not want it out there in the public that he had put an offer in, certainly not want the price disclosed, and that is presumedly why you blacked out the buyer's name (but not the price?).

#12. Seller - Upon Dissolution of Trust

To be clear about the LOI you sent us, I urge that any LOI expressly refer to the upcoming dissolution of the trust and that the beneficiaries will participate in the sale since there is no reasonable expectation under the terms of the LOI offer that the transaction would close before the dissolution of the trust. Based on prior advice from GHR, and common real estate practice, upon dissolution of the trust the ownership of the trust property reverts to the beneficiaries, who would be holding undivided joint interests in the property. They would need to be party to any sale occurring subsequent to the trust dissolution, and clearly this LOI by its terms will not close for 10-12 months.

Obviously you may have different advice from your counsel on this, or your real estate broker, but correctly identifying the seller is standard operating procedure in a real estate transaction, particularly one of this magnitude and complexity. What you sent us is unsigned and you indicated you are still negotiating, so you should have ample time to make these corrections and get the necessary approvals of the beneficiaries.

This also begs the question why you held this LOI for three weeks before sending it on. It is dated July 2, 2019. And why was it not distributed to the family, given it was addressed to "The Meyer Family." If your real estate broker was involved, and he is named in the LOI and presumedly that means he will get paid a commission, surely he knows who the seller is?

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Letter from John Meyer Re LOI consolidated comments Date: 26 July 2019

From:John Meyer <jkm@caretrust.us>

lan Meyer <ian@mco.ltd.uk>, Peter Meyer pbmeyer@verizon.net></ian@mco.ltd.uk>
RE: Second request for LOI
Fri, 26 Jul 2019 19:47:06 +0000
Molly Meyer <molly@glassbarngreenhouse.com>, "Santanama2000@aol.com"</molly@glassbarngreenhouse.com>
<santanama2000@aol.com>, James Meyer <jamesmeyer.rooftop@gmail.com>, annabelle</jamesmeyer.rooftop@gmail.com></santanama2000@aol.com>
Ahouyiek annamey2004@yahoo.co.uk , guinn Meyer <guinn@crees-manu.org>,</guinn@crees-manu.org>
"miranda.spackman@gmail.com" <miranda.spackman@gmail.com></miranda.spackman@gmail.com>

Dear Molly and Ian,

I've sent several emails to you today since receiving copies of the Letters of Intent to sell the farm, referenced below. I though it would be helpful to consolidate my observations and comments in a single document, for easier reference.

I hope this serves as a useful reference tool for your follow-up and I do look forward to hearing from you in response as soon as possible.

John

#13. Boundary Delineation of Legacy Parcel

If the dates on the LOI are accurate (July 2, 2019), that indicates you have clearly been negotiating the sale or set-aside of a 4.99 acre legacy parcel. This is inconsistent with your previous verbal representations to me that the homestead delineation was for illustrative purposes only. Nothing in the LOI calling for for sale of 24.27 acres indicates the boundaries are for illustrative purposes. Clearly, the title very specifically refers to the land being sold as 24. 27, a very precise figure. Nothing in the LOI indicates, a majority of the voting beneficiaries had approved a 10 acre homestead parcel, or that you had represented to the family that the boundaries were for illustration purposes only. It appears as though you have been operating on two distinct tracks simultaneously – one that keeps the family at bay, and the other clearly exercising your perceived authority to sell under whatever terms you and Molly decide.

What follows is an explanation of why the premise for the 5 acre parcel was challenged by the family majority, and how the boundaries as drawn by James significantly reduce the value of a homestead parcel. (I sent this to you via email on 7/25, but it is particularly pertinent to the LOI that you sent this morning that you state you are "negotiating" at this very time.)

The proposed Plan II talks very specifically about a 5.08 acre "legacy" parcel. Previously, when I questioned you about that (the "Shuba Plan" of May 28, 2019) you said the 5 acre parcel boundaries were "for illustration only". I hope that is still the case, though your LOI options seem to indicate a 5 acre parcel has been negotiated as part of the LOI (now clearly shown by your presenting the actual LOI document). I was, and remain, opposed to the 5 acre lot lines that James had proposed for a 5 acre legacy parcel. In addition to the fact that the family voted in favor of a 10 acre parcel on 9/21/18 I have several other observations: the 5 acre plan eliminated the buffer (to the north and northeast) of a Ilama field and section of the Christmas tree forest, causing a loss in value, and it eliminated a buffer to the east, causing additional loss in value. There are also emotional ties that are torn apart by the proposed boundary: a developed a subdivision of housing within a stone's throw of mom and dad's bedroom, the room where we sat saying our last goodbyes to dad. Instead of looking at the chicken coop, llamas, goats, and pine trees from mom and dad's bedroom and the upstairs bedroom, and the living room walled windows along the eastern side of the house, where mom played the plano, the legacy parcel will look on roofs, houses, garages, and parked cars. This is the very area that had previously had a huge cherry tree, and where Quinn camped out and was attacked by a bear. Since James expressed he wanted to see the place bulldozed down, and at one point had said we should light a match to the farm house, it's not surprising he would draw the boundary where he did. If you are interested in a family legacy, this is not the guy you want drawing up the plans or advising you on the structure of a deal. You did mention to me that it might be academic because the Hilfiker Expansion, which James also supported, cuts a wide swath through the pine tree area to the east, and houses can't be built there anyway. That's quite a trade- off: subdivision development, with asphalt roofs, garages and parked cars outside the bedroom, versus an arterial highway, with asphalt, concrete, street lights, and cars, trucks and motorcycles moving at 40 mph. This latter option, of course, is wonderful if you plan to live in the Fairview or PCC developments – you have significantly improved and direct access to Commercial Street, a plan favored by the developers of those projects for some time. I presume this included PCC -- at least James was very upset when Molly spoke against it at one of the community input sessions, and even you refused to sign a letter from the Trust to the City Commission opposing it. If I recall, I had to send the letter out on my own name, as a family member.

My concerns are obvious. They reflect a combination of emotion and also common sense real estate practices – you can destroy significant value by removing natural barriers, which is exactly what those boundaries do. This was addressed in the recent appraisal, but it goes without saying in the real estate world.

I've attached a legacy piece sketch that shows graphically these choices, including the 10 acre legacy delineation that was approved by majority of the family on 9/21/18. You called for that vote and that parcel was titled "Option 2." Molly was the only one that supported the smaller parcel, but the majority voted for the 10 acre parcel. You will also see the "Elser Plan" sketch shows very simply the parcel that for "Debt" that is development ready. It's basically the hayfield. That is the piece I had indicated could easily be created with a lot line adjust to make sure Tim's debt was paid, without entanglement in the other farm and family issues. This is the parcel John Santana had said should be sold to pay the debt – "its' very simple, just draw a line down the side of the oak trees to Elser's subdivision." What is this all about????

As to the assisted living portion, I hope you are being very careful about valuation for this parcel, and not leaving a significant amount of money on the table. As you and I discussed, the parcel designated "Reserve" for assisted living (southwest corner), would command a significantly higher sales price and value than any other section of the property because of the higher density associated with assisted living. As you pointed out, it is an ideal location for assisted living if the Hilfiker Extension is built. The orange section on the sketch is the 10 acre delineation approved by the family. I presume that if that section were preserved for a legacy piece, and the Hilfiker Extension were built, the city would need to condemn by imminent domain the sections of the 10 acres that it would need. You've been having those discussions and I would hope you could share that important economic issue, especially as it applies to the legacy piece. You will also note a section of the sketch where I have provided an additional 6 acres for "buyouts" in case a purchaser would opt for more than just the debt section.

I hope this helps.

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STATE OF OREGON Marion County Circuit Courts AUG 12 2019 FILED 19PB06270

Verified Correct Copy of Original 8/13/2019._

Exhibit 7

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Letter to Trustees from J Santana Re LOI Date: 7/29/19

From:James Santana <james.santana@icloud.com>

-		
	To:	Ian Meyer <ian@mco.ltd.uk>, Molly Meyer <molly@glassbarngreenhouse.com></molly@glassbarngreenhouse.com></ian@mco.ltd.uk>
	Subject:	LOI comments
	Date sent:	Mon, 29 Jul 2019 06:53:24 GMT
	Copies to:	Peter Meyer < <u>pbmeyer@verizon.net</u> >, John Meyer < <u>ikm@caretrust.us</u> >, mams < <u>santanama2000@aol com</u> >

lan and Molly,

My mom asked me to review the LOI you sent. Below are some comments & concerns. Frankly I find it really alarming that Nick Diamond even presented something like this to you - he either thinks you're stupid, or he's letting someone try to take advantage of you.

1. Earnest money. Traditionally it's 5%. For a complex site, there might be an initial smaller deposit upon PSA execution (like their 2.5%) but after 90 days of DD the buyer should go hard on a nonrefundable at min 5%. It should not be contingent on entitlements (which the seller has no control over or ability to monitor) or other closing conditions - this is the cost to tie up the land. Their LOI is half that and is fully refundable to buyer, essentially it's a "free look" that costs you a year with nothing in return. I find it irresponsible (at best) of Nick to have presented this offer to you.

2. He should be bringing you 4-5 offers from qualified buyers on a national and regional level with a demonstrated ability to close. You pick the best offer based on closing conditions, speed, price, most likely to close based on past performance, terms, etc. and the family weighs in on best program for quality housing, ability to preserve habitat in balance with that, but the point is you start with a competitive pool of qualified buyers, not a single buyer who threatens to rescind his offer if not accepted within 5 business days over a 4th of July holiday weekend...

3. Without knowing who the buyer is, their capital source, and their deal history, it's not possible to evaluate how likely they are to close, and failure to close is high risk. This should be in the LOI.

4. All closing conditions should be identified and listed in the LOI.

5. Seller should not be responsible for any costs, including engineering, survey, and certainly not the property line adjustments or land use moves. Buyer should carry all costs and only proceed with changes that affect title upon Seller approval. Property is "as-is" - should be noted in LOI.

6. The cost of infrastructure improvements, such as Hilfiker or Pringle/Battlecreek intersection, should be identified as buyer's responsibility.

7. Zoning should not be changed until post-closing. If the zoning is changed before closing, the farm deferral will automatically go away – permanently. If the buyer backs out prior to closing, yet the tax deferral is gone, the land would need to be sold under extreme pressure and stress.

Seems reckless James S. 4

MUFC Governance Structure - 2014-04-07 jkm edits Log date 1/26/2019 #10 to Peter – MUFC Docs

STATE OF OREGON Marion County Circuit Courts AUG 12 2019 FILED

19PB06270

Exhit B

This Governance Document establishes the operating and decision-making procedures for the Meyer Urban Farm. Governance and membership will be reviewed and addressed annually, subject to a majority vote over the next five years as we determine how best to operate.

Purpose

The Meyer Urban Farm (MUF) is designed to support the Henry A. Meyer Trust (HAMT) through the generation and management of sustainable, environmentally friendly farming income¹ to ensure the availability and enjoyment of the Meyer Farm for future generations.

Organizational Structure

- The Meyer Urban Farm Group (MUFG)² will elect a five-member committee each year.
- The Meyer Urban Farm Committee (MUFC)³ shall manage and administer the MUF.
- The MUFC will elect a President and Secretary/Treasurer to manage and administer MUF business.
- Members of the MUFG can participate in project subcommittees as determined by the MUFC.
- The MUFC shall report directly to the HAMT for approval on governance and funding matters.

Roles and Responsibilities

- Continued development of a MUF governance structure to be approved by HAMT.
- Assisting in planning for the future of the MUF.
- Exercising judgment that any reasonable and prudent person would exhibit, in the process of making informed decisions, including acting in good faith.
- Accountability for being attentive, diligent, and thoughtful in considering and acting on a policy, course of action, or other decision.
- Active preparation for, and participation in, MUFC meetings and communications where decisions are to be made is an integral element of the MUFC.
- Develop an initial list of ideas that generate 'farming income' for inclusion in this Governance Document.
- Generating the minimum income required for "farm-type" tax exemptions each year, currently at \$1400.00 per year.
- Seek to approve farming income generating ideas that do not require start up capital/funding, but still consider projects that may require capital if they qualify otherwise for meeting MUF goals.
- Disseminating farming income generating ideas that require startup capital to the HAMT for approval prior to execution.
- Developing, incubating and fostering income-generating ideas from the MUFG for the MUF.
- Supporting the involvement of one or more members of the MUFG in participating in the developing of business ideas that generate farming income.
- Executing and overseeing MUFC/HAMT approved business ideas to generate farming income.

¹ See Appendix 3 for definitions

² See Appendix 1 for more detail

³ See Appendix 1 for more detail

Membership & Voting Rights

- The MUFG is open to all HAMT next generation, their spouses, and their children and grand-children.
- Each MUFG member over the age of 16 can cast one vote to appoint a MUFC member.
- The MUFC is considered an independent body, free to make thoughtful and considerate decisions, based on a majority vote, to further the HAMT goals and mission.
- MUFC members may resign by providing 30-day notice in writing.
- All votes will be determined by a majority.

Finances

- MUFC president and treasurer shall maintain a bank account for the funding and collection of farming income. John Meyer has volunteered to initially maintain oversight of the account.
- Income obtained from farming income should cover the cost of MUF farming expenses. Consistent with the requirements for farm tax deferral, the farm land is to be employed *"for the primary purpose of obtaining a profit in money."*
- MUFC will decide by majority vote how profits generated from farming income are used to fund existing and/or new ideas.

Committee Communication

- The principle form of committee internal communication will be email, however phone communication is encouraged where possible.
- The MUFC will hold quarterly in person or video calls on the last Sunday of the quarter at 1pm PST.
- Documents will be stored on Google Drive to ensure accessibility for members and communication is via two Google email distribution lists.
- The MUFC will produce and distribute a quarterly update to the MUFG to keep them informed.
- Direct communication between any member of the MUFC and MUFG is encouraged.

Process

We have outlined a four-step process for the request, review and submittal of any farming income generation ideas. Please see Appendix 2 for more details.

- 1. Request for Business Ideas
- 2. MUFC Champion
- 3. Business Idea Submission Outline
- 4. Submit Business Idea Outline to MUFC for approval

APPENDIX 1

Meyer Urban Farm Group (MUFG)

The MUFG, established in November of 2013 consists of the HAMT next generation, their spouses, and their children and grandchildren dedicated to supporting the generation of a minimum of \$1400 in farming income per year (see Appendix 3) through permissible farm uses, including input and the purchase of services. In 2014 the MUFG consists of the individuals named below as initial group members. The MUFG is has open membership and any qualifying person can join by written notice to the MUFC. In 2015 all next generation individuals of the HAMT, their spouses, and their children will be offered an opportunity to participate actively in the MUFG and have a seat on the MUFG. Each MUFG member over the age of 16 can cast one vote per each committee seat. HAMT next generation individuals, their spouses, and their children have the right to waive their seat and voting right annually.

Annabelle Ahouyek Annalise Briggs CJ Farrell Dylan Meyer James Santana Initial Group Members Ian Meyer Lauren Bestul Kerstin Marthaler Mckenzie Farrell Miranda Spackman

Natasha Eichaker Nick Meyer Quinn Meyer

Meyer Urban Farm Committee (MUFC)

The MUFC is a five-person management and administration committee initially appointed by the HAMT, and thereafter by the vote of the MUFG.

The MUFC will support the development of ideas that generate farming income, propose a plan for their execution, and oversee the execution of MUFC approved revenue generation from farming income.

Initial Committee Members

Mckenzie Farrell - Chair Ian Meyer- Secretary/Treasurer Annalise Briggs James Santana Nick Meyer

Henry A Meyer Trust (HAMT)

The HAMT supersedes both the MUFG and MUFC, as it represents the legal entity that oversees and governs all aspects of the Trust. John Meyer has volunteered to initially act as the committee's liaison with the HAMT in regards to income generated from farming.

Mary Ann Santana Tim Meyer <u>HAMT Beneficiaries</u> John Meyer James Meyer

Peter Meyer Molly Meyer

APPENDIX 2

PROCESS

Step One: Request for Business Ideas

MUFC will distribute a call to the MUFG for business ideas that generate farming income. Submissions should be as detailed as possible.

Step Two: MUFC Champion

MUFC member will be assigned to champion the business idea through the outline approval process.

Step Three: Business Idea Submission Outline

Assigned MUFC member champion will work with sub-committee to generate a proposal including the following sections.

- Overview statement of idea/goal
- Reasoning/need
- Meets (or not) minimum knockout thresholds: zoning, farm tax deferral, HAMT goals
- Supporting research precedents elsewhere, applicable rules, logistics, etc.
- Financials (capital needed, basic income and expense outline),
- Operations (basic location requirements, staffing, and management),
- Constraints & feasibility analysis zoning, water rights, etc.
- Submitted within one month from MUFC assignment

Step Four: Submit Business Idea Outline to MUFC for approval

- If approved and does not require funding, MUFC may execute.
- If approved and does require funding, MUFC to submit to HAMT.

MEYER URBAN FARM GOVERNANCE DOCUMENT

APPENDIX 3

MUFC Resources

- Bank account- Wells Fargo
 - Google Drive folder
 - Templates
 - Governing documents
 - Communications
 - o Research
 - Income ideas
 - Tax
- HAMT liaison John Meyer

Glossary

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- **Farming income** is money earned from "farm use". Per ORS 308A.056 farm use is defined as the current employment of land for the primary purpose of obtaining a profit in money by: raising, harvesting, and selling crops; feeding, breeding, management, and sale, or the production of livestock, poultry, fur-bearing animals, or honeybees; dairying and selling dairy products; stabling or training equines; propagation, cultivation, maintenance, and harvesting of aquatic bird, and animal species allowed by rules adopted by the State Fish and Wildlife Commission; preparation, storage, and disposal by marketing or otherwise, of the products or by-products raised on such land for human and animal use; any other agricultural or horticultural use, animal husbandry, or any combination thereof; or growing cultured Christmas trees and hybrid hardwoods (cottonwoods) on cropland under intensive cultivation.
- Farm income is any money generated by an activity that takes place on the MUF. Elements of the Glass Barn Greenhouse's plant production, and services related to storage or maintenance of plants for rent may be considered for qualification as farm income.

• Minimum Annual Tax Requirements

The state of Oregon designates farm use as "the current employment of land for the primary purpose of obtaining a profit in money". It also places a minimum threshold on the profit at \$100 per acre. Therefore the Meyer Urban Farm at 13.86 acres (11.96 Hay fields & 1.9 llama fields) has to generate \$1,386 in farm income to satisfy this requirement

Income Requirement (as of 4/15/2014): ORS 308A.071(2) – In three out of the five full calendar years immediately preceding the assessment date (January 1), the farmland or farm parcel was operated as part of a farm unit that has produced a gross income from uses in at least the following amount for a calendar year: Farm unit consisting of more than 6.5 ac but less than 30: \$100 x # of acres.

[Land NOT subject to the Income Test: Any land constituting a woodlot, not to exceed 20 acres, continguous to and owned by the same owner.]

Meyer Urban Farm - Update and Next Steps COVER October 25, 2014 7:15:10 PM DPRC

#10 to Peter – MUFC Docs MUFC to MUF Group Oct 25 2014 Meyer Urban Farm - Update and Next Steps

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Exhibit 9

From:	meyer-urban-farm-group@googlegroups.com on behalf of Meyer Urban Farm
To:	meyer-urban-farm-group@googlegroups.com
Cc:	MUFC meyer-urban-farm-committee@googlegroups.com
Subject:	{MUFG} Meyer Urban Farm - Update and Next Steps
Date:	Saturday, October 25, 2014 7:15:10 PM
Attachments:	MUE GOVERNANCE Final.pdf

Dear MUFG:

Over the ages the farm has produced hazelnuts, plums, Christmas trees, hay, and a diverse menagerie of animals. And for half a century the farm has served as home and school for descendants of Henry and Marian, which exceed 30 in number and continue to grow.

On this little oasis in the middle of an expanding city, we have benefited from the rare opportunity to explore life's most valuable lessons, strengthening our character and helping us better navigate the gauntlet of life.

As recipients of this gift, we are tasked with figuring out a way to preserve it for our ever expanding family, so that everyone can have the rare opportunity to take advantage of all the farm has to offer.

However, to sustain its economic health and preserve its vitality for future generations, we need to secure a continued source of income.

Many of you, in your global lives and travels, have stumbled across successful agricultural businesses and ideas, and now is the time to bring those ideas forward.

The farm needs your help to identify and explore those business opportunities and expand upon them so that all future generations can experience all that the farm has to offer.

In the recent months the Meyer Urban Farm Committee (MUFC) has been working closely with the HAM trustee's to outline a process whereby family members can suggest income generating ideas that they feel will best serve the Meyer Urban Farm. Attached is a governance document that outlines the process for how the MUFC and Meyer Urban Farm Group (MUFG) will operate and support the farm's future.

Following this email you will receive a request from the MUFC to start the process of determining the best way to ensure the future of the farm. We hope to hear from each of you! And do not hesitate to ask questions and engage in any what that works well for you!

We look forward to working with you.

Sincerely,

MUFC - James, Annalise, Nick, Ian, and Mckenzie

You received this message because you are subscribed to the Google Groups "Meyer Urban Farm Group" group.

To unsubscribe from this group and stop receiving emails from it, send an email to <u>meyer-urban-farm-group+unsubscribe@googlegroups.com</u>. To post to this group, send email to <u>meyer-urban-farm-group@googlegroups.com</u>. For more options, visit <u>https://groups.google.com/d/optout</u>.

Verified Correct Copy of Original 8/13/2019.

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Date: 8 July 2019

lan letter to beneficiaries 7-8-19 COVER

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STATE OF OREGON Marion County Circuit Courts AUG 12 2019 FILED

19PB06270

Exhit 10

lan letter to beneficiaries 7-8-19

From:lan	Meyer	<ian@mco.ltd.uk></ian@mco.ltd.uk>	

To:	Molly Meyer < <u>molly@glassbarngreenhouse.com</u> >, lan Meyer <ian@mco.ltd uk=""></ian@mco.ltd>
Subject:	Trustees HAM Trust Update Email 7.8.19
Date sent:	Mon, 8 Jul 2019 16:50:07 +0000
Copies to:	mams <santanama2000@aol.com>, John Meyer <jkm@caretrust.us>, Peter Meyer</jkm@caretrust.us></santanama2000@aol.com>
	pbmeyer@verizon.net>, James Meyer <jamesmeyer.rooftop@gmail.com>, Annabelle</jamesmeyer.rooftop@gmail.com>
	Ahouyiek annamey2004@yahoo.co.uk >, Quinn Meyer <quinn@crees-manu org="">, Miranda</quinn@crees-manu>
	Spackman <miranda.spackman@gmail.com></miranda.spackman@gmail.com>

Dear Beneficiaries,

The Trustees wanted to take this opportunity to clarify the position of the HAM Trust. In order to settle the Trust debt obligations, the Trust must sell land to generate cash. While the value of the land does exceed the Trusts debt obligations it cannot simply sell a portion of the land to settle the debts without unanimous consent. We have now received informed consent from all but two beneficiaries, therefore, the Trustees have no choice but to proceed with selling the property in its entirety.

For further clarification please find the Trustee's responses to issues and questions that have been recently bought up by beneficiaries.

- In regard to the recent advisory note on the Letter of Intent the Trust received. The Trustees are currently
 reviewing the LOI and its merits and are negotiating terms. Once negotiations reach a satisfactory juncture the
 full details will be distributed to all beneficiaries.
 - The offer of \$5,750,000 presented in the LOI is substantially higher than the appraisal of \$2.9 million or the initial proposed listing price that has been presented in earlier emails and spreadsheets to the beneficiaries of roughly \$4 million. The offer LOI is based on acreage, thus changes to the amount of acreage for sale will potentially render the offer obsolete.
 - Determining whether the property will be listed on the market will be a business decision that the Trustees will make based on understanding of the market, the timelines that the trust faces, and knowledge of the "greater good" for all beneficiaries.
- 2. In regard to the 'Elser Plan'. The Trustees have thoroughly reviewed it with the trust attorneys and believe it is not a viable option for the following three reasons.
 - THM's estate is not willing to accept land and its associated risks in lieu of re-payment of the debt, therefore land must be sold to generate cash to settle this obligation.
 - Any land transfer would require the property to be divided and valued proportionately. This would require unanimous consent to divide the property (as result of a potentially lower distribution amount) and unanimous agreement on the value of the land. The Trustees have already requested this to divide the property and did not receive it and are highly unlikely to achieve agreement on the value of the land.
 - A number of beneficiaries' have requested to be exited, (Tim's children, James and John) at the termination of the Trust in May 2020. Beneficiaries cannot be exited with a transfer of land, and therefore need to be 'cashed' out to the value of 1/6th of the net total estate value upon termination of the Trust.

Additionally, the Trustees would like to take this opportunity to clarify some of the assumptions and comments referenced in the 'Elser' plan.

- Tim made no such request to lan and it most certainly was not his 'final request'. If he made that
 request to anyone please do share it.
- The Trust is not responsible for individual beneficiary's tax issues/situation.
- The Trustees have addressed the claim of a fire sale in previous communications, and do not encourage the use of this insightful language.
- 3. bln regard to forming a successor LLC, this has been addressed multiple times in previous communications. As stated in the Trustee's dissolution plan, any beneficiaries interested in a homestead parcel were asked to submit an MOU which required the formation a successor LLC. Without unanimous informed consent on dividing the property, this is no longer applicable. If there is unanimous consent, here are some important points to be considered.
 - The Trust itself cannot establish an LLC it has to be done by the individual beneficiaries. Beneficiaries cannot be forced into joining an LLC.Additionally, it is important to point out that under Oregon law for an LLC major decision do require a unanimous vote (i.e. to acquire assets resulting in additional debt to the LLC, to sell substantially all of the assets of the LLC, to merge with another LLC). Other decisions require a simple majority vote of the members (to admit additional members, to modify the terms of the operating agreement etc).
 - A successor entity (LLC) can be set up at any time, by those beneficiaries of the HAM Trust that wish to continue to hold assets in a joint business venture and become members of the new entity. This LLC can then make an offer to the Trust to 'purchase' a homestead parcel at a price that will be acceptable to the beneficiaries. The value of the homestead parcel can be set through unanimous agreement of the beneficiaries', or alternatively by its 'True Market Value' (what is that homestead parcel worth to an outsider).
 - It should be noted here, that if the beneficiaries were able to receive their distribution in land and contributed these assets in exchange for membership units in the creation of the LLC, the LLC would be fall under the authority of the securities laws for Oregon.
 - Non-member beneficiaries owning an undivided interest in the homestead will not work, therefore
 those who don't want to hold the homestead (but don't object to others in the family from owning it)
 would need to be cashed out by the LLC group. The LLC would have to come up with cash to buy out
 the non-member beneficiaries.
 - If the purchase price for the homestead is acceptable, the actual price paid could be part of a "credit bid", in that the members of the LLC would not need to come up with the cash to buy out *everyone's* proportionate interest in that parcel, but just enough to pay the proportionate shares of those non-member beneficiaries. The "credit" portion would be the value of the purchase price otherwise distributable to the LLC member/beneficiaries.
 - To be a member of the LLC (and own the land), a member would have to agree to be bound by the provisions of whatever operating agreement was drawn up, with control by the appointed or elected managers. The members of the new LLC would decide how it would be structured, identify the manager(s) and how those managers could be removed or replaced, how, when and for what cost would repairs, improvements, etc. be made to assets held in the LLC, etc. Thus, when the LLC is established, and the assets are transferred by the HAM Trust to the beneficiaries and then into the LLC, the Trust and Trustee's will no longer be responsible for the decisions, expenses, development, etc. except as a potential member.
 - The trust terminates when the assets are transferred to the beneficiaries', and the LLC springs into existence when the beneficiaries' transfer the assets into the LLC. There is a velar distinction between the two events. Once the LLC is established, it truly does become a democracy in which the members vote and exercise control over all aspects of the business and ownership.

- 4. In regard to the questions posed by John in his June 24th email re: Decision to Sell the Farm & Eliminate a Homestead Parcel, the Trustees have provided the following answers.
 - a) The boundaries and size homestead parcel made available to purchase by beneficiaries' successor LLC is yet to be determined and will be determined by the offers received on the sale of the main portion of the farm.
 - b) The price of the homestead parcel would be determined by unanimous agreement or True Market Value. The current market estimate on a 5-acre parcel is \$960,000.
 - c) The Trust will not be responsible for any repairs, maintenance or expenses of the homestead parcel once it is sold.
 - d) The Hilfiker collector road will impact the homestead parcel as well as the remaining land being sold. This will be addressed in future sale negotiations.
 - e) When the trust assets are distributed, the trust terminates, and Molly's rights also end. Her continued operation would then be the subject of a lease agreement or contract with an LLC if she wishes to stay on the farm. The Trust would not be involved in those negotiations.
 - f) The Glass Barn (Meyer Family Company) is a Trust asset and will be valued and sold. The proceeds would be divided equally among the beneficiaries. Individual beneficiaries and/or a successor LLC can purchase it at a fair market price.
 - g) If the successor LLC (buyer) wishes to rent the farm house they will need to obtain all the necessary licenses and permits under the new entity.
 - h) The Trustees are not aware of individual beneficiaries' tax situations and therefore recommend that they should seek their own advice on their individual tax situations.
 - i) The Trustees do not know what the expected property tax on the homestead parcel will be after it is sold.
 - j) Any governance of the homestead parcel will be determined by the buyer/s and is not the responsibility of the Trust.
 - k) The request for informed consent was not based on any value, appraised or otherwise.
 - After extensive legal consultation the Trustees were advised that submitting the proposed dissolution plan to court for instruction would result in one outcome, the sale of the entire property. This plan can still be submitted to the courts.
 - m) Without Unanimous consent the Trustee's cannot reconsider their position on selling the entire farm.
 - n) The dissolution plan does provide an 'option to purchase' a homestead parcel, with the price to be determined by the market, i.e. an outside buyer.

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Hopefully these answers and clarifications will help and close out any remaining open questions about the upcoming Trust dissolution.

Sincerely

Molly and lan

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Letter from John Meyer Re Molly sweat equity Date: 26 July 2019

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Ephibit 11

Letter from John Meyer Re Molly sweat equity Date: 26 July 2019

From: John Meyer <jkm@caretrust.us>

To: lan Meyer <<u>ian@mco.ltd.uk</u>>, mams <<u>santanama2000@aol.com</u>>, Peter Meyer <<u>pbmeyer@verizon.net</u>>, James Meyer <<u>jamesmeyer.rooftop@gmail.com</u>>, Annabelle Ahouyiek <<u>annamey2004@yahoo.co.uk</u>>, Quinn Meyer <<u>quinn@crees-manu.org</u>>, "<u>miranda.spackman@gmail.com</u>" <<u>miranda.spackman@gmail.com</u>> **Subject: sweat equity to Molly RE: HAM Trust Dissolution Plan II** Date sent: Fri, 26 Jul 2019 16:06:12 +0000 Copies to: Molly Meyer <<u>molly@glassbarngreenhouse.com</u>>

lan,

If I'm reading this correctly, I noticed in your spreadsheets that there is \$300,000 paid for sweat equity. Although you have refused to name who this gets paid to, and stated no deal with Molly has been agreed to or even suggested, since she is the only one to date to have made a claim, I can assume this \$300,000 is set aside for Molly.

- 1. Could you please confirm that is the case?
- 2. Can you confirm if you and Molly are going to recuse yourselves from making a decision on any payments to Molly?
- 3. Can you confirm why Molly did not meet the November 30 deadline for submitting a claim?
- 4. Can you explain why Molly is not bound by that date and I was given 15 days to respond to a decision to sell the farm in its entirety, and you refused to grant me an extension?
- 5. Can you confirm that Molly's claim will be reviewed by an objective, outside party, and that all appropriate offsets will be charged against her claim?
- 6. Can you confirm that Molly's claims will be substantiated against the vote taken by the Trust, and the claim is in accordance with the Trust vote.
- 7. You indicated to me verbally last week that you would not be making a decision as trustee on Molly's sweat equity claims, that you agreed that would be inconsistent with the trust governance, and that you would be submitting the decision to court (despite the trust governance requiring it be reviewed and approved by a majority of the trust voting beneficiaries.) Please confirm that is still your intention.

U John

Verified Correct Copy of Original 8/13/2019.

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Date: 25 July 2019

Letter from John Meyer calling for Trustees resignation COVER

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Eyhihit 12

Letter from John Meyer calling for Trustees resignation Date: 25 July 2019

From: John Meyer < jkm@caretrust.us >

	Line in Construction of the Construction Deter Manuar
To:	lan Meyer <ian@mco.ltd.uk>, mams <santanama2000@aol.com>, Peter Meyer</santanama2000@aol.com></ian@mco.ltd.uk>
	<pre><pbmeyer@verizon.net>, James Meyer <jamesmeyer.rooftop@gmail.com>, Annabelle</jamesmeyer.rooftop@gmail.com></pbmeyer@verizon.net></pre>
	Ahouyiek <annamey2004@yahoo.co.uk>, Quinn Meyer <quinn@crees-manu.org>,</quinn@crees-manu.org></annamey2004@yahoo.co.uk>
	"miranda.spackman@gmail.com" <miranda.spackman@gmail.com></miranda.spackman@gmail.com>
Subject:	Legacy piece boundaries RE: HAM Trust Dissolution Plan II
Date sent:	Thu, 25 Jul 2019 17:45:13 +0000
	Molly Meyer <molly@glassbarngreenhouse.com></molly@glassbarngreenhouse.com>

Dear lan,

Before addressing the legacy piece boundary part of your Plan II, I have a general statement to make: please understand that I am not opposing the sale of sufficient land to get Tim's estate paid and to do so immediately. Nor am I saying I do not want my interest liquidated. Nor do I favor a plan that prevents any beneficiary who wants out from being able to get out. What I am saying are two things: the family needs to have input on the creation of a legacy piece, and the process has to come out from the shadows of a backroom deal being cooked by you, Molly and James. As you know, the March 2018 vote of the Trust casts significant doubt on your standing as a trustee, and called for you and Molly to resign. That is one of the important things Peter's petition addresses. For my part, I am trying to get this on a level playing field that respects the family and gets people paid. That also means you and Molly must recuse yourself from any decisions regarding debt owed by the trust to you or your family. That is common sense. I am hopeful you agree with that principle and agree to those simple steps to stop the family from being torn apart.

Having made that general statement, let me specifically address one portion of your Plan II, the part about the delineation or boundaries of a potential legacy parcel, if there is ever to be one:

The proposed Plan II talks very specifically about a 5.08 acre "legacy" parcel. Previously, when I questioned you about that (the "Shuba Plan" of May 28, 2019) you said the 5 acre parcel boundaries were " for illustration only". I hope that is still the case, though your LOI options seem to indicate a 5 acre parcel has been negotiated as part of the LOI. I was, and remain, opposed to the 5 acre lot line that James had proposed for a 5 acre legacy parcel. In addition to the fact that the family voted in favor of a 10 acre parcel on 9/21/18 I have several other observations: the 5 acre plan eliminated the buffer (to the north and northeast) of a llama field and section of the Christmas tree forest, causing a loss in value, and it eliminated a buffer to the east, causing additional loss in value. There are also emotional ties that are torn apart by the proposed boundary: a developed a subdivision of housing within a stone's throw of mom and dad's bedroom, the room where we sat saying our last good bye to dad. Instead of looking at the chicken coop or pine trees from the bedroom and the upstairs bedroom, and the living room walled windows along the eastern side of the house, where mom played the piano, the legacy parcel will look on roofs, houses, garages, and parked cars. This is the very area that had previously had a huge cherry tree, and where Quinn camped out and was attacked by a bear. Since James expressed he wanted to see the place bulldozed down, and at one point had said we should light a match to the farm house, it's not surprising he would draw the boundary where he did. If you are interested in a family legacy, this is not the guy you want drawing up the plans or advising you on the structure of a deal. You did mention to me that it might be academic because the Hilfiker Expansion, which James also supported, cuts a wide swath through the pine tree area to the east, and houses can't be built there anyway. That's quite a trade- off: subdivision

development, with asphalt roofs, garages and parked cars outside the bedroom, versus an arterial highway, with asphalt, concrete, street lights, and cars, trucks and motorcycles moving at 40 mph. This latter option, of course, is wonderful if you plan to live in the Fairview or PCC developments – you have significantly improved and direct access to Commercial Street, a plan favored by the developers of those projects for some time. I presume this included PCC – at least James was very upset when Molly spoke against it at one of the community input sessions, and even you refused to sign a letter from the Trust to the City Commission opposing it. If I recall, I had to send the letter out on my own name, as a family member.

My concerns are obvious. They reflect a combination of emotion and also common sense real estate practices – you can destroy significant value by removing natural barriers, which is exactly what those boundaries do. This was addressed in the recent appraisal, but it goes without saying in the real estate world.

I've attached a legacy piece sketch that shows graphically these choices, including the 10 acre legacy delineation that was approved by majority of the family on 9/21/18. You called for that vote and that parcel was titled "Option 2." Molly was the only one that supported the smaller parcel, but the majority voted for the 10 acre parcel. You will also see the "Elser Plan" sketch shows very simply the parcel that for "Debt" that is development ready. It's basically the hayfield. That is the piece I had indicated could easily be created with a lot line adjust to make sure Tim's debt was paid, without entanglement in the other farm and family issues. This is the parcel John Santana had said should be sold to pay the debt – "its' very simple, just draw a line down the side of the oak trees to Elser's subdivision." What is this all about????

As to the assisted living portion, I hope you are being very careful about valuation for this parcel, and not leaving a significant amount of money on the table. As you and I discussed, the parcel designated "Reserve" for assisted living (southwest corner), would command a significantly higher sales price and value than any other section of the property because of the higher density associated with assisted living. As you pointed out, it is an ideal location for assisted living if the Hilfiker Extension is built. The orange section on the sketch is the 10 acre delineation approved by the family. I presume that if that section were preserved for a legacy piece, and the Hilfiker Extension were built, the city would need to condemn by imminent domain the sections of the 10 acres that it would need. You've been having those discussions and I would hope you could share that important economic issue, especially as it applies to the legacy piece. You will also note a section of the sketch where I have provided an addition 6 acres for "buyouts" in case a purchaser would opt for more than just the debt section.

I hope this helps.

U John

STATE OF OREGON Marion County Circuit Courts AUG 12 2019 FILED

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Ryhibit 13

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2019-05-28 Ltr JKS to Beneficiaries COVER

Date: 28 May 2019

GARRETT HEMANIN ROBERTSON PC. May 28, 2019 Molly Meyer molly@glassbarngre

Willamette Professional Center 1011 Commercial St. NE Salem, Oregon 97301-1049 Ph: (503) 581-1501 Fax: (503) 581-5891 www.ghrlawyers.com

Via Email Only

molly@glassbarngreenhouse.com

Mary Ann Meyer-Santana santanama2000@aol.com

Peter Meyer pbmeyer@verizon.net

James Meyer jamesImeyer22@gmail.com

John Meyer jkm@caretrust.us **Ouinn Meyer Ouinn**@crees-expeditions.com

Ian Meyer meverian@gmail.com Miranda Spackman miranda.spackman@gmail.com

Annabelle Ahouiyek Annamey2004@yahoo.co.uk

Re: Henry A. Meyer Revocable Living Trust Our File No. 56925001

Dear Beneficiaries:

This letter and the attachment sets out options for the termination of the Henry A. Meyer **Revocable Living Trust.**

The Henry A. Meyer Revocable Living Trust (the Trust)¹ provides that following the termination of the Trust on May 30, 2020, the Trustees have the absolute discretion to sell the assets and distribute the proceeds, distribute assets wholly or partly in kind.

Under Oregon law, a revocable trust such as this Trust is not a business entity but, instead, a contractual relationship. Thus, continuing the Trust beyond the termination date does not specifically conform to the provisions of the Amendment and the direction contained in the Trust itself. Absent unanimous consent to continue the Trust, the Trust must be terminated.

¹ As amended by the First Amendment at Section (C)(8) of Article X

Any remaining items will proceed through a typical estate distribution, where the Trustees will review priority lists of requests from each beneficiary and approve distribution on an equal basis. Any items with multiple requests will be submitted for a credit bid culminating in a sale to the highest bidder.

The Trustees have worked closely, and continue to do so, with Terry Wade of Garrett Hemann Robertson (law firm) and Mark Mueller of Grove Mueller (certified public accountants) who have reviewed and helped prepare this plan and the estimated numbers respectively.

Analysis of Trust Financials

This analysis was completed by the Trustee's and verified by Grove Mueller CPA. Some of the numbers remain as estimates due to information yet to be confirmed.

- 1. Assets
 - a. As of March 29th the Trust's Wells Fargo checking account has a balance of \$12,318.26
 - b. The Trust assets value will be determined by sales price and third-party appraisals
 - c. Assets include, but are not limited to
 - i. Property of 29.33 acres including outbuildings (Acc# R86578)
 - ii. Property of 0.42 acres including farm house (Acc# R86579)
 - iii. The Meyer Family Company, (DBA The Glass Barn)
 - iv. The Excalibur car
 - v. Farm equipment, furniture/home goods and items in the storage barns.

2. Liabilities

- a. The Trust owes a substantial debt to the estate of TH Meyer
- i. A settlement agreement was reached to pay TH Meyer's estate a total \$1,224,788 upon sale of real property by July of 2020 to settle all outstanding debt and interest owed to TH Meyer's estate.
- b. The Trust owes for uncompensated work hours undertaken by beneficiaries making claims (approved by consensus of the beneficiaries in 2012).
 - i. The Trustees have received confirmation from 3 beneficiaries that they will not be submitting a claim and are awaiting claims from the remaining 3.
- c. The Trust currently owes \$83,277.17 (See addendum 1) in deferred property taxes to Marion County. The buyer of the property will have the option at closing to keep this deferment which will be credited to the buyer in closing statements. The Trustees have been informed by the City of Salem that the deferred taxes only become due if the land zoning is changed. Tax deferral is currently applied to approximately 28 acres of the property (See addendum 2). If a homestead parcel is created, farm tax deferral should continue to be associated with the existing acreage currently under tax deferment.
- 3. The annual Trust Operations:
 - a. For 2018 the annual Trust expenses were \$57,062 (which is suppressed as some beneficiaries are contributing their time without compensation) and the annual Trust income was \$53,722. Albeit the smallest it's ever been the Trust still had an operating loss.

May 28, 2019 Page 2

Therefore, the attached plan is being published to all beneficiaries in hopes of inviting input from all beneficiaries to develop the best plan to move forward towards termination and distribution. The Trustees have set a fifteen-day response time for reasonable and constructive comments. Additionally, this plan will be shared with the "next generation" of family members (the sons and daughters of the beneficiaries) for informational purposes only.

As an executive summary, this plan contains the option for an outright sale of the complete real property and an option to divide the real property into two parcels for sale. Beneficiaries will have the option to purchase a "homestead parcel" from the Trust at a fair-market-value price and the remainder of the real property will be sold to an outside party for potential development. Absent agreement, the alternative is to sell the entire, undivided real property for development.

As the "homestead parcel" option, will potentially lower the value of the resulting distribution to beneficiaries, the Trustees are seeking your informed consent as beneficiaries, to proceed to divide the property into two parcels and sell it incurring a possible lower distribution amount as set out both above and in the attached information. If a unanimous agreement to divide the property, as stated above, cannot be achieved within the time period set out above (fifteen days) this plan will be submitted to a court for determination and instruction on the best plan for liquidation and distribution. A simple email to Ian or Molly will suffice to document your consent.

In conclusion, the Trustees:

- Have concluded, based on written communications with beneficiaries, unanimous agreement to extend the trust will not be reached;
- Seek constructive feedback on the attached plan, to be considered by the Trustees;
- Require the Beneficiaries to agree in writing to receiving a possible lower distribution if the property is divided into 2 parcels; and
- Will submit the distribution plan to the court for approval unless full and unanimous agreement is achieved on dividing the property into two parcels by the aforementioned deadline.

Please review the attached information and respond to me within fifteen days with any concerns and/or comments. We appreciate your courtesy and attention to this matter. We will ensure that all communications received from all beneficiaries are forwarded to the Trustees, Ian Meyer and Molly Meyer.

Sincerely,

J. Kevin Shuba jkshuba@ghrlawyers.com

JKS:dkt Enclosure

4851-9856-0919, v. 1



HENRY A MEYER REVOCABLE LIVING TRUST DISSOLUTION PLAN <u>c/o</u> Trustee's: Molly Meyer and Ian Meyer

Dear Beneficiaries,

The Henry A. Meyer Revocable Living Trust was executed on the 18th day of October 1979 by Henry A. Meyer as Trustor and Timothy H. Meyer and John K. Meyer as Trustees and is still in operation.

Upon Henry A. Meyer's death on May 30, 2000, the Henry A. Meyer Revocable Living Trust, became irrevocable and cannot be modified or amended, except as provided by Oregon Statutes.

The Trust powers include, at least, all those trust powers contained in the Uniform Trustee's Powers Act set forth in ORS 130.650 to 130.730 and the currently acting Co-Trustees of the Trust are, Molly Meyer and Ian Meyer. The Trust is due to terminate on May 30th, 2020; 20 years after Henry's death.

The Trustees have been working together to formulate a plan and a schedule on how to terminate the trust in a responsible manner. The Trustees appreciate your patience whilst they have been assembling all of the necessary information to arrive at a solution.

The Trustees recognize the beneficiaries' desire to be informed and it is our hope that this plan, illustrates and explains the Trust's path forward, based on current information. The figures below represent estimates obtained from third parties and will be subject to modification and verification.

Understanding the Trust Termination

As set forth by the Trust, it must terminate 20 years after the death of the Trustor, or May 2020 unless a unanimous vote is obtained by all beneficiaries to extend it. It is the Trustee's understanding, at this time, that at least two beneficiaries have expressed desire for the Trust to be terminated.

In it is important to note at this juncture that the Trustee's remain in full agreement and retain the right to sell and distribute the Trust's assets, and if at any point the Trustees disagree, the beneficiaries will be invited to vote to resolve the deadlock.

The majority of Trust assets are made up of property and its infrastructure, as well as other assets such as (but not limited to) the Meyer Family Company, the Excalibur, farm equipment, furniture and items in the storage barn.

According to Oregon Revised Statues 130. as well as Oregon caselaw the Trustees are required to dissolve the Trust, settle all outstanding debts and distribute all its assets between its beneficiaries. The Trustees are proposing a sale of Trust assets with beneficiaries given an opportunity to purchase certain assets using cash, distribution credits and credit bids.

This illustration below shows the proposed homestead parcel which includes the farmhouse and grounds, all outbuildings, and the oak grove. This parcel has been created as a result of information gathered from appraisers, brokers, engineers and the City of Salem and has been determined the best possible parcel of the property that creates the highest value for beneficiaries at the same time as preserving the largest amount of the farm as reasonably possible. The Trustees also factored the family's emotional connection to the land in the evaluation of this option.



The sales price of the homestead will be determined by the market. Based on the estimated sales price provided by brokers the market value of the homestead parcel is \$632,000; in contrast the appraisal provided an estimated value of \$600,000 for the homestead parcel. The Trustees believe that the sale's price will range between these two numbers.

The Trustees believe it is appropriate to enable beneficiaries, that have shown an interest in a homestead parcel, to secure a portion of the property and would therefore consider selling the homestead parcel with credit for their share of the sale proceeds at distribution.

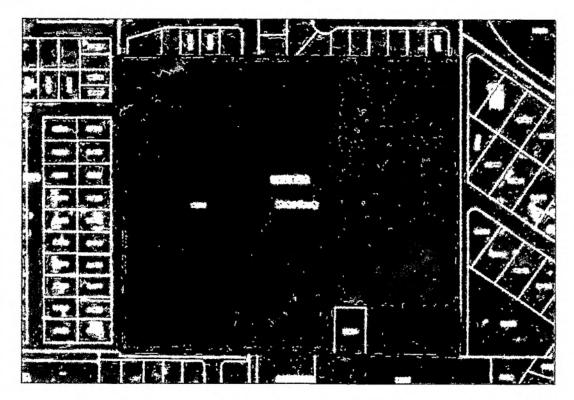
- b. Projected Expenses for 2019 are estimated at \$60,053 and the Projected income is estimated at \$61,140.
 - i. The cost of dissolving the Trust is not included in this projection and is yet to be determined.
 - ii. Beneficiaries 'Uncompensated Income' has not been included in this calculation.
- 4. The Meyer Family Company (DBA Glass Barn):
 - a. The value of the Glass Barn will be determined by a third party in the coming months.

Taking into account, the level of debt incurred and interest accruing, the foreseeable requirement for additional capital investment and the lack of a unity of beneficiaries over the past 19 years, the Co-trustee's conclusion is that: The continued operation of the Trust is financially unsustainable and it will continue to require additional capital investments to operate.

Creation of a Homestead parcel

There has been substantial discussion between beneficiaries seeking the creation of a homestead parcel (approximately 5.0 acres) of land to be made available for beneficiaries. This can be achieved through the creation of a 'successor entity' by one or more beneficiaries, most likely an LLC, who can purchase the homestead parcel from the Trust. The sale price will be determined by the market and beneficiaries will be able to use their trust distribution proceeds as a credit against the purchase price. However, the LLC would have to be formed by participating beneficiaries and able to compete on the open market for purchase of the property.

This illustration shows the current Plat map of the 29.75-acre Parcel, 4540 Pringle Rd. SE Salem Oregon, 97303:



A. Estimated figures for the sale of all property

Estimated Sales Price	\$4,150,000
Cost of Sale inc Tax	-\$1,083,754
Net Proceeds	\$3,066,246
Debt	✓ -\$1,524,778
Distribution Amount	\$1,541,468
Distribution/Beneficairy	\$256,911

B. Estimated figures for the sale of 24.46-acre parcel and the 5.25-acre Homestead parcel. • <u>ESTIMATED TOTAL</u>

Estimated Sales Price	\$3,721,957
Cost of Sale inc. Tax	-\$899,572
Net Proceeds	\$2,822,385
Debt	-\$1,524,778
Distribution Amount	\$1,297,607
Distribution/Beneficairy	\$216,268

24.46 Acres

5.29 Acre Homestead

Estimated Sales Price	\$3,089,957	Estimated Sales Price		\$632,000
Cost of Sale inc. Tax	-\$824,143	Cost of Sale inc. Tax		-\$75,430
Net Proceeds	\$2,265,814	Net Proceeds		\$556,570
Debt	^W -\$1,524,778	Debt	7	\$0
Distribution Amount	\$741,036	Distribution Amount		\$556,570
Distribution/Beneficairy	\$123,506	Distribution/Beneficairy		\$92,762

• Please note that the division of the property into 2 parcels results in a potentially lower sales value. (For more detail please see Addendum 3) Below is an illustration based on three hypothetical Beneficiaries, through a newly formed Llc, using their distribution credits to purchase the Homestead parcel, using estimated Sale and distribution figures: This is for illustration purposes only.

Successor LLC Calculation	
Purchase Price	\$632,000
#of Beneficiaires	3
Distribution credit	\$648,803.30
Remainder Cash Distribution	\$16,803
Cash Distribution/Successor Beneficiaries	\$5,601

In order for the Trust to make a homestead parcel available for beneficiaries to purchase, it would require a signed Memorandum of Understanding (MOU) from a successor entity. The MOU should include the following information for consideration by the Trustees:

- Proof of a Successor Entity
- Ability to Perform
- Intentions for continued use and preservation
- Governing Documents
- Schedule for Purchase

The Trustees have established a 30-day response time from beneficiaries from the date of this letter to provide confirmation of their intention to purchase a homestead parcel by submitting a signed MOU from the designated successor entity.

Sale of Trust Assets

As stated above, to meet the Trust's debt obligations, the Trust will have to sell its real property assets. The Trust has successfully completed its review of five commercial brokers over the past couple of months and has selected 'Real Estate Investment Group' to represent the Trust in the sale of property. The Trustees have begun discussions on how best to market and sell the property and expect to have it listed on the market by June 2019. The Trust has also initiated work with West Tech engineers and a preapplication conference with the city of Salem as part of this process. The sales price is yet to be determined, so estimations are being used in the following illustrations.

Below is a summary of expected distribution totals in addition to verified tax implications and financials for the trust by Grove Mueller:

ADDENDUM 1



Tom Rohlfing, Assessor Nathaniel Combs, Chief Deputy Assessor 555 Court Street NE, STE 2233, Salem, OR 97301 PO Box 14500, Salem, OR 97309 Telephone: (503) 588-5144 Fax: (503) 588-7985 www.co.marion or us/ao

March 11, 2019

lan Meyer 4540 Pringle Road SE Salem, OR 97302

RE: Account Number(s) – R86578 Location – 4540 PRINGLE RD SE

Dear Requestor:

Per your request, we have calculated the amount of taxes deferred on the above-mentioned property. Should it be removed from special assessment, the figures are as follows:

Special Assessment	Calculated Amount
Program	Deferred
Non-EFU Farmland	\$83,277.17

If the property is removed from this special assessment program within **90** days from the date of the request, the \$75 calculation fee (receipt enclosed) will be credited to the total deferred tax. If the total deferred taxes are paid in full, a 3% discount will be applied.

If you have any questions, please feel free to call me at (503) 588-5049 or e-mail me at assessor@co.marion.or.us

Sincerely,

J

Christina Wilkes Assessment Clerk Rural Appraisal Section

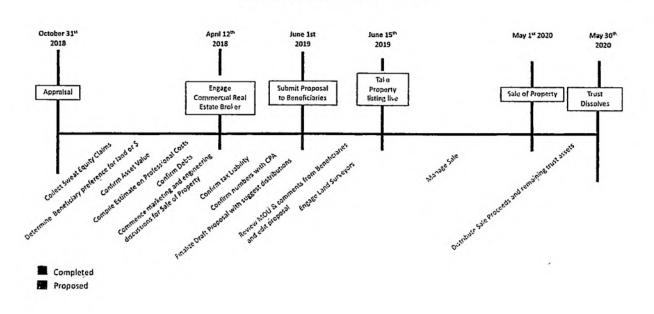
[Enclosure]

to GROEPDIR A Score EXRM 2017 Account files RSON Systemational Lever Second

Timeline

This timeline reflects a best-case scenario, based on discussions with multiple commercial real estate brokers. It will require continual adjustments, following input from brokers, engineers, the city of Salem, buyers and more detailed market analysis.

TIMELINE FOR DISSOLUTION OF TRUST



The Trustees welcome your comments or questions in the next 30 days in regard to this plan from any beneficiary. It is also our intention to send a summary of this to the next generation, for informational purposes in order to provide them a status update.

Sincerely

lan & Molly

Co-Trustee's Henry A. Meyer Revocable Living Trust

ADDENDUM 2

Hailed 4-19-16

Tom Rohlfing, Accessor Steve Miner, Chief Deputy Ascessor 555 Court St. NE, Soite 2233, Salem, OR 97301 PO Box 14500, Salem, OR 97309 Telephone (503) 588-5144 Fax: (503) 588-7985 <u>WWW.69</u> mation.org/s/ap

> Spoke to Amy Kennedy # 1-26-2016 to per if received. Yes, your salmission chard every thing up. It's ok. Talk to you

west year.

Phy Account number(s) - R86578 Location - 4540 Pringle Road SF.

Marion County

OREGON

ASSESSOR'S OFFICE

Dear Property Owner(s)

SALEM, OR 97302

HENRY A MEYER RI & MEYER, TIMOTHY H TRE & MEYER, JOHN K TRE 4540 PRINGLE RD SE

April 15, 2016

-

In reviewing the Gross Farm Income Questionnaire that you submitted, we found that some clarification is needed. Please provide the information below and indicate the respective areas on the enclosed aerial photo.

Acres Furmed	Product Produced or Services Provided on these Acres	2014 Income Received	2015 Income Received
_ یا یہ قدر	din a tratante	1,4/3	4,250
-7	A and a standard from the		

Please provide this information in writing by April 25, 2016. If you have any questions, please feel free to call our office at (503) 589-5049 or send un e-mail to <u>assessor@co.orgiton.or.ov.</u> If you'd rather come to the office in person, it is recommended you call ahead.

Sincerely.

Christina Wilkes Assessment Clerk

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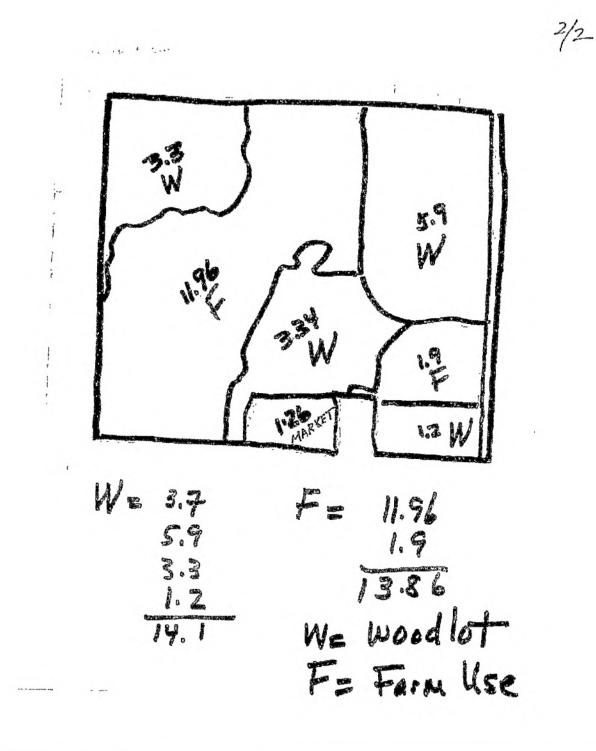
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Senior Assessment Clerk

[Enclosure]

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Verified Correct Copy of Original 8/13/2019.



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ADDENDUM 3 Working Estimate Calculations for Sale of All Property

Henry Meyer Trust Sele of Property - Working Estimate Calculations Entire Property 29.75 acres

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iales Price	4,150,000			
tof Acres .	29.75			
riginal Basis	(1,190,000)			
mprovements	(279,112)			
Accumulated Depreciation	77,073			
ain on Sale	2,757,961			
		Commission:		
ommissions (6%)	(196,000)	5% of 1st 3,000,000 150,000		
et Galn	2,561,961	4% above 46,000		
stimated Attorney/Engineering Fee	(40,000)			
stimated Accountant Fees				
tet Operating Loss C/F	(10,000) (258,940) Limited to 80% of income			
er Operating Loss C/F	(258,940) Limited to 80% of income			
let Income	2,253,021			
stimated Tax - Federal	(447,564) Calculation Includes deduction	on for state tax		
-1007	(85,235)		Estimated Sales Price	\$4,150,000
stimated Tax-State	(221,681) Federal Deduction Limited to	(10,600)	Cost of Sale Inc Tax	-\$1,083,754
			Wet Proceeds	\$3,066,246
let Income After Tax	1,498,541		Debt	\$1,524,778
			Distribution Amount Distribution/Beneficairy	\$1,541,468 \$256,911
let Cash Flow				
Proceeds from Sale	3,954,000 (Sales Price less commissions)			
Expenses:				
Attorney/Engineering Fees	(40,000)			
Accountant Fees	(10,000)	Rezi Estate Tax Recapture:		
Real Estate Tax Recapture	(83,274)	Tax Deferral per acre 2,846.00		
Taxes	(754,480)			
	3,066,246			
Repayment of Debt	(1,224,778)			
Estimated Sweat Equity	(300,000)			
	1,541,468			

Verified Correct Copy of Original 8/13/2019.

Working Estimate Calculations for Sale of Property retaining Homestead

Heavy Mayer Trust Safa of Property-Working Estimate Calculation Satisfy Honorchand 5.20 Arms

Sales Price	3,003,957	
# al Acres	24.45	
Original Basis	(978,400)	
Gath on Sale	2,111,557	
Commitmiens (5%)	(153,553) Comminian: 5% ef1xt 3,000,000	150.000
Net Gein -	1.957,959 4% abart	3,598
Edinated Attomay Englocering For	(KD,000)	
Extimated Account and Fers	(19,000)	
Net Operating Loss C/F	(258,940) Unsited to 80% of income	
Ret facome	1,649,019	
Estimated Tan-Federal	(326,764) Calculation Includes deducti	an for state tax
-827	(62,283)	
Extinated Tax-State	[141,685] Federal Deduction Unded to	, tao
Het Income Alter Tax	1,098,687	
Nat Cash Flow Proceedsfrom Sale	2,936,357 GelesPriories countries	
Expenses		
Attorney/Engineering Fees	(40,000)	
Accountint Fee	(10,000) Bell Estate Recupture	
Real Excels Tex Receptore	(69,613) Tes Deferral par acro	2,845.00
Tares	(550,971)	
	2,265,814	
Reptyment of Debt	(1.234,776)	
Extended Sweek Equity	(300,000) 741,035	
Per beneficiary for 24.45 Acre	121.506	

Exponent EngineeringFeet	610,0000	
Exercise Form Sale	\$32,000	
Net Cash Rev Proceeds Ince Sale	G	
Net thesing After Tax	142,931	
Estimated Vac-State	(19,260) Foliard Deduction Limitor	(10,000)
-1017	(7,534)	
Estimated Tex-Federal	[38,632] Calculation includes deduction	for state tax
Het Income	203,561	
Engineering Fees	[10,000]	
Net Gain	210,361	
Committations (6%)	o	
Gala on Sala	210,361	
Toprovements & Accomutated Depres	Satian (413,639)	
Suice Price Ref Acres	632,000 5.29	

. '.

Estimated Sales Price	\$1,721,957
Cent of Sale Inc. Tax	-5899,572
Net Proceeds	\$2,822,535
Delle	F -\$1,524,778
Distribution Amount	\$1,257,607
Clatribution/Reportering	\$218,263

farcener LLC Calcolation	
Parchase Price	\$532,000
#sf8enc0dates	
Dharibation credit	\$648,803.30
Bemainder Cash Distribution	\$16,803
Cash Distribution/Successor Beneficiartes	\$5,601

Entheated Sales Price	\$3,039,957
Cestof Scieloc. Tax	-5424,143
Het Proceeds	\$2,255,814
Debt	F-51,524,778
Distribution American	\$743,036
Distribution/Semelicalry	\$123,506

Colimated Sales Price	_	\$432,000
Cost of Sale Inc. Tes		-575,430
Net Proceeds		\$556,570
Debs		\$0
District ootraching		\$\$\$6,570
Distribution/Deservicelry		\$92,762

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THM Debt Settlement Agreement 1-23-19 COVER Date: 23 January 2019

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Ephibit 14

Willamette Professional Center 1011 Commercial St. NE Salem, Oregon 97301-1049 Ph: (503) 581-1501 Fax: (503) 581-5891 www.ghrlawyers.com

GIOARRETT HEMANN ROBERTSON INC.

Re: Henry A. Meyer Revocable Living Trust Administration Our File No. 56925001

Dear Mrs. Meyer:

This follows up our prior correspondence with you, to confirm the debt owed by the Henry A. Meyer Revocable Living Trust to the Timothy H. Meyer Estate. You, and your attorney, Gordon Hanna, have provided our office with copies of various promissory notes made by the Henry A. Meyer Revocable Living Trust and owed to Tim over the years.

Because the interest rates on these various notes were not specified (in some cases), we are unable to determine the accrued interest on each of these amounts with any specificity. Although we understand that interest was intended to be included in each note, the Trustees cannot determine that interest and, therefore, will pay the principal balances due but will not pay accrued interest.

A portion of this debt becomes due in July 2020, while other notes have no maturity dates. In settlement of all debt obligations to Tim's estate, the Trustees agree that full payment of the principal balance of \$1,224,778.00 will be made upon sale of the real property. and in no event will distributions to beneficiaries from the Trust occur before this amount is paid.

If you have questions or would like to discuss this settlement in greater detail, please contact the Trustees, or this office. We appreciate your courtesy in this matter.

Sincerely,

Theresa M. Wade twade@ghrlawyers.com TMW:crw

ACKNOWLEDGED AND AGREED TO:

lan Meyer, Trus

Molly Meyer, Trus

lan Meyer, Trustee - Via email; Molly Meyer. Trustee - Via email c: 4835-9592-5638, v. 1



Verified Correct Copy of Original 8/13/2019.

elser plan_jkm 6-27-19 COVER

Date: 27 June 2019

STATE OF OREGON Marion County Circuit Courts AUG 12 2019 FILED

19PB06270

Exhibit 15

June 27, 2019

Dear Ian and Molly,

I am writing to present an alternate plan to liquidate the Trust's obligation to Tim's estate. For simplicity, I will call it *The Elser Plan.*

A few months before Tim died, James and I helped draw up a plan to sell five acres along our northern property line (the original Elser farm). The intent was to raise money for the farm to hire a farm/GB manager, provide funding to renovate and restore farm buildings, give Molly an opportunity to withdraw from day-to-day responsibilities, and to partially pay down Tim's debt. Tim liked the plan - it would pay down a proportionate share of his family's debt and provide working capital for the farm. He offered to waive interest on his debt. James felt it would be practical and attractive to a buyer because it connected with an established residential community and minimized City of Salem transportation impacts. It was the ideal section of the property for this. The plan also preserved essential elements of the farm and showed how the family could work together.

The Elser Plan

The Trust transfers enough land in the northern section of the farm (along the Elser property line) to entirely liquidate the Trust's obligation to Tim's estate. Once the transfer is made, Ian can withdraw as Trustee, having successfully carried out Tim's request he be appointed "to protect his family's interests." I believe Tim would say, "Job well done. Now let the family work the rest out." That is also consistent with my support of Tim's final request to have Ian appointed instead of me.

The remainder of the Trust transition issues will be worked out by the Trust under the existing Trust governance structure. Nothing else is needed other than the appointment of a new trustee by majority vote, something that has been done smoothly by the Trust numerous times in the past, just as it was done for Ian's appointment.

This plan liquidates the Trust's obligation to Tim's estate and provides an option for each beneficiary that wants out to get out, and if they chose, to set a floor price for liquidation of their interest. It provides time for the trustees to respond to the open questions about taxes, the disposition of the remainder of Trust property, the Hilfiker Extension, etc., as they must do to protect each beneficiary's interest under Oregon Statutes. The plan puts a halt to the 'fire sale" and the issue of whether the farm is being sold to pay Tim's estate.

In short, the Elser Plan liquidates the Trust's obligations and provides a simple solution to resolve the legal and emotional issues we are facing about the future of the farm.

John

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MEYER FAMILY FARM PRELIMINARY ELEMENTS BUSINESS PLAN





This report is not yet a complete business plan, but rather the beginning framework for a formal plan to come pending receipt of financials.



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Established in 1947, the Meyer Family Farm is a delightfully unexpected and unique 30-acre farm located in south Salem, Oregon. Guided by Henry and Marian Meyer's values and dedication to family, friends, and community, the Farm strives to provide a magical place to gather and feel inspired by their love and thoughtfulness, creativity and hard work, integrity, and social responsibility.

The Farm's succession team is driven by shared family values, and a vision, purpose, and commitment to preserve, restore, and enhance the family farm and its assets, as well as honor Henry and Marian's legacy for future generations — ensuring an economically-viable farm that contributes to the vitality of its heritage and community.

Henry and Marian's Legacy

Henry and Marian Meyer purchased their beloved 1915 farmhouse and surrounding land on October 17, 1947, moving the family from Portland's hustle and bustle to the hardscrabble Willamette Valley countryside south of Salem. With their hard work and love, the Farm became a magical place for their six children, 17 grandchildren, 29 great-grandchildren, 2 great-great-grandchildren, numerous extended



relatives and friends to experience farm-life, family holidays, and annual summer gatherings.



Generations have grown up running through its oak grove, navigating Split Pea River wetlands, chasing grasshoppers, riding horses, bucking hay, kenneling Kerry Blue Terriers, harvesting filberts and Christmas trees, picking berries, cherries, and pairs of pears, rustling up horses, chickens, ducks, peacocks, dogs, cats, goats, sheep, and llamas, playing games, watching movies, making ice cream, enjoying campfires and late-night sleepovers under the stars, harvesting wild blackberries, festive family gatherings, and a gazillion rousing games of HORSE.

We've also thrilled in the sights and sounds of its prized tree canopies and thriving wildlife. A recent bird count in the Split

Pea River basin noted no less than 14 species including Western Scrub Jays, Song Sparrows, Mourning Doves, Cooper's Hawk, and Black-capped Chickadees during just one hour of observation.

Guided by Grandfather and Grandmother's values and their dedication to family, friends, and community, the Farm provides a valuable and irreplaceable family narrative and reminds us of the importance of our connectedness: where we came from, who we are, and how we can make our environment and World a better place for all.

Today, there are 53 second, third, fourth, and fifth generation descendants. A March 1, 2020 documented poll of 28 adult (over age 18) descendants found 68% (19) affirm support for the preservation of a viable 15acre minimum Meyer Family Farm. Thirty-two percent (9) chose not to respond, neither affirming nor denying their support. (Exhibit 1 Surveymonkey.com Poll)



Property Description

LOCATION: Meyer Family Farm consists of 29.69 acres in South Salem, in Oregon Willamette Valley. The Farm is accessed from Pringle Road SE or South Commercial Street, and is less than five miles from downtown and the State Capitol building. It is surrounded by single-family housing and the soon-to-be developed 5-acre Hilfiker Park to the south. Salem is a vibrant and diverse city with over 163,480 residents having a mean age of 34.6-years-old, 27.5% aged 19 and younger, and a median household income of \$49,126. People who live and work in Salem enjoy its small-town, family-friendly feel. ¹

TOPOGRAPHY, SOILS, AND TREES: The Farm is flat to moderately sloped with a mixture of fields and pasture, oak and conifer woodlots, and creeks. Soils are Jory and Nekium and are desired for agricultural production. *(Exhibit 2D Farm Layout)*

The tree canopy is diverse and unique, with many trees designated "protected" including large diameter Oregon White Oaks within a White Oak savannah (a threatened habitat in Oregon), Henry's North Woods Douglas Firs and Oregon White Oak, and a mixed oak conifer forest with creek, and prized Oregon Black Walnut trees. (Exhibit 2A Tree Survey, Exhibit 2B Oregon White Oak Habitats)



³**BIRDS AND WILDLIFE:** A recent bird count by Salem Audubon Society noted no less than 14 different bird species in one hour of observation, including Song Sparrows, Mourning Doves, Cooper's Hawk, and Black-capped Chickadees. Red Tailed Hawks, Rufus Hummingbirds, Great Horned Owls, Wild Turkeys, Merlin Falcons, and all sorts of deer, coyotes, skunks and rabbits call the Farm home. *(Exhibit 2C Bird Inventory)*

UTILITIES: The Farm's water and sanitary systems are with on-site wells and septic systems, with public utility connections for natural gas and electricity.

ZONING: The Farm is within Salem city limits and zoned Residential Agriculture (RA) — a valuable classification for preserving and promoting agricultural uses within the city. (*Exhibit 2E RA Zoning*)

IMPROVEMENTS:

- 3,503 sf thoughtfully updated 1915 farmhouse featuring four-bedrooms, three-baths with fireplace, living room, family room, dining room, open kitchen, laundry, attached garage with full bathroom, and covered porch,
- 3,072 sf commercial, gas heated, permanent greenhouse built in 1976,
- 1,980 sf glass barn-shaped greenhouse retail space built in 1976,
- 1,400 sf attached garage/living quarters/retail/office/community space built in 1976,
- 960 sf detached garage built in 1976,
- 1,040 sf stables were built in mid-1950s,
- 240 sf small-detached garage built in mid-1950s,
- 920 sf shop with tools and equipment built in mid-1950s,
- 1,760 sf loft barn and hay cover was constructed in the early 1900s,
- 14 acres of woodlot, including a native Oregon White Oak grove, Henry's North Woods with Douglas Fir and Oregon White Oak, and a mixed oak conifer forest with creek, and prized black walnuts,
- 14 acres of designated farmland, with hayfield and pasture land,
- tractor with implements,
- two natural wells (with potential for securing commercial water rights),
- extensive yard, work area, and parking,
- small collection of chickens, goats, llamas, sheep, and horses.

(Exhibit 2D Farm Layout, Exhibit 2E RA Zoning, Exhibit 2F Non EFU Zone)

Meyer Family Farming and Business Activities

Since the Meyer Family Farm was purchased in 1947, family members have engaged in a variety of farm businesses activities. These businesses became an integral part of the farming activities and family heritage.

Historic farming and business activities have included:

- Filbert orchard harvesting
- Christmas tree harvesting
- Kenneling of Kerry Blue Terriers
- Equine stabling and riding lessons
- Interior design, decorating office, showroom
- Hay harvesting
- Raising llamas
- Greenhouse, nursery sales, and interior plant leasing and maintenance known as the Glass Barn, family-owned and -operated 1976 (Exhibit 3A Glass Barn)
- Farmhouse Rental Farm-oriented Vacation Rentals By Owner (VRBO) (Exhibit 3B Farmhouse VRBO)





MEYER FAMILY FARM PRELIMINARY ELEMENTS BUSINESS PLAN 2020

Future: Meyer Family Farm

alleh

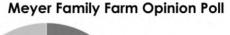
Salem, Oregon Salem, Oregon HEDRY & MARINI Looking to the future, it is anticipated that the business and governance activities of the Farm will be replaced by a family governance structure in the framework of a Limited Liability Company (LLC). It is expected that existing businesses, including equine activities, horticulture and interior plantscaping, the Glass Barn, and the short-term rental of the Farmhouse will continue as the LLC transition team closely evaluates them, along with new business ventures, such as leasing land to an experienced farmer. (Exhibit 3A Glass Barn, Exhibit 3B Farmhouse VRBO)

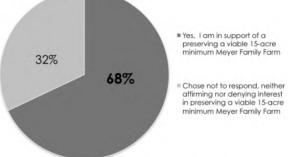
The transition team will likely seek a qualified operator capable of maximizing the property's potential via a long-term management and operational lease of the property's facilities and land. This might include

leasing a portion of the Farm to a nursery, landscape, or tree services company looking to add a mid-Willamette Valley location within close proximity to a large customer base.

Concurrently, the LLC will evaluate hiring a farm manager and engaging a full time manager for the Glass Barn business. According to current IBIS *World* industry reports, nursery and garden markets are "in full bloom" with a rise in the purchasing of small houseplants and succulents for every budget and all work and living spaces. "Over the five years to 2024, industry revenue is forecast to continue to rise as economic conditions will likely remain stable. … The industry will also likely benefit from a growing millennial demographic interested in small plants, gardening and organic produce. As a result, industry revenue is forecast to rise at an annualized rate of 1.8% to \$54.5 billion over the next five years."² (Exhibit 4A 44422 Nursery - Garden Stores in the US Industry Report, Exhibit 4B 11 1114 RMA Greenhouse Nursery data)

STAKEHOLDERS: Henry and Marian Meyer's descendants include 17 grandchildren, 29 greatgrandchildren, 2 great-great-grandchildren. Many have professional skills and interests that can readily be applied to the Farm's ongoing and future business activities. A March 1, 2020 documented poll of 28 adult (over age 18) descendants found 68% (19) affirm support for the preservation of a viable 15-acre minimum Meyer Family Farm. Thirty-two percent (9) chose not to respond, peither affirming per denving their support





respond, neither affirming nor denying their support. (Exhibit 1 Surveymonkey.com Poll)

CURRENT MARKET INDUSTRY INDICATORS: The property is well-suited for an established diverse agriculture services business such as retail interior plant and nursery stock, landscaping or tree services, or biodynamic, dry or conventional farming of bees, berries, vegetables, mushrooms, flowers, hay, pasture, herbs, fiber animals, goats, hogs, horses, poultry, chicken eggs, rabbits, sheep, and equine stabling. Being we are in an urban site and not Exclusive Farm Use (EFU) zoning, we have some limitations related to our RA zoning, but all of our existing activities (livestock, stabling, horticulture, vegetable production) are expected to continue. *(Exhibit 2F Non EFU Zone)*

Meyer Family Farm 5-Year Outlook

	2020	2021	2022	2023	2024
Begin Year Cash Balance	\$ 13,115	\$ 31,898	\$ 51,554	\$ 73,031	\$ 95,469
Existing Operations - net of expenses					
Glass Barn Rent	\$ 12,000	\$ 12,240	\$ 12,485	\$ 12,734	\$ 12,989
Glass Barn Business	\$ 13,203	\$ 14,691	\$ 16,233	\$ 17,831	\$ 19,487
Farmhouse Rental	\$ 36,382	\$ 36,382	\$ 37,110	\$ 37,110	\$ 37,852
Farming, Equine, Animals	\$ (9,699)	\$ (9,893)	\$ (9,910)	\$ (10,108)	\$ (10,193)
Administration, maintenance, taxes, etc.	\$ (33,103)	\$ (33,765)	\$ (34,440)	\$ (35,129)	\$ (35,832)
After tax net income - operations	\$ 18,783	\$ 19,655	\$ 21,478	\$ 22,438	\$ 24,303
Year End Cash Balance	\$ 31,898	\$ 51,553	\$ 73,032	\$ 95,469	\$ 119,772

Notes and Assumptions

Does not include impacts of new business investment or potential farm leases Assumes only marginal revenue increases and business optimization from Glass Barn operations Assumes hiring \$30k/yr full-time GB manager in 2020

Glass Barn Greenhouse



SHORT-TERM PLAN

As mentioned, farm operations will be structured under a new limited liability company (LLC) – and there will be opportunities for all family members to become members of the management group. The LLC will operate as a for-profit business generating positive cash flow to meet and exceed expenses. The transition team will focus on profit enhancement of existing businesses, new mid- and long-range investment opportunities, and succession planning. Profitability of the Glass Barn will be enhanced under new management, and new farming activities will attract additional Farmhouse VRBO rentals.

The Meyer Family Farm business name is registered with the Oregon Secretary of State, and there is a new logo featuring one of the Farm's cherished trees symbolizing strength, morale, resistance, and knowledge and eight dots, representing the seeds sowed and nurtured by Henry and Marian and their six children. (Exhibit 3C New Name and Logo)

The transition team expects to partner with a small farmer to provide the community and local restaurants fresh ingredients, community food sharing and education, and/or on-site pop up dining experiences. Meyer Family Farm has received interest from four (4) qualified small farmers interested in a lease opportunity. *(Exhibit 5A Small Farmers LOI)*

SHORT-, MID-, LONG-TERM PLAN

As we hit the ground with our existing business activities, one of our goals is to seek a qualified operator capable of maximizing the property's potential via a long-term management and operational lease of the property's facilities and land. Major capital improvements will need to be made, but we believe the new LLC will be profitable.

Ongoing: practice regular planning and goal-setting, track progress, and conduct assessments to grow, diversify, adapt, and evolve. Research market and industry trends. Test feasibility and resources. Seek viable partners.

GROW THE GLASS BARN BUSINESS

Take advantage of the growth in natural interior plantscaping by expanding the Glass Barn's retail inventory and sales. (Exhibit 4A 44422 Nursery - Garden Stores in the US Industry Report)

LEASE LAND & IMPROVEMENTS

Partner with an established business and lease improvements.

URBAN FARMING & COMMUNITY SUPPORTED AGRICULTURE (CSA)

Urban farming in Oregon has grown in popularity over the last 10-15 years and continues to gain traction to efficiently meet local demand. When operated sustainably, these small urban farms benefit the environment – they reduce the agricultural energy footprint and they can provide local families fresh, nutritious, less expensive, and easily available ingredients to put on their tables. Oftentimes, small urban farms include a community component such as providing ingredients for local restaurants menus or educational opportunities for children such as partnering with Oregon's Farm to School program or Marion Polk Food Share.

MODELS: Olde Moon Farm (Silverton), Zenger Farms (Portland), Urban Farm Collective, OSU Extension Service Small Farms, Oregon Farm Link, Santa Clara University Forge Garden (Santa Clara, CA) (Exhibit 5A Small Farmers LOI, Exhibit 5C Model Forge Garden Sustainability Report, Exhibit 5D Model Farm to Table)

FARM TO SCHOOL EDUCATION (GRANT OPPORTUNITIES)/OSU 4-H PROGRAMS/FOOD SHARE

Students gain access to healthy, local foods as well as education opportunities such as school gardens, cooking lessons, and farm field trips. Farm to school empowers children and their families to make informed food choices while strengthening the local economy and contributing to vibrant communities. In addition, 4-H empowers young people with hands-on learning experiences to help them grow and thrive. By creating a safe and welcoming environment, young people develop the skills needed to make a positive impact on the world around them.

MODELS: Partner with Oregon Farm to School and School Garden Network (OFSSGN), Marion Polk Food Share, OSU Extension Service 4-H Youth Development, Santa Clara University Forge Garden – Forge to Fork Kids Culinary Club

(Exhibit 5A Small Farmers LOI, Exhibit 5B Model Marion Polk Food Share, Exhibit 5C Model Forge Garden Sustainability Report, Exhibit 5D Model Farm to Table, Exhibit 5E Model Farm to School Network)

FARM TO TABLE COMMUNAL EXPERIENCES

Farm-to-table offerings continue to grow and evolve. One of the most distinct advantages for restaurants is a partnership with a local farm. Chefs are able to work closely with a farmer to plan and grow varieties of foods to complement a restaurants dishes and menu and provide their customers with fresh from the Farm fruits, vegetables, nuts, and berries harvested at the peak of flavor and nutrition. Chefs could host family-style meals on-site. Alfresco dinners are extremely popular.

MODELS: G-Love (Portland), The Side Yard (Portland) Meriwether's Restaurant & Skyline Farm (Portland), Rafns' Restaurant (Salem), Lawrence Farms/Rainshadow Organics (Sisters), Abbey Road Farm (Carlton), Douglas Farm (Sauvie Island), Luscher Farm (West Linn), Portland Pop Up Restaurants - Melvin Trindad (Portland)

(Exhibit 5A Small Farmers LOI, Exhibit 5B Model Marion Polk Food Share, Exhibit 5C Model Forge Garden Sustainability Report, Exhibit 5D Model Farm to Table, Exhibit 5E Model Farm to School Network)

FOOD HALL

Similar to Salem's first food hall, Fork Forty, the commercial greenhouse could be converted into a collection of food cart-style vendors under one roof. Year-round. Cart owners would share a co-op garden to grow their own ingredients such as herbs and vegetables. Serve the community and families visiting Hilfiker Park.

MODELS: Fork Forty (Salem), Pine Street Market (Portland), BG Food Cartel (Beaverton) (Exhibit 5F Food Halls)

OFF-LEASH DOG PARK

Currently there are two off-leash dog parks in Salem: Minto-Brown Island Park and Orchard Heights Park, neither located in SE Salem. To complement south Salem and the Farm's surrounding neighborhood and Hilfiker Park, an off-leash dog park would be an enhancement for the community. *MODELS: BringFido.com*

(Exhibit 5G Off-Leash Dog Parks in Salem, OR)



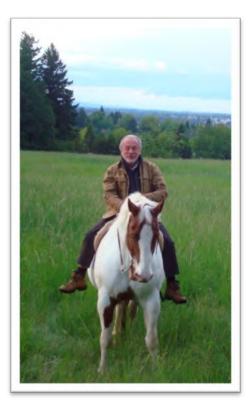
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In this report, we have touched on a number of well-researched, economically-viable opportunities for the Meyer Family Farm to analyze, strategize, and execute. We have proven interest from four small farmers, realistic market confidence through an industry report, profitable business models, and available expert resources.

An over two-thirds (2/3) majority of adult descendants have documented their support to preserve the Meyer Family Farm.

The Meyer Family Farm transition team is accomplished and experienced, and has the desire, motivation, and confidence to engage in the community as a contributing and profitable business.

In addition, the teams are hopeful and excited to ensure the Farm's success and ability to share Henry and Marian's traditions and legacy for generations to come.



From: Tim Meyer Subject: Letter from Uncle Tim Date: April 22, 2018

Dear Nieces and Nephews,

Thank you for your loyalty and thoughtfulness which has been recognised and greatly appreciated, and I know you are going to carry the legacy and vision of your grandparents to continue enjoying and appreciating the privileges to be brought up in such a wonderful place.

May your journeys be happy and fulfilling.

Tim

¹ https://www.cityofsalem.net/Pages/demographics

² IBISWorld Industry Report (Exhibit 4A 44422 Nursery - Garden Stores in the US Industry Report, page 5)

³ Great Horned Owl © David Allen Sibley https://www.audubon.org/bird-guide

SCHEDULE OF EXHIBITS

Exhibit 1 Surveymonkey.com Poll Exhibit 2A Tree Survey Exhibit 2B Oregon White Oak Habitats Exhibit 2C Bird Inventory Exhibit 2D Farm Layout Exhibit 2E RA Zoning Exhibit 2F Non EFU Zone Exhibit 3A Glass Barn Exhibit 3B Farmhouse VRBO Exhibit 3C New Name and Logo Exhibit 4A 44422 Nursery - Garden Stores in the US Industry Report Exhibit 4B 11 1114 RMA Greenhouse Nursery data Exhibit 5A Small Farmers LOI Exhibit 5B Model Marion Polk Food Share Exhibit 5C Model Forge Garden Sustainability Report Exhibit 5D Model Farm to Table Exhibit 5E Model Farm to School Network Exhibit 5F Food Halls Exhibit 5G Off-Leash Dog Parks in Salem, OR

From: meyerfamilyfarmoregon@gmail.com via SurveyMonkey member@surveymonkeyuser.com

- Subject: Share Your Opinion Meyer Family Farm Opinion Poll
 - Date: February 26, 2020 at 11:49 AM

To:

Meyer Family Farm Opinion Poll

Hello, Family Members,

We are asking all 2nd, 3rd, and 4th generation direct Meyer family descendants over the age of 18 to participate in our poll. Click the button below to share your opinion before March 1, 2020 5pm GMT. Once the poll closes or everyone has responded, we will report the results. Thank you in advance for your participation!

Sincerely, Kieley, Tasha, James S., and Annalise For questions or comments, reply to meyerfamilyfarmoregon@gmail.com

Share Your Opinion Here

Please do not forward this email as its survey link is unique to you. $\frac{Privacy}{Unsubscribe}$





Meyer Family Farm Opinion Poll

Your opinion

matters!

Henry A and Marian L Meyer purchased their beloved 1915 farmhouse and surrounding land on October 17, 1947, moving the family from Portland's hustle and bustle to the hardscrabble countryside. With hard work and a lot of love, the 30-acre Meyer Family Farm became a magical place for their six children, 17 grandchildren, 29 great-grandchildren, 2 great-greatgrandchildren, and numerous extended relatives and friends to experience farm-life, family holidays, and annual summer gatherings.

Generations have grown up running through its oak grove, navigating Split Pea River wetlands, chasing grasshoppers, riding horses, bucking hay, kenneling Kerry Blue Terriers, harvesting filberts and Christmas trees, picking berries, cherries, and pairs of pears, rustling up horses, chickens, ducks, peacocks, dogs, cats, goats, sheep, and llamas, playing games, watching movies, making ice cream, enjoying campfires and late-night sleepovers under the stars, harvesting wild blackberries, festive family gatherings, and a gazillion rousing games of HORSE.

We've also thrilled in the sights and sounds of its prized tree canopies and thriving wildlife. A recent bird count in the Split Pea River basin noted no less than 14 species including Western Scrub Jays, Song Sparrows, Mourning Doves, Cooper's Hawk, and Black-capped Chickadees

during just one hour of observation.

Guided by Grandfather and Grandmother's values and their dedication to family, friends, and community, the Farm provides a valuable and irreplaceable family narrative and reminds us of the importance of our connectedness: where we came from, who we are, and how we can make our environment and World a better place for all.

Today, there are five living beneficiaries and 48 contingent second, third, fourth, and fifth generation beneficiaries of the Henry A Meyer Revocable Living Trust. Among our 53 direct descendants, 28 are over the age of 18.

As the Trust ends this May 30, 2020, we encourage family members to work toward a solution, together, that respects and benefits us all. Some beneficiaries have voiced their preference to carve off and sell the Farm's highest-value, prime development land and cash out. At the same time, there are beneficiaries and family members who are passionate about our Meyer Family Farm and would like to retain the house and surrounding farmland.

While trustees' wheels are in motion to sell the entire Farm, every effort is being made to allow for a mutually beneficial agreement where beneficiaries have the option to cash out or retain an important 15-acre parcel to support sustaining, income-producing opportunities, safeguard its farm and woodlot tax deferrals, and allow all family members the opportunity to continue to gather at this special place we affectionately call The Farm. With an exciting, feasible plan for a profitable farm operation that contributes to the vitality of its heritage and community, Meyer Family Farm organizers are driven by purpose, shared values, and a cohesive vision and commitment to restore and revitalize the Farm to ensure its existence for you and generations to come, at no cost to you.

A 75th anniversary celebration is right around the corner in 2022! The Farm is irreplaceable and once gone, our family will never be the same. We invite you (all second, third, and fourth adult descendants) to take this opportunity to share your voice.

* Your opinion matters! Please express your viewpoint before Sunday, March 1:

○ Yes, I am in support of a preserving a viable 15-acre minimum Meyer Family Farm

○ No, I am not in support of preserving the Meyer Family Farm

Sent thank you

FROM: meyerfamilyfarmoregon@gmail.com via SurveyMonkey

DATE: Wednesday, February 26, 2020 3:30 PM

SENT TO: 1 recipient

SUBJECT: Thank you for sharing your opinion!

MESSAGE:

Meyer Family Farm Opinion Poll

We appreciate your valuable feedback. We'll provide results after the poll closes this Sunday, 5pm GMT. If you encounter any difficulties or have questions or additional feedback, you can reach us through meyerfamilyfarmoregon@gmail.com. Thank you!

Sincerely, Kieley, Tasha, James S., and Annalise

> Please do not forward this email as its survey link is unique to you. <u>Privacy | Unsubscribe</u>



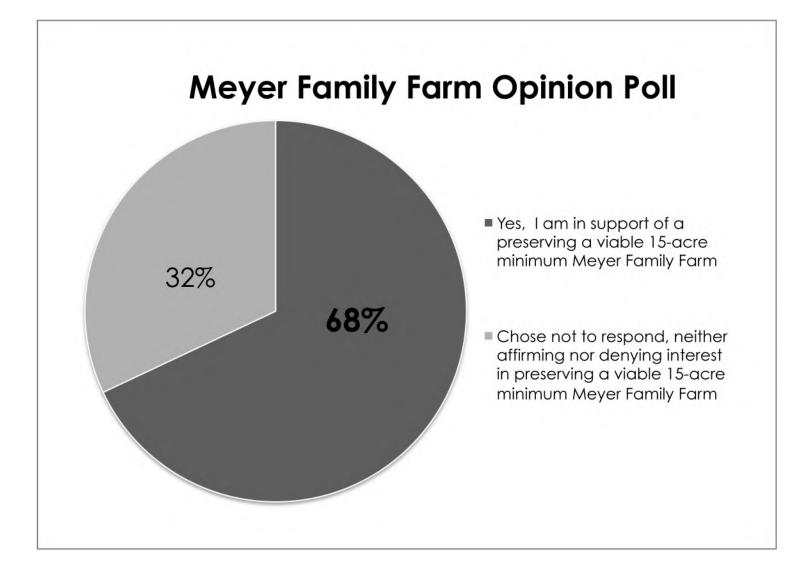
Meyer Family Farm Opinion Poll

Yes, I am in support of a preserving a viable 15-acre minimum Meyer Family Farm No, I am not in support of preserving the Meyer Family Farm

Email	Generation	First Name	Last Name	Sent	Bounce	Responded	Response
	2G	James		Yes	No		
	2G	John		Yes	No		
	2G	Mary Ann		Yes	No		
	2G	Molly		Yes	No		
	2G	Peter		Yes	No		
	3G	Annabelle		Yes	No		
	3G	Annalise		Yes	No		
	3G	CJ		Yes	No		
	3G	Dylan		Yes	No		
	3G	lan		Yes	No		
	3G	James		Yes	No		
	3G	Joey		Yes	No		
	3G	John		Yes	No		
	3G	Kerstin		Yes	No		
	3G	Kieley		Yes	No		
	3G	Lauren		Yes	No		
	3G	Mckenzie		Yes	No		
	3G	Miranda		Yes	No		
	3G	Molly		Yes	No		
	3G	Nick		Yes	No		
	3G	Quinn		Yes	No		
	3G	Tasha		Yes	No		
	4G	Amanda		Yes	No		
	4G	Camille		Yes	No		
	4G	Katie		Yes	No		
	4G	Marissa		Yes	No		
	4G	Pauline		Yes	No		
	4G	Tim		Yes	No		

19 of 28 (68%) Chose, Yes, affirming support to preserve a viable 15-acre mimimum Meyer Family Farm 9 of 28 (32%) Chose No Reponse (NR), neither affirming nor denying interest in preserving a viable 15acre minimum Meyer Family Farm

Personally identifiable information has been redacted to respect privacy





Results: Meyer Family Farm Opinion Poll

1 message

Meyer Family Farm <meyerfamilyfarmoregon@gmail.com> To: Meyer Family Farm <meyerfamilyfarmoregon@gmail.com> Bcc: Tue, Mar 10, 2020 at 1:00 PM

Hello, Family Members,

As promised, we are reporting the results of our Meyer Family Farm Opinion Poll.

Over 2/3rds majority of all 2nd, 3rd, and 4th generation Meyer Farm direct descendants over the age of 18 support preserving a viable 15-acre minimum Meyer Family Farm. There were no opinions shared in opposition.

We feel the results are significant and thank those who shared their opinion!

Sincerely, Kieley, Tasha, James S, Annalise



February 26, 2021

Honorable Thomas M. Hart Marion County Circuit Court PO Box 12869 Salem, OR 97309 Ms. Michelle Morrow, Trustee c/o David L Carlson, PC 1845 Commercial St, SE Salem, OR 97309

RE: Henry A. Meyer Revocable Living Trust, Marion County Circuit Court Case No. 19PB06270

Dear Judge Hart and Trustee Ms. Morrow,

I write on behalf of 23 of Henry and Marian Meyer's third, fourth, and fifth generation direct descendants who stand together in support of the Meyer Family Farm LLC's proposed \$3MM Plan of Distribution. We believe the proposed Plan is the most fair, equitable, and timely way to terminate the Trust.

The Plan of Distribution's substantial benefits:

- maximizes the Trust's returns and prevents unnecessary costs from incurring;
- quickly provides each beneficiary his/her interest in their desired form either cash or continued ownership of the Farm via the LLC;
- honors our Grandfather's (Trustor's) intent to extend his legacy; and
- guarantees the best financial outcome for all beneficiaries by eliminating the risks and costs associated with an extended timeline and third-party sale.

In 1947, with three young children in tow, Henry and Marian Meyer bought 29.75 acres in Salem — their 1915 farmhouse and barn and surrounding farmland, oak groves, wetlands, and woods. Through hard work and sheer determination, they created what would become the epicenter of our family — what we all know and love as "the Farm" — a magical place for their six children, 17 grandchildren, 29 great-grandchildren, and two great-great-grandchildren, many of whom, including myself, who have lived on the Farm during different stages of their lives. My younger brother, for example, lived on the Farm for seven years between 2005 and 2012 and one of my sisters lived there with Grandfather 1986–87 while she was in college. Cousins Nicholas, Natasha, Dylan, and other family members have all spent time living and working on the Farm, too. For many of us, the Farm has always been our home away from home.

My Grandparents were important and respected members of Salem and Portland communities. Grandmother, a 1939 Marylhurst College graduate, earned the distinction as "*Miss Marylhurst 1939*" and Salem's "*Woman of Achievement*" in 1977. Grandfather was well respected, known for his wry sense of humor, ingenuity, generous giving of his time and resources, and readiness to defend the underdog. He specialized in logistics for the U.S. Army and was instrumental in retrofitting polo-stricken U.S. President Franklin Roosevelt's Army Jeep when he met with British Prime Minister Winston Churchill at the 1943 Casablanca Conference in Morocco. He earned a battlefield promotion to Major, a Purple Heart, the European African Middle Eastern Service Medal, the WWII Victory Medal, and the American Theater Ribbon. As an interior designer, Grandfather was known for his high standards and attention to quality and detail for which he earned national recognition as well as loyal clientele including Oregon State Senators, Governors, and Supreme Court Justices. Grandfather and Grandmother helped establish Salem's Symphony, fostered residents of the Fairview Training Center, were founding members of Queen of Peace Catholic Church and Illahe Country Club, and they were second-generation members of Portland's Multnomah Athletic Club. As the oldest of Henry and Marian's grandchildren, I had the opportunity to live with them as a child on the Farm and grow up with them. I have been deeply connected to them and to the Farm throughout my entire life. Growing up, I was lucky enough to work side-by-side with my Grandfather in his shop and around the Farm and I have regularly contributed my time and talents to keep the Farm in working order for over 40 years. For the last 20 years, I have operated a successful Salem-based business and my family and I live just 5 miles from the Farm. During the years since Grandfather's death, I have been responsible for completing the Farm's biggest projects at no cost to the Trust. I know the Farm inside and out and I know my Grandparents in a very special and meaningful way – *Grandfather and Grandmother would have <u>never</u> wanted their legacy thrown out the window in this way. They built this Farm, their pride and joy, with clear intent for their legacy to endure.*

I can tell the Court, with the certainty from someone who spent his life alongside Henry, that he wanted his legacy to his family and community to live on. Grandfather specifically provided a provision in his Trust to allow future generations to carry his legacy forward. And, the intent behind his 20-year Trust was for my generation to take the reins from our parents to manage the Farm in an environmentally and socially responsible way for the next generation. These facts are well known by all of Henry and Marian's descendants, supported by first-hand conversations, emails, documents, and most importantly, 20 years worth of actions to sustain the Farm to ensure it's carried forward for future Meyer family generations. It is our desire to honor our Grandfather's intentions to continue to retain the Farm as a Farm *"in substantially the same manner as it was operated at the time of Trustor's death."*

On behalf of myself and the descendants listed below, we ask the Court and Ms. Morrow:

In accordance with the rule of law, please analyze, evaluate, and acknowledge the substantial benefits the \$3MM Plan of Distribution provides for all Trust beneficiaries.

To assist Ms. Morrow and the Court in implementing the Plan, the family will demonstrate its commitment and ability to fund it with a \$50,000 cash deposit into an escrow account, immediately. The escrow deposit would become fully non-refundable upon the Trust approving and signing the proposed Trust Termination and Distribution Agreement. We look forward to your response on the matter.

Sincerely,

/s/ John P. Cantana

John P. Santana Henry & Marian Meyer's Grandson, 3G john@santanacrane.com

On behalf of 23 of Henry and Marian Meyer's third, fourth, and fifth generation direct descendants:3G /s/ John Santana + (2) 4G + (2) 5G3G /s/ Natasha Meyer Eichaker + (3) 4G3G /s/ Kieley Santana Malueg + (2) 4G3G /s/ John Nicholas "Nick" Meyer + (1) 4G3G /s/ Joseph "Joey" Santana + (1) 4G3G /s/ Annalise Meyer Briggs + (1) 4G3G /s/ Molly Meg Santana3G /s/ Dylan Meyer3G /s/ James Santana + (2) 4G3G /s/ Dylan Meyer

Letter attachment includes:

Trust Termination and Distribution Agreement Supporting Documentation

REAL ESTATE PURCHASE AGREEMENT

AND JOINT ESCROW INSTRUCTIONS between Kehoe NorthWest Properties and HAM Trust, Henry A. Meyer Revocable Living Trust, signed by Trust co-Trustees Molly Meyer and Ian Meyer on August 6, 2021.

13. 2 Proceedings. Seller has no actual knowledge of any actions, suits, proceedings or governmental investigations pending or threatened against or affecting the Property, in law or equity, except the proceeding In the Matter of the Henry A. Meyer Revocable Ling Trust, Marion County Circuit Court Case No.19PB06270. This is a judicial supervision lawsuit brought by three beneficiaries and it has not concluded despite the above-mentioned order. The Court retains oversight and jurisdiction over the assets and actions of the Trustees/Seller. There is a possibility that the court could preview the details of this transaction and court-approval could be required before closing this transaction. Should the transaction fail to close due to lack of court approval, appellate actions, or any court order in favor of an objecting party, Buyer shall be entitled to a full refund of any deposits limited to a maximum of \$150,000, even if said deposit had been considered non-refundable, and reimbursement for all hard costs expended in evaluating, planning, and developing the North Portion during the Pre-Closing period, and If the North Portion becomes saleable at the direction of the Trustees/Sellers within three (3) years of termination of this agreement due to court action, Buyer shall be allowed to purchase the North Portion at the current terms plus or minus a variation of up to ten-percent(10%) based on an appraisal conducted at the time of the renewed listing. If either party disputes the appraisal, the disputing party may choose a separate appraiser and the parties agree that the value will be the average of the two appraisals. If Buyer eventually purchases the North Portion, any damages (deposits and hard costs) previously paid by Seller will be added to the Purchase Price.

From the PSA with Kehoe

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF MARION 2 3 In the matter of the HENRY A. 4) MEYER REVOCABLE LIVING TRUST, Case No. 19PB06270) 5) 6 7 8 9 10 11 TRANSCRIPTION OF TELEPHONE STATUS CONFERENCE 12 13 14 DATE: October 23, 2020 15 BEFORE: Judge Thomas M. Hart 16 APPEARANCES: Hunter B. Emerick J. Kevin Shuba 17 Jan K. Kitchel William L. Larkins 18 Tobias Tingleaf 19 ALSO PRESENT: Peter B. Meyer Jane Meyer 20 James Meyer John Meyer 21 Mary Ann Santana Molly Meyer 22 23 24 TRANSCRIBED BY: ANNE M. DUFFEY 25 OREGON CSR NO. 07-0405

1 (Requested transcription as follows:) THE COURT: Good morning. This is Judge 2 3 Hart. We're here in the matter of the Henry A. Meyer Revocable Living Trust. 4 5 Mr. Tingleaf, you're there with James Meyer 6 [sic]; is that correct? 7 MR. TINGLEAF: Yes, Your Honor. With Jane 8 Meyer. 9 THE COURT: James Meyer. Exactly. 10 And, Peter Meyer, you're there representing 11 your own interests, correct? 12 MR. PETER MEYER: I am, Your Honor. 13 THE COURT: All right. Mr. Shuba, you're 14 there on behalf of the trust, Ian and -- Ian Meyer, 15 correct? 16 MR. SHUBA: Correct, Your Honor. 17 THE COURT: All right. Mr. Kitchel, are 18 you there on behalf of Molly Meyer cotrustee? 19 MR. KITCHEL: I am, Your Honor. 20 THE COURT: Mr. Emerick, you're there with 21 Mr. John Meyer, one of the beneficiaries under the 22 trust, correct? 23 MR. EMERICK: Yes, your -- yes, Your Honor. 24 And Dan Reynolds from my office is joining us today. 25 Thank you. And, Mr. Larkins, THE COURT:

1 you're on the phone as well as Mary Ann Santana 2 representing her interests; is that correct? 3 MR. LARKINS: That's correct, Your Honor. THE COURT: All right. Now, do I have 4 5 anybody else that is on this call that I have not mentioned their name? 6 7 MR. JAMES MEYER: Judge? This is James Meyer. Just for clarification, my sister-in-law, Tim's 8 9 wife, has representation on the call, Jane Meyer. So 10 just to be clear, Jane Meyer has representation, and I'm James Meyer with no representation. 11 12 THE COURT: Right. I had -- I thought I 13 mentioned you, James, as representing yourself pro se, 14 correct? 15 MR. JAMES MEYER: Okay. Yes. 16 THE COURT: Okay. 17 MR. JAMES MEYER: Okay. Yes. Thank you. 18 THE COURT: I just need to --19 MR. JAMES MEYER: Thank you. 20 THE COURT: -- have the inventory going --21 MR. JAMES MEYER: Okay. 22 THE COURT: -- of who I have with regard to 23 the call and make an adequate record. 24 So the issue today is, again, more 25 complicated. Let me start off by asking do you have any

proposals for a successor trustee from any of the 1 2 lawyers? 3 MR. SHUBA: You're asking me, I think, Your Honor. This is Kevin Shuba. 4 5 Anybody. I'm -- I'm --THE COURT: Yeah. 6 I'm ready for a name to put somebody else in as a 7 successor trustee so I can get the information that I believe is necessary to resolve the issues currently 8 9 facing the trust. 10 MR. SHUBA: No. There are no proposals for 11 a successor trustee that I know of, Your Honor. 12 MR. JAMES MEYER: Is -- Your Honor, if I --13 if I may, my -- pardon my ignorance here, but does this 14 mean that one of the current trustees is stepping down? 15 THE COURT: No. It means that --16 MR. JAMES MEYER: Or -- or --17 THE COURT: -- it mean -- it --18 MR. JAMES MEYER: -- or just --19 THE COURT: -- it -- it means that I'm 20 going to remove 'em. 21 UNIDENTIFIED SPEAKER: Hey --22 MR. JAMES MEYER: You're going to remove 23 them? 24 THE COURT: Well, I'm trying to get a 25 forensic accounting and I don't have \$15,000. I don't

have a good accounting about where we are with regard to 1 2 the status of the -- the assets of the trust. I haven't 3 seen anything come to me other than statements by people saying there's outstanding debt, there's assets, there's 4 5 income, and no one has produced anything worthwhile to 6 me other than a proposed sale to Kehoe of a large 7 portion of the trust assets, a sale that was -- an offer 8 and acceptance or was sort of accepted with regard to 9 what was known as the heritage par- -- parcel. 10 The Kehoe group had the ability to do a lot 11 line adjustment, reduce the size of the heritage parcel. 12 The counteroffer is at \$268,000 which is unrealistic for even the 3.71 acres with a house and outbuilding, and 13 14 this Court needs to have eyes on the assets and the 15 trust that are not being viewed from one of the 16 beneficiary's perspectives. 17 So that's really where I am. Okay? We're 18 going to start shaking the fruit out of the tree. It's 19 that time of the year. 20 MR. EMERICK: Hunter Emerick, Your Honor --21 MR. JAMES MEYER: Your Honor --22 MR. EMERICK: -- I -- I didn't anticipate 23 that, but if that's where the Court wants it to go, we 24 certainly can get you names of -- of folks that we would 25 offer up to the Court as ideas for successor trustees.

1 THE COURT: Well --2 MR. LARKINS: Your Honor, this is Bill 3 Larkins. THE COURT: Yeah, Bill. 4 5 MR. LARKINS: On behalf of Mary Ann 6 Santana, we certainly concur with the Court's 7 inclination to remove the current trustees. We hadn't anticipated this either. I'm suggesting maybe a week 8 9 for parties to submit to, Your Honor, proposals for 10 qualified successors. THE COURT: Mr. Shuba? Mr. --11 12 MR. JAMES MEYER: And you --13 THE COURT: -- Emerick? Mr. Kitchel? 14 MR. SHUBA: We're a little bit surprised by 15 this, Your Honor. Is it the Court's inclination to 16 appoint an independent fiduciary? 17 THE COURT: Yep. Absolutely. 18 MR. SHUBA: And so somebody's not --19 MR. KITCHEL: This is Kitchel --20 MR. SHUBA: -- a beneficiary? 21 MR. KITCHEL: Go ahead. 22 THE COURT: Excuse me. Mr. Kitchel was 23 talking over you. What was that, Mr. Shuba? 24 MR. SHUBA: Not a -- not someone who's a 25 beneficiary or a creditor of the -- of the trust?

1 THE COURT: Yeah. Absolutely. Somebody 2 that's independent. Mr. Kitchel? 3 MR. SHUBA: Thank you, Your Honor. THE COURT: Mr. Kitchel? 4 5 MR. KITCHEL: Yeah. I know various people 6 and we can -- I think we can get together and provide 7 you with some names. 8 THE COURT: Okay. How about -- can you get 9 'em sent to my office by next Friday, and then we could 10 talk on -- I'm trying to look at my staff here -- like 11 November 2, 3, or 4? 12 MR. SHUBA: That shouldn't be a problem from my client's standpoint, Your Honor. 13 14 THE COURT: My staff is trying to look to 15 find some -- some time that we can (pause) --16 MR. PETER MEYER: Are you looking at two 17 trustees as the current -- two independent trustees, Your Honor? 18 19 THE COURT: No. 20 MR. PETER MEYER: This is Peter Meyer. 21 THE COURT: Nope. 22 MR. PETER MEYER: Just one? Is that --23 THE COURT: I -- I'm looking for a trustee, 24 maybe legal counsel for the trustee. Something like 25 that. Maybe --

1 MR. PETER MEYER: Okay. Thank you. 2 THE COURT: Yeah. We're going to figure 3 out who the -- who -- my staff's talking to me so you can't see that they're whispering in my ears about 4 5 times and dates so. STAFF PERSON: How -- how long are you 6 7 looking for? 8 THE COURT: I'm not expecting more than 9 about 10 or 15 minutes. 10 STAFF PERSON: Okay. So like 1:00 on the 11 2nd? 12 THE COURT: 1:00 on the 2nd. 13 MR. SHUBA: This is Kevin Shuba, Your 14 Honor. I've got a hearing in -- in Polk County that 15 will probably conflict with that. It starts at 9:30 in 16 the morning. 17 STAFF PERSON: The 3rd at 2:00? THE COURT: The 3rd at 2:00? 18 19 MR. SHUBA: I'm unavailable -- actually, I 20 can make myself available. I've got a deposition but 21 I'll interrupt it to take the -- the call, Your Honor. 22 THE COURT: The 3rd at 2:00. 23 MR. KITCHEL: Works for me, Your Honor. 24 This is Kitchel. 25 MR. LARKINS: Works for me, Your Honor.

1 Bill Larkins. 2 THE COURT: Mr. Emerick? MR. EMERICK: Good for Emerick. 3 4 THE COURT: Okay. MR. EMERICK: Good for Emerick. 5 6 THE COURT: Okay. 3rd at 2:00. 7 MR. PETER MEYER: Did you say --THE COURT: I said --8 9 MR. PETER MEYER: What -- what was the date 10 of the -- of --THE COURT: December 3rd at 2:00. 11 12 MR. PETER MEYER: Oh. December 3rd. 13 THE COURT: No. 14 MR. PETER MEYER: All right. No. Thank 15 you. 16 THE COURT: Excuse me. November the 3rd. 17 MR. PETER MEYER: At 2:00 p.m.? Thank you. 18 THE COURT: At 2 -- at 2:00 p.m. And 19 you're going get me your proposal -- proposed names by 20 next Friday, and I'm going to do some research on my 21 own, and I'll make a determination. So by the 30th, 22 you're going to send to my staff, Ashley, who your 23 proposed successor trustee would be. 24 I prefer just to have one, but if I have to 25 have two because they come in a pair, I would do that,

1	but that'll give us something to talk about, and we'll
2	get somebody in there that can start separating the
3	wheat from the chaff.
4	Talk to you all on November the 3rd at 2:00 in
5	the afternoon. Thank you very much.
6	(End of requested transcription.)
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1	CERTIFICATE
2	
3	I, ANNE M. DUFFEY, a Certified Shorthand
4	Reporter in and for the State of Oregon,
5	CSR No. 07-0405, do hereby certify that the foregoing
6	transcription of digitally recorded proceedings held on
7	October XX, 2020, Pages 1 through 10, was transcribed by
8	me and is a true and correct transcription of said
9	digitally recorded proceedings.
10	I further certify that I am not of counsel
11	or attorney for either or any of the parties in the
12	foregoing proceedings and caption named or in any way
13	interested in the outcome of the cause named in the said
14	caption.
15	IN WITNESS THEREOF: I have hereunto set my
16	hand this 28th day of October, 2020.
17	
18	Anne M. Duffey
19	Anne M. Duffey,
20	Certified Shorthand Reporter for Oregon CSR No. 07-0405, Expires 9-30-22
21	
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23	
24	
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From: Forensic Accounting report: Declaration of Michelle Morrow, Trustee, Morones Analytics, page 20/35, November 30, 2021.

70. Upon our review of the QuickBooks Audit Trail report, we discovered many cases where the historical accounting records of the Glass Barn had been altered years after their original recording to recharacterize likely personal expenses of Molly Meyer. Some of the noted transactions were altered in a manner that concealed the original name and descriptions of transactions, many of which appear to have been originally recorded with descriptions that would have identified them as likely personal expenses of Molly Meyer. I further discuss examples of altered transactions in a later subsection. I have not quantified the total of altered transactions, as doing so would substantially increase the cost of our assignment, and such an analysis is not necessary given my conclusion that Molly is not owed additional compensation. See paragraph 85 and following for further discussion

SUB21-09 Summary Objections By: Anonymous To: Salem City Planning for Salem City Council As of: February 14, 2022 Submitted by Peter Meyer as Exh 15 in his testimony to the Salem Council on 2/14/2022. Note: These Summary Objections are being submitted anonymously and are protected by ORS 44.510-540. I know its authors to be credible and informed and submit this summary to the City Council their behalf. /peter meyer

Summary: Salem Planning Administrator approved SUB21-09 Meyer Farm, a phased subdivision "tentative" plan to divide approximately 29.68 acres into 139 single family lots located at 4540 Pringle Road, SE, Salem, Ward: 3, Councilor: Phillips, Neighborhood: Morningside Neighborhood Association. Many substantive issues have been raised by neighbors, experts, and the community at large who submitted over 380 pages of written testimony in opposition to the subdivision application. **Applicant:** Martin Kehoe, Kehoe Northwest Properties, LLC.

Last day to submit public testimony: Monday, February 14, 2022, 5 pm. Email testimony to <u>cityrecorder@cityofsalem.net</u> or <u>apanko@cityofsalem.net</u>.

Salem City Council Decision: City Council will conduct deliberations at their February 28 meeting and will vote to affirm, modify, or reverse the Planning Administrator's approval for Subdivision Case No. SUB21-09.

More Information: <u>https://www.cityofsalem.net/Pages/meyer-farm-phased-subdivision.aspx</u>

Major Objections Addressing Salem Planning Administrator's Approval of Subdivision Application SUB21-09 Meyer Farm include:

1. Removal of Protected Significant Trees

Staff report (1/10/22) states: "As required under SRC Chapter 808, the applicant submitted a tree conservation plan in conjunction with the proposed subdivision that identifies a total of 808 trees on the property, 28 of which are significant trees (Oregon white oaks with a diameter at breast height (dbh) of 24 inches or greater."

Staff Report (2/3/2022) states: "1) Using the latest tree plan provided by the applicant, staff found that 48 of the significant trees were correctly identified ... Staff found 16 additional significant trees not identified as significant on the tree plan ... Staff also noted that 10 of the trees identified as significant trees on the tree plan were not found to be significant," and "2) The proposed development results in the removal of seventeen [17] of the 64 total significant trees identified on the subject property."

Significant trees SRC 808.015 and Heritage trees SRC 808.010 are protected under Salem Chapter 808 Preservation of Trees and Vegetation ordinance: *"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." Specifically rare, threatened, or endangered trees of any size, as defined or designated under state or federal law and included in the tree and vegetation technical manual including Oregon white oaks (Quercus garryana) with a dbh of 24-inches or greater or designated as a heritage tree.

There are hundreds of threatened trees on Meyer Farm that are more than 100 years old including 3 black walnut trees and several Oregon white oaks estimated to be more than 230-years-old, all boasting historic and cultural significance. These trees date back to the late 1700s, some noted in land surveyor William Ives' 1852 field notes, and are among those slated for removal under this subdivision application.

On August 2, 2021, Public Works program coordinator Zach Diehl sent an email to Morningside Neighborhood Association informing them of a Notice of Tree Removal (Permit No: 21-113337-TR) to remove seven (7) trees, "The request is for four Oak trees and two Pine trees in the right-of-way of 12th St SE and one Fir tree in the right-of-way of Hillrose St, SE. The application has been reviewed by Public Works staff and it has been determined that the trees meet the criteria for removal." Public Works posted the Notice on the subject property. Two (2) of the oaks designated for removal (#2578 and 2579) are significant trees. Due to public outcry, Public Works realized their mistake approving the tree removal permit before the subdivision application was deemed complete and rescinded the notice.

Due to conflicting information and questionable reporting by the applicant's team with regard to tree data during the January 10, 2022 City Council Meeting, Mayor Bennett requested a report be conducted by city staff (urban forestry) to verify the accuracy of the applicant's tree data including measurements and whether additional significant trees could be found on the property that the applicant failed to identify. Public Works city staff Tom Bradley and Don Gunther with others [the applicant's team] visited the site on January 26, 2022 and found a total of <u>64 significant trees</u>. A number much higher than what the applicant has previously reported.

Of the <u>64 significant trees identified by city staff, 45 trees are proposed for</u> <u>preservation</u>, <u>17 are proposed for removal and two additional were found</u> <u>dead on the ground</u>. <u>Some of the significant trees identified were not on the</u> <u>applicant's plan and some trees the applicant identified as significant were not found</u> <u>to be significant</u>. Violations of 808.035(c)(F)(G) ?

Tree Preservation & Removal Plan	Tree	Preservation	& Remova	al Plan
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Date	Document	Onsite Significant (Oaks) Trees Total	Onsite Significant (Oaks) Trees to be Removed	Onsite Significant (Oaks) Trees Remaining	Onsite Trees (including Significant Oaks) Total	Onsite Trees to be Removed	Onsite Trees (including Significant Oaks) to be Removed Total
6/23/21	Neighborhood Packet	38	5	33	817	595	600
7/14/21	Land Use Application, Teragan & Assoc Report	33	5	28	817	595	600
9/17/21	Notice of Filing	17	4	13	651	447	451
10/25/21	Updated Tree Inventory						
11/3/21	Decision of Planning Administrator	28	4	24	808	449	453
1/6/22	Tree Survey Update from Jennifer A/Emerio	28	11	17	808	442	453
1/10/22	"Legislation Details" Report, pgs 3-4	28	4	24	808	453	
1/10/22	Jennifer A/Emerio Testimony		12		808		
2/3/22	City Staff Forester Report	64	17	*45	x	x	x
2/3/22	Applicant's Updated Tree Preservation Plans	64	15	47	808	445	453
* City fore	ester findings state 17 significant oaks are slated						
for remov	al and an additional 2 significant oaks were found						

Despite numerous questions and concerns raised over the past six months by the public to the Planning Administrator and the applicant about the number of significant trees on site, the applicant repeatedly submitted incorrect Tree Preservation & Removal Plans which failed to 808.035(c)(F) *correctly identify for type, size, and location of all existing trees on the property,* and failed to 808.035(c)(G) *correctly identify trees proposed for preservation and those designated for removal.*

Section 808.065 Enforcement (e) Injunctive relief "*City may seek injunctive relief* against any person who has willfully engaged in violation of <u>SRC 808.035</u> or SRC 808.040, such relief to be in effect for a period not to exceed five years."

This is incredibly serious. The applicant is requesting to remove not 4 or 5 trees as initially presented, but 17 significant trees while leaving several more to succumb to construction damage.

2. Loss of Wildlife Habitat & Open Space

"dead on the ground," leaving 45 significant oaks on site, some of which are threatened due to construction.

Staff report (1/10/22) states: "Loss of wildlife habitat is not a criterion for granting or denying a phased subdivision tentative plan."

Willamette University biology professor, David Craig, calls the Oregon white oak, *"the single most important biodiversity tree in the city of Salem."* [Lynn, C. (2021, February 27). *Salem Statesman Journal.*]

While the property is located within Salem's UGB, it has served as a critical lifeline for species living among its farm pasture, hayfields, wetlands, and farm and pasture woodlands. Removing over 453 trees, including 17 significant oaks and 3 enormous black walnuts, dramatically and critically impact roosting, nesting, shade sites, and food sources for numerous animal species including raptors, songbirds, and invertebrates.

3. Impact on Neighborhood Character & Livability

Staff report (1/10/22) states: "Their size (138 4,000sq ft lots and one 3.64-acre lot) and layout are consistent with the expected development pattern of properties in the "Single Family Residential" Comprehensive Plan Map designation and RS (Single Family Residential) zone."

Salem Planning and the Court have overlooked the importance of what the Meyer urban farm means to its community. Urban farms, like Meyer Farm, bolster the neighborhood's character and livability with its beautiful open space, tree canopies, diverse wildlife, farm animals, and gardens.

The Court compared the Meyer property to the PictSweet Mushroom Farm, also located inside Salem's UGB.

March 17, 2020, Court audio reads:

Judge Thomas Hart speaking, "PictSweet became a nuisance in the community out there as a farm. It did, honestly! And, it's within the urban growth boundary there as is the subject property of this litigation." (Audio File: Marion Courtroom 2A_20200317-1329_01d5fc6027655530.wma, 00:33:19)

The Meyer Farm is not a nuisance in the community. It is a picturesque 30-acre urban farm property with rich historic and cultural significance, integral to Oregon's, specifically Salem's, narrative. And as voiced in public comments and live testimony by Morningside and South Gateway neighborhood associations, community members, and citizens at large — Meyer Farm is a gem most certainly worthy of being protected.

4. Historic Significance of the Site

Staff (1/10/22) report states: "the area is within a high probability archaeological zone" and "the existing house is not designated as a Salem Historic Resource, therefore, SRC Chapter 230 does not apply to the proposed development. However, the house was built in 1915 and could be eligible for designation as a historical resource."

While the report acknowledges the 1915 farmhouse "could be eligible for designation as a historical resource," it fails to acknowledge the also existing:

a) Significant Historical and Cultural Narrative, b) Century Barn c1854-1910,

c) Oak Grove and large ancient (230+-year-old) White Oaks (Quercus garryana), and d) Three (3) Black Walnut Trees over 100 years old, the largest of which is estimated to have been planted by Joseph Waldo himself.

Originally inhabited by Kalapuya Native Americans, the area is within a high probability archeological zone. Joseph Waldo filed for his Provisional Land Grant on November 27, 1847 and was later issued an 1873 Donation Land Claim which included T8S R3W Section 11 SWNW Lot 2 known for the last 75 years as Meyer Farm. [Refer to the Meyer Family Farm History & Legacy report.]

Based on the entire property's historical and cultural features and narrative, the farm would likely qualify for National Park Service Oregon Heritage/State Historic Preservation Office certification and be protected under SRC 230 Historic Preservation, yet the applicant has submitted plans to demolish the 30-acre property.

5. Meyer Family Trust: Marion Co. Case No 19PB06270

Staff report (1/10/22) states: "The land use application for this subdivision request was signed by Michelle M Morrow. Documentation provided by the applicant indicates that title was to the fee simple estate is vested in Michelle M Morrow, Successor Trustee of the Henry A. Meyer Revocable Living Trust. The applicant has satisfactorily demonstrated they have authority to act on this request."

Three of five qualified beneficiaries continue to litigate to protect the 30-acre property as their father, Trustor Henry A. Meyer intended. They have offered up to \$3MM, the property's market-rate appraisal value, to protect the property and terminate the trust which expired May 30, 2020. They have provided proof of funds to close as soon as possible and have a leadership team in place. The proposal would end the ongoing trust administration and legal expenses associated with the litigation and satisfy claims and distributions.

March 18, 2020, Court audio reads:

Judge Thomas Hart speaking, "Okay, remember why we're here? My questions as we started out, 'Do they [co-trustees Molly Meyer and Ian Meyer] have the authority to sell?' Okay. I haven't heard any of what I would call testimony or evidence adduced that is credible that requires a reformation of this Trust. In order for it to proceed in some sort of terms different from how it is written down and if there is some dirtydealin' so to speak, that's not a legal term, or other nefarious activities, I might be able to breach that. Okay. But just because a couple of beneficiaries want one thing, and the other couple beneficiaries want something else, and then another third pocket of beneficiaries want to have nuthin' to do with nuthin,' does not necessarily put what a trustee does at issue. Okay." (Audio file: Marion Courtroom 2A_20200318-0945_01d5fd09e5c7fec0.wma, 00:36:47)

Former co-trustees Molly Meyer and Ian Meyer's authority to sign the applicant's August 2020 Real Estate Purchase Agreement is in question due to a recent forensic report exposing financial inconsistencies supporting alleged gross negligence and breaches of fiduciary duties.

For example, financial forensic Morones Analytics, November 30, 2021, report examining claims against the trust, identified, "self-dealing, poor record keeping, potential additional personal expenses due to altered QuickBooks records, and ongoing losses Molly Meyer generated in her role as manager of the Glass Barn and Co-Trustee of the HAM Trust." (No. 98, Pg 28 of 35, Morones Analytics, Page 262 of Peter Meyer's public testimony: <u>https://salem.legistar.com/View.ashx?M=F&ID=10386145&GUID=851B907C-</u> <u>4BD9-407A-B592-61B24E15F522</u>)

Henry A. Meyer Revocable Living Trust Case No 19PB06270 remains open and active in Marion County before Judge Thomas Hart.

Aaron Panko

From: Sent: To: Subject: Attachments:	Amy Johnson Tuesday, February 15, 2022 3:44 PM Aaron Panko FW: Meyer Farm Subdivision – Written Testimony Stewarding Our Oregon Oaks Project_Subdivision Case No. SUB21-09 Written Testimony.docx
Follow Up Flag:	Follow up
Flag Status:	Flagged

From: Matt Permut <mdpermut@willamette.edu>
Sent: Monday, February 14, 2022 3:39 PM
To: CityRecorder <CityRecorder@cityofsalem.net>
Cc: growing-oaks@willamette.edu
Subject: Meyer Farm Subdivision – Written Testimony

Hello,

I would like to submit the attached written testimony on behalf of Stewarding Our Oregon Oaks project: Willamette University for the proposed Meyer Farm phased subdivision (Case No. SUB21-09) City Council review.

Thank you, Matt Permut

Matt Permut Willamette University Class of 2022 Political Actions Leader, Stewarding Our Oregon Oaks

Stewarding Our Oregon Oaks Project: Willamette University

Website: <u>https://growing-oaks.wixsite.com/my-site-4</u> Email: growing-oaks@willamette.edu

February 14, 2022 City of Salem Recorder, 555 Liberty St, SE. Room 205, Salem, OR 97301.

RE: City Council vote to affirm, modify, or reverse the Planning Administrator's approval for Subdivision Case No. SUB21-09

Dear Mayor and Salem City Council,

We are a group of students from Willamette University promoting the growth and protection of the Oregon white oak through our grant-funded project: Stewarding Our Oregon Oaks. We strongly urge the City Council to **vote to reverse** the Planning Administrator's approval for Subdivision Case No. SUB21-09 due to 1) the substantial number of trees that would need to be removed (453 total, 15 significant), 2) the loss of critical oak woodlands and wildlife habitat, and 3) the historic significance of the site.

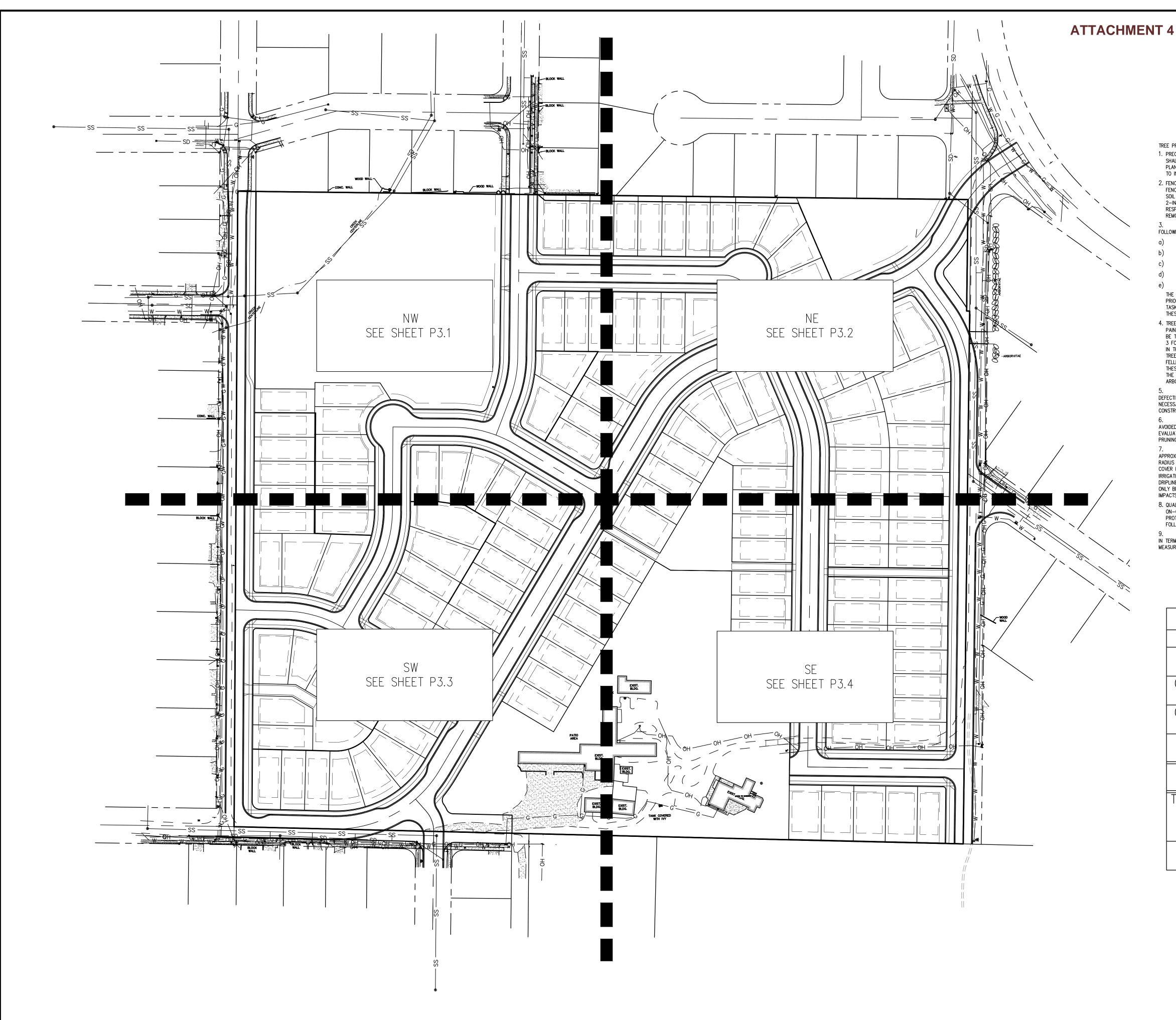
Our project firmly believes that oak woodland ecosystems, such as that of Meyer Farm, must be preserved and remain intact due to the invaluable ecosystem services they provide and the immense cultural significance of Oregon white oak to the Willamette Valley and Indigenous peoples of the region. Willamette University biology professor David Craig deems the Oregon white oak, "the single most important biodiversity tree in the city of Salem." [Lynn, C. (2021, February 27). Salem Statesman Journal.] Oregon oaks are an essential part of the Willamette Valley ecosystem as they provide habitat for approximately 300 native species. The fallen leaves of the oak protect arthropods and amphibians, the degraded leaves fertilize the soil and promote fungus and plant growth, the acorns provide nutrients for many mammal and bird species. The oak savannas, woodlands, and prairies that were once expansive have been reduced to only three percent of what they once were. It is imperative that we preserve and protect these remaining oak woodlands, as well as plant new oaks to promote habitat restoration.

The removal of threatened trees on Meyer Farm would cause significant harm to critical oak habitat and ecosystems, and it is crucial that these ecosystems remain intact. Oak savanna provides habitat for nearly 300 unique species, including the slender-billed white-breasted nuthatch. Even though many of these species aren't currently considered threatened, there have been significant population declines as a result of habitat loss and climate change, and the removal of oak woodlands at Meyer Farm will only cause further harm. Additionally, this site holds immense historical significance and is believed to be the largest remaining undeveloped urban farm in Southeast Salem. The site would likely qualify for National Park Service Oregon Heritage/State Historic Preservation Office certification and gain protection under SRC 230 Historic Preservation.

We encourage the City of Salem to work towards protecting its natural resources and biodiversity rather than replacing woodlands with single-family homes. We strongly urge the City Council to vote to reverse the Planning Administrator's approval for Subdivision Case No. SUB21-09 in order to prevent the demolition of the Meyer Farm property and to protect the trees on the land. Thank you for your time and consideration.

Sincerely,

Stewarding Our Oregon Oaks Project: Willamette University



- SCALE: 1'' = 80'
- TREE PROTECTION SPECIFICATIONS
- 1. PRECONSTRUCTION CONFERENCE. PRIOR TO THE START OF CONSTRUCTION ACTIVITY, THE CONTRACTOR SHALL COORDINATE WITH THE PROJECT ARBORIST IN A TIMELY MANNER TO REVIEW THE TREE PROTECTION PLAN, VERIFY THAT TREES TO BE RETAINED ARE IDENTIFIED WITH NUMBERED TAGS ON THE GROUND, AND TO INSPECT AND VERIFY THE INSTALLATION OF TREE PROTECTION MEASURES.
- 2. FENCING. TREES TO REMAIN ON SITE SHALL BE PROTECTED BY INSTALLATION OF TREE PROTECTION FENCING AS DEPICTED ON SITE PLANS IN ORDER TO PREVENT INJURY TO TREE TRUNKS OR ROOTS, OR SOIL COMPACTION WITHIN THE ROOT PROTECTION AREA. FENCES SHALL BE A MINIMUM 6-FOOT HIGH 2-INCH CHAIN LINK MESH SECURED TO METAL POSTS DRIVEN INTO THE GROUND. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH THE PROJECT ARBORIST PRIOR TO OPENING, ADJUSTING OR REMOVING TREE PROTECTION FENCING.

TREE PROTECTION ZONE. WITHOUT AUTHORIZATION FROM THE PROJECT ARBORIST, NONE OF THE FOLLOWING SHALL OCCUR BENEATH THE DRIPLINE OF ANY PROTECTED TREE:

- a) GRADE CHANGE OR CUT AND FILL;
- NEW IMPERVIOUS SURFACES;
- UTILITY OR DRAINAGE FIELD PLACEMENT;
- STAGING OR STORAGE OF MATERIALS AND EQUIPMENT; OR
- VEHICLE MANEUVERING.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING THE PROJECT ARBORIST IN A TIMELY MANNER PRIOR TO WORKING BENEATH PROTECTED TREE DRIPLINES. ROOT PROTECTION ZONES MAY BE ENTERED FOR TASKS LIKE SURVEYING, MEASURING AND SAMPLING. FENCES MUST BE CLOSED UPON COMPLETION OF THESE TASKS.
- 4. TREE AND STUMP REMOVAL. TREES TO BE REMOVED SHALL BE CLEARLY IDENTIFIED WITH TREE-MARKING PAINT OR OTHER METHODS APPROVED IN ADVANCE BY THE PROJECT ARBORIST. PROTECTION FENCING MAY BE TEMPORARILY OPENED IN TRACT B FOR REMOVAL OF TREES #6654 AND #6655, IN THE REAR OF LOT 3 FOR REMOVAL OF TREE #6248 AND #6375, IN THE REAR OF LOT 9 FOR REMOVAL OF TREE #50316 AND IN THE REAR OF LOT 10 FOR REMOVAL OF TREES #50398 AND #50399. WITHIN TREE PROTECTION ZONES, TREE REMOVAL SHALL BE PERFORMED WITH HAND TOOLS ONLY AND TREES SHALL BE DIRECTIONALLY FELLED OR SURGICALLY REMOVED TO AVOID DAMAGE TO REMAINING NEARBY TREES. THE STUMPS OF THESE PARTICULAR TREES SHALL REMAIN IN THE GROUND, BE REMOVED APPROXIMATELY 6-INCHES BELOW THE GROUND SURFACE USING A STUMP GRINDER, OR ELSE EXTRACTED FROM THE GROUND UNDER ARBORIST SUPERVISION.

5. PRUNING. PRUNING MAY BE NEEDED TO PROVIDE OVERHEAD CLEARANCE AND TO REMOVE DEAD AND DEFECTIVE BRANCHES FOR SAFETY. THE PROJECT ARBORIST CAN HELP IDENTIFY WHERE PRUNING IS NECESSARY ONCE TREES RECOMMENDED FOR REMOVAL HAVE BEEN REMOVED AND THE SITE IS PREPARED FOR CONSTRUCTION. TREE REMOVAL AND PRUNING SHALL BE PERFORMED BY A QUALIFIED TREE SERVICE.

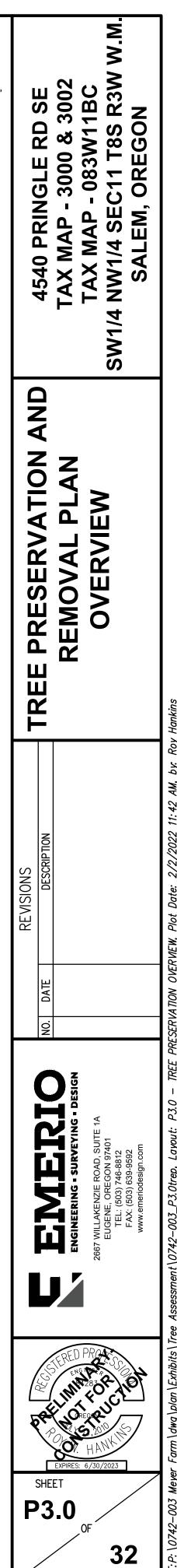
EXCAVATION AND ROOT PRUNING. EXCAVATION BENEATH PROTECTED TREE DRIPLINES SHALL BE AVOIDED IF ALTERNATIVES ARE AVAILABLE. IF EXCAVATION IS UNAVOIDABLE, THE PROJECT ARBORIST SHALL EVALUATE THE PROPOSED EXCAVATION TO DETERMINE METHODS TO MINIMIZE IMPACTS TO TREES. ROOT PRUNING SHALL BE DIRECTED AND DOCUMENTED BY THE PROJECT ARBORIST.

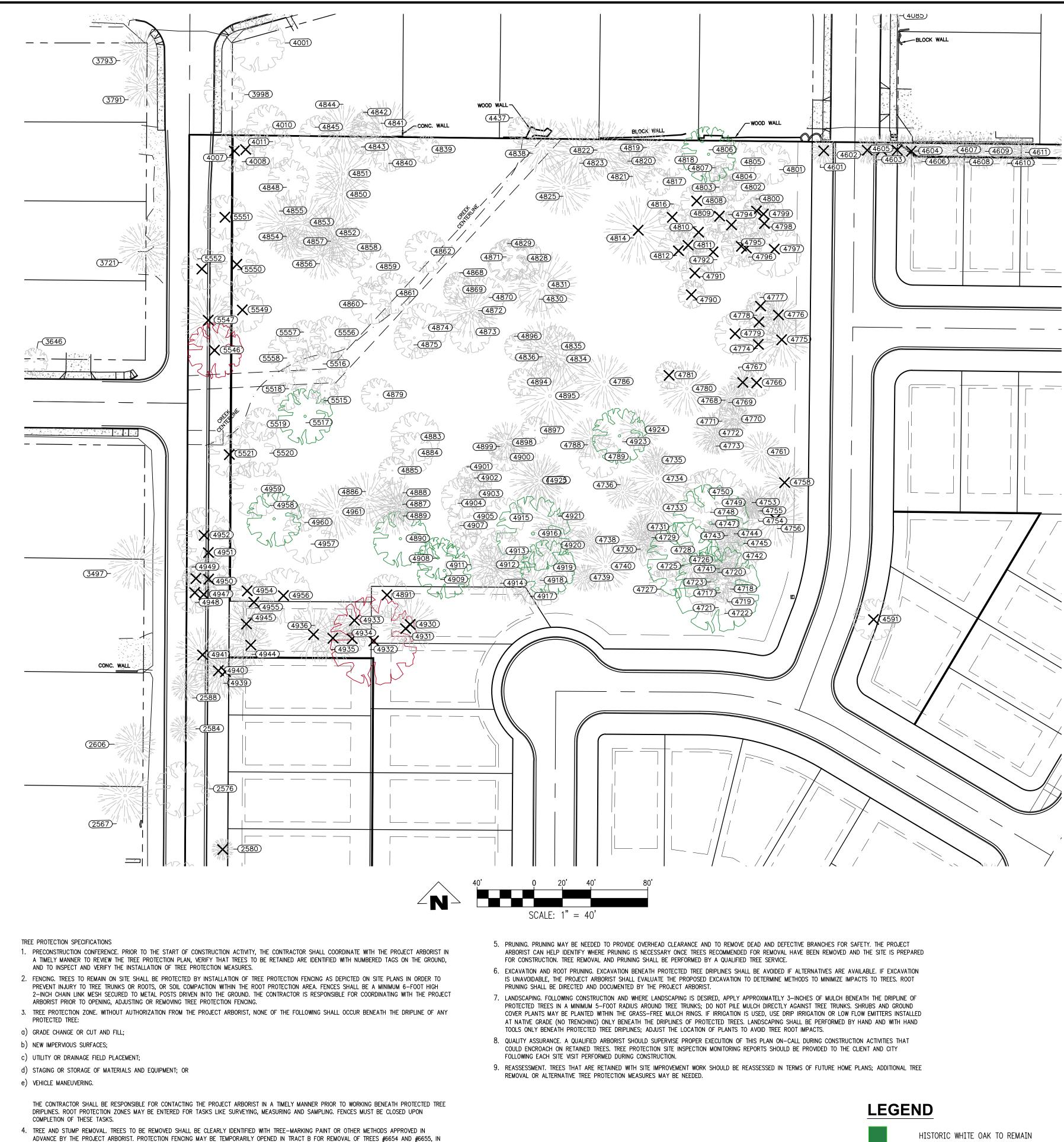
7. LANDSCAPING. FOLLOWING CONSTRUCTION AND WHERE LANDSCAPING IS DESIRED, APPLY APPROXIMATELY 3-INCHES OF MULCH BENEATH THE DRIPLINE OF PROTECTED TREES IN A MINIMUM 5-FOOT RADIUS AROUND TREE TRUNKS; DO NOT PILE MULCH DIRECTLY AGAINST TREE TRUNKS. SHRUBS AND GROUND COVER PLANTS MAY BE PLANTED WITHIN THE GRASS-FREE MULCH RINGS. IF IRRIGATION IS USED, USE DRIP IRRIGATION OR LOW FLOW EMITTERS INSTALLED AT NATIVE GRADE (NO TRENCHING) ONLY BENEATH THE DRIPLINES OF PROTECTED TREES. LANDSCAPING SHALL BE PERFORMED BY HAND AND WITH HAND TOOLS ONLY BENEATH PROTECTED TREE DRIPLINES; ADJUST THE LOCATION OF PLANTS TO AVOID TREE ROOT IMPACTS.

8. QUALITY ASSURANCE. A QUALIFIED ARBORIST SHOULD SUPERVISE PROPER EXECUTION OF THIS PLAN ON-CALL DURING CONSTRUCTION ACTIVITIES THAT COULD ENCROACH ON RETAINED TREES. TREE PROTECTION SITE INSPECTION MONITORING REPORTS SHOULD BE PROVIDED TO THE CLIENT AND CITY FOLLOWING EACH SITE VISIT PERFORMED DURING CONSTRUCTION.

9. REASSESSMENT. TREES THAT ARE RETAINED WITH SITE IMPROVEMENT WORK SHOULD BE REASSESSED IN TERMS OF FUTURE HOME PLANS; ADDITIONAL TREE REMOVAL OR ALTERNATIVE TREE PROTECTION MEASURES MAY BE NEEDED.

TREE PRES	SERVATION
PROPOSED PLAN	NUMBER OF TREES
ONSITE TREES REMOVED	445
ONSITE SIGNIFICANT TREES REMOVED	15
ONSITE SIGNIFICANT TREES RETAINED	47
TOTAL TREES REMOVED	453
ONSITE TREES PRESERVED	363
TOTAL ONSITE TREES (INCLUDING SIGNIFICANT)	808
PERCENTAGE OF TREES PRESERVED	44.9%





ADVANCE BY THE PROJECT ARBORIST. PROTECTION FENCING MAY BE TEMPORARILY OPENED IN TRACT B FOR REMOVAL OF TREES #6654 AND #6655, IN THE REAR OF LOT 3 FOR REMOVAL OF TREE #6248 AND #6375, IN THE REAR OF LOT 9 FOR REMOVAL OF TREE #50316 AND IN THE REAR OF LOT 10 FOR REMOVAL OF TREES #50398 AND #50399. WITHIN TREE PROTECTION ZONES, TREE REMOVAL SHALL BE PERFORMED WITH HAND TOOLS ONLY AND TREES SHALL BE DIRECTIONALLY FELLED OR SURGICALLY REMOVED TO AVOID DAMAGE TO REMAINING NEARBY TREES. THE STUMPS OF THESE PARTICULAR TREES SHALL REMAIN IN THE GROUND, BE REMOVED APPROXIMATELY 6-INCHES BELOW THE GROUND SURFACE USING A STUMP GRINDER, OR ELSE EXTRACTED FROM THE GROUND UNDER ARBORIST SUPERVISION.

2606		12	
	PINE	24	
3497	FIR	30	
3646	DECD	12	
3721	FIR	24	
3791	FIR	20	
3793	FIR	20	
3998	OAK	16	
2330	UAK	10	
4001	OAK	20	
4007	ΟΑΚ	16	REMOVE
4008	OAK	10	REMOVE
4010	OAK	14	
4011	OAK	12	
4437	MAPLE	16	
4591	WALNUT	22	REMOVE
4601	FIR (x2)	12	REMOVE
4602	FIR	14	REMOVE
4603	FIR	22	REMOVE
4604	FIR	15	REMOVE
4605	FIR	15	REMOVE
4606	FIR	14	
4607	FIR	18	
4608	FIR	18	
			<u> </u>
4609	FIR	14	ļ
4610	FIR	16	
4611	FIR	10	
4711	FIR	18	
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4=			
4717	ΟΑΚ	10	
4718	OAK	16	
4719	ΟΑΚ	10	
4720	ΟΑΚ	10	
4721	OAK	31	
4722	OAK	18	
4723	OAK	10	
4725	FIR	12	
4726	ΟΑΚ	27	
4727	OAK	12	
4728	0AK (x2)	26	ļ
4729	FIR	14	
4730	FIR	22	
4731	FIR	12	
		İ	
4733	FIR	26	
4734	FIR	36	
4735	FIR	10	
4736	FIR	16	
4738	FIR	12	
4739	FIR	12	
4740	FIR	28	
4741	FIR	12	
4742	OAK (x3)	14	
4743	ΟΑΚ	10	
4744	FIR	12	
	FIR FIR	12 20	
4744			
4744 4745	FIR	20	
4744 4745 4747	FIR OAK	20 28	
4744 4745 4747 4748	FIR OAK DECD (x2)	20 28 18	
4744 4745 4747 4748 4749	FIR 0AK DECD (x2) 0AK	20 28 18 25	
4744 4745 4747 4748	FIR OAK DECD (x2)	20 28 18	
4744 4745 4747 4748 4749	FIR 0AK DECD (x2) 0AK	20 28 18 25	
4744 4745 4747 4748 4749	FIR 0AK DECD (x2) 0AK	20 28 18 25	
4744 4745 4747 4748 4749 4750	FIR OAK DECD (x2) OAK OAK	20 28 18 25 22	
4744 4745 4747 4748 4749 4750 4750	FIR OAK DECD (x2) OAK OAK FIR	20 28 18 25 22 22 16	
4744 4745 4747 4748 4749 4750 4750 4753 4754	FIR OAK DECD (x2) OAK OAK FIR FIR	20 28 18 25 22 16 16 12	
4744 4745 4747 4748 4749 4750 4753 4754 4755	FIR OAK DECD (x2) OAK OAK FIR FIR FIR	20 28 18 25 22 22 16 16 12 20	
4744 4745 4747 4748 4749 4750 4750 4753 4754	FIR OAK DECD (x2) OAK OAK FIR FIR	20 28 18 25 22 16 16 12	REMOVE
4744 4745 4747 4748 4749 4750 4753 4754 4755	FIR OAK DECD (x2) OAK OAK FIR FIR FIR	20 28 18 25 22 22 16 16 12 20	REMOVE
4744 4745 4747 4748 4749 4750 4753 4754 4755 4756	FIR OAK DECD (x2) OAK OAK FIR FIR FIR	20 28 18 25 22 16 16 12 20 22	REMOVE
4744 4745 4747 4748 4749 4750 4753 4754 4755	FIR OAK DECD (x2) OAK OAK FIR FIR FIR FIR FIR	20 28 18 25 22 22 16 16 12 20	
4744 4745 4747 4748 4749 4750 4755 4755 4756	FIR OAK DECD (x2) OAK OAK FIR FIR FIR FIR FIR	20 28 18 25 22 16 16 12 20 22	
4744 4745 4747 4748 4749 4750 4753 4754 4755 4756 4758	FIR OAK DECD (x2) OAK OAK FIR FIR FIR FIR FIR FIR	20 28 18 25 22 16 16 12 20 22 22 24	
4744 4745 4747 4748 4749 4750 4755 4755 4756	FIR OAK DECD (x2) OAK OAK FIR FIR FIR FIR FIR	20 28 18 25 22 16 16 12 20 22	
4744 4745 4748 4749 4750 4753 4754 4755 4756 4758	FIR OAK DECD (x2) OAK OAK FIR FIR FIR FIR FIR FIR	20 28 18 25 22 16 16 12 20 22 22 24	
4744 4745 4748 4749 4750 4755 4755 4755 4756 4758	FIR OAK DECD (x2) OAK OAK FIR FIR FIR FIR FIR FIR	20 28 18 25 22 16 16 12 20 22 22 24	
4744 4745 4747 4748 4749 4750 4753 4754 4755 4756 4758	FIR OAK DECD (x2) OAK OAK FIR FIR FIR FIR FIR FIR	20 28 18 25 22 16 16 12 20 22 22 24	
4744 4745 4747 4748 4749 4750 4753 4754 4755 4756 4758	FIR OAK DECD (x2) OAK OAK FIR FIR FIR FIR FIR FIR	20 28 18 25 22 16 16 12 20 22 22 24	
4744 4745 4747 4748 4749 4750 4753 4754 4755 4756 4758 4758	FIR OAK DECD (×2) OAK OAK FIR FIR FIR FIR FIR FIR FIR	20 28 18 25 22 16 16 12 20 22 24 24 24 24	REMOVE
4744 4745 4747 4748 4749 4750 4753 4753 4755 4756 4758 4758 4758	FIR OAK DECD (x2) OAK OAK FIR FIR FIR FIR FIR FIR FIR FIR OAK (x2)	20 28 18 25 22 16 12 20 22 24 24 24 26 26	REMOVE
4744 4745 4747 4748 4749 4750 4753 4753 4754 4755 4758 4758 4758 4758 4758	FIR OAK DECD (x2) OAK OAK FIR FIR FIR FIR FIR FIR FIR FIR OAK (x2) FIR	20 28 18 25 22 16 12 20 22 24 24 24 24 26 	REMOVE
4744 4745 4748 4749 4750 4750 4753 4754 4755 4756 4758 4758	FIR OAK DECD (x2) OAK OAK FIR FIR FIR FIR FIR FIR FIR FIR OAK (x2)	20 28 18 25 22 16 12 20 22 24 24 24 24 26 	REMOVE
4744 4745 4747 4748 4749 4750 4753 4753 4754 4755 4758 4758 4758 4758 4758	FIR OAK DECD (x2) OAK OAK FIR FIR FIR FIR FIR FIR FIR FIR OAK (x2) FIR	20 28 18 25 22 16 12 20 22 24 24 24 24 26 	REMOVE
4744 4745 4748 4749 4750 4753 4753 4754 4755 4756 4758 4758 4758	FIR OAK DECD (x2) OAK OAK FIR FIR FIR FIR FIR FIR FIR FIR FIR FIR	20 28 18 25 22 16 12 20 22 24 24 24 24 26 	REMOVE
4744 4745 4748 4749 4750 4753 4753 4754 4755 4756 4758 4758 4758 4758 4761 4761 4761 4761 4763 4763	FIR OAK DECD (x2) OAK OAK OAK FIR FIR FIR FIR FIR FIR FIR OAK (x2) FIR FIR FIR OAK FIR	20 28 18 25 22 16 16 12 20 22 24 24 24 24 26 	REMOVE
4744 4745 4748 4749 4750 4750 4753 4754 4755 4756 4758 4758 4758 4758 4758 4758 4758 4758	FIR OAK DECD (x2) OAK OAK OAK FIR FIR FIR FIR FIR FIR OAK (x2) FIR FIR OAK FIR	20 28 18 25 22 16 12 20 22 24 24 24 24 26 26 10 10 16 12 14 14	REMOVE
4744 4745 4747 4748 4749 4750 4753 4753 4754 4755 4758 4758 4758 4758 4761 4761 4761 4761 4761 4761 4761	FIR OAK DECD (x2) OAK OAK OAK FIR FIR FIR FIR FIR FIR OAK (x2) FIR FIR OAK FIR OAK FIR	20 28 18 25 22 16 12 20 22 24 24 24 26 26 7 24 24 26 7 10 16 12 14 14 14 10 20	REMOVE
4744 4745 4748 4749 4750 4750 4753 4754 4755 4756 4756 4758 4758 4758 4761 4761 4761 4761 4761 4761 4761	FIR OAK DECD (x2) OAK OAK OAK FIR FIR FIR FIR FIR OAK (x2) FIR OAK (x2) FIR OAK FIR OAK FIR	20 28 18 25 22 16 16 12 20 22 24 24 24 24 24 26 7 20 22 24 10 10 16 12 14 14 14 10 20 16	REMOVE REMOVE REMOVE
4744 4745 4747 4748 4749 4750 4750 4753 4754 4755 4756 4758 4758 4758 4761 4761 4761 4761 4761 4761 4761 4761	FIR OAK DECD (x2) OAK OAK OAK FIR FIR FIR FIR FIR FIR OAK (x2) FIR FIR OAK FIR OAK FIR OAK	20 28 18 25 22 16 12 20 22 24 24 24 24 26 26 21 24 24 24 26 10 10 16 12 14 14 14 10 20 16 16	REMOVE REMOVE REMOVE REMOVE
4744 4745 4748 4749 4750 4750 4753 4754 4755 4756 4756 4758 4758 4758 4761 4761 4761 4761 4761 4761 4761	FIR OAK DECD (x2) OAK OAK OAK FIR FIR FIR FIR FIR OAK (x2) FIR OAK (x2) FIR OAK FIR OAK FIR	20 28 18 25 22 16 16 12 20 22 24 24 24 24 24 26 7 20 22 24 10 10 16 12 14 14 14 10 20 16	REMOVE REMOVE REMOVE
4744 4745 4747 4748 4749 4750 4750 4753 4754 4755 4756 4758 4758 4758 4761 4761 4761 4761 4761 4761 4761 4761	FIR OAK DECD (x2) OAK OAK OAK FIR FIR FIR FIR FIR FIR OAK (x2) FIR FIR OAK FIR OAK FIR OAK	20 28 18 25 22 16 12 20 22 24 24 24 24 26 26 21 24 24 24 26 10 10 16 12 14 14 14 10 20 16 16	REMOVE REMOVE REMOVE REMOVE
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4744 4745 4747 4748 4749 4750 4750 4753 4754 4755 4756 4758 4758 4758 4761 4761 4761 4761 4761 4763 4761 4763 4763 4763 4763 4763 4773 4773 4773	FIR OAK DECD (x2) OAK OAK OAK FIR FIR FIR FIR FIR FIR OAK (x2) FIR OAK FIR OAK FIR OAK FIR OAK FIR OAK FIR OAK FIR	20 28 18 25 22 16 16 12 20 22 24 24 24 24 26 7 26 7 20 22 24 7 20 22 24 12 14 10 16 12 14 14 10 20 16 16 16 18 20 14 12	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
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4744 4745 4747 4748 4749 4750 4750 4753 4754 4755 4756 4758 4758 4758 4761 4761 4761 4761 4761 4763 4761 4763 4763 4763 4763 4763 4773 4773 4773	FIR OAK DECD (x2) OAK OAK OAK FIR FIR FIR FIR FIR FIR OAK (x2) FIR OAK FIR OAK FIR OAK FIR OAK FIR OAK FIR OAK FIR	20 28 18 25 22 16 16 12 20 22 24 24 24 24 26 7 26 7 20 22 24 7 20 22 24 12 14 10 16 12 14 14 10 20 16 16 16 18 20 14 12	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE

4781 OAK 12 REMOVE

TREE # SPECIES DBH* REMOVE CEDAR 40

18

12

14

12

OAK

FIR

PINE

PINE

2576 l

2580

2584

2588

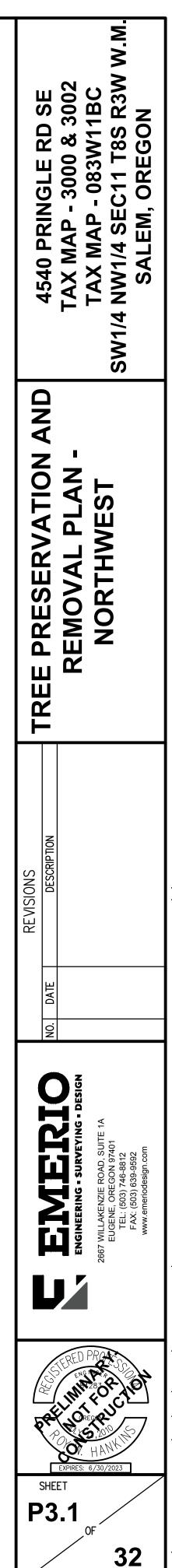


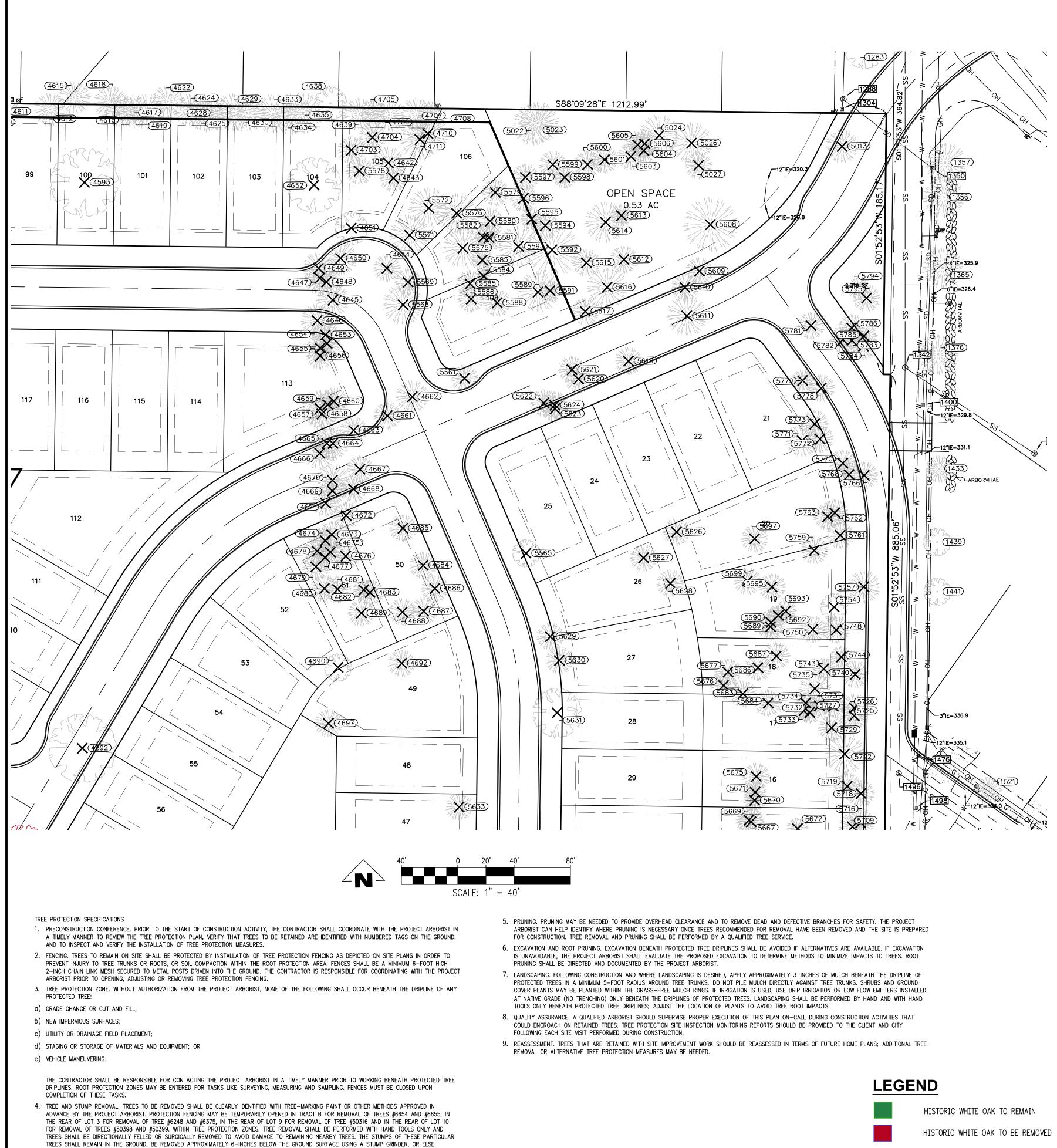
HISTORIC WHITE OAK TO BE REMOVED

TREE #	SPECIES	DBH*	REMOVE
4786	FIR	20	
4788	FIR	14	
4789 4790	ALDER OAK	10 14	REMOVE
4791	OAK	14	REMOVE
4792	0AK (x2)	14	REMOVE
4794	OAK	14	REMOVE
4795 4796	OAK OAK	18 12	REMOVE REMOVE
4797	OAK	18	REMOVE
4798 4799	OAK OAK (x3)	16 12	REMOVE REMOVE
4800	OAK (x2)	10	REMOVE
4801 4802	OAK OAK	16 10	
4803 4804	OAK OAK	10 10	
4805	OAK	14	
4806 4807	0AK 0AK	24 10	
4808	OAK	10	REMOVE
4809 4810	OAK MAPLE (x3)	14 10	REMOVE REMOVE
4811	OAK	10	REMOVE
4812	ΟΑΚ	14	REMOVE
4814	FIR	28	REMOVE
4816	OAK	10	REMOVE
4817	OAK	10	
4818 4819	OAK FIR	10 20	
4820	DECD	10	
4821 4822	FIR FIR	20 24	
4823	FIR (x2)	24	
4825 4828	FIR OAK	24 14	
4829	OAK (x2)	10	
4830 4831	OAK FIR	16 30	
4834	FIR	18	
4835 4836	OAK FIR	16 20	
4838 4839	FIR DECD	32 12	
4840	OAK	10	
4841 4842	FIR OAK	32 10	
4843	OAK	14	
4844 4845	FIR OAK	24 16	
4848	OAK	12	
4850	FIR	30	
4851	FIR	28	
4852 4853	FIR FIR	30 28	
4854	FIR	12	
4855 4856	FIR FIR	32 16	
4857	FIR	16	
4858 4859	OAK OAK (x2)	12 12	
4860	OAK	13	
4861 4862	OAK OAK (x2)	16 12	
4868	OAK	14	
4869 4870	OAK OAK	14 14	
4871	OAK (x2)	12	
4872 4873	FIR OAK	28 12	
4874 4875	OAK (x3) OAK	12 14	
4875 4879	ALDER	14	
4883 4884	ALDER OAK	14 16	
4885	OAK	10	
4886 4887	FIR FIR	18 24	
4888	FIR	14	
4889 4890	FIR OAK	10 26	WINDTHROWN
-		14	REMOVE
4891	0AK (x2)		
4891 4894 4895	OAK (x2) OAK FIR	10 30	
4894	OAK	10	

TREE #	SPECIES	DBH*	REMOVE
4898	FIR	14	
4899	OAK	14	
4900	OAK	12	
4901	OAK	10	
4902	OAK	12	
4903	OAK	10	
4904	OAK	14	
4905	OAK	16	
4907	OAK	12	
4908	OAK	26	
4909	OAK	24	
4911	OAK (x3)	16	
4911	FIR	10	
4912		16	
4914	FIR	36	
4915	OAK (x4)	12	
4916	FIR	22	
4917	FIR	18	
4918	0AK	12	
4919	OAK	36	
4919	FIR	24	
4920	FIR	24	
4923	OAK	32	
4924	FIR	25	
4925	FIR	18	
4926	FIR	24	
-			
4930	FIR	26	REMOVE
4931	OAK	12	REMOVE
4932	0AK (x2)	32	REMOVE
4933	FIR	16	REMOVE
4934	OAK	10	REMOVE
4935	FIR	16	REMOVE
4936	FIR	28	REMOVE
4939	FIR	22	REMOVE
4940	FIR	18	REMOVE
4941	FIR	18	REMOVE
4944	FIR	22	REMOVE
4945	FIR	18	REMOVE
4947	OAK	12	REMOVE
4948	OAK	16	REMOVE
4949	OAK	12	REMOVE
4950	OAK (x2)	14	REMOVE
4951	OAK	23	REMOVE
4952	OAK	23	REMOVE
4954	OAK	14	REMOVE
4955	OAK	12	REMOVE
4956		18	REMOVE
4957	OAK (x2)	18	
4958	OAK	28 16	
4959	OAK	16	
4960		12 28	
4961 5515	FIR ALDER	28 12	
5515	CTNWD	20	
5517	OAK	20	WINDTHROWN
5518	OAK	12	
5519	OAK	14	
5520	OAK	20	
5520	OAK	16	REMOVE
5546	OAK	24	REMOVE
5547	FIR	30	REMOVE
5549	OAK (x2)	16	REMOVE
5550		16	REMOVE
5551	OAK	16	REMOVE
5552		14	REMOVE
5556	OAK	14	
	OAK (x3)	12	
5557			
5557 5558		14	

DBH* DIAMETER AT BREAST HEIGHT, INCHES. INDICATES OFFSITE TREE, OR TREE NOT LOCATED WITHIN PROJECT AREA. NOT INCLUDED IN TREE PRESERVATION COUNT.

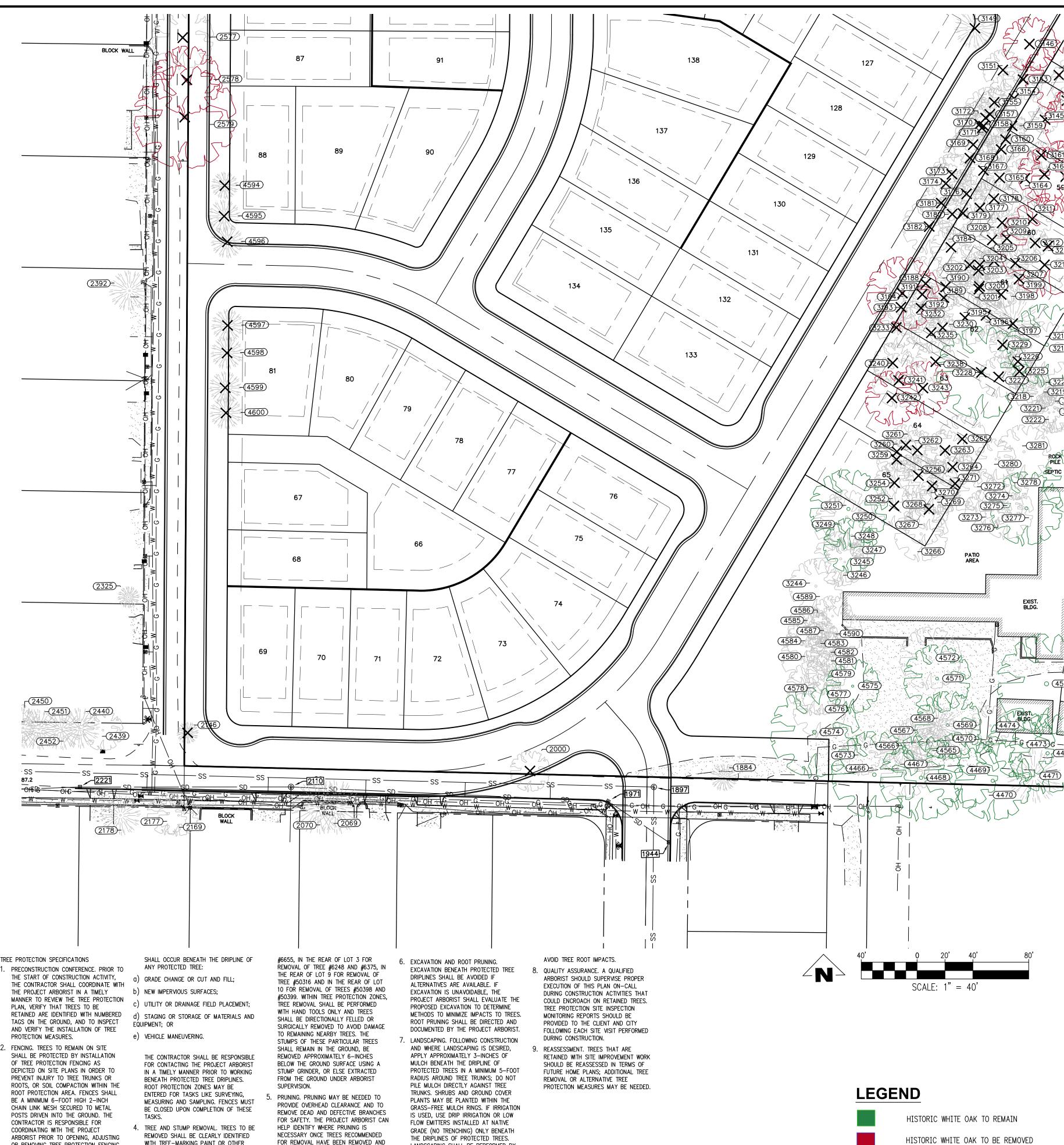




EXTRACTED FROM THE GROUND UNDER ARBORIST SUPERVISION.

				REMOVE					TREE #	SPECIES	DBH*	REMOVE	Σ
	1283	OAK	12						5683	PINE	10	REMOVE	
					5013		12	REMOVE	5684	FIR	12	REMOVE	
	1356	FIR	18						5686	FIR	10	REMOVE	Щ С С С С
					5022	FIR	16						
	1365	FIR	20					REMOVE	5689	FIR	12	REMOVE	GO SS SC
					5024								
	1433	FIR	10										1300 E R
	1439	BIRCH	12		5027	FIR	16	REMOVE					
		BIRCH	12										│ ╦ д Ҷ ӥ ≥
									5695	PINE	14	REMOVE	
1 1					5561	FIR	14	REMOVE	5697	PINE	14	REMOVE	
	1521	PINE	18						5000		10		AXAX
	4592	WALNUT	32	REMOVE								REMOVE	
				REMOVE	5565	MADRONA	10	REMOVE					4
													>
100 PPR 1 I <td></td> <td></td> <td></td> <td></td> <td>5568</td> <td>FIR</td> <td>20</td> <td>REMOVE</td> <td></td> <td></td> <td></td> <td></td> <td>S</td>					5568	FIR	20	REMOVE					S
			1		5569	FIR	16	REMOVE	5700		10		
dial risk					5571	FIR	18	REMOVE	5722	FIR	16	REMOVE	
	4622	FIR	14										
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4707 FIR 16 SHEET SHEET SHEET SHEET SHEET SHEET				REMOVE		r ik	12	REMUVE	L				
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OR REMOVING TREE PROTECTION FENCING. TREE PROTECTION ZONE. WITHOUT AUTHORIZATION FROM THE PROJECT ARBORIST, NONE OF THE FOLLOWING

WITH TREE-MARKING PAINT OR OTHER METHODS APPROVED IN ADVANCE BY THE PROJECT ARBORIST. PROTECTION FENCING MAY BE TEMPORARILY OPENED IN TRACT B FOR REMOVAL OF TREES #6654 AND

FOR REMOVAL HAVE BEEN REMOVED AND THE SITE IS PREPARED FOR CONSTRUCTION. TREE REMOVAL AND PRUNING SHALL BE PERFORMED BY A QUALIFIED TREE SERVICE.

- LANDSCAPING SHALL BE PERFORMED BY HAND AND WITH HAND TOOLS ONLY BENEATH PROTECTED TREE DRIPLINES; ADJUST THE LOCATION OF PLANTS TO

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2178	FIR	22		
2256	PINE	10		3238
2325	FIR	12		
2392	FIR	30		3240
2439	OAK	12		3241
2440	FIR	16		3242
2449	ALDER	16		3243
2450	FIR	16		3244
2451	FIR	16		3245
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3155	OAK	18	REMOVE	3259
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3157	OAK	18	REMOVE	3261
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3158			REMOVE	3262
3159	OAK	10	REMOVE	3263
3160	OAK	16	REMOVE	3264
3161	OAK	12		3265
3162	OAK (x3)	32	REMOVE	3266
3163	OAK	23		3267
3164	OAK (x2)	14	REMOVE	3268
3165	OAK	12	REMOVE	3269
3166	OAK	10	REMOVE	3270
3167	OAK (x2)	14	REMOVE	3271
3168	OAK (x2)	12	REMOVE	3272
3169	OAK (x2)	10	REMOVE	3273
3170	OAK	18	REMOVE	3274
3171	OAK	10	REMOVE	3275
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3189 3190 3191 3192 3193 3194 3195 3196 3197 3198 3199 3200	OAK OAK (x2) OAK OAK (x3) OAK (x2) OAK (x2) OAK FIR OAK OAK OAK	14 10 10 14 14 14 14 14 14 14 14 14 14 14 14 14 15 16 14 24 12 14 10	REMOVEREMOVEREMOVEREMOVEREMOVEREMOVEREMOVEREMOVEREMOVEREMOVEREMOVEREMOVEREMOVEREMOVEREMOVEREMOVE	4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577
3189 3190 3191 3192 3193 3194 3195 3196 3197 3198 3199 3200 3201	OAK OAK (x2) OAK OAK OAK (x3) OAK OAK (x2) OAK FIR OAK OAK OAK OAK	14 10 10 14 14 27 16 14 27 16 14 24 12 14 10 16	REMOVE	4500 4565 4566 4567 4568 4569 4570 4570 4571 4572 4573 4574 4575 4576 4577 4578
3189 3190 3191 3192 3193 3194 3195 3196 3197 3198 3199 3200 3201 3202	OAK OAK (x2) OAK OAK OAK (x3) OAK OAK (x2) OAK OAK OAK OAK OAK	14 10 10 14 14 27 16 14 27 16 14 27 16 14 10 16 12 14 10 16 12	REMOVE	4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4579
3189 3190 3191 3192 3193 3194 3195 3196 3197 3198 3199 3200 3201 3202 3203	OAK OAK (x2) OAK OAK OAK (x3) OAK OAK (x2) OAK OAK OAK OAK OAK OAK OAK	14 10 10 14 14 14 14 14 14 14 14 14 14 14 14 14 14 14 14 12 14 10 16 12 12 12 12 12 12	REMOVE	4500 4565 4566 4567 4568 4569 4570 4570 4571 4572 4573 4574 4575 4576 4577 4578 4579 4580
3189 3190 3191 3192 3193 3194 3195 3196 3197 3198 3199 3200 3201 3202 3203 3204	OAK OAK (x2) OAK OAK OAK (x3) OAK OAK OAK OAK OAK OAK OAK OAK OAK	14 10 14 14 14 14 14 14 14 14 14 14 14 14 15 14 12 14 10 16 12 14 10 16 12 14	REMOVE	4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4579
3189 3190 3191 3192 3193 3194 3195 3196 3197 3198 3199 3200 3201 3202 3203	OAK OAK (x2) OAK OAK OAK (x3) OAK OAK (x2) OAK OAK OAK OAK OAK OAK OAK	14 10 10 14 14 14 14 14 14 14 14 14 14 14 14 14 14 14 14 12 14 10 16 12 12 12 12 12 12	REMOVE	4500 4565 4566 4567 4568 4569 4570 4570 4571 4572 4573 4574 4575 4576 4577 4578 4579 4580
3189 3190 3191 3192 3193 3194 3195 3196 3197 3198 3199 3200 3201 3202 3203 3204	OAK OAK (x2) OAK OAK OAK (x3) OAK OAK OAK OAK OAK OAK OAK OAK OAK	14 10 14 14 14 14 14 14 14 14 14 14 14 14 15 14 12 14 10 16 12 14 10 16 12 14	REMOVE	4500 4565 4566 4567 4568 4569 4570 4570 4571 4572 4573 4574 4575 4576 4577 4578 4579 4580 4581
3189 3190 3191 3192 3193 3194 3195 3196 3197 3198 3199 3200 3201 3202 3203 3204 3205	OAK OAK (x2) OAK OAK OAK (x3) OAK OAK OAK OAK OAK OAK OAK OAK OAK OAK	14 10 14 14 14 27 16 14 27 16 14 27 16 14 12 14 10 16 12 14 10 16 12 14 10 16 12 14 10	REMOVE	4500 4565 4566 4567 4568 4569 4570 4570 4571 4572 4573 4574 4575 4576 4577 4578 4579 4580 4581 4582
3189 3190 3191 3192 3193 3194 3195 3196 3197 3198 3199 3200 3201 3202 3203 3204 3205 3206	OAK OAK (x2) OAK OAK OAK (x3) OAK OAK OAK OAK OAK OAK OAK OAK OAK OAK	14 10 10 14 14 27 16 14 27 16 14 27 16 14 12 14 10 16 12 14 10 16 12 14 10 14	REMOVE	4500 4565 4566 4567 4568 4569 4570 4570 4571 4572 4573 4574 4575 4576 4577 4578 4577 4578 4579 4580 4581 4582
3189 3190 3191 3192 3193 3194 3195 3196 3197 3198 3199 3200 3201 3202 3203 3204 3205 3206 3207 3208	OAK OAK (x2) OAK OAK OAK (x3) OAK OAK OAK OAK OAK OAK OAK OAK OAK OAK	14 10 14 14 14 27 16 14 27 16 14 27 16 14 12 14 10 16 12 14 10 14 10 14 10 14	REMOVE	4500 4565 4566 4567 4568 4569 4570 4570 4571 4572 4573 4574 4575 4576 4577 4578 4577 4578 4579 4580 4581 4582 4583
3189 3190 3191 3192 3193 3194 3195 3196 3197 3198 3199 3200 3201 3202 3203 3204 3205 3206 3207 3208 3209	OAK OAK (x2) OAK OAK OAK (x3) OAK OAK OAK OAK OAK OAK OAK OAK OAK OAK	14 10 10 14 14 14 14 14 14 14 14 14 14 14 14 14 14 12 14 10 14 10 14 10 14 10 14 10 14 14	REMOVE	4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4577 4578 4579 4580 4581 4581 4582 4583 4584 4585
3189 3190 3191 3192 3193 3194 3195 3196 3197 3198 3197 3198 3197 3200 3201 3202 3203 3204 3205 3206 3207 3208 3209 3210	OAK OAK (x2) OAK OAK OAK (x3) OAK OAK OAK OAK OAK OAK OAK OAK OAK OAK	14 10 10 14 14 14 27 16 14 27 16 14 27 16 14 12 14 10 16 12 14 10 14 10 14 10 14 10 14 12	REMOVE	4500 4565 4566 4567 4568 4569 4570 4570 4571 4572 4573 4574 4575 4576 4577 4578 4577 4578 4579 4580 4581 4582 4583
3189 3190 3191 3192 3193 3194 3195 3197 3198 3199 3200 3201 3202 3203 3204 3205 3206 3207 3208 3209 3210 3203	OAK OAK (x2) OAK OAK OAK (x3) OAK OAK OAK OAK OAK OAK OAK OAK OAK OAK	14 10 10 14 14 14 14 14 14 14 14 14 14 14 14 14 12 14 10 16 12 14 10 14 10 14 10 14 12 14	REMOVE	4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4577 4578 4579 4580 4581 4582 4583 4584 4585 4586 4587
3189 3190 3191 3192 3193 3194 3195 3196 3197 3198 3197 3198 3197 3198 3197 3201 3202 3203 3204 3205 3206 3207 3208 3209 3210 3211 3212	OAK OAK (x2) OAK OAK OAK (x3) OAK OAK OAK OAK OAK OAK OAK OAK OAK OAK	14 10 10 14 14 14 14 14 14 14 14 14 14 14 14 14 12 14 10 16 12 14 10 14 10 14 10 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12	REMOVE	4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4576 4577 4578 4579 4580 4581 4582 4583 4584 4585 4584 4585
3189 3190 3191 3192 3193 3194 3195 3196 3197 3198 3197 3198 3197 3198 3197 3200 3201 3202 3203 3204 3205 3206 3207 3208 3209 3210 3211 3212 3213	OAK OAK (x2) OAK OAK OAK (x3) OAK OAK OAK OAK OAK OAK OAK OAK OAK OAK	14 10 14 14 14 27 16 14 27 16 14 27 16 14 12 14 10 16 12 14 10 14 10 14 10 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 42	REMOVE	4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4577 4578 4579 4580 4581 4582 4583 4584 4583 4584 4585 4586 4587
3189 3190 3191 3192 3193 3194 3195 3196 3197 3198 3197 3198 3197 3198 3197 3201 3202 3203 3204 3205 3206 3207 3208 3209 3210 3211 3212	OAK OAK (x2) OAK	14 10 10 14 14 14 14 14 14 14 14 14 14 14 14 14 12 14 10 16 12 14 10 14 10 14 10 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12	REMOVE	4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4576 4577 4578 4579 4580 4581 4582 4583 4584 4585 4584 4585
3189 3190 3191 3192 3193 3194 3195 3196 3197 3198 3197 3198 3197 3198 3197 3200 3201 3202 3203 3204 3205 3206 3207 3208 3209 3210 3211 3212 3213	OAK OAK (x2) OAK OAK OAK (x3) OAK OAK OAK OAK OAK OAK OAK OAK OAK OAK	14 10 14 14 14 27 16 14 27 16 14 27 16 14 12 14 10 16 12 14 10 14 10 14 10 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 42	REMOVE	4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4577 4578 4579 4580 4581 4582 4583 4584 4583 4584 4585 4586 4587
3189 3190 3191 3192 3193 3194 3195 3196 3197 3198 3197 3198 3197 3198 3200 3201 3202 3203 3204 3205 3206 3207 3208 3209 3210 3211 3212 3213 3214	OAK OAK (x2) OAK OAK OAK (x3) OAK OAK OAK OAK OAK OAK OAK OAK OAK OAK	14 10 10 14 14 14 14 14 14 14 14 14 14 14 14 12 14 10 16 12 14 10 14 10 14 10 14 12 14 12 14 10 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14	REMOVE	4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4577 4578 4579 4580 4581 4582 4583 4584 4583 4584 4585 4586 4587
3189 3190 3191 3192 3193 3194 3195 3196 3197 3198 3197 3198 3197 3198 3197 3201 3202 3203 3204 3205 3206 3207 3208 3209 3210 3211 3212 3213 3214 3216	OAK OAK (x2) OAK OAK OAK (x3) OAK OAK OAK OAK OAK OAK OAK OAK OAK OAK	14 10 14 14 14 14 14 14 14 14 14 14 14 14 14 12 14 10 16 12 14 10 14 10 14 10 14 10 14 10 14 10 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14	REMOVE	4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4577 4578 4579 4580 4581 4582 4583 4584 4585 4584 4585 4586 4587
3189 3190 3191 3192 3193 3194 3195 3196 3197 3198 3197 3198 3197 3198 3197 3202 3203 3204 3205 3206 3207 3208 3209 3210 3210 3211 3212 3213 3214 3217	OAK OAK (x2) OAK OAK OAK (x3) OAK OAK OAK OAK OAK OAK OAK OAK OAK OAK	14 10 14 14 14 17 16 14 27 16 14 27 16 14 12 14 10 16 12 14 10 14 10 14 10 14 10 14 10 14 10 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12	REMOVE	4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4577 4578 4577 4578 4579 4580 4581 4582 4583 4584 4585 4586 4587 4589 4590 4590
3189 3190 3191 3192 3193 3194 3195 3196 3197 3198 3197 3198 3197 3198 3197 3198 3197 3201 3202 3203 3204 3205 3206 3207 3208 3209 3210 3211 3212 3213 3214 3217 3218	OAK OAK (x2) OAK OAK OAK (x3) OAK OAK OAK OAK OAK OAK OAK OAK OAK OAK	14 10 14 14 14 14 14 14 14 14 14 14 14 14 14 12 14 10 16 12 14 10 14 10 14 10 14 10 14 10 14 10 14 10 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14	REMOVE	4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4576 4577 4578 4576 4577 4578 4579 4580 4581 4582 4583 4584 4585 4584 4585 4586 4587
3189 3190 3191 3192 3193 3194 3195 3196 3197 3198 3197 3198 3197 3198 3197 3201 3202 3203 3204 3205 3206 3207 3208 3209 3210 3211 3212 3213 3214 3217 3218 3219	OAK OAK </td <td>14 10 14 14 14 14 14 14 14 14 14 14 14 14 12 14 10 16 12 14 10 14 10 14 10 14 10 14 10 14 10 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12</td> <td>REMOVE</td> <td>4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4577 4578 4577 4578 4579 4580 4581 4582 4583 4584 4585 4586 4587 4588 4589 4590 4594 4595</td>	14 10 14 14 14 14 14 14 14 14 14 14 14 14 12 14 10 16 12 14 10 14 10 14 10 14 10 14 10 14 10 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12 14 12	REMOVE	4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4577 4578 4577 4578 4579 4580 4581 4582 4583 4584 4585 4586 4587 4588 4589 4590 4594 4595

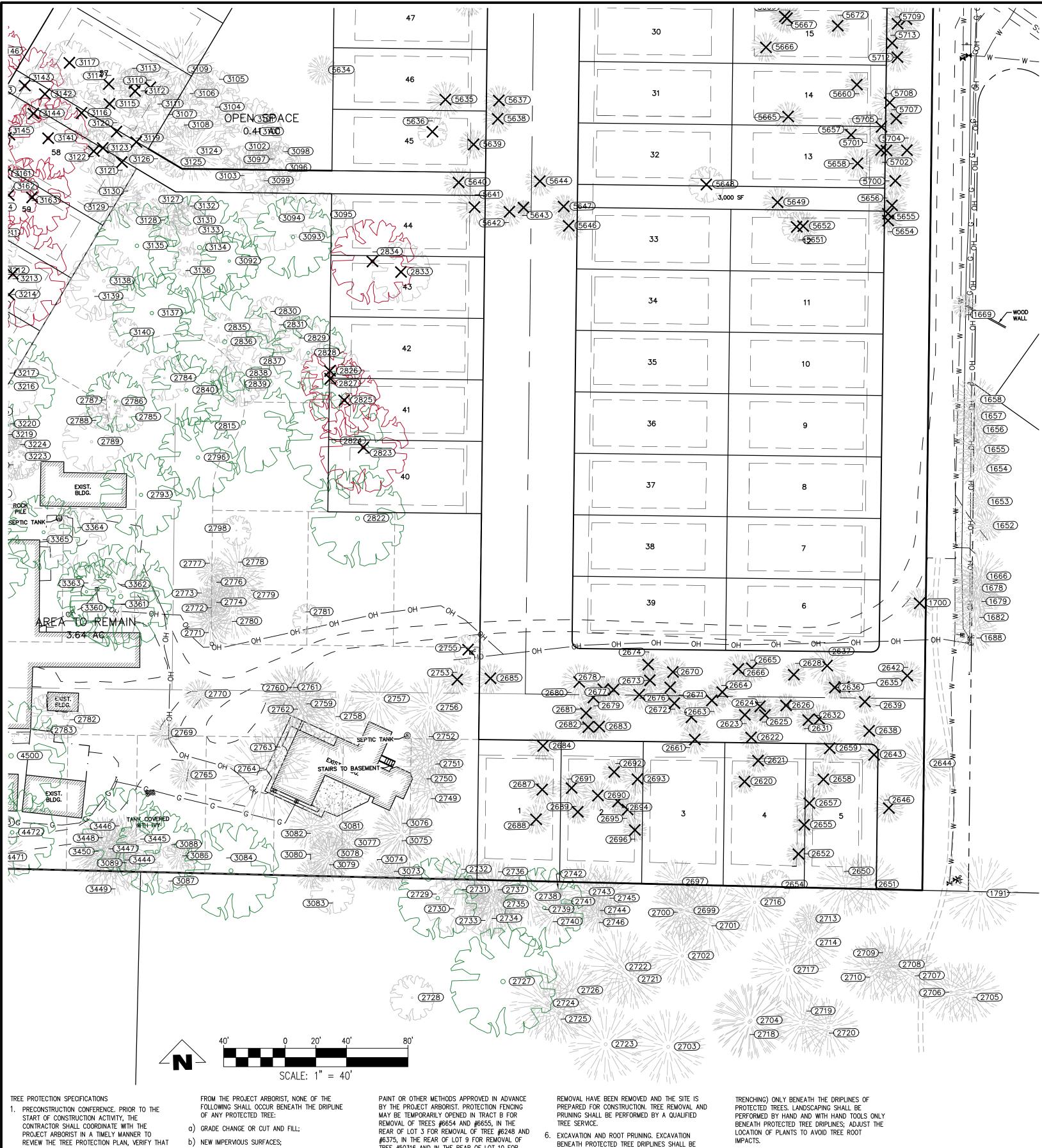
TREE # SPECIES DBH* REMOVE

TREE #	SPECIES	DBH*	REMOVE
3226	OAK	12	REMOVE
3227	OAK (x2)	12	REMOVE
3228	OAK	34	REMOVE
3229	OAK	12	REMOVE
3230	OAK	10	REMOVE
5250	UAN	10	REMOVE
7070		10	
3232	OAK	16	REMOVE
3233	OAK	12	REMOVE
3235	0AK (x2)	12	REMOVE
3238	ΟΑΚ	16	REMOVE
3240	OAK	10	REMOVE
3240	0AK (x2)	16	
	OAK (x2) OAK (x3)		
3242	•	25	REMOVE
3243	OAK (x3)	24	REMOVE
3244	0AK (x5)	14	
3245	OAK	14	
3246	0AK (x2)	16	
3247	OAK	25	
3248	OAK	18	
3249	OAK (x2)	12	
3250		16	
3251	OAK		
		29	
3252	OAK	14	REMOVE
	_		
3254	OAK	10	REMOVE
3256	OAK	10	REMOVE
3259	OAK	12	REMOVE
3260	OAK	14	REMOVE
3261	0AK (x3)	12	REMOVE
3262	OAK	10	REMOVE
3263	0AK (x3)	10	REMOVE
3264	OAK	10	REMOVE
3265	OAK	16	REMOVE
			REMOVE
3266	ΟΑΚ	16	
3267	OAK	10	
3268	OAK	16	REMOVE
3269	ΟΑΚ	10	REMOVE
3270	OAK	18	REMOVE
3271	0AK (x3)	12	REMOVE
3272	OAK (x2)	12	
3273	OAK	18	
3274	OAK	10	
3275	OAK (x2)	18	
3275 3276	OAK (x2) OAK	18 12	
3276	OAK	12	
3276 3277	ОАК ОАК ОАК	12 27 10	
3276 3277 3278 3280	0AK 0AK 0AK 0AK	12 27 10 18	
3276 3277 3278	ОАК ОАК ОАК	12 27 10	
3276 3277 3278 3280 3281	OAK OAK OAK OAK (x2)	12 27 10 18 16	
3276 3277 3278 3280 3281 4466	OAK OAK OAK OAK (x2) OAK	12 27 10 18 16 33	
3276 3277 3278 3280 3281 4466 4467	OAK OAK OAK OAK (x2) OAK OAK	12 27 10 18 16 33 18	
3276 3277 3278 3280 3281 4466 4467 4468	ОАК ОАК ОАК ОАК (x2) ОАК ОАК ОАК	12 27 10 18 16 33 18 31	
3276 3277 3278 3280 3281 4466 4467	OAK OAK OAK OAK (x2) OAK OAK	12 27 10 18 16 33 18	
3276 3277 3278 3280 3281 4466 4467 4468	ОАК ОАК ОАК ОАК (x2) ОАК ОАК ОАК	12 27 10 18 16 33 18 31	
3276 3277 3278 3280 3281 4466 4467 4468 4469	ОАК ОАК ОАК ОАК (×2) ОАК ОАК ОАК	12 27 10 18 16 33 18 31 28	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470	ОАК ОАК ОАК ОАК (x2) ОАК ОАК ОАК ОАК	12 27 10 18 16 33 18 31 28 29	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4471	OAK OAK OAK OAK (x2) OAK OAK OAK OAK OAK	12 27 10 18 33 18 31 28 29 36	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4471 4472	ОАК ОАК ОАК ОАК (x2) ОАК ОАК ОАК ОАК ОАК ОАК	12 27 10 18 16 33 18 31 28 29 36 29	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4471 4472 4473	ОАК ОАК ОАК ОАК (x2) ОАК ОАК ОАК ОАК ОАК ОАК	12 27 10 18 33 18 31 28 29 36 29 25	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4471 4472 4473 4474 4500	ОАК ОАК ОАК ОАК ОАК (x2) ОАК ОАК ОАК ОАК ОАК ОАК ОАК ОАК	12 27 10 18 16 33 18 31 28 29 36 29 25 14 37	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4471 4472 4473 4473 4474 4500 4565	ОАК ОАК ОАК ОАК ОАК ОАК ОАК ОАК ОАК ОАК	12 27 10 18 16 33 18 31 28 29 36 29 25 14 37 18	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4470 4471 4472 4473 4474 4500 4565 4566	ОАК ОАК ОАК ОАК ОАК (x2) ОАК ОАК ОАК ОАК ОАК ОАК ОАК ОАК ОАК ОАК	12 27 10 18 16 33 18 31 28 29 36 29 25 14 37 18 36	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4469 4470 4470 4471 4472 4473 4473 4474 4500 4565 4566 4567	OAK	12 27 10 18 16 33 18 31 28 29 36 29 36 29 36 14 37 18 36 14	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4470 4471 4472 4473 4474 4500 4565 4566 4567 4568	OAK	12 27 10 18 16 33 18 31 28 29 36 29 36 37 18 36 14 36 14 16	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4469 4470 4470 4471 4472 4473 4473 4474 4500 4565 4566 4567	OAK OAK OAK OAK OAK (x2) OAK	12 27 10 18 16 33 18 31 28 29 36 29 36 29 36 14 36 14 16 25	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4470 4471 4472 4473 4474 4500 4565 4566 4567 4568	OAK	12 27 10 18 16 33 18 31 28 29 36 29 36 37 18 36 14 36 14 16	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4469 4469 4470 4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569	OAK OAK OAK OAK OAK (x2) OAK	12 27 10 18 16 33 18 31 28 29 36 29 36 29 36 14 36 14 16 25	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4469 4470 4470 4471 4472 4473 4473 4473 4474 4500 4565 4566 4567 4568 4569 4569	OAK	12 27 10 18 16 33 18 31 28 29 36 29 36 29 36 14 37 18 36 14 36 14 16 25 14	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4470 4472 4473 4472 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571	ОАК	12 27 10 18 16 33 18 31 28 29 36 29 36 29 36 14 36 14 25 14 36 14 25 14 25 14 25 14 25 14 25 14 25 14 25	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4470 4471 4472 4473 4473 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571 4572 4573	OAK	12 27 10 18 16 33 18 31 28 29 36 29 36 29 36 14 37 18 36 14 25 14 25 14 25 14 25 23	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4469 4470 4471 4472 4473 4474 4472 4473 4474 4500 4565 4566 4567 4568 4569 4569 4570 4571 4572 4573	OAK OAK OAK OAK OAK (x2) OAK (x3)	12 27 10 18 16 33 18 31 28 29 36 29 36 29 36 14 36 14 25 14 25 14 25 14 25 14 36 33	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4471 4472 4473 4472 4473 4474 4500 4565 4566 4567 4568 4569 4569 4570 4571 4572 4573 4574	OAK	12 27 10 18 16 33 18 31 28 29 36 29 36 14 37 18 36 14 37 18 36 14 25 14 25 18 33 25 18 33 25 23 18 33 25	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4471 4472 4473 4474 4472 4473 4474 4500 4565 4566 4567 4568 4569 4568 4569 4570 4571 4572 4573 4574	OAK	12 27 10 18 16 33 18 31 28 29 36 29 36 29 36 14 36 14 25 14 25 14 25 14 25 14 25 23 18 33 25 23 18 33 25 20	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4471 4472 4473 4473 4474 4500 4565 4566 4567 4568 4569 4568 4569 4570 4571 4572 4573 4574 4575	OAK	12 27 10 18 16 33 18 31 28 29 36 29 36 29 36 14 37 18 36 14 25 14 25 14 25 14 25 14 25 14 25 23 18 33 25 20 12	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4471 4472 4473 4473 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576	OAK	12 27 10 18 16 33 18 31 28 29 36 29 36 14 37 18 36 14 25 14 25 14 25 14 25 14 25 14 25 14 25 14 25 23 18 33 25 20 12 18	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4471 4472 4473 4473 4474 4500 4565 4566 4567 4568 4569 4568 4569 4570 4571 4572 4573 4574 4575	OAK	12 27 10 18 16 33 18 31 28 29 36 29 36 29 36 14 37 18 36 14 25 14 25 14 25 14 25 14 25 14 25 23 18 33 25 20 12	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4471 4472 4473 4473 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576	OAK	12 27 10 18 16 33 18 31 28 29 36 29 36 14 37 18 36 14 25 14 25 14 25 14 25 14 25 14 25 14 25 14 25 23 18 33 25 20 12 18	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4471 4472 4473 4474 4500 4565 4566 4567 4568 4569 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4579	OAK OAK OAK OAK OAK (x2) OAK (x3) OAK (x3)	12 27 10 18 16 33 18 31 28 29 36 29 36 14 37 18 36 14 25 14 25 14 25 14 25 14 25 14 25 18 33 25 20 12 18 34	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4471 4472 4473 4473 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4579 4580 4581	OAK	12 27 10 18 16 33 18 31 28 29 36 29 36 29 36 14 37 18 36 14 37 18 36 14 25 14 25 14 25 14 15 20 12 18 14 18 14 18 14 18 14	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4471 4472 4473 4472 4473 4474 4500 4565 4566 4567 4568 4569 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4577 4578	OAK OAK OAK OAK OAK (x2) OAK (x3) OAK (x3) OAK (x3) OAK (x3) OAK (x4) OAK (x4)	12 27 10 18 16 33 18 31 28 29 36 29 36 29 36 14 37 18 36 14 25 14 25 14 25 14 25 14 25 14 16 25 18 33 25 20 12 18 14 18 14 18 14 18 14 18 14 18 14 14 14 14 14 14	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4471 4472 4473 4473 4473 4474 4500 4565 4566 4567 4568 4569 4569 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4577 4578 4579 4580 4581 4582	OAK	12 27 10 18 16 33 18 31 28 29 36 29 36 14 37 18 36 14 25 14 25 14 25 14 25 14 16 25 14 16 25 14 15 20 12 18 14 18 14 18 14 12 18 14 12 18 14 14 14 14 14 14 14 14 <	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4469 4470 4471 4472 4473 4474 4472 4473 4474 4500 4565 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4577 4578 4579 4580 4581 4582	OAK O	12 27 10 18 16 33 18 31 28 29 36 29 36 29 36 14 37 18 36 14 37 18 36 14 25 14 25 14 15 20 12 18 33 25 20 12 18 14 18 14 12 18 14 12 18 14 14 14 14 14 14 12 10	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4471 4472 4473 4472 4473 4474 4500 4565 4566 4567 4568 4569 4568 4569 4570 4571 4572 4573 4574 4573 4574 4575 4576 4577 4578 4577 4578 4579 4580 4581 4582	OAK O	12 27 10 18 16 33 18 31 28 29 36 29 36 14 37 18 36 14 25 14 25 14 25 14 25 14 16 25 14 15 20 12 18 33 25 20 12 18 14 18 14 12 10 12 10 12	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4471 4472 4473 4473 4473 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4577 4578 4577 4578 4577 4578 4577 4578 4578	OAK O	12 27 10 18 16 33 18 31 28 29 36 29 36 14 37 18 36 14 37 18 36 14 25 14 25 14 16 25 14 16 25 14 15 20 12 18 14 18 14 18 14 12 10 12 10 12 10	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4471 4472 4473 4472 4473 4474 4500 4565 4566 4567 4568 4569 4568 4569 4570 4571 4572 4573 4574 4573 4574 4575 4576 4577 4578 4577 4578 4579 4580 4581 4582	OAK O	12 27 10 18 16 33 18 31 28 29 36 29 36 14 37 18 36 14 25 14 25 14 25 14 25 14 16 25 14 15 20 12 18 33 25 20 12 18 14 18 14 12 10 12 10 12	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4471 4472 4473 4473 4473 4473 4474 4500 4565 4566 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4577 4578 4577 4578 4577 4578 4577 4578 4578	OAK O	12 27 10 18 16 33 18 31 28 29 36 29 36 14 37 18 36 14 37 18 36 14 25 14 25 14 16 25 14 16 25 14 15 20 12 18 14 18 14 18 14 12 10 12 10 12 10	
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3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4471 4472 4473 4473 4473 4474 4500 4565 4566 4567 4568 4569 4569 4569 4570 4570 4571 4572 4573 4574 4575 4576 4577 4578 4577 4578 4577 4578 4577 4578 4577 4578 4577 4578 4577 4578 4577 4578 4577 4578 4577 4578 4578	OAK O	12 27 10 18 16 33 18 31 28 29 36 29 36 14 37 18 36 14 25 14 25 14 25 14 25 23 18 33 25 20 12 18 14 18 14 12 12 13 14 12 10 12 16 18 18 14 12 16 18	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4471 4472 4473 4473 4473 4474 4500 4565 4566 4567 4568 4569 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4577 4578 4577 4578 4577 4578 4578	OAK O	12 27 10 18 16 33 18 31 28 29 36 29 36 29 36 14 37 18 36 14 25 14 25 14 25 14 25 14 25 14 15 20 12 18 14 12 18 14 12 10 12 16 18 18 18 14 12 10 12 16 18 18 18 18 18	REMOVE
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4471 4472 4473 4473 4473 4474 4500 4565 4566 4567 4568 4569 4569 4569 4570 4570 4571 4572 4573 4574 4575 4576 4577 4578 4577 4578 4577 4578 4577 4578 4577 4578 4577 4578 4577 4578 4577 4578 4577 4578 4577 4578 4578	OAK O	12 27 10 18 16 33 18 31 28 29 36 29 36 14 37 18 36 14 37 18 36 14 25 23 18 33 25 20 12 18 14 15 20 12 10 12 10 12 16 18 14 12 10 12 16 18 18 18 18 18 20	
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4471 4472 4473 4473 4473 4474 4500 4565 4566 4567 4568 4569 4567 4568 4569 4570 4571 4572 4573 4574 4575 4576 4577 4578 4577 4578 4577 4578 4577 4578 4578	OAK O	12 27 10 18 16 33 18 31 28 29 36 29 36 29 36 14 37 18 36 14 25 14 25 14 25 14 25 14 25 14 15 20 12 18 14 12 18 14 12 10 12 16 18 18 18 14 12 10 12 16 18 18 18 18 18	REMOVE
3276 3277 3278 3280 3281 4466 4467 4468 4469 4470 4470 4471 4472 4473 4473 4474 4500 4555 4566 4567 4568 4567 4568 4569 4570 4570 4571 4572 4573 4574 4575 4576 4577 4578 4577 4578 4577 4578 4577 4578 4577 4578 4577 4578 4577 4578 4577 4578 4577 4578 4577 4578 4578	OAK O	12 27 10 18 16 33 18 31 28 29 36 29 36 14 37 18 36 14 37 18 36 14 25 23 18 33 25 20 12 18 14 15 20 12 10 12 10 12 16 18 14 12 10 12 16 18 18 18 18 18 20	REMOVE REMOVE
3276 3277 3278 3280 3281 4466 4467 4468 4469 4467 4468 4469 4470 4470 4470 4473 4470 4471 4500 4565 4565 4566 4567 4568 4567 4568 4570 4571 4572 4573 4574 4575 4576 4577 4578 4579 4580 4581 4582 4583 4584 4585 4586 4587 4588 4587 4588 4589 4590 4594 4595 4596 <t< td=""><td>OAK OAK O</td><td>12 27 10 18 16 33 18 31 28 29 36 29 36 14 37 18 36 14 37 18 36 14 25 14 25 14 16 25 14 15 20 12 18 14 12 18 14 12 12 16 18 18 12 16 18 18 18 18 18 18 18 18 18 10 12</td><td>REMOVE REMOVE REMOVE</td></t<>	OAK O	12 27 10 18 16 33 18 31 28 29 36 29 36 14 37 18 36 14 37 18 36 14 25 14 25 14 16 25 14 15 20 12 18 14 12 18 14 12 12 16 18 18 12 16 18 18 18 18 18 18 18 18 18 10 12	REMOVE REMOVE REMOVE
3276 3277 3278 3280 3281 4466 4467 4468 4469 4467 4468 4470 4470 4470 4470 4473 4470 4471 4500 4565 4565 4566 4567 4568 4567 4568 4570 4571 4572 4573 4574 4575 4576 4577 4578 4577 4581 4582 4583 4584 4585 4586 4587 4588 4587 4588 4589 4595 4596 4597 4598 4599 <t< td=""><td>OAK OAK O</td><td>12 27 10 18 16 33 18 31 28 29 36 29 36 14 37 18 36 14 37 18 36 14 25 14 25 14 25 23 18 33 25 20 12 10 12 10 12 16 18 18 20 21 18 18 18 18 18 18 18 18 18 18 18 10 12</td><td>REMOVE REMOVE REMOVE REMOVE REMOVE</td></t<>	OAK O	12 27 10 18 16 33 18 31 28 29 36 29 36 14 37 18 36 14 37 18 36 14 25 14 25 14 25 23 18 33 25 20 12 10 12 10 12 16 18 18 20 21 18 18 18 18 18 18 18 18 18 18 18 10 12	REMOVE REMOVE REMOVE REMOVE REMOVE
3276 3277 3278 3280 3281 4466 4467 4468 4469 4467 4468 4470 4470 4470 4470 4473 4470 4473 4470 4473 4470 4473 4474 4500 4565 4567 4568 4567 4568 4567 4570 4571 4572 4573 4574 4575 4576 4577 4578 4579 4581 4582 4583 4584 4585 4586 4587 4588 4589 4596 4597 4598 <t< td=""><td>OAK OAK O</td><td>12 27 10 18 16 33 18 31 28 29 36 29 36 29 36 14 37 18 36 14 25 14 25 14 25 14 25 14 25 23 18 33 25 20 12 10 12 10 12 16 18 18 14 12 10 12 16 18 18 18 20 22 20 22 20</td><td>REMOVE REMOVE REMOVE REMOVE</td></t<>	OAK O	12 27 10 18 16 33 18 31 28 29 36 29 36 29 36 14 37 18 36 14 25 14 25 14 25 14 25 14 25 23 18 33 25 20 12 10 12 10 12 16 18 18 14 12 10 12 16 18 18 18 20 22 20 22 20	REMOVE REMOVE REMOVE REMOVE
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TREE #	SPECIES	DBH*	REMOVE	
DBH* DI	AMETER AT BR	REAST H	EIGHT, INCHES.	
	INDICATES OFFS	ITE TREE.	OR TREE NOT	

INDICATES OFFSITE TREE, OR TREE NOT LOCATED WITHIN PROJECT AREA. NOT INCLUDED IN TREE PRESERVATION COUNT.

	TAX MAP - 3000 & 3002 TAX MAP - 083W11BC SW1/4 NW1/4 SEC11 T8S R3W W.M.	SALEM, OREGON
TRFF PRESERVATION AND	-	
REVISI	NO. DATE DESCRIPTION	
	2667 WILLAKENZIE ROAD, SUITE 1A EUGENE, OREGON 97401 TEL: (503) 746-8812 FAX: (503) 639-9592	www.emeriodesign.com
	EXPIRES: 6/30/2023	7



- TREES TO BE RETAINED ARE IDENTIFIED WITH NUMBERED TAGS ON THE GROUND, AND TO INSPECT AND VERIFY THE INSTALLATION OF TREE PROTECTION MEASURES. FENCING. TREES TO REMAIN ON SITE SHALL BE PROTECTED BY INSTALLATION OF TREE PROTECTION
- FENCING AS DEPICTED ON SITE PLANS IN ORDER TO PREVENT INJURY TO TREE TRUNKS OR ROOTS, OR SOIL COMPACTION WITHIN THE ROOT PROTECTION AREA. FENCES SHALL BE A MINIMUM 6-FOOT HIGH 2-INCH CHAIN LINK MESH SECURED TO METAL POSTS DRIVEN INTO THE GROUND. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING WITH THE PROJECT ARBORIST PRIOR TO OPENING, ADJUSTING OR REMOVING TREE PROTECTION FENCING.

TREE PROTECTION ZONE. WITHOUT AUTHORIZATION

- c) UTILITY OR DRAINAGE FIELD PLACEMENT;
- d) STAGING OR STORAGE OF MATERIALS AND EQUIPMENT; OR
- e) VEHICLE MANEUVERING.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING THE PROJECT ARBORIST IN A TIMELY MANNER PRIOR TO WORKING BENEATH PROTECTED TREE DRIPLINES. ROOT PROTECTION ZONES MAY BE ENTERED FOR TASKS LIKE SURVEYING, MEASURING AND SAMPLING. FENCES MUST BE CLOSED UPON COMPLETION OF THESE TASKS.
- 4. TREE AND STUMP REMOVAL. TREES TO BE REMOVED SHALL BE CLEARLY IDENTIFIED WITH TREE-MARKING

TREE #50316 AND IN THE REAR OF LOT 10 FOR REMOVAL OF TREES #50398 AND #50399. WITHIN TREE PROTECTION ZÖNES, TREE REMOVAL SHALL BE PERFORMED WITH HAND TOOLS ONLY AND TREES SHALL BE DIRECTIONALLY FELLED OR SURGICALLY REMOVED TO AVOID DAMAGE TO REMAINING NEARBY TREES. THE STUMPS OF THESE PARTICULAR TREES SHALL REMAIN IN THE GROUND, BE REMOVED APPROXIMATELY 6-INCHES BELOW THE GROUND SURFACE USING A STUMP GRINDER, OR ELSE EXTRACTED FROM THE GROUND UNDER ARBORIST SUPERVISION.

- PRUNING. PRUNING MAY BE NEEDED TO PROVIDE OVERHEAD CLEARANCE AND TO REMOVE DEAD AND DEFECTIVE BRANCHES FOR SAFETY. THE PROJECT ARBORIST CAN HELP IDENTIFY WHERE PRUNING IS NECESSARY ONCE TREES RECOMMENDED FOR
- AVOIDED IF ALTERNATIVES ARE AVAILABLE. IF EXCAVATION IS UNAVOIDABLE, THE PROJECT ARBORIST SHALL EVALUATE THE PROPOSED EXCAVATION TO DETERMINE METHODS TO MINIMIZE IMPACTS TO TREES. ROOT PRUNING SHALL BE DIRECTED AND DOCUMENTED BY THE PROJECT ARBORIST.
- 7. LANDSCAPING. FOLLOWING CONSTRUCTION AND WHERE LANDSCAPING IS DESIRED, APPLY APPROXIMATELY 3-INCHES OF MULCH BENEATH THE DRIPLINE OF PROTECTED TREES IN A MINIMUM 5-FOOT RADIUS AROUND TREE TRUNKS; DO NOT PILE MULCH DIRECTLY AGAINST TREE TRUNKS. SHRUBS AND GROUND COVER PLANTS MAY BE PLANTED WITHIN THE GRASS-FREE MULCH RINGS. IF IRRIGATION IS USED, USE DRIP IRRIGATION OR LOW FLOW EMITTERS INSTALLED AT NATIVE GRADE (NO

TDEE #	SPECIES	DBH*	REMOVE
TREE #	FIR	06⊓* 16	REMOVE
1653	FIR	18	
1654	FIR	18	
1655	FIR	16	
1656	FIR	16	
1657	FIR	14	
1658	FIR	22	
1666	FIR	20	
1669	CEDAR	10	
1678	FIR	12	
1679	FIR	14	
1682 1688	FIR	16 18	
1700	PINE	12	REMOVE
		i i	
1791	FIR	36	
2620	PINE	12	REMOVE
2621	PINE	12	REMOVE
2622	PINE	10	REMOVE
2623	PINE	12	REMOVE
2624	PINE	10	REMOVE
2625	PINE	10	REMOVE
2626	PINE	12	REMOVE
2600	סוגיר	10	
2628	PINE	16	REMOVE
		$\left \right $	
2631	PINE	12	REMOVE
2632	PINE	13	REMOVE
2635	PINE	12	REMOVE
2636	PINE	12	REMOVE
2637 2638	PINE	16 16	REMOVE REMOVE
2639	PINE	10	REMOVE
2642	PINE	12	REMOVE
2643	PINE	14	REMOVE
2644	FIR	32	
2646	PINE	18	REMOVE
2040			
2650	FIR	28	
2651	FIR	28	
			REMOVE
2651 2652	FIR PINE	28 12	REMOVE
2651	FIR	28	REMOVE
2651 2652 2654	FIR PINE OAK (x2)	28 12 15	
2651 2652 2654	FIR PINE OAK (x2)	28 12 15	
2651 2652 2654 2655	FIR PINE OAK (x2) PINE PINE PINE	28 12 15 11	REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18	REMOVE
2651 2652 2654 2655 2657 2658 2659	FIR PINE OAK (x2) PINE PINE PINE PINE	28 12 15 11 18 12 12 12	REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658	FIR PINE OAK (x2) PINE PINE PINE	28 12 15 11 18 12	REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659	FIR PINE OAK (x2) PINE PINE PINE PINE	28 12 15 11 18 12 12 12	REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661	FIR PINE OAK (x2) PINE PINE PINE PINE PINE	28 12 15 11 18 12 12 12 12	REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2663 2664 2665	FIR PINE OAK (x2) PINE PINE PINE PINE PINE PINE PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 13	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2661 2663 2664	FIR PINE OAK (x2) PINE PINE PINE PINE PINE PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2663 2664 2665	FIR PINE OAK (x2) PINE PINE PINE PINE PINE PINE PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 13	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2663 2664 2665	FIR PINE OAK (x2) PINE PINE PINE PINE PINE PINE PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 13	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2663 2664 2665	FIR PINE OAK (x2) PINE PINE PINE PINE PINE PINE PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 13	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2661 2663 2664 2665 2666	FIR PINE OAK (x2) PINE PINE PINE PINE PINE PINE PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 13 13 13	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2661 2663 2664 2665 2666 2666	FIR PINE OAK (x2) PINE PINE PINE PINE PINE PINE PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2661 2663 2664 2665 2666 2666 2665 2666	FIR PINE OAK (x2) PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2661 2663 2664 2665 2666 2666	FIR PINE OAK (x2) PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2661 2663 2664 2665 2666 2666 2666 2666	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13 13	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2661 2663 2664 2665 2666 2666 2665 2666	FIR PINE OAK (x2) PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2663 2664 2665 2666 2665 2666 2665 2666 2670 2671 2672 2673 2674	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13 13 13 13	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2661 2663 2664 2665 2666 2666 2666 2670 2671 2672 2672 2673 2674 2674	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13 13 13 13	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2661 2663 2664 2665 2666 2666 2666 2670 2671 2672 2673 2674 2673 2674 2677 2678 2677 2678	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13 13 13 13	REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2663 2664 2665 2666 2665 2666 2670 2671 2672 2673 2674 2673 2674 2677 2678 2677 2678 2679 2680 2681	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13 13 13 13	REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2661 2663 2664 2665 2666 2665 2666 2670 2671 2672 2673 2674 2672 2673 2674 2677 2678 2677 2678 2679 2680 2681 2682	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13 13 13 13	REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2661 2663 2664 2665 2666 2666 2666 2670 2671 2672 2673 2674 2673 2674 2677 2678 2677 2678 2677 2678 2679 2680 2681 2682	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13 13 13 13	REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2661 2663 2664 2665 2666 2665 2666 2670 2671 2672 2673 2674 2672 2673 2674 2677 2678 2677 2678 2679 2680 2681 2682	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13 13 13 13	REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2663 2664 2665 2666 2665 2666 2670 2671 2672 2673 2674 2673 2674 2677 2678 2677 2678 2677 2678 2679 2680 2681 2682	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 12 12 12 12	REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2663 2664 2665 2666 2665 2666 2670 2671 2672 2673 2674 2673 2674 2677 2678 2677 2678 2677 2678 2677 2678 2677	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13	REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2661 2663 2664 2665 2666 2665 2666 2670 2671 2672 2673 2674 2673 2674 2673 2674 2677 2678 2677 2678 2677 2678 2677 2678 2674	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13	REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2663 2664 2665 2666 2665 2666 2670 2671 2670 2671 2672 2673 2674 2673 2674 2677 2678 2677 2678 2677 2678 2674 2673 2674 2683 2684 2685 2683	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13	REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2661 2663 2664 2665 2666 2670 2671 2670 2671 2672 2673 2674 2673 2674 2677 2678 2677 2678 2677 2678 2677 2678 2679 2680 2681 2682 2683 2684 2685 2683	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13	REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2661 2663 2664 2665 2666 2665 2666 2670 2671 2672 2673 2674 2672 2673 2674 2673 2674 2677 2678 2677 2678 2677 2678 2677 2678 2677 2678 2677 2678 2677 2678 2677 2678 2677 2678 2677 2678 2677 2678 2677 2678 2677 2678 2677 2678	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13	REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2661 2663 2664 2665 2666 2670 2671 2670 2671 2672 2673 2674 2673 2674 2677 2678 2677 2678 2677 2678 2677 2678 2679 2680 2681 2682 2683 2684 2685 2683	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 12 12 12 12 13 13 13 13 10 10 10 10 12 10 14 12 10 16 18 10 12 10 18 10 12 10 18 10 12 14 15 16 12 16 12 16 12 10 16 12 16	REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2661 2663 2664 2665 2666 2670 2671 2672 2673 2674 2672 2673 2674 2677 2678 2677 2678 2677 2678 2677 2678 2677 2678 2679 2680 2681 2682 2683 2684 2685 2685 2685 2685 2685	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 13 13 13 13 13 13 13 13 13 13	REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2661 2663 2664 2665 2666 2670 2670 2670 2670 2670 2670 2672 2673 2674 2673 2674 2677 2678 2677 2678 2677 2678 2677 2678 2677 2678 2677 2678 2677 2678 2687 2687	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 12 12 12 12 13 13 13 13 13 13 13 14 10 16 18 10 12 10 14 12 10 12 10 12 10 12 10 12 16 12 16 12 10 14 15 10 14 10 14 10 14	REMOVE REMOVE
2651 2652 2654 2655 2657 2658 2659 2661 2661 2663 2664 2665 2666 2665 2666 2670 2671 2672 2673 2674 2672 2673 2674 2673 2674 2675 2673 2674 2673 2674 2675 2683 2687 2683 2684 2685 2683 2684 2685 2687 2683 2684 2685 2687 2683	FIR PINE OAK (x2) PINE PINE	28 12 15 11 18 12 12 12 12 12 12 12 12 12 12 12 12 12 13 13 13 13 10 10 10 10 12 13 14 15 16 18 10 12 10 12 10 12 14 15 10 14 18 12 14 16 12 10 14 10 14 10 14 10 16	REMOVE REMOVE

TREE #	SPECIES FIR	DBH*	REMOVE
2700	FIR	34	
2701	FIR	48	
2702 2703	FIR FIR	28 24	
2703	FIR	42	
2705	FIR	28	
2706	FIR	28	
2707 2708	FIR FIR	26 40	
2709	FIR	14	
2710	FIR	32	
2713 2714	FIR FIR	12 28	
2716	FIR	28	
2717 2718	FIR FIR	32 40	
2719	FIR	28	
2720	FIR	28	
2721 2722	FIR	32 44	
2723	FIR	40	
2724	FIR	48	
2725 2726	FIR	22 24	
2727	OAK	38	
2728	OAK	16	
2729	OAK	24	
2730 2731	OAK OAK	18 12	
2732	FIR	30	
2733	OAK	14	
2734 2735	OAK FIR	14 30	
2736	FIR	18	
2737	FIR	14	
2738 2739	FIR OAK	30 24	
2740	FIR	22	
2741	FIR	12	
2742	FIR FIR	12 28	
2744	FIR	24	
2745	FIR	23	
2746 2749	FIR	14	
2750	FIR	30	
2751	FIR	32	
2752 2753	FIR PINE	24 14	REMOVE
2755	DECD	14	REMOVE
2756	FIR	40	
2757 2758	FIR FIR	32 32	
2759	FIR	32	
2760	FIR	30	
2761 2762	FIR FIR	16 22	
2763	FIR	36	
2764	FIR	52	
2765	PINE	12	
			_
2769 2770	FIR PINE	22 16	
2770	FIR	16	
2772	FIR	14	
2773	FIR	16	
2774	FIR	10	
2776	FIR	12	
2777	FIR	12	
2778 2779	FIR FIR	26 26	
2780	FIR	30	
2781	BIRCH	12	
2782 2783	0AK 0AK (x3)	14 14	
2783	OAK (X3) OAK	18	
2785	OAK	10	
2786 2787	0AK 0AK	24 10	
2787	OAK	10	
2789	OAK	18	
2793	OAK	28	
2796 2798	OAK DECD	27 14	
2798	OAK	34	
2822	OAK	50	
2823 2824	OAK	32 33	REMOVE
2824 2825	OAK OAK	24	REMOVE
2826	OAK (x3)	16	REMOVE
2827 2828	OAK (x2) OAK	37 25	REMOVE
2828 2829	0AK 0AK	18	
2029 1		++	
2829	OAK	18	

- 8. QUALITY ASSURANCE. A QUALIFIED ARBORIST SHOULD SUPERVISE PROPER EXECUTION OF THIS PLAN ON-CALL DURING CONSTRUCTION ACTIVITIES THAT COULD ENCROACH ON RETAINED TREES. TREE PROTECTION SITE INSPECTION MONITORING REPORTS SHOULD BE PROVIDED TO THE CLIENT AND CITY FOLLOWING EACH SITE VISIT PERFORMED DURING CONSTRUCTION.
- 9. REASSESSMENT. TREES THAT ARE RETAINED WITH SITE IMPROVEMENT WORK SHOULD BE REASSESSED IN TERMS OF FUTURE HOME PLANS; ADDITIONAL TREE REMOVAL OR ALTERNATIVE TREE PROTECTION MEASURES MAY BE NEEDED.

LEGEND

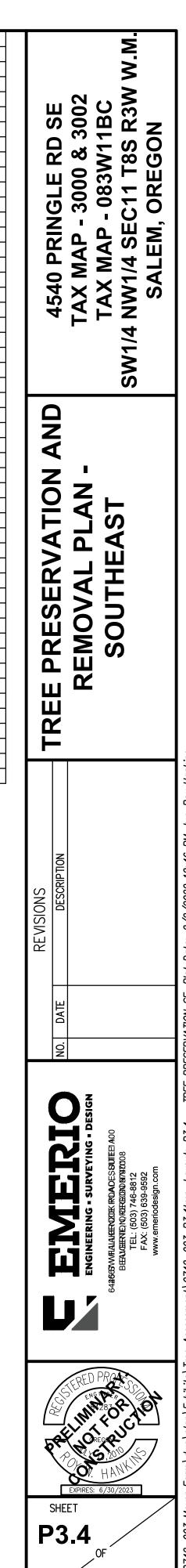
HISTORIC WHITE OAK TO REMAIN

HISTORIC WHITE OAK TO BE REMOVED

TREE #	SPECIES	DBH*	REMOVE
2833	0AK (x2)	16	REMOVE
2834	OAK	28	REMOVE
2835	OAK	10	
2836	OAK	34	
2837	OAK	18	
2838	OAK (x3)	18	
2839	OAK (x2)	12	
2840	OAK	24	
3073	FIR	24 14	
3074	FIR	14	
3075	FIR	36	
3076	FIR	26	
3077	FIR	24	
3078	FIR	24	
3079	FIR	24	
3080	FIR	15	
3080 3081	FIR	26	
3082	FIR	22	
3083	WALNUT	10	
3084	OAK	32	
3086	FIR	10	
3087	ОАК	17	
3088	ОАК	28	
3088 3089	0AK 0AK (x2)	16	
3092	0AK (x2)	25	
3093	0AK	27	
3094	OAK	22	
3095	OAK (x3)	14	
3096	OAK	14	
3097	OAK	10	
3098	OAK	10	
3099	OAK (x2)	12	
3100	OAK	23	
3101	OAK	12	
3102	0AK (x2)	16	
3103	OAK (x2)	12	
3104	OAK	12	
3105	OAK	16	
3106	OAK (x2)	18	
3107	OAK	12	
3108	OAK	12	
3109	FIR	28	
3110	0AK (x2)	14	REMOVE
3111	OAK	14	REMOVE
3112	OAK	10	
3113	OAK	10	REMOVE
3114	OAK	14	REMOVE
3114	OAK OAK	14	REMOVE
3116	OAK (x2)	16	REMOVE
3117	OAK	16	REMOVE
3119	OAK	12	REMOVE
3120	OAK	18	REMOVE
3121	OAK	12 14	REMOVE
3122	OAK	10	REMOVE
3123	OAK		REMOVE
3124	FIR	30	
3125	OAK	14	
3126	OAK	12	
3127	OAK	12	
3128	FIR	20	
3129	FIR	36	
3130	OAK	12	
3131	OAK	12	
3132	OAK	12	
3133	OAK	18	
3134	0AK (x2)	35	
3135	OAK	29	
3136	OAK	14	
3137	OAK	27	
3138	OAK (x2)	23	
3139	OAK	18	
3140	OAK	14	REMOVE
3141	OAK	27	
3142	OAK	20	REMOVE
3143	OAK	26	
3144	OAK	10	REMOVE
3145	OAK	12	REMOVE
3222	OAK	12	
3223	OAK	14	
3224	ОАК	16	
3360	ОАК	29	
3361	OAK	35	
3362	OAK	18	
3363	0AK (x2)	27	
3364 3365	OAK (x2)	18 25	
3444	FIR	16	
3445	FIR	24	
3446	OAK	28	
3447	FIR	24	
3448	FIR	20	
3449	FIR	22	
3450 5634	FIR	36	
5634	FIR	16	REMOVE
5635	FIR	14	

TREE #	SPECIES	DBH*	REMOVE			
5636	MADRONA	10	REMOVE			
5637	FIR (x2)	14	REMOVE			
5638	FIR	16	REMOVE			
5639	FIR	14	REMOVE			
5640	FIR (x2)	16	REMOVE			
5641	FIR	26	REMOVE			
5642	FIR	18	REMOVE			
5643	FIR	16	REMOVE			
5644	FIR	16	REMOVE			
5646	FIR	14	REMOVE			
5647	FIR	16	REMOVE			
5648	CTNWD	18	REMOVE			
5649	PINE	10	REMOVE			
5651	MADRONA	12	REMOVE			
5652	PINE	14	REMOVE			
5654	PINE	12	REMOVE			
5655	PINE	10	REMOVE			
5656	PINE	10	REMOVE			
5657	PINE	12	REMOVE			
5658	PINE	12	REMOVE			
5660	PINE	10	REMOVE			
5665	DINE	10	BEMOVE			
5665	PINE	10	REMOVE			
5666 5667	PINE	12	REMOVE REMOVE			
5007	FINE	12				
5669	FIR	12	REMOVE			
5700	PINE	12	REMOVE			
5700	FIR	14	REMOVE			
5702	PINE	10	REMOVE			
5704	PINE	10	REMOVE			
5705	PINE	10	REMOVE			
5707	PINE	10	REMOVE			
5708	PINE	16	REMOVE			
5709	FIR	10	REMOVE			
_						
5712	PINE	12	REMOVE			
5713	PINE	12	REMOVE			
DBH* DIAMETER AT BREAST HEIGHT, INCHES.						

DIAMETER AT BREAST HEIGHT, INCHES INDICATES OFFSITE TREE, OR TREE NOT LOCATED WITHIN PROJECT AREA. NOT INCLUDED IN TREE PRESERVATION COUNT.



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ATTACHMENT 5



February 1, 2022

City of Salem 555 Liberty Street SE RM 320 Salem, OR 97301

RE: Meyer Farm: Shifting Hilfiker Lane alignment in order to preserve significant trees

The purpose of this memorandum is to address the public testimony suggesting that Hilfiker Lane could be shifted to the west to save significant trees.

- The connection to existing Hilfiker at 12th street does not meet the intersection angle.
- The connection at Hilfiker also creates conflict with the existing driveways. They would need to be extended to connect to the new alignment.
- The proposed re-alignment would reduce the block length standards, creating "double frontage lots"
- The grades of Hilfiker from the realignment would increase the cut along the NW open space area, potentially adversely affecting the significant trees.
- By shifting the alignment, the radii are significantly tighter, creating a more dangerous driving condition for users
- The realignment near the NE portion of the site, creates an impact on the proposed water quality facility, which needs to be the sized proposed per our plan.
- Mandy, McCollum, and Porter streets would all have to shift significantly in order to meet the street spacing requirements.

Jennifer Arnold Sr. Land Use Planner jarnold@emeriodesign.com (503)746.8812