

BRAND

October 26, 2021

City of Salem City Mayor and City Councilors
555 Liberty St SE
Room 220
Salem, OR 97301
citycouncil@cityofsalem.net
503-588-6255

RE: Proposed Amendments to UDC in Response to House Bill 2001

Dear Mayor Bennett and City Council Members,

This letter is before you to show my support of your adoption of the proposed amendments to the City of Salem's Unified Development Code (UDC), specifically as it relates to Middle Housing. It is widely known, based on recent Housing Needs Analysis (HNA), that we have a severe multiple family housing shortage within the corporate city limits of Salem. I believe Salem is making strides toward a remedy for these issues through the Our Salem initiative, but Middle Housing will still be lacking even with the adoption of the proposed Our Salem Comprehensive Plan amendments. The adoption of the proposed code amendments in response to House Bill 2001 provides incredible opportunities to see Salem developed with a variety of housing types which will better serve our diverse population.

I am a land use consultant and committee member for United Way of the Mid-Willamette Valley. United Way worked closely with City Councilors to acquire properties off Market Street which were remnants after the City completed the Market Street project. The adoption of the proposed amendments to the UDC will allow the development of United Way's cottage housing for seniors to be realized on these properties. The Planning Commission's recommendation, from their October 5th meeting, to remove the minimum off-street parking requirement for middle housing, which applies to townhouses, two family uses, three family uses, four family uses, and cottage clusters, is a recommendation which would truly allow the development of affordable housing. If the City wants to see these types of diverse housing opportunities, the development requirements will need to be flexible. Removing the minimum off-street parking requirement in conjunction with maintaining the provisions of SRC Chapter 806.015(D)(2), allows the flexibility these types of developments will need to be efficient and successful for the community members they are intended to serve.

I am happy to have my letter included in the official record as support of these proposed UDC changes. I am looking forward to seeing these changes provide a variety of needed housing types within our City.

Thank you,



Britany Randall

Principal Planner | BRAND Land Use, LLC
Britany@BRANDLandUse.com

November 5, 2021

City of Salem City Mayor and City Councilors
555 Liberty St SE
Room 220
Salem, OR 97301
citycouncil@cityofsalem.net
503-588-6255

RE: Proposed Amendments to UDC in Response to House Bill 2001

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I am an employee of the United Way of the Mid-Willamette Valley. United Way worked closely with City Councilors to acquire properties off Market Street which were remnants after the City completed the Market Street project. The adoption of the proposed amendments to the UDC will allow the development of United Way's cottage housing for seniors to be realized on these properties.

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Thank you,



Melinda Freshour

Donor Stewardship and Program Support Specialist



**United Way of the
Mid-Willamette Valley**

455 Bliler Avenue NE
Salem, OR 97301
(503) 363-1651

www.unitedwaymwv.org

November 14, 2021

City of Salem City Mayor and City Councilors
555 Liberty St SE
Room 220
Salem, OR 97301
citycouncil@cityofsalem.net
503-588-6255

RE: Proposed Amendments to UDC in Response to House Bill 2001

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I am a supporter of United Way of the Mid-Willamette Valley. United Way worked closely with City Councilors to acquire properties off Market Street which were remnants after the City completed the Market Street project. The adoption of the proposed amendments to the UDC will allow the development of United Way's cottage housing for seniors to be realized on these properties. The Planning Commission's recommendation, from their October 5th meeting, to remove the minimum off-street parking requirement for middle housing, which applies to townhouses, two family uses, three family uses, four family uses, and cottage clusters, is a recommendation which would truly allow the development of affordable housing. If the City wants to see these types of diverse housing opportunities, the development requirements will need to be flexible. Removing the minimum off-street parking requirement in conjunction with maintaining the provisions of SRC Chapter 806.015(D)(2), allows the flexibility these types of developments will need to be efficient and successful for the community members they are intended to serve.

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Thank you,

DocuSigned by:

C1C83C48D2A64F7...

Jordan Schweiger, Owner
Good Well Construction, Inc.
CCB #215065
2825 Foxhaven Drive SE
Salem, OR 97306
P 503.375.6205
jordan@goodwell.com

November 15, 2021

City of Salem City Mayor and City Councilors
555 Liberty St SE
Room 220
Salem, OR 97301
citycouncil@cityofsalem.net
503-588-6255

RE: Proposed Amendments to UDC in Response to House Bill 2001

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I currently serve as the chairperson of the affordable Housing Committee of United Way of the Mid-Willamette Valley. United Way worked closely with City Councilors to acquire properties off Market Street which were remnants after the City completed the Market Street re-alignment. The adoption of the proposed amendments to the UDC will allow the development of United Way's cottage housing for seniors to be realized on these properties. The Planning Commission's recommendation, from their October 5th meeting, to remove the minimum off-street parking requirement for middle housing, which applies to townhouses, two family uses, three family uses, four family uses, and cottage clusters, is a recommendation which would truly allow the development of affordable housing. If the City wants to see these types of diverse housing opportunities, the development requirements will need to be flexible. Removing the minimum off-street parking requirement in conjunction with maintaining the provisions of SRC Chapter 806.015(D)(2), allows the flexibility these types of developments will need to be efficient and successful for the community members they are intended to serve.

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Thank you,

Brent Neilsen
Consultant
503-269-3999

November 17, 2021

City of Salem City Mayor and City Councilors
555 Liberty St SE
Room 220
Salem, OR 97301
citycouncil@cityofsalem.net
503-588-6255

RE: Proposed Amendments to UDC in Response to House Bill 2001

Dear Mayor Bennett and City Council Members,

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I am Geoff Tiffany and I am on the executive committee of United Way of the Mid-Willamette Valley. United Way worked closely with City Councilors to acquire properties off Market Street which were remnants after the City completed the Market Street project. The adoption of the proposed amendments to the UDC will allow the development of United Way's cottage housing for seniors to be realized on these properties. The Planning Commission's recommendation, from their October 5th meeting, to remove the minimum off-street parking requirement for middle housing, which applies to townhouses, two family uses, three family uses, four family uses, and cottage clusters, is a recommendation which would truly allow the development of affordable housing. If the City wants to see these types of diverse housing opportunities, the development requirements will need to be flexible. Removing the minimum off-street parking requirement in conjunction with maintaining the provisions of SRC Chapter 806.015(D)(2), allows the flexibility these types of developments will need to be efficient and successful for the community members they are intended to serve.

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Thank you,

Geoff Tiffany
Executive Committee Member
503-302-7659
geofftiffanyhomes@gmail.com

November 18, 2021

City of Salem City Mayor and City Councilors
555 Liberty St SE
Room 220
Salem, OR 97301
citycouncil@cityofsalem.net
503-588-6255

RE: Proposed Amendments to UDC in Response to House Bill 2001

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Thank you,

Rhonda

Rhonda Wolf
CEO
United Way of the Mid-Willamette Valley
503-363-1651

Bryce Bishop

From: Elena Guevara <elg.guevara@gmail.com>
Sent: Thursday, November 18, 2021 7:17 PM
To: Vanessa Nordyke
Cc: Bryce Bishop
Subject: Fwd: Planning Commission recommends City Council approval of amendments

Councilor Nordyke,

I am hoping there is still time to revise or amend the proposal to remove minimum off-street parking requirements for middle housing. Since you live in Sunnyslope, you know that there are parts of this neighborhood, and other neighborhoods around Salem, which have no on-street parking available due to lack of curbs and parking space along the road. I am wondering what the city council and city planning commission thinks is going to happen when citizens with cars move into middle housing developments when there is no on or off-street parking available. We all know that people will not suddenly give up their cars just because they move into a middle housing development. So, where are they going to park? On the shoulder, blocking part of the road? In homeowners' front yards? Or both? It's not unreasonable to predict that's exactly what will happen when there is literally nowhere else available to park if their middle housing development does not provide off-street parking.

The city would be doing a great disservice to both current homeowners and potential renters of middle housing if the off-street parking requirements for new middle housing developments are removed. I hope you can bring this forward to the rest of the city council and the city planning team before these plans are finalized. Some consideration needs to be made to neighborhoods without the proper infrastructure for on-street parking. We all agree that Salem needs more housing, but the city cannot continue to allow for new development without proper infrastructure to support that development.

Thank you.

Elena Guevara
4234 Bryan St. S.

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

From: Salem Planning <DoNotReply@cityofsalem.net>
Date: Thu, Oct 14, 2021 at 9:59 AM
Subject: Planning Commission recommends City Council approval of amendments
To: <elg.guevara@gmail.com>

A Communication of the City of Salem

[View this email in your browser](#)



Planning Commission Recommends City Council approval of Amendments

Planning Commission Recommendation

On October 5, the Planning Commission held a public hearing to consider a package of proposed code amendments and corresponding zone changes. The Commission voted to [recommend City Council approval](#) of the proposal, subject to additional recommended revisions identified by staff and the following further revisions recommended by the Planning Commission:

- **Middle housing off-street parking.** Remove minimum off-street parking requirements for middle housing. This applies to townhouses, two family uses, three family uses, four family uses, and cottage clusters.
- **Multi-family off-street parking.** Reduce the minimum off-street parking requirement for multiple family uses to one space per dwelling unit.
- **Enclosure standards for small birds.** Amend the proposed enclosure sizing requirements for poultry to specifically address the needs of small birds.
- **Definition of significant tree.** Exclude Douglas fir trees with a diameter-at-breast-height (dbh) of 30 inches or greater from the proposed revised definition of significant tree under SRC Chapter 808.

You can [view the Planning Commission meeting online](#).

The proposed code amendments address a variety of issues that have arisen since the last major update of the Unified Development Code (UDC) in 2019 and include policy-related changes that respond to concerns from the community, minor housekeeping amendments, and updates to

implement changes in State law.

Proposed Amendments

You can read the full package of [proposed code amendments here](#). Additional revisions recommended by staff on October 5 can be [read here](#).

To read more about the public hearing and proposed changes, visit the [Planning Commission webpage](#).

Next Steps

The recommendation of the Planning Commission will be forwarded to the City Council, which will take final action on the proposal. It is anticipated that the City Council public hearing on the proposed amendments will be scheduled for **December 6, 2021**.

Contact us

Bryce Bishop, Planner III
bbishop@cityofsalem.net
503-540-2399

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You received this email because you indicated that you were interested in receiving emails from the City of

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City of Salem

555 Liberty St SE

Salem, OR 97301-3513

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Bryce Bishop

From: E Easterly <emeasterly@comcast.net>
Sent: Monday, November 22, 2021 7:21 AM
To: citycouncil; Bryce Bishop
Subject: Agenda Item #7.1a

Mr. Mayor and Council Members:

I encourage you to invite Mr. Bishop and the Planning Department to carefully consider the obligations contained the LUBA decision: Johnson v Jefferson County (2008), and the potential impact of that decision has on the middle housing portions of the proposed UDC update scheduled for a public hearing on December 6th. In summary, that decision requires local governments to address changes to Goal 5 policies in the local comprehensive plan each time there is an amendment to a land use regulation that modifies a significant Goal 5 resource.

“... a PAPA “would affect a Goal 5 resource” if it “amends a * * * portion of an acknowledged plan or land use regulation [that was] adopted in order to protect a significant Goal 5 resource.”

The proposed changes to the Salem UDC expands riparian corridor widths for middle housing developments and establishes a zero setback for dwellings in riparian corridors in single family zones obligate the City to update its Goal 5 Salem Area Comprehensive Plan policies in parallel with the adoption of the proposed UDC updates.

How the Council and City chooses to address this issue is a topic I will raise during the December 6th public hearing.

Sincerely,

E.M. Easterly
775 Fir Gardens St. NW
Salem, OR 97304

From: [Bryce Bishop](#)
To: [Amy Johnson](#)
Subject: FW: Council Staff Report - Case No. CA-ZC21-01 for Unified Development Code (UDC) Update
Date: Tuesday, November 30, 2021 8:11:08 AM

Good Morning Amy,

Forwarded below is a comment received for the upcoming City Council public hearing on the UDC update (Ordinance Bill No. 13-21).

Thanks,
Bryce

Bryce Bishop

Planner III

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem OR 97301

bbishop@cityofsalem.net | 503-540-2399

[Facebook](#) | [Twitter](#) | [YouTube](#) | [CityofSalem.net](#)

From: DJ Vincent <dj@salem1f.org>

Sent: Tuesday, November 30, 2021 8:00 AM

To: Shelby Guizar <SGuizar@cityofsalem.net>

Cc: Bryce Bishop <BBishop@cityofsalem.net>

Subject: Re: Council Staff Report - Case No. CA-ZC21-01 for Unified Development Code (UDC) Update

Bryce,

In response to the need, Church at the Park operated a pilot project in early 2021 at the Oregon State Fairgrounds, demonstrating the effectiveness of a managed camp setting where guests were able to safely sleep indoors in tents. Building on the success of that project, C@P has since focused our efforts on opening managed micro-shelter communities and currently operates two managed micro-shelter communities. The need is great. Right now we have 400 plus people on our waiting list looking for shelter this winter.

The focus of our Micro Shelter Communities is the provision of a safe, sanitary, and supportive environment for guests to take the next steps towards housing and employment. With 24/7 staffing and on-site services, C@P seeks to maintain an environment of hope, dignity and holistic care. Our Church at the Park staff is well-trained to support those facing the challenges and realities of homelessness. By providing a stable living environment and support, we have seen many people exit our shelter into permanent housing and gainful employment.

Through partnership with the City of Salem, other service providers, and an outpouring of engaged citizens, C@P is collaboratively working to expand shelter sites, with the goal of operating eight shelter sites and serving people in all eight wards in Salem.

Regarding recommended additional revisions to Ordinance Bill No 13-21: please consider allowing the location of managed temporary villages within the 500-year floodplain, and within the 100-year floodplain as approved under Chapter 601 of the Salem Revised Code. Also, please include language so that shelter units that are on wheels may be located on either a paved or unpaved surface.

Thank you for your consideration,

On Mon, Nov 29, 2021 at 2:09 PM Shelby Guizar <SGuizar@cityofsalem.net> wrote:

Hello,

The Staff Report for Code Amendment Case No. CA-ZC21-01 for Unified Development Code (UDC) Update is attached for your information. This case will be heard digitally before the City Council on Monday, December 6, 2021.

Please direct questions or comments to the **CASE MANAGER:**

Bryce Bishop

BBishop@cityofsalem.net

503-540-2399

Thank you,

Shelby Guizar

Administrative Analyst

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem, OR 97301

sguizar@cityofsalem.net | 503-540-2315

[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [YouTube](#) | CityofSalem.net

--

DJ Vincent

Deputy Director & South Area Lightning Rod

Salem Leadership Foundation

www.SalemLF.org

(503) 949-2124

Includer | Achiever | Futuristic | Positivity | Arranger

https://youtu.be/yItwV7nA_7c

From: [Jared Weekly](#)
To: [CityRecorder](#)
Cc: [Lorie Fontaine](#); [Brian Varley](#)
Subject: written testimony Unified Development Code Update
Date: Tuesday, November 30, 2021 12:56:13 PM
Attachments: [salem city council.pdf](#)

To whom it may concern,

This written testimony is in submission to Item 7.1 2021 Unified Development Code Update, Proposed Code Amendments, 11 (b), Multi Family off street parking.

We are respectfully requesting minimum off-street parking requirement for multi-family housing for people with Intellectual and Development Disabilities (IDD) be reduced. For example, the current requirement for low income seniors is one space for every 4 units. Intellectual and Developmental Disability is defined under OAR 411-320-0020. Affordable and safe housing for individuals with an Intellectual or Developmental Disability that are not congregate care, are in short supply. Converting current accessible congregate housing to affordable housing for individuals with an Intellectual or Developmental Disability can be burdensome due to parking requirements for multi-family dwellings. According to recently proposed guidance on IDD services, Properties that include components where persons other than service recipients establish residence will only be permitted in situations where there has been an official separation of residential units- meaning that the home is zoned as multi-family housing.



SUNNY OAKS INC

Salem City Council
City of Salem
555 Liberty St SE
Salem, OR 97301
United States

Attn: Eunice Kim, Community Development, City of Salem

Re: Code change and/or adjustment request for adult Intellectual Developmental Disabilities (IDD) housing at Sunny Oaks Inc. (Formerly "The Grotto"), 4375 Rickey St SE Salem 97317 related to number of parking spaces requirements.

November 24, 2021

Dear Salem City Council,

Thank you for all the good work you do for the citizens of Salem, Oregon.

Sunny Oaks is a small to medium sized local private nonprofit that has been serving persons experiencing IDD in Salem since 1973.

We built a small apartment complex about two decades ago to provide a pleasant and safer living environment for adults with IDD. Currently at Sunny Oaks we are attempting to transition those apartments to a multi-family dwelling status.

The systems we are licensed or endorsed under are changing and the needs and supports of the people experiencing IDD we now serve at Harbaugh House have changed, as well.

Harbaugh House has been and currently is licensed as a 24-Hour Residential program. 24-Hour is usually for higher needs persons experiencing IDD. Persons with these higher levels of needs and supports no longer reside there.

We are endorsed to provide Supported Living services, a model of individualized services in their own homes that meets the needs and supports of the persons experiencing IDD residing at Harbaugh House now and in the future. However, in order to move to the Supported Living model, we will need the multi-family zoning.

The people experiencing IDD residing at Harbaugh House currently are more mobile, street and stranger aware, and able to ride public transportation by themselves. And, broadly the people experiencing IDD we serve very rarely have a driver's license much less a vehicle. We have two bus lines within 3 blocks of

Community; Learning, Living & Growing Together.

Office: 503.370.7973 Fax: 503.585.2974 www.sunnyoaksinc.org PO Box 5150 Salem OR 97302

the front door, 11 & 4. The stop for the #4 bus is at the end of the neighbor's property. We also have a vehicle onsite to transport to and from medical and other appointments.

We continue, and will always in the foreseeable future, serve adults with IDD at Harbaugh House.

And, before we go further, we want to say thank you to Eunice at the City of Salem for speaking with us. Eunice's expertise, kindness and understanding has been very helpful.

In short, it appears we are requesting the City of Salem's review of our situation from two perspectives.

First, we believe a code change to reduce parking requirements for housing for people with Intellectual and Developmental Disabilities would help increase housing options for our IDD community as well as reduce our vehicle infrastructure carbon footprint.

As we discussed with Eunice, it makes sense to include the IDD community in the code with other populations such as seniors due to our populations' functional limitations resulting in a very low percentage of driving and car ownership.

It seems to us there were 2 areas of the code that might fit to include IDD individuals, one that allows a 25% reduction in required parking spaces and another that allows 1 parking space per 4 occupants.

Second, an adjustment could be made by the City of Salem for the Harbaugh House parking.

Although it might be likely the City of Salem could approve an adjustment to code that would seemingly solve the Harbaugh House situation, a change in code would smooth the path for future housing projects for our IDD community and provide a greater range of housing opportunities to meet their diverse needs and preferences.

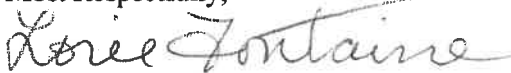
Just as the options for senior housing have increased over the years, the trend for people with IDD is moving away from congregate care like group homes and toward a greater variety of individualized options.

A code change would be a valuable tool to meet that social justice goal for persons experiencing IDD, increase available housing and reduce carbon emissions.

We at Sunny Oaks greatly appreciate all that you do for our City and your help with our situation.

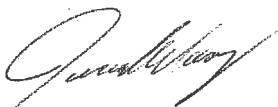
Take good care.

Most Respectfully,



Lorie Fontaine, Board Member and Chair of the Environmental Sustainability Committee, Sunny Oaks, Inc.

And,



Jared Weekly, Associate Executive Director, Sunny Oaks, Inc.

From: noreply@cityofsalem.net on behalf of aj@traditionrep.com
To: [CityRecorder](#)
Subject: City meeting public comment
Date: Thursday, December 2, 2021 10:36:30 AM
Attachments: [ATT00001.bin](#)

Your Name	AJ Nash
Your Email	aj@traditionrep.com
Your Phone	5035599279
Street	2195 Hyacinth St NE, #111B
City	Salem
State	OR
Zip	97301
Message	I am a commercial real estate and development advisor that works with a number of local developers. I encourage city council to remove the elimination the Property Boundary Verification process from the proposed revisions of the UDC as it is an effective tool for the development community to bring projects to market in a timely manner without unnecessary process that adds time and money to the city's process and the private sector.

This email was generated by the dynamic web forms contact us form on 12/2/2021.

From: noreply@cityofsalem.net on behalf of bbural@accoac.com
To: [CityRecorder](#)
Subject: City meeting public comment
Date: Friday, December 3, 2021 8:24:56 AM
Attachments: [ATT00001.bin](#)

Your Name	Blake Bural
Your Email	bbural@accoac.com
Your Phone	503-581-4114
Street	363 state street
City	Salem
State	OR
Zip	97302
Message	I support the submission by Mark Shipman of Saalfeld Griggs and encourage council to remove the Property Boundary Verification process from the proposed UDC amendment and remand it to Planning Commission for further as this revision will have unintended consequences that will negatively impact the ability to develop properties.

This email was generated by the dynamic web forms contact us form on 12/3/2021.

Robert Romanek

From: cbj49@yahoo.com
Sent: Sunday, December 5, 2021 5:41 PM
To: SalemCAP
Subject: Increase multi unit housing in established neighborhoods

Follow Up Flag: Follow up
Flag Status: Flagged

No, No, No to increasing multi family housing in established neighborhoods!!

When multi unit housing is built in established neighborhoods, there is a loss of accountability for behavior and upkeep of the physical environment. Absentee owners, especially if they do not live in the area, do not feel a sense of responsibility for keeping units in top shape.

The increase in rental properties only benefits the developer and people who can already afford to own a home.

It does not make home ownership available to working class and poor people. It only condemns them to continue to pay rent.

It encourages the destruction of good homes so that more money can be made off of the property.

It takes money out of the community when we have big-time developers come in and build duplexes, fourplexes and apartments.

It destroys the concept of neighborhood where neighbors know each other, when you have people moving in and out of units.

Again No, No, No to multi family units in established neighborhoods.

Cynthia Jones

Sent from my iPad

From: [Gretchen Bennett](#)
To: [DJ Vincent](#)
Cc: [Amy Johnson](#); [Tami Carpenter](#); [Lynda Rose](#)
Subject: RE: Who do I submit my comments to?
Date: Friday, December 3, 2021 8:44:41 AM

DJ, I am cc'ing our City Recorder and City Manager's Office team – they will be able to either receive these comments or help point you in the right direction.

Team, these are comments for Monday's City Council meeting.

Thanks everyone! -GB

From: DJ Vincent <douglasjvincent@gmail.com>
Sent: Tuesday, November 30, 2021 8:00 AM
To: Gretchen Bennett <GBennett@cityofsalem.net>
Subject: Who do I submit my comments to?

Gretchen,

In response to the need, Church at the Park operated a pilot project in early 2021 at the Oregon State Fairgrounds, demonstrating the effectiveness of a managed camp setting where guests were able to safely sleep indoors in tents. Building on the success of that project, C@P has since focused our efforts on opening managed micro-shelter communities and currently operates two managed micro-shelter communities. The need is great. Right now we have 400 plus people on our waiting list looking for shelter this winter. The focus of our Micro Shelter Communities is the provision of a safe, sanitary, and supportive environment for guests to take the next steps towards housing and employment. With 24/7 staffing and on-site services, C@P seeks to maintain an environment of hope, dignity and holistic care. Our Church at the Park staff is well-trained to support those facing the challenges and realities of homelessness. By providing a stable living environment and support, we have seen many people exit our shelter into permanent housing and gainful employment.

Through partnership with the City of Salem, other service providers, and an outpouring of engaged citizens, C@P is collaboratively working to expand shelter sites, with the goal of operating eight shelter sites and serving people in all eight wards in Salem.

Regarding recommended additional revisions to Ordinance Bill No 13-21: please consider allowing the location of managed temporary villages within the 500-year floodplain, and within the 100-year floodplain as approved under Chapter 601 of the Salem Revised Code. Also, please include language so that shelter units that are on wheels may be located on either a paved or unpaved surface.

Thank you for your consideration,

--
DJ Vincent
503.949.2124
Pastor & Founder
Church-at-the-Park.org

https://youtu.be/-lsG_2QulyQ

Being homeless begins with broken relationships. Church@thePark creates a table of love and acceptance for those who need it most.

From: noreply@cityofsalem.net on behalf of jennifer@firstcommercialoregon.com
To: [CityRecorder](#)
Subject: City meeting public comment
Date: Thursday, December 2, 2021 9:33:46 AM
Attachments: [ATT00001.bin](#)

Your Name	Jennifer Martin
Your Email	jennifer@firstcommercialoregon.com
Your Phone	503.364.7400
Street	365 State Street
City	Salem
State	OR
Zip	97301
Message	<p>Mayor Bennett and esteemed Councilors, I respectfully encourage you to remove the elimination of the Property Boundary Verification process from the proposed UDC amendments. This will add unnecessary burden and "process" to development and redevelopment projects and provide no tangible or intangible benefit. The letter submitted by Mark Shipman provides a perfect example of where the Property Boundary Verification process works and is a proper and effective tool available. Another example of where this process is useful is when the city condemns or takes property for streets. When Mildred was extended between Commercial and Sunnyside, it bisected a family property. That family sold those properties a couple of years ago and the buyers of each of the properties were able to utilize the Property Boundary Verification process to establish their legal units of land following the city's taking. I would support keeping the Property Boundary Verification part of the UDC as is, but at a minimum, please consider remanding this element back to Planning Commission for further comment.</p>

This email was generated by the dynamic web forms contact us form on 12/2/2021.

From: [Cheryl Lolkema](#)
To: [CityRecorder](#)
Cc: [Selina Barnes GAD](#); [Ashleigh Fordham](#)
Subject: Property Boundary Verification - Proposed UDC Amendment
Date: Monday, December 6, 2021 12:37:36 PM
Attachments: [2021-12-06 Salem City Council PBV Letter.pdf](#)
Importance: High

Good Afternoon,

Please see the attached letter supporting to remove the elimination of the Property Boundary Verification process from the proposed UDC amendment.

Kind Regards,

Cheryl Lolkema

Administrative/Accounting Assistant

Mid-Valley Association of REALTORS®

www.midvalleyassn.realtor

payments@midvalleyassn.realtor

Mailing: PO Box 4114, Salem, OR 97302

Office: 2794 12th St SE, Salem, OR 97302

503.540.0081 ext. 101

The NATIONAL ASSOCIATION OF REALTORS® is an unrivaled advocate and resource in the real estate market for its members and their clients, and only members of NAR can call themselves REALTORS®.

Confidentiality Notice: This email communication from Cheryl Lolkema with Mid-Valley Association of REALTORS® and SAR Community Fund *dba:* Mid-Valley Association of REALTORS® Community Foundation may contain confidential and/or legally privileged information and is intended only for the use of the intended recipient(s). If you are not the intended recipient of this communication, you are hereby notified that any unauthorized review, use, dissemination, distribution, downloading, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify Cheryl Lolkema by reply email, then delete the original message. Thank you.



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George Grabenhorst

December 6, 2021

VIA ELECTRONIC MAIL: cityrecorder@cityofsalem.net

Salem City Council
555 Liberty Street SE
Room 305
Salem, Oregon 97301

RE: UDC Amendment Removing Property Boundary Verification Process

Honorable City Councilors:

The Mid-Valley Association of REALTORS® supports the submission by Mark Shipman of Saalfeld Griggs and encourages the City Council to remove the elimination of the Property Boundary Verification process from the proposed UDC amendment.

The current Property Boundary Verification process is an effective tool for the development community to bring projects to market in a timely manner. The elimination of this process will have unintended consequences that will negatively impact the ability to develop properties.

We respectfully request that you remove this element from the proposed UDC revisions and remand it to the Planning Commission for further consideration.

Respectfully,

Ashleigh Fordham
President
Mid-Valley Association of REALTORS®

From: noreply@cityofsalem.net on behalf of mark@shermlaw.com
To: [CityRecorder](#)
Subject: City meeting public comment
Date: Thursday, December 2, 2021 10:31:22 AM
Attachments: [ATT00001.bin](#)

Your Name	Mark Hoyt
Your Email	mark@shermlaw.com
Your Phone	5039311582
Street	693 Chemeketa Street NE
City	Salem
State	OR
Zip	97301
Message	I support the submission by Mark Shipman of Saalfeld Griggs and encourage council to remove the Property Boundary Verification process from the proposed UDC amendment and remand it to Planning Commission for further as this revision will have unintended consequences that will negatively impact the ability to develop properties

This email was generated by the dynamic web forms contact us form on 12/2/2021.

From: [Sean Malone](#)
To: [Bryce Bishop](#); [Amy Johnson](#); [Virginia Stapleton](#); [Tom Andersen](#); [Trevor Phillips](#); [Jackie Leung](#); [Jose Gonzalez](#); [Chris Hoy](#); [Vanessa Nordyke](#); [Jim Lewis](#); [Chuck Bennett](#); jmumper@toast.net
Subject: Testimony for Proposed Legislative Changes to SRC Chapter 530
Date: Monday, December 6, 2021 2:51:34 PM
Attachments: [Malone to Salem re amendments 12.6.21.pdf](#)

Mayor and City Councilors,

Please find attached testimony for the Proposed Legislative Changes to SRC Chapter 530 (Fairview Mixed-Use – FMU Zone), which are part of the legislative packet being considered at this evening’s city council hearing. Please read and consider the testimony, and I urge you not to adopt the changes to SRC Chapter 530. If they are adopted, a LUBA appeal will likely follow, just as it did in *Mumper v. City of Salem*, ___ Or LUBA ___ (LUBA No. 2019-106, Feb 24, 2020). Please add this testimony to the record.

Please respond indicating that the testimony has been received and will be placed into the record.

Thank you,

Sean Malone
Attorney at Law
259 E. 5th Ave, Ste 200-C
Eugene OR 97401
seanmalone8@hotmail.com
303-859-0403

Sean T. Malone

Attorney at Law

259 E. Fifth Ave.,
Suite 200-C
Eugene, OR 97401

Tel. (303) 859-0403
Fax (650) 471-7366
seanmalone8@hotmail.com

December 6, 2021

Via Email

City Council
City of Salem
555 Liberty St SE
Salem, OR 97301
bbishop@cityofsalem.net
ajohnson@cityofsalem.net
vstapleton@cityofsalem.net
tandersen@cityofsalem.net
tphillips@cityofsalem.net
jleung@cityofsalem.net
jgonzalez@cityofsalem.net
choy@cityofsalem.net
vnordyke@cityofsalem.net
jlewis@cityofsalem.net
cbennett@cityofsalem.net

Re: Jerry Mumper Testimony on Proposed Amendments to SRC Chapter 530 (Fairview Mixed-Use Zone)

Dear Mayor and City Councilors,

On behalf of Jerry Mumper, please accept the following testimony on the proposed Amendments to the SRC Chapter 530 (Fairview Mixed-Use – FMU Zone). The proposed amendments are internally inconsistent and inconsistent with the Fairview master plan. The proposed amendments are proposed clearly in response to the recent decision in *Mumper v. City of Salem*, ___ Or LUBA ___ (LUBA No. 2019-106, Feb. 24, 2020), in which the Land Use Board of Appeals (LUBA) reversed the City’s decision approving an application for a modification of refinement plan standards, a refinement plan, and the subdivision. The proposed amendments are intended to weaken the standards and criteria that were put in place many years ago.

The City Council is considering the following changes in its summary of the amendments:

“▪ Amendments update the FMU zone to further clarify the relationship between the Fairview plan and refinement plans. The amendments:

- ❖ Add language providing greater clarity regarding the purpose of the Fairview Plan and its regulatory authority over subsequent refinement plans.
- ❖ Revise approval criteria for refinement plans to specify which specific portions of the Fairview plan refinements plans must be found to be in conformance with.
- ❖ Clarify that the maps and drawings in the plan are conceptual//illustrative in nature and may be further revised by refinement plans in substantial conformance with the thirteen sustainable land use principles included in the Fairview Training Center Redevelopment Master Plan document.
- ❖ Clarify who has standing to initiate amendments to the Fairview plan and refinement plans.
- ❖ Clarify that amendments to the Fairview plan and refinements plans are actual changes to the text and/or supporting documents of the plans, not site-specific proposals for development requesting deviation from the standards of a refinement plan (e.g. a request that would normally be addressed through a variance or adjustment to the standard rather than an amendment to the standard).
- ❖ Add child day care home as a permitted use in the LI (Low-Intensity Residential) area of the zone in order to comply with State House Bill HB3109.
- ❖ Add managed temporary villages for the unsheltered and emergency shelters as permitted temporary uses within the zone.

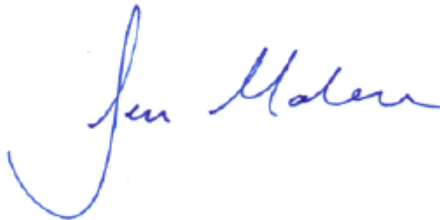
The proposed amendments limit criteria for refinement plan amendments. Instead of requiring consistency, the amendments proposed “substantial conformance,” a far lesser standard. The only rationale for doing this is to weaken the City’s criteria, which does a disservice to the original vision of the Fairview master plan and the Council’s constituency. The amendments relegate the master plan vision for development to a mere superfluity. The amendments deem “any plans or drawings depicting the layout of the development, including, but not limited to the location of streets, City utilities, paths/trails, open space, buildings, or specific uses” as “conceptual in nature and may be revised by the refinement plan[.]”

The proposed amendments are inconsistent with the requirements in SRC 530.030 that refinement plans further refine and implement the Fairview plan. If what is contained in the

Fairview plan is simply conceptual, then amendments to refinement plans would not actually be implementing or refining the Fairview masterplan. The Fairview master plan contains numerous diagrams that cannot be simply conceptual because the text of the plan specifically implements those diagrams. In other words, the City cannot say that the diagrams are conceptual without also affecting the text of the Fairview master plan.

The Planning Commission was wise enough not to recommend adopting these amendments and the City Council should also not adopt the proposed amendments. Adopting the amendments to SRC Chapter 530 (Fairview Mixed-Use – FMU Zone) will likely draw an appeal to the LUBA.

Sincerely,

A handwritten signature in blue ink that reads "Sean T. Malone". The signature is written in a cursive style with a large, sweeping initial "S".

Sean T. Malone
Attorney for Jerry Mumper

Cc:
Client

From: noreply@cityofsalem.net on behalf of jacob.moore80@yahoo.com
To: [CityRecorder](#)
Subject: City meeting public comment
Date: Monday, December 6, 2021 2:27:32 PM
Attachments: [ATT00001.bin](#)

Your Name	Jacob k Moore
Your Email	jacob.moore80@yahoo.com
Your Phone	5038714394
Street	2226 HYDE ST SE
City	SALEM
State	OR
Zip	973016639
Message	<p>I am writing public testimony for support of the changes to SRC 50.710 to include the keeping of quail and similar small birds. I originally provided testimony asking for this a few years ago and am excited to see the opportunity to expand the variety of birds to be considered by the city. These smaller birds require less space than chickens, as well as tighter coops that should limit access to feed by rodents and other pests. They are a great option for people to have more control over their food source, and due to their small size and impact they will be the best option for citizens while we continue to build density in Salem. We should pass all changes to SRC 50.710.</p>

This email was generated by the dynamic web forms contact us form on 12/6/2021.

From: [Mark D. Shipman](#)
To: [Bryce Bishop](#)
Cc: [Alan M. Sorem](#); [Margaret Gander-Vo](#); [Hannah F. Stevenson](#)
Subject: RE: UDC Amendments
Date: Friday, December 3, 2021 3:37:04 PM
Attachments: [image001.png](#)
[Salem City Council PBV Letter 4869-6481-2036 v.3.pdf](#)

Bryce,

Attached is a letter addressed to you/the Council with respect to the removal of the property boundary verification process from the UDC and the unintended consequences of such an action.

This is an important matter and one that I will be testifying to on Monday night.

Please forward to the Council for me, and don't hesitate to contact me with any questions.

Thank you,

Mark D. Shipman

Lawyer – Real Estate & Land Use Practice Group



Park Place, Suite 200 | 250 Church Street SE | Salem, Oregon 97301

tel: 503.399.1070 | fax: 503.371.2927

[Email](#) | [Web](#) | [Bio](#) | [LinkedIn](#)

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From: Bryce Bishop <BBishop@cityofsalem.net>

Sent: Wednesday, November 10, 2021 7:56 AM

To: Mark D. Shipman <MShipman@SGLaw.com>

Subject: RE: UDC Amendments

Mark,

A link to the proposed amendments is provided below:

<https://salem.legistar.com/View.ashx?M=F&ID=9937983&GUID=AF6664D0-77D9-4D44-8F4B-81A5A3F94E74>

If you have any other questions, please let me know.

Thanks,
Bryce

Bryce Bishop

Planner III

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem OR 97301

bbishop@cityofsalem.net | 503-540-2399

[Facebook](#) | [Twitter](#) | [YouTube](#) | [CityofSalem.net](#)

From: Mark D. Shipman <MShipman@SGLaw.com>

Sent: Wednesday, November 10, 2021 7:45 AM

To: Bryce Bishop <BBishop@cityofsalem.net>

Subject: Re: UDC Amendments

Can you please send me a link to the proposed amendments.

Thanks,

Mark Shipman | Lawyer

Real Estate & Land Use

Saalfeld Griggs PC

(503) 399-1070

On Nov 10, 2021, at 7:16 AM, Bryce Bishop <BBishop@cityofsalem.net> wrote:

Good Morning Mark,

The amendments are scheduled for first reading on November 22nd and staff will be recommending a public hearing on December 6th.

If you have any other questions, please let me know.

Thanks,

Bryce

Bryce Bishop

Planner III

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem OR 97301

bbishop@cityofsalem.net | 503-540-2399

[Facebook](#) | [Twitter](#) | [YouTube](#) | [CityofSalem.net](#)

From: Mark D. Shipman <MShipman@SGLaw.com>
Sent: Tuesday, November 9, 2021 4:37 PM
To: Bryce Bishop <BBishop@cityofsalem.net>
Cc: Margaret Gander-Vo <Margaret@SGLAW.com>; Hannah F. Stevenson <HStevenson@sglaw.com>
Subject: UDC Amendments

Bryce,

When are the UDC amendments proposed to go in front of the Council?

Mark D. Shipman

Lawyer – Real Estate & Land Use Practice Group

<image001.png>

Park Place, Suite 200 | 250 Church Street SE | Salem, Oregon 97301
tel: 503.399.1070 | fax: 503.371.2927

[Email](#) | [Web](#) | [Bio](#) | [LinkedIn](#)

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December 3, 2021

VIA ELECTRONIC MAIL: BBishop@cityofsalem.net

Salem City Council
c/o Bryce Bishop
555 Liberty Street SE, Room 305
Salem, Oregon 97301



RE: UDC Amendment Removing Property Boundary Verification Process

Honorable City Councilors:

This letter is in response to the proposed amendment to the UDC that removes the Property Boundary Verification process ("**PBV**") that is currently codified as Salem Revised Code (the "**Code**") Section 205.065. Our office is writing to you outside of any representational capacity to urge you to remand this portion of the proposed revision to Planning Commission for further discussion as we believe that this revision will have unintended consequences that will negatively impact the ability to develop properties within the City of Salem (the "**City**").

As set forth in the Code, the PBV allows a property owner that owns two contiguous lots to establish the exterior boundary line of the lots as the property line for building permit purposes, allowing development of the entire parcel as a single unit of land without requiring consolidation of the properties via the property line adjustment or replat processes. In our experience, this tool has allowed institutions that are attempting to expand on properties that they have held for extended periods of time or re-developing properties for needed development for our City while allowing avoiding the significant costs and delay associated with serial property line adjustment and replat processes.

A recent example of record is the PBV decision approved on July 14th of this year, which we have provided along with this letter for your reference. In this instance, the Planning Commission approved a PBV and Class 2 adjustment, reducing the internal property line setbacks to zero. This approval allowed the YMCA to construct a previously approved 34-unit multi-family development for veterans housing, increasing the City's inventory of affordable housing at a time when affordable housing is an acute need for our City.

The property at issue in this example is approximately .33 acres in size, however, there are five (5) historic parcels within that area. This property is located in downtown Salem, meaning that these parcels were created via the original plat. If the PBV process had not been available, the property owner would have been responsible for either a replat of the property or a series of property line adjustments. A replat requires the preparation of a tentative replat which must be reviewed and approved by the City Surveyor as well as reviewed and recorded by the County Surveyor. This process takes a significant period of time and often requires multiple revisions, especially for properties in heavily developed areas.

Park Place, Suite 200
250 Church Street SE
Salem, Oregon 97301

Post Office Box 470
Salem, Oregon 97308

tel 503.399.1070
fax 503.371.2927

December 3, 2021

Salem City Council

Page 2

In instances where a replat is not an option (i.e., for properties not created via plat) the process would have required a serial PLA, consolidating four of the historic parcels, a statutory six (6) month waiting period, and then the filing of a final PLA, removing the final property line, all prior to the issuance of building permits.

Our City is already struggling with a lack of affordable housing. Removing a relatively cost effective and time efficient tool for developers that allows them to develop otherwise undevelopable properties seems short sighted. We respectfully request that you remove this element of the proposed revisions from consideration and remand it to the Planning Commission for further discussion.

Sincerely,



MARK D. SHIPMAN
mshipman@sglaw.com
Voice Message #310

MYG:mds



To: City Council
From: SCAN
Subject: Testimony for December 6 Hearing

Date: December 1, 2021

South Central Association of Neighbors (SCAN) requests City Council require a minimum of one off-street parking space per dwelling unit for middle housing development, as originally recommended by staff. Middle housing will be allowed on any residential zoned lot. Single family dwellings require a minimum of one off-street parking space. Multifamily dwellings are proposed to require a minimum of one off-street parking space per dwelling. Middle housing should have the same minimum parking requirement.

To not require middle housing development to provide any off-street parking is unfair to existing and future single family and multifamily residents. It shifts the demand for parking to the public right of way, which other residents, visitors, and delivery vehicles are already competing for. It is not reasonable to assume all residents in middle housing units will not have a vehicle. It could create animosity and resistance to greater housing density in existing single family zones.

Adopted by the SCAN Board November 30, 2021

Thank you for your consideration.

Lorrie Walker, President
South Central Association of Neighbors

From: [Marissa Theve](#)
To: [CityRecorder](#)
Cc: [Virginia Stapleton](#)
Subject: written testimony for 12/6 City Council meeting
Date: Monday, December 6, 2021 3:05:41 PM

Greetings,

I am providing written testimony for the Monday December 6th 2021 City Council meeting with regards to the Proposed amendments to Salem Revised Code Title X.

I would like to point out that compromise is not always the correct response to differing opinions and that some land use policy does not lend itself well to halfways. Reducing parking minimums near transit is a great start but if Salem is truly dedicated to housing affordability, we need to remove parking mandates city-wide, as Bend and Portland have already done. We know from the over 200 other cities that have already initiated parking reform that this strategy works and will help lead us to a better, more equitable Salem (see the map linked below).

[Parking Mandates Map - Parking Reform Network](#)

Contrary to popular belief, the costs of required parking are not typically absorbed by developers. In 2014, [Donald Shoup estimated](#) that parking spots cost \$1,750 to build and \$400 to maintain annually, and that amount, if not itemized separately from rent (another great thing the city could do to help with housing affordability) gets passed directly on to renters. Off-street parking costs here in Salem are so great that the Downtown Advisory Board has repeatedly requested that the Council institute paid parking to adequately cover the costs and take the burden off of businesses. See their next agenda:

[downtown-advisory-board-agenda-2021-12-14.pdf \(cityofsalem.net\)](#)

“Over the last several years DAB has submitted a memorandum to the City Council regarding the challenges of the Downtown Parking Fund and their recommendation for implementation of a paid parking system...”

“For numerous years the Downtown Advisory Board has discussed the benefits of implementing an on-street paid parking system. Historical parking utilization studies have indicated that the demand for on-street parking in downtown has reached the capacity to implement a paid system on-street, while maintaining free customer parking in the downtown parkades.”

It's time for car-owners to pay for the benefits they receive. Altogether, paid downtown parking, removing parking requirements from new development, and the

denser housing that HB2001 allows (yay!), Salem will have a complemented system which makes it feasible for more folx to walk, scoot, roll, bike, jog, run, or of course take transit. Once again, I encourage each councilor to take the time to educate yourselves on all the negative repercussions minimum parking requirements have for growing cities like ours. Weigh those honestly against the minimal benefits car owners perceive: protecting public on-street parking for their own use. Removing parking minimums is the right thing to do for Our Salem now and Our Salem tomorrow.

Yours, a car and single family home owner in solidarity with those less privileged than I,

Marissa Theve

Gaines Street NE, 97301

Hyperlinks:

<https://parkingreform.org/resources/mandates-map/>

<https://www.vox.com/2014/6/27/5849280/why-free-parking-is-bad-for-everyone>

<https://www.cityofsalem.net/meetingdocs/downtown-advisory-board-agenda-2021-12-14.pdf>

--

Marissa Theve

Pronouns: she/her/hers

From: noreply@cityofsalem.net on behalf of mr0tt503@gmail.com
To: [CityRecorder](#)
Subject: City meeting public comment
Date: Thursday, December 2, 2021 11:50:56 AM
Attachments: [ATT00001.bin](#)

Your Name	Zak Stone
Your Email	mr0tt503@gmail.com
Your Phone	5033029862
Street	1843 Boulder Ridge CT NW
City	Salem
State	OR
Zip	97304
Message	“I encourage city council to remove the elimination the Property Boundary Verification process from the proposed revisions of the UDC as it is an effective tool for the development community to bring projects to market in a timely manner without unnecessary process that adds time and money to the city’s process and the private sector.”

This email was generated by the dynamic web forms contact us form on 12/2/2021.

From: [Susann Kaltwasser](#)
To: [CityRecorder](#)
Cc: [citycouncil](#)
Subject: 2021 Unified Development Code Update testimony
Date: Monday, December 6, 2021 8:34:28 AM
Attachments: [UDC middle housing code changes 12621.pdf](#)

Please enter the attached testimony from East Lancaster Neighborhood Association (ELNA) into the public hearing record regarding the UDC update, item 4.a. on the December 6, 2021 City Council Agenda.

Susann Kaltwasser
Co-President, East Lancaster Neighborhood Association



EAST LANCASTER NEIGHBORHOOD ASSOCIATION (ELNA)

December 6, 2021

To: Salem City Council
From: Susann Kaltwasser, co-president ELNA
RE: 2021 Unified Development Code Update (item 4.a.)

East Lancaster Neighborhood Association has discussed the proposed changes of Unified Development Code on several occasions. In summary the members support most of the Staff Report understanding that due to State legislation very little discretion is allowed by local governments.

ELNA strongly supports the revisions to the Tree Conservation rules. It would be good for the City to complete a full tree inventory of significant and heritage trees as well as Oregon White Oaks. There such be a strategy for how to prevent mass denuding of a property prior to an application for development. We understand that some properties might have remnants of old orchards or Christmas tree farms that are sometimes considered natural areas. But can be shown to not be native and purposely planted in order to be harvested. This kind of tree is not our main concern.

As to middle housing UDC changes ELNA may not like some elements, but we do accept some of the revisions. However, we do not support the elimination of all off-street parking minimum for middle housing as proposed by the Planning Commission. We feel that all housing should have a similar parking requirement of at least one off street parking space per dwelling unit.

We acknowledge that more parking can be provided, but to allow developers to have full discretion as to local needs is inviting problems that ELNA feels the City Council can wisely avoid. If a project truly cannot be built with the minimum parking requirement, the applicant can always apply for a variance to address a specific situation. But to make a no-onsite requirement citywide without recourse for city planning, seems unwise.

This parking requirement would then be the minimum across all density levels whether single, duplex, triplex, 4-plex or multifamily.

To not require new development to provide no off-street parking is unfair to existing and future single family and multifamily residents. It shifts the demand for parking to the public right of way, which other residents, visitors, and delivery vehicles are already competing for. It is not reasonable to assume all residents in middle housing units will not have a vehicle. It could create animosity and resistance to greater housing density in existing single family zones.

The second point that ELNA wishes to address is the fact that once these code changes got into effect and with the future zone changes in Our Salem there will be many projects that will be out right permitted uses that no longer will require public notice or any form of public hearing/ review process. If the developer has a project that meets the UDC codes they can just go to the PAC center and be issued a permit. The neighbors will have no notice prior to the bulldozers coming to do their work.

ELNA thinks this is going to create problems that while can't be totally avoided, might be softened somewhat by having the requirement to make a courtesy notice to at minimum the Neighborhood Association, but preferable to the neighbors. Currently an applicant must make contact with the NA prior to completing their application. This would be an extension of that process. And adjacent property owners might be included in at least a written notice. Through this process perhaps slight modifications can be made that could alleviate points of conflict.

Thank you for the consideration of the ELNA board in this matter.

From: [Cindy Kimball](#)
To: [CityRecorder](#)
Subject: Proposed changes to Tree Protection code SRC C 808
Date: Monday, December 13, 2021 11:11:42 AM

Dear members of the Salem Planning Commission,

Please protect our city trees by supporting the proposed changes to the Tree Protection Code - SRC C 808. Among the changes included is the need to preserve and increase the critical root zone of our large trees in order that they may survive the trauma of nearby construction done by careless developers. Large trees sequester carbon from our city air. According to the Environmental Protection Agency (July 2021), as much as 95 percent of all CO emissions in cities may come from motor vehicle exhaust. Salem is a car-centric city. Cars are a major contributor to our air pollution and the health consequences.

Trees also provide shade, improves our livability and overall health of our community.

Thank you for your time and consideration

Cindy Kimball

1260 21st St NE, Salem, OR 97301

From: [Susann Kaltwasser](#)
To: [CityRecorder](#)
Cc: [citycouncil](#)
Subject: 2021 Unified Development Code Update testimony
Date: Monday, December 6, 2021 8:34:28 AM
Attachments: [UDC middle housing code changes 12621.pdf](#)

Please enter the attached testimony from East Lancaster Neighborhood Association (ELNA) into the public hearing record regarding the UDC update, item 4.a. on the December 6, 2021 City Council Agenda.

Susann Kaltwasser
Co-President, East Lancaster Neighborhood Association



EAST LANCASTER NEIGHBORHOOD ASSOCIATION (ELNA)

December 6, 2021

To: Salem City Council
From: Susann Kaltwasser, co-president ELNA
RE: 2021 Unified Development Code Update (item 4.a.)

East Lancaster Neighborhood Association has discussed the proposed changes of Unified Development Code on several occasions. In summary the members support most of the Staff Report understanding that due to State legislation very little discretion is allowed by local governments.

ELNA strongly supports the revisions to the Tree Conservation rules. It would be good for the City to complete a full tree inventory of significant and heritage trees as well as Oregon White Oaks. There such be a strategy for how to prevent mass denuding of a property prior to an application for development. We understand that some properties might have remnants of old orchards or Christmas tree farms that are sometimes considered natural areas. But can be shown to not be native and purposely planted in order to be harvested. This kind of tree is not our main concern.

As to middle housing UDC changes ELNA may not like some elements, but we do accept some of the revisions. However, we do not support the elimination of all off-street parking minimum for middle housing as proposed by the Planning Commission. We feel that all housing should have a similar parking requirement of at least one off street parking space per dwelling unit.

We acknowledge that more parking can be provided, but to allow developers to have full discretion as to local needs is inviting problems that ELNA feels the City Council can wisely avoid. If a project truly cannot be built with the minimum parking requirement, the applicant can always apply for a variance to address a specific situation. But to make a no-on-site requirement citywide without recourse for city planning, seems unwise.

This parking requirement would then be the minimum across all density levels whether single, duplex, triplex, 4-plex or multifamily.

To not require new development to provide no off-street parking is unfair to existing and future single family and multifamily residents. It shifts the demand for parking to the public right of way, which other residents, visitors, and delivery vehicles are already competing for. It is not reasonable to assume all residents in middle housing units will not have a vehicle. It could create animosity and resistance to greater housing density in existing single family zones.

The second point that ELNA wishes to address is the fact that once these code changes got into effect and with the future zone changes in Our Salem there will be many projects that will be out right permitted uses that no longer will require public notice or any form of public hearing/ review process. If the developer has a project that meets the UDC codes they can just go to the PAC center and be issued a permit. The neighbors will have no notice prior to the bulldozers coming to do their work.

ELNA thinks this is going to create problems that while can't be totally avoided, might be softened somewhat by having the requirement to make a courtesy notice to at minimum the Neighborhood Association, but preferable to the neighbors. Currently an applicant must make contact with the NA prior to completing their application. This would be an extension of that process. And adjacent property owners might be included in at least a written notice. Through this process perhaps slight modifications can be made that could alleviate points of conflict.

Thank you for the consideration of the ELNA board in this matter.

To: Salem City Council

From: Eric Olsen

Date: 12/10/21

I write to you in support of the modifications recommended by City Staff for the Fairview Mixed Use Zoning Amendments.

As someone who has written two Refinement Plans and built the most single family homes in Fairview, I highly recommend that City Council move expeditiously to approve the changes to the zoning ordinance. Without these changes, the properties within the master planned area which are not currently approved with a refinement plan or ones that may need amending in the future, will likely become even more uncertain as to the development potential. I firmly believe, that looking back at all of the refinement plans to date, likely none would have withstood the rigid interpretation handed down by LUBA.

Uncertainty as to the parameters of what and how this 270 acres can be developed, by both City Staff and developers, leaves the future of this property in a state of unknown...which usually mean undeveloped. One important aspect necessary for the success of this development as envisioned by the City depends on build out of the entire master development. The mixed-use, diverse and sustainable aspects all depend on eventual connection of the parts. Unfortunately, without these staff recommended changes, such connection I believe is unlikely anytime in foreseeable future.

Thanks you,

Eric Olsen, PE

From: [Matt Harrell](#)
To: [Bryce Bishop](#); [citycouncil](#)
Cc: [Matt Harrell](#)
Subject: 2021 Unified Development Code (UDC) Updates - Specific to Ch.530 Fairview (FMU Zone) and Ch. 808 Trees
Date: Monday, December 13, 2021 1:00:50 PM
Attachments: [2021 Unified Development Code \(UDC\) Updates - Simpson Hills LLC 12.13.2021.pdf](#)

Dear Mayor, City Council Members, and Staff,

Please receive this email and enter this testimony for today's Hearing.

Thank you,

Matthew Harrell

Simpson Hills LLC

7509 S. 5th Street #101 – PMB #A801

Ridgefield, WA. 98642

matt.harrell@raptorfamily.com

NOTE THAT OUR ADDRESS HAS CHANGED

December 13th, 2021

To: City of Salem City Council

From: Simpson Hills LLC

Owner of 103 acres of land within Fairview plan (formerly the Fairview Training Center Site)
zoned as FMU.

Matt Harrell, Project Manager

We are writing to you to provide comments on proposed SRC changes and provide support of the modifications recommended by City Staff for the Fairview Mixed Use Zoning Amendments.

SRC Chapter 530 -

Simpson Hills LLC is one of the largest single land owners within the Fairview FMU. We support the modifications recommended by City Staff for the Fairview Mixed Use Zoning Amendments. Without these modifications, development on the Simpson Hills LLC property will be severely affected in a negative way. There is proven success within Fairview for allowing Refinement Plans and their amending.

SRC Chapter 808 -

Simpson Hills LLC has some trees on the property owned. Our comments are limited at this time because we aren't in a development stage yet to determine the level of impact that may occur on our property due to the proposed Chapter 808 changes. We do know that the current SRC Chapter 808 currently works. We request that if there are increases in land development restrictions, affects upon property density calculations, impact to the developability and/or constructability to the affected lands that landowners be compensated for their economic losses.

We appreciate the ability to comment, thank you.

Matt Harrell, Project Manager

Simpson Hills LLC

7509 S. 5th Street #101 – PMB #A801

Ridgefield, WA. 98642

From: [Lucy Hitchcock](#)
To: [CityRecorder](#)
Subject: public comment for city council
Date: Monday, December 13, 2021 3:15:59 PM

In response to the public comments at last Monday's Council meeting on "stricter tree removal rules for developers," I want to speak up for the Urban Forest development goals in the Comp plan and the Unified Development Code Update, Chapter 808. We must preserve the well-established, wide-girthed trees we have in Salem while planting ever more. Increasing to 30 % the minimum preservation requirement must stand. Of course, developers want their projects to be easier and more lucrative. But saving the planet from any further warming must come first. Climate changes are, as reported by scientists, already not reversible. Carbon sequestration by trees is an important part and it is working now not some industrial solution that may come in ten plus years. Yes, urban density will help reduce the use of fossil fuels for transportation. But, if it comes by reducing green space, parks and other natural recreation, cooling, educational and beauty sites, the quality of life of Salem residents, human, floral and faunal will be reduced.

Children especially need to be able to walk in nature near their homes. I lived in an apartment complex of a hundred units on Wiltsey Road for a year. Other than a small pool open in summer, there was no place for the children who lived there to play outside, to plant a garden or watch a tree grow, and the birds and squirrels who inhabit it. Across the street, putting in another apartment complex, a whole row of huge Sequoias were cut down to be replaced a year later by a row of spindly street tree starts. They will never sequester what those Sequoias did. Yes, you could walk to Safeway, but young children could not walk to a park. I now live in a housing development where most of the houses have zero lot lines. Fortunately, it was designed leaving 30% green space so our children have places to play. That is not true of many of the housing developments and apartment complexes rapidly going up nearby in SE Salem. The possible loss of the Meyer Farm and its oak grove to a housing development instead of a park is another example.

If we do not cultivate gratitude and a love of nature and of the earth we have been given, strong enough to undertake self-rationing to drastically reduce energy use and consumption, we'd better retain and plant a million trees in Salem as other cities are now doing. Renewable fuels will not be enough to replace U.S. use of carbon-spewing fossil fuels. As we in Oregon know, time is running out on averting climate disasters.

Rev. Dr. Lucy Hitchcock, 1715 John Muir Circle SE, Salem, OR 97302
lucyhitchcock8140@gmail.com

From: [Kim Davis](#)
To: [CityRecorder](#)
Subject: Comments for 12.13.21 City Council Meeting
Date: Monday, December 13, 2021 11:19:37 AM

With regard to the Unified Development Code, I am writing to express my strong support for the proposed stricter tree removal rules. The science is clear. Trees play a big role in sequestering carbon and will contribute to the city meeting its climate action plan goals. Trees provide cooling benefits to communities (which leads to reduce electricity consumption) and help reduce the impacts of city heat deserts that have developed in their absence. Trees provide necessary oxygen and filtration to a community that has suffered too many poor air quality days (Vancouver-Portland-Salem is currently ranked #23 of the most polluted areas by the American Lung Association). Physical and mental health measures have been clearly linked to urban tree canopies and green space. Our local wildlife and migratory birds depend on tree habitat. Carbon is released, and fungal networks within our soils are disrupted when trees die or are uprooted.

'Replacement' of mature trees by saplings as is often proposed by developers fails to account for much of the above, or for the carbon emissions and water demands of newly planted trees, or of the immature tree's inability to sequester carbon for many years to come.

While the city grapples with its own growth, it is important to maintain a long term vision of livability. No city resident wants to see Salem become a concrete jungle. Developers unfortunately have short term profits as a necessary imperative. We can no longer allow expedience of building to be a primary interest when considering trees, and must begin to consider the long term effects of our actions.

Thank you for protecting what little is left.

Kim Davis
97306

From: [Laura Sauter](#)
To: [CityRecorder](#)
Subject: Tree ordinance
Date: Monday, December 13, 2021 11:02:51 AM

4.c. 21-563

I understand the builders' association is arguing that trees contribute to global warming. This is absolutely ludicrous! As any high school student knows, trees sequester carbon. Salem needs more trees not fewer!

Laura Sauter
1145 16 St NE
Salem

Sent from my iPhone

From: noreply@cityofsalem.net on behalf of corrineloomisdietz@gmail.com
To: [CityRecorder](#)
Subject: City meeting public comment
Date: Monday, December 13, 2021 11:12:48 AM
Attachments: [ATT00001.bin](#)

Your Name	Corrine Loomis-Dietz
Your Email	corrineloomisdietz@gmail.com
Your Phone	503 871-0025
Street	2010 Nebraska Ave Ne
City	Salem
State	OR
Zip	97301
Message	To Whom it may concern, I am writing in reference item 4.c. 21-563 . I oppose changes to this ordinance. The critical root zone should Not be removed from the ordinance! The variance in place for invasive species is practical . Please consider postponement of the decision of the agenda item: 4.c. 21-563 Until January, after the holidays.

This email was generated by the dynamic web forms contact us form on 12/13/2021.

From: [ron.rhodehamel](#)
To: [CityRecorder](#)
Subject: Comment for City Council Meeting 12/13/2021, proposed amendments to Unified Development Code
Date: Monday, December 13, 2021 3:14:36 PM

Regarding Agenda item 4c as it relates to increased protection of trees.

Reduction of minimum diameter of oak trees, and expansion of definition to include other types of trees, is a necessary step to prevent destruction activities.

Do not be overly influenced by opposition from profit minded developers, who support minimum rules and regulations.

I appreciate the opportunity to comment.

Ronald D. Rhodehamel

From: [Dan Atchison](#)
To: [Amy Johnson](#)
Subject: FW: UDC Update
Date: Monday, December 13, 2021 3:13:43 PM
Attachments: [image001.png](#)

From: Tom Andersen <TAndersen@cityofsalem.net>
Sent: Monday, December 13, 2021 12:25 PM
To: Dan Atchison <DAtchison@cityofsalem.net>
Subject: Fw: UDC Update

From: [REDACTED]
Sent: Monday, December 13, 2021 12:24 PM
To: Tom Andersen [REDACTED] >
Subject: Fwd: UDC Update

-----Original Message-----

From: Mark D. Shipman <MShipman@SGLaw.com>
To: [REDACTED] <[REDACTED]>
Sent: Mon, Dec 13, 2021 11:19 am
Subject: UDC Update

Tom,

I wanted to follow up, and thank you for your questions and comments on my request to keep the Property Boundary Verification (PBV) process in the Salem Revised Code (SRC).

We practitioners only have so many tools at our disposal when approaching different problems or challenges with our development applications. Not all properties are created equal or similar, and having different tools in the tool kit to meet the needs of our clients is important. Eliminating the PBV process is simply removing a valuable tool from the 'kit' that has been in the SRC for 30 years(?). While not appropriate for all applications, it is appropriate for some and to eliminate it and require applicants of all stripes to have to engage in more time consuming and costly professionals and processes at the city is not good public policy.

Thanks for your consideration in keeping the PBV provisions in the SRC.

Best,

Mark D. Shipman

Lawyer – Real Estate & Land Use Practice Group



Park Place, Suite 200 | 250 Church Street SE | Salem, Oregon 97301

tel: 503.399.1070 | fax: 503.371.2927

[Email](#) | [Web](#) | [Bio](#) | [LinkedIn](#)

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From: [Lynn Takata](#)
To: [CityRecorder](#); [citycouncil](#)
Subject: Written testimony for Agenda 4c 21-563; Proposed tree amendments
Date: Monday, December 13, 2021 12:59:40 PM
Attachments: [Agenda 4c 21-563 Proposed tree protection amendments.docx](#)

Attached please find written testimony from Northeast Neighbors (NEN) regarding Agenda item 4c 21-563 in support of the proposed tree amendments and protection plan.

Best,

Lynn Takata
NEN Chair
503-970-1319



NEN

NORTHEAST NEIGHBORS
555 Liberty Street SE, Rm 305
Salem, OREGON 97301

(503) 588-6207
www.salemnen.org

December 13, 2021

To: Salem City Council
From: Northeast Neighbors (NEN)
Re: December 13, 2021, City Council Agenda Item 4c 21-563
Improved tree preservation and protection (SRC Chapter 808)

Northeast Neighbors (NEN) strongly supports the proposed improved tree preservation and protection plan as originally recommended by City staff. We recommend including protection of Douglas-firs (Oregon's state tree), and the Urban Forester's recommendation to exclude several invasive species from protection. NEN voted to support the proposed tree preservation ordinance with the above changes at our October 12 meeting.

As a community that values livability, Salem can protect our environment while providing much needed housing. These are not mutually exclusive goals. The many benefits of our urban tree canopy include sequestering carbon, cooling our neighborhoods, providing habitat, preventing crime, and increasing property values.

- Tree canopy is vital to keeping Salem livable in the coming years of extreme heat.
- The ordinance won't prevent efficient, compact development from happening in the city limits. There is plenty of flexibility in the proposed ordinance. Builders can preserve trees while still building the same number of units, especially if they build a mix of housing types on different lot sizes instead of the cookie cutter single-family home developments they have the habit of building. The middle housing code allows more housing types and Salem needs a diversity of housing types to meet the varying needs of its population. It is simply not true that tree preservation leads to fewer housing units. Builders have many options to maximize development with creative approaches.
- More mature trees in new development will help regulate stormwater runoff in areas with new paving, which saves the City government money and operations trouble; will help control high temperatures, which saves people money, protects their physical well-being, and reduces energy consumption; will provide habitat for wildlife; and will help improve people's mental health.

Thank you for your consideration for improving livability in the City of Salem.

Best,

NEN Chair Lynn Takata
NEN Land Use Co-Chair

From: [Marissa Theve](#)
To: [CityRecorder](#)
Subject: written testimony for the Monday December 13th 2021 City Council meeting
Date: Sunday, December 12, 2021 10:01:51 AM

Hello,

I would like to provide written testimony for the Monday December 13th 2021 City Council meeting with regards to the Unified Development Code updates to comply with HB2001 and other state laws, known as Our Salem.

Our city has a severe housing shortage which has resulted in extraordinary rental and home prices. The YIMBY (yes in my backyard) movement seeks to fight this effect by supporting denser development in cities, just as HB2001 allows. As I'm sure you're aware, there are lots of great side benefits to density such as walkability, increased tax revenue, lower greenhouse gas emissions, and reduction in sprawl. For these reasons, I am very excited to see Salem not only implementing HB2001, but also considering additional ways to allow density and walkability in Salem, including as part of our Climate Action Plan. Of course, many of these initiatives have been met with NIMBYism (no neighborhood hubs near me!) and misunderstanding (you're trying to take away my natural gas!). Change is hard, but we know it's also required, so I suggest we look to economists and studies from other cities, and zoom out to the larger picture, rather than focusing on every individual public comment. I believe you can adequately hear each of your constituents and find good outcomes for all without having to do exactly as each commenter suggests. There are limits to what public input is appropriate and what is not (everyone's an expert, right?), which is why it's important for council members to both listen to their constituents and do their own investigation on these topics between meetings. The most prevalent ideas are not always what is measurably correct. I'll start with some general thoughts about Salem's zoning and UDC.

- GENERAL HEAVY HANDEDNESS. We are overzoned. Just look at the complicated rainbow that is our proposed zoning map. Do we really need to separate "community service government" land uses from our mixed use? Why? Why separate our "employment center" from where people live? Some of the changes proposed, for example, adding a density minimums near transit, are heavy handed and unnecessary when following HB2001. *Allowing* density has benefits over *requiring* it such as neighborhood buy-in. The reason Salem isn't dense enough is because it was illegal, not because it wasn't required. In fact, there are already some multifamily and multi-use proposals in areas that were previously off limits due to restrictive zoning, probably in every Ward. Consider the 2016 change to allow ADUs- they're all over the place now because they are allowed. Another example people are worried about is where to allow neighborhood hubs. Wouldn't a less heavy-handed approach be just to allow hubs anywhere in residential zones so long as they are a certain distance from similar services (or not)? Is the worst case scenario that neighborhoods have too many services nearby?

Why do planners, commissions, counselors, and citizens feel like they need to micromanage how our city grows rather than allow needs to be filled organically? This approach has not worked well for the housing market, so why would it be appropriate for hubs? Sometimes flexibility is all we need to achieve the desired results from the bottom up.

- TRANSPARENCY. Additionally, simplifying the code for the layperson to understand is really important. For example, I have a non-conforming lot and I have no idea if I would be allowed to build a duplex after reading through the new code. It has taken me a LOT of effort to understand the little I do know about our code. Updating it to plain language in this process will reduce staff time in the long run. I suggest that the City also clearly define the goal of each UDC restriction that the city has discretion over (i.e. is not a requirement of state law). For example, what is the purpose of a setback? Is it to allow sunlight onto adjacent properties, limit density, add cost to development, allow stormwater infiltration, mandate landscaping, or something else? Code is not inherently “good or bad”, but it’s important to build the code based on goals for Salem, so we aren’t inventing goals to defend code after the fact. If the public does not know the intended consequences of the code, how are we supposed to comment on it? If the City does not measure the effects of the code (intended or otherwise), how do we know if it’s an effective strategy for meeting our goals? This is how blind spots form and why in the United States BIPOC folks are subject to a disproportionately low homeownership rate. In my opinion, updating the UDC language and explaining the reasoning behind it would be a very simple way to encourage transparency and trust, and decrease opportunities for pretext-driven extortion.
- PARKING. Speaking of pretext, there seems to be some acknowledgment that minimum parking requirements are an artificially required cost for home builders, but the proposed code is shortsighted in limiting that idea to mixed use zones and to within 0.25 mile of transit. Parking minimums should be eliminated city wide to encourage walkability and discourage sprawl. See my written testimony from last week for more on that.
- TREE PROTECTIONS: I appreciate the vigorous discussion last week concerning the proposed changes to the tree management restrictions. My perception of what are absolutely good intentions (saving trees) has happened with a little too narrow of a focus. I think saving a few trees in town with the proposed approach could possibly lead to many more trees destroyed outside of the urban growth boundary. Not only that but

the change in Salem's carbon budget from retaining a few large trees does not outweigh the [reduction in carbon emissions gained by allowing folks to live closer to their place of work](#) or city center. So, the central idea in question is whether or not the climate benefits of dense housing outweighs the climate cost of cutting down larger trees. Let's work it out:

If the loss of development closer to the city center led a single person to commute an additional 5 miles, the commute itself would require approximately 7 more gallons of gas, resulting in around 140 pounds of added carbon every day (source: EPA). A typical estimate for how much carbon a mature oak can sequester is 48 pounds per year. On the high end a healthy white oak might sequester as much as 140 pounds per year (source: USDA). Trees also reduce carbon emissions by providing shade, and thus reducing energy consumption in the summer. However, a flaw in this application is said family will not actually be living there if the root zone protections lead to stopping development. If families are able to replace driving with walking, the GHG reduction is much greater- and we can still require new trees to be planted after the site is developed. Much of Our Salem's strategy for reducing CO2 emissions is built on the idea of increased density, which the root zone protection policy is working against.

For example, Salem's own Climate Action Plan acknowledges that the majority (53%) of our GHG emissions come from transportation. I believe there are some more creative solutions, though less clearcut (pun intended) than blanketly stopping tree cutting on parcels within the Urban Growth Boundary. Some ideas are to require two trees be planted for every one that is cut, taxing home builders who cut more than a certain amount of trees and using the fund to restore parks (especially wetlands or prairies which can lock in much more carbon than a tree), or taxing vacant land to incentivize infill in already developed lots.

I believe allowing more folks to live in Salem, rather than outside our Urban Growth Boundary will result in a net lower tree mortality than encouraging sprawl. We should acknowledge that trees in a forest are not necessarily as healthy as city trees. I think our Valentine's Day ice storm helped illustrate that. Anecdotally,, many of the oaks I see around town are infected with mistletoe. If you were to balance the carbon budget, when trees die, and they all do eventually, they release the carbon they were storing. I do believe tree deaths will occur from climate change, so planting climate resilient species will remain important.

If we approach these ideas with scientific curiosity rather than tribalism, we'll come up with appropriate and defensible outcomes for our city. Thanks so much for your continued willingness to consider public comment and for all the effort that is being put into setting our city into the right direction.

Marissa Theve
Gaines Street NE 97301

Sources and links included:

The Pretext Problem: The Pitfalls of Planning While Bargaining

https://www.planetizen.com/features/113615-pretext-problem-pitfalls-planning-while-bargaining?utm_source=newswire&utm_medium=email&utm_campaign=news-06102021&mc_cid=f38551e8ae&mc_eid=qy1Fz591M0&fbclid=IwAR30AHZ8M88-BfB4BcktOTOAOMcVGbustV_UDX9cVCpyvsqTH4O0rsQnUQc

Transport Energy and Population Density

https://www.transformative-mobility.org/assets/publications/Transport-Energy-and-Population-Density_2021-09-08-072436_ozfa.pdf

EPA Greenhouse Gas Calculator

<https://www.epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references>

USDA Forest i-Tree Design Tool

<https://design.itreetools.org>

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Marissa Theve

Pronouns: she/her/hers

From: [Eric Olsen](#)
To: [citycouncil](#); [Mike Erdmann](#); [Natalie G. Janney, P.E.](#)
Subject: Tree Ordinance Testimony
Date: Monday, December 13, 2021 3:56:43 PM
Attachments: [PROPOSAL FROM WORKGROUP OF ENGINEERS Tree ordinance.pdf](#)

Good Evening Councilors.

At the last meeting that City Council reviewed the proposed STAFF amendments to the UDC, a number of us voiced concerns regarding the proposed tree ordinance as it relates to the real effect this will have on our ultimate ability to encourage density (important as we strive to reduce our carbon footprint).

To that end, the Mayor asked that we put together recommended changes to the proposed amendments. I hope you understand that this was a challenge to generate a thorough and comprehensive submittal given we had only one week to do so. But we have made a big effort to recommend modifications to those amendments which we think will move to mitigate many of our concerns.

Thanks so much and look forward to answering questions this evening.

Eric Olsen, PE

--

Eric Olsen
Olsen Design and Development, Inc.
PO Box 9
170 W. Main ST
Monmouth, Oregon 97361

PROPOSAL FROM AD HOC WORKGROUP OF ENGINEERS,
HOMEBUILDERS AND LOCAL BUILDING ASSOCIATION (Mark Grenz,
Natalie Janney, Mike Erdmann, Eric Olsen)

Summary: The Mayor asked a few citizens who spoke in opposition at the City Council against some amendments to **SRC Chapter 808 Tree Ordinance** to make recommendations for revisions that would address concerns. There are four primary modifications we would recommend. The recommendations are built on the following tenets:

- A. Assure trees slated for protection are indeed protected
- B. Increased density is an important aspect of the City's vision
- C. Curbing Carbon Dioxide emission is critical to our community...and world

Recommendation 1: Permit an arborist to be hired in lieu of utilizing the prescriptive critical root zone protection for non-significant trees which would be a detailed method for protecting the health of the tree.

Explanation: Many development codes are written to permit a Prescriptive Path in which one follows a set of guidelines to satisfy a regulation. Often there is an alternative to hire a professional to deviate from that standard (e.g. prescriptive path for brace wall panels in a home versus having the house lateral system engineered). In this case, we think having the option to hire a professional certified arborist would potentially offer a method preserve the health of the trees while also permitting a less "one-size-fits-all" standard. We have found numerous jurisdictions who have adopted the critical root zone requirement, but also permit an arborist to look at the specific trees and provide a better (or less conservative) tree preservation method. For instance, one jurisdiction describes their alternative method:

A biological CRZ area is determined by an arborist through analyzing tree characteristics, site factors, and anticipated construction impacts. In other words, the biological CRZ is defined as the area needed to preserve the roots necessary for the tree to survive

construction. For most trees growing in an open setting, the biological CRZ spans from the trunk to the edge of the canopy, or the “dripline.” For older trees, sensitive species, or trees growing in poor sites, the biological CRZ may actually be much larger than the dripline. Conversely, younger trees, resilient species or trees on good sites may have a biological CRZ smaller than their driplines.

Our very own Oregon State Extension Service writes:

Some tree species are more tolerant of damage and disturbance in the CRZ than others. A tree’s tolerance depends not only upon the species but also upon conditions present prior to and at the time of the damage. Tree health, age of the tree, soil aeration and moisture, the time of year the damage occurs, its severity, and the weather conditions prior to, during, and after the damage all contribute to the tree’s response. An experienced ISA certified arborist can analyze these variables and make specific recommendations to retain or recover a tree’s health and safety during and after the construction process.

Suggested Amendment: Section 808.046 add a(5) to read:

For non-significant trees a report from a certified arborist may be submitted as an alternative to procedures 1-4 above to protect the long term health and stability of the tree.

Recommendation 2: Specify clear and objective standards for the removal of significant trees which are within the development improvement area (e.g. streets, PUE’s, driveway approaches).

Current language states that no significant tree may be removed unless “there are no reasonable design alternatives that would enable preservation of such trees.” While we agree with this in theory—as we read it--from experience this becomes almost impossible to know specifically what is meant and how “no

reasonable” would be interpreted by staff. To remedy this, we suggest including affirmative language of what would be a “reasonable” justification for such removal. See proposed language.

Suggested Amendment: Amend Section 808.035 d (2) to read:

When a tree conservation plan proposes the removal of a significant tree, there are no reasonable design alternatives that would enable preservation of the tree. Street right-of-ways, PUE’s, storm water easements, driveway approaches, and increasing density would be justification for removal.

Recommendation 3. Permit the additional removal of Significant Trees when designing subdivisions with a Solar Panel offset. (This would not be available to a single homeowner.)

As stated at Council, we believe that climate change is real and must be addressed at the local level. To that end, we are proposing an offset requirement that would allow in exchange for the removal of a significant tree, a corresponding deeded restriction which requires a particular property or properties to install a defined sized solar array. For instance, as an example tradeoff, we propose for every significant tree removed, at least one 3 KW system would be mandated on a lot in the subdivision when a home is built. This would help to balance the CO2 “cost” of such removal. Below is a outline of how one might calculate the CO2 cost and benefit of a 40 inch tree removal and 3KW solar array installation.

CO2 Calculation 3 KW System	CO2 Calculation	
Assume 40 inch diameter tree		
Sequestered	100,000 lbs	Assumes released to the environment--See Note 1
400 lbs per year (50 years)	20,000 lbs	Assumes tree going to live 50 more years
Cost of manufacturing KW System	12000 lbs	2.5-3 years

Total CO2 Cost	132000 lbs	
3 KW Solar Panel Savings	5500 lb/yr	Based on typical Oregon home
Carbon Offset Timeframe	24 Years	Life span of panels 25 years
Notes:		
1. Sustainable removal and sequestration (wood product, agricultural organic use) reduces this significantly		
2. Does not consider cost from loss of shading of removed trees but this is only applicable in trees placed in very specific location relative to home		
3. Does not consider effect on heat islands in urban environments		

Suggested Amendment: Amend Section 808.035 d (2) to read:

When a tree conservation plan proposes the removal of a significant tree, there are no reasonable design alternatives that would enable preservation of the tree with the exception of d (2) A. Street right-of-ways, PUE's, storm water easements, driveway approaches, other public improvements, and maximizing density would be justification for removal.

Add d (2) A to read:

A tree conservation plan may include a path to significant tree removal not otherwise exempted if a deeded requirement for installation of a 25 year 3KW Solar array per tree is part of the approval. Location of the solar array must be within 1000 ft of the removed tree and must consider solar orientation and potential shading.