

**Ruth Stellmacher**

---

**From:** Richard Reid <rich@richsuebluffhouse.com>  
**Sent:** Monday, June 13, 2022 1:25 PM  
**To:** CityRecorder  
**Subject:** Written testimony: Council June 13: Agenda Item 22-232

NOTE: 6/13/2022 The Our Salem Full Report was on the City website yesterday 6/12/2022.  
<https://www.cityofsalem.net/Pages/our-salem-report-card.aspx>

As of today NOTE: 6/13/2022 link above to Our Salem Full Report is no longer valid. Someone decided to launch the revised City of Salem website on the same day City Council is meeting. Information may have been lost.

Richard Reid  
3242 Bluff Ave SE  
Salem, OR 97302  
Rich

For Council Monday, June 13, 2022  
Re: Agenda Item 22-232 Our Salem Project

Fresh ideas for the update--

Planning improves our connection to the public structures we establish by ordinance to sustain a broad range of community services. A variety of public structures keeps our neighborhoods safe, our parks beautiful, our community finances solvent and more. Public structures are constructed to community needs with ordinances, administration and funding.

This historic comprehensive plan draft and its accompanying code revisions involve at least the 20 public structures listed in the Our Salem Report Card. These public structures affect, housing affordability, access to frequent transit, complete neighborhoods, revenue to cost ratio, and several more.

The Our Salem report reveals planning themes for consideration in the current comprehensive plan draft. The Report starts with "Affordability", the percentage of an average monthly household income required for housing. A more statistically accurate indicator for this is the "median monthly income"; the income amount halfway between the highest and lowest amounts.



The Report expects no change in either average household income or average housing prices. Recently inflation has dramatically changed this indicator and the "Housing affordability" indicator measuring the household income to pay for housing. No planning solutions to encourage affordable housing are offered.

The Report says "Proximity to parks" declines as population growth sprawls. Code revisions could be drafted that would link the number of parks to the increase in population. A policy like this could help anchor "Infill and redevelopment" near parks.

This is important because the Report indicates our "Walk and transit friendliness" declines as we add population to the edges of the city.

Clustering infill and redevelopment near parks could counteract the decline in friendliness. The rising costs of energy increase the need both for transit and for "Access to frequent transit". This section of the Report states "we are not on track" for planning access to frequent transit.

Proximity to parks declines along with walk and transit friendliness the remaining option is "Bicycles and pedestrian use". The Report says "due to our development trends" we should expect no change in the very low "percentage of trips by bike or walking". The comprehensive plan draft could include concepts that increase transit friendliness and opportunities for bicycles and pedestrians.

Our current "Employment mix" seems unaffected by past planning as the mix remains "unchanged across scenarios in the future". Comprehensive planning can change this by planning public structures and amenities that support community life and encourage investment.

When the Report was published the "Average wage" outlook was more optimistic than it can be today. To invite long term development, communities can fund low cost community amenities; "safe streets", outdoor recreation, a broad range of local education and training opportunities. Community amenities like these these should be included in comprehensive plan drafts.

The "Jobs and housing balance" section of the Report links the number of new jobs in the community to the number of new households the jobs would support. The measurement is 1.5 jobs per household. The goal is for "job creation" to keep pace with increasing population whether in a "household" or an apartment. Defining "household" is important for any discussion of housing balance.

The "Jobs and housing balance" appears to be unaffected by planning as the Report says this balance "remains unchanged" for decades. Job and housing are key factors for measuring the effectiveness of public structures like comprehensive planning, community development and



finance Finance itself is an essential public structure for community development and must be engaged in all phases of comprehensive planning.

For example "Revenue to cost ratio" is a key metric in public finance.

The City's "average annual revenue" is divided by the number of people in the population that year. Assuming no inflation or recession the Report says, "The average annual revenue and expenditures per capita stays about the same"; very close to 1.02. But the next ratio "Annual level of service (expenditure per capita)" is a completely different indicator. Both of these financial metrics are based on city population (taxpayers) instead of the source of revenue; tax parcels.

The "Property tax revenue" section confirms how "tax parcels" are critical to the "structurally balanced" budget policy, 1:1 "revenue to cost ratio". This section on property tax revenue shifts the conversation away from the per capita ratios in the prior section. The property tax revenue from a parcel can be matched to the expenditures benefiting that parcel. This suggests a "zero sum" accounting where "dollars in" (costs) are compared to "dollars out" (revenue). In this way the 1:1 revenue to cost ratio in the structurally balanced budget also applies to each tax parcel; a good measure of tax efficiency.

"Development in environmentally sensitive areas" involves both our physical and our fiscal planning policies. It appears there are no planning options to what we are doing. The Report says development in Salem "will increase on environmentally sensitive areas".

But steep slopes, floodplains and riparian areas provide soil formation, water filtration, aquatic life, air purity etc. Environmental economics can teach us a lot about attaching values to these benefits. To fully calculate a 1:1 (revenue to cost ratio) we need to establish reasonable cost estimates for these environmental benefits then compare those cost estimates to the proposed costs and benefits of a development proposal.

Attaching a dollar figure to the benefits of natural systems which we rely on or remove, can improve our costs of services accounting and our structural budget process.

For example very few things in a community provide the broad range of benefits that trees provide to community well-being. The Report states the target for tree canopy coverage is 23% of the land within city limits. But the Report also notes how community development affects our canopy and that we will "lose some tree canopy in the future".

Planning that sustains trees will also sustain us.

For example planning more trees could help with GHG. The Report says the sources of GHG emissions "remain the same". But comprehensive plans must consider pollution sources outside city limits like how the Brooks medical waste incinerator affects our tree canopy. The

Report expects "Air pollution from travel", to increase as population increases "under each future scenario".

Cities around the world are using evidence-based ideas to adopt ordinances that improve standards of living including reducing air pollution by planning for tree canopy build out. We measure "Greenhouse gas emissions" per capita why not per tree?

The report on "Traffic and pedestrian crashes" appears to be a very disappointing abdication of traffic planning and management.

The METs concept introduced in the "Active transportation" section only measures METs "used to get to work". The comprehensive plan could use METs measures as an indicator of walkability encouraged in sensitive environmental areas and outdoor recreation under the forest canopy.

Sincerely,

Richard Reid



**Ruth Stellmacher**

---

**From:** Hannah Thoman <hthoman06@gmail.com>  
**Sent:** Monday, June 13, 2022 3:17 PM  
**To:** CityRecorder  
**Subject:** Written Testimony- City Council Our Salem  
**Attachments:** 01 - to City Seeking removal of RM zone.pdf; 01A - Highlighted Map.pdf; City Council-Our Salem.pdf; 01B - aerial pix of area.jpg

Please see the following testimony for City Councils Review for the Our Salem plan.

Thank you

Please respond that testimony was received before the 5pm PST deadline.

Sincerely,

Hannah Anonson

**WALLACE W. LIEN**



Wallace W. Lien

Attorney at Law

Contact by e-mail at  
wallace.lien@lienlaw.com

May 19, 2022

Ms. Eunice Kim  
Planning Division  
City of Salem  
555 Liberty St SE  
Room 305  
Salem, OR 97301

By Email to: [Ekim@cityofsalem.net](mailto:Ekim@cityofsalem.net)

Re: Comments for the Record - Case CA21-04

Dear Ms. Kim:

Thank you for meeting with my clients and I regarding the proposed rezone of their and surrounding properties located in Polk County on Orchard Heights Road NW, Salem from their current Suburban Residential (SR) zone to the proposed RM2.

My clients are opposed to the proposed change and ask that the following information and arguments be submitted to the City Council as part of the official hearing record in the above referenced land use case.

The specific block of properties my clients are concerned with, and opposed to the proposed zone change are shown in yellow on the attached Assessor Map, and shown on the attached aerial photograph. The rezone area affected properties are summarized as follows:

Map	Tax Lot	Size	Use	Comments
7.3.18	1900	2.0 ac	Residential and Horse Arena	Proposed split zone - noted is the apx size of the parcel to be rezoned Property has 2 General Purpose buildings totaling 3,072 sq ft, a house at 3,054 sq ft and the Arena at 29,120 sq feet
7.3.18	5100	5.12 ac	Residential and heavily wooded	Assessor online site lists this file as "confidential". The aerial pix shows a house and at least one outbuilding





Map	Tax Lot	Size	Use	Comments
7.3.18D	100	1.0 ac	Residential	There is a General Purpose building at 738 sq ft and a house at 2,251 sq ft
7.3.18D	200	.32 ac	Residential	There is a General Purpose building at 750 sq ft and a house at 1,244 sq ft
7.3.18D	300	1.11 ac	Residential	There are two General Purpose buildings totaling 1,190 sq ft and a Manufactured Home
7.3.18D	301	.22 ac	Residential	House at 988 sq ft
7.3.18D	400	.71 ac	Residential	There are two General Purpose buildings totaling 6,014 sq ft and a house at 2,754 sq ft
7.3.18D	600	1.92 ac	Residential	There are two General Purpose buildings totaling 1,556 sq ft and a house at 1,792 sq ft
7.3.18D	900	2.45 ac	Vacant	Almost entirely wooded
7.3.18D	1100	5.9 ac	Residential	There are four General Purpose buildings totaling 6,014 sq ft and a house at 2,363 sq ft
7.3.18D	1200	1.0 ac	Residential	There is a General Purpose building at 220 sq ft and a house at 1,605 sq ft
TOTAL		21.75 ac		

The reasons for our opposition to this rezone are several. The first is that this small area is not suitable for conversion to multifamily uses. The parcels are for the most part small, all but one are developed with single family homes and most have one or more outbuildings on them. The one vacant parcel is entirely covered in trees. The location and quality of the buildings and houses are for the most part such that their useful life will extend out 40-50 years, long past the planning period involved in this current process.

Flawed assumptions are made about this area, and then used to justify the change in zone. The first is the tree canopy. This proposal assumes little tree canopy, and that existing trees could be removed without impact for the construction of apartment buildings. The attached aerial photograph clearly indicates the proposed rezone area has a significant number of trees, most of which would be required to be removed for new construction of multifamily buildings, driveways and parking areas.

In addition, partial justification for rezoning this area is the lack of development. As the above table points out, with the one exception, every parcel is developed with a single family home, and most have one or more outbuildings. My clients' object to the characterization of this area as not developed or only "partially developed", which characterizations are then used to justify the





rezone.

The definition of "partially vacant" used by the City in this process is found at OAR 660-038-0120(2)(b) which allows the City to "assume" that a parcel is partially vacant if either:

*(A) The real market improvement value of the lot or parcel is greater than five percent and less than 40 percent of the real market land value, in which case, the city must assume that 50 percent of the lot or parcel is developed and 50 percent is vacant, or*

*(B) Based on an orthomap, the lot or parcel is greater than one acre in size and at least one-half acre is not improved.*

Alternatively, according to OAR 660-038-0120(2)(c) a city may assume that a lot or parcel is fully developed if the real market improvement value is greater than or equal to 40 percent of the real market land value.

Using this definition and applying it to the 11 parcel at issue here, my clients have developed a table of information needed to determine which of the 11 parcels in the rezone area actually do qualify as "partially vacant." The Table is attached hereto for your reference, and it establishes that five of the parcels in the proposed rezone area do not qualify as "partially vacant," and therefore are not sufficient to justify the proposed rezone. The parcels that do not qualify as "partially vacant" lie along Orchard Heights Road, and are interspersed with the other parcels, making it too difficult to consolidate the "partially vacant" parcels into a larger economically useable parcel for redevelopment. Therefore, reliance on the "partially vacant" theory for the rezone of this area is not factually supported and is misguided.

It makes no sense to convert this area to RM2 when in fact there is no chance in the foreseeable future for it to ever actually be utilized for that purpose. Every parcel in the area is owned by different owners, so with the exception of the two parcels that are over 5 acres, there is not sufficient area for the development of multifamily buildings. To develop multifamily uses, multiple contiguous parcels will have to be purchased by a single developer, who will then demolish perfectly good structures in order to build apartments. It simple defies logic that this will happen at any time in the next 40 years. Why do a rezone for an area that will never develop with that use? It simply creates an entire community of non-conforming uses.

This brings me to our second objection to this rezone. The current process uses the Housing Needs Analysis as its basis and justification. The result of this process has not only balanced the need for multifamily housing, but has created a surplus of 60 acres of multifamily zoned land. To my clients, having such a large surplus created in this process does not make sense. Balancing the inventory is obviously a good thing, but creating a large surplus is not. There appears to be no real justification for doing anything other than balancing the current inventories to the Housing Needs analysis. There is no mandate for a surplus, and in fact a surplus can be used quasi-judicially to rezone lands out of multifamily uses. My clients ask the City to remove this 21.75 acres of land from the RM2 zone, the result of which will still leave the City with a surplus of multifamily lands of nearly 40 acres.

Finally, the reasons for selecting this area for RM2 zoning are flawed. It is understood that





the City desires to place multifamily uses close to parks and on major transportation routes. In this case the city owned land across from West Salem High School that is designated for a future park, is undeveloped. There is no budget for any future improvements to this land. There is nothing in the capital improvement plan to fund conversion of this land into an actual useable park at any time in the future. The land is not now a park, and will not become a park in the foreseeable future. Reliance on this land as justification for conversion of my clients' area is misplaced.

In addition, the reliance on Orchard Heights as a transportation route is also misplaced. While Orchard Heights is currently the primary access to this area, when the Wyant property across the street develops, the transportation plan re-routes Orchard Heights to the south to serve the Wyant property, making the road servicing my clients' area not much more than a driveway. No longer will this area be located on a major street, thereby negating one of the justifications for this rezone in the first place.

On behalf of my clients, I respectfully urge the City of Salem to abandon the effort to rezone the above described area. It is simply not suitable for redevelopment and is not needed in order to balance the need for multifamily uses in the City.

Yours truly,

**Wallace W. Lien**

WALLACE W. LIEN

Enc: Assessor Map  
Aerial Photograph  
Partially Vacant Lands Table

cc: Clients

---

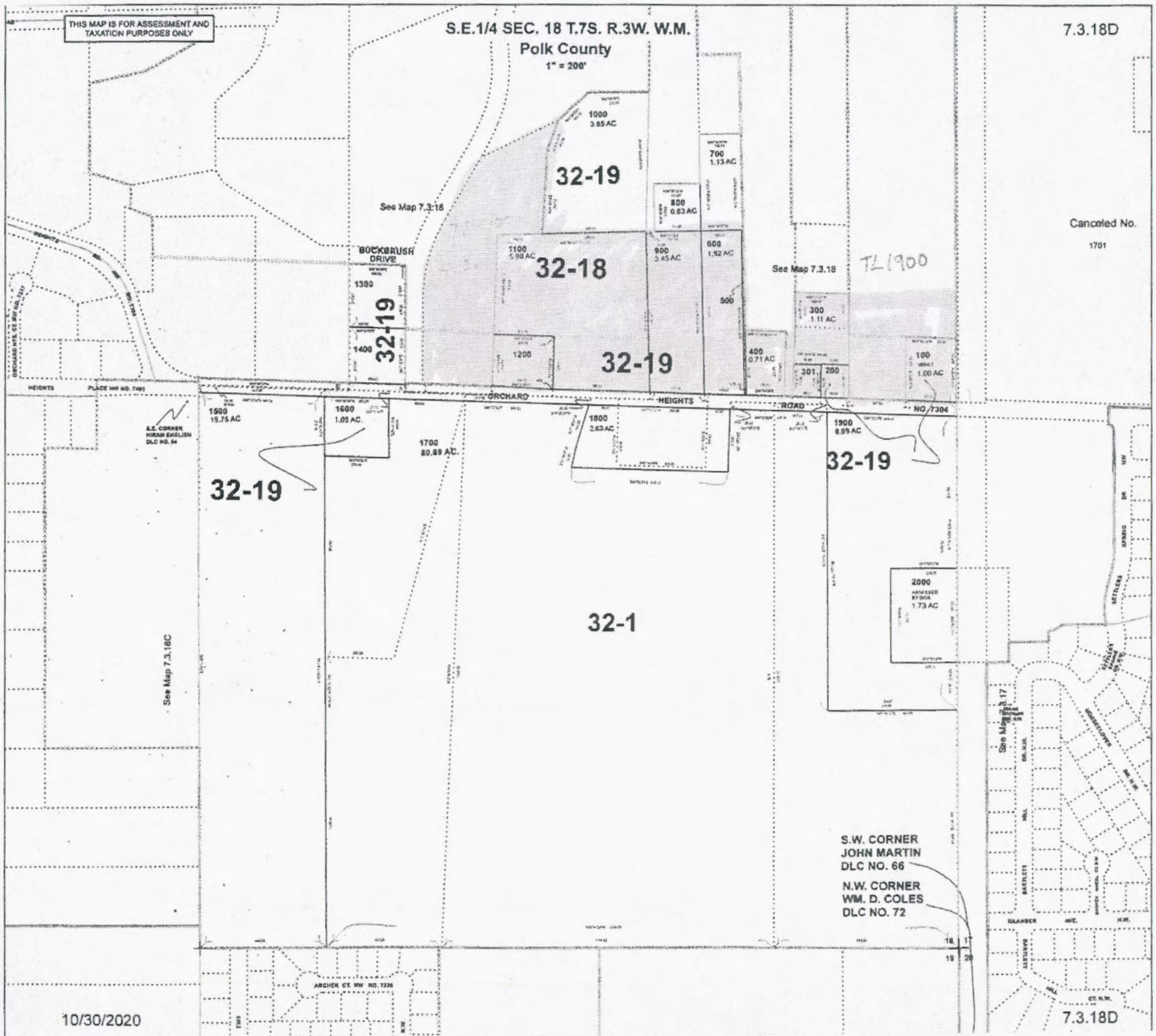


THIS MAP IS FOR ASSESSMENT AND TAXATION PURPOSES ONLY

S.E.1/4 SEC. 18 T.7S. R.3W. W.M.  
Polk County  
1" = 200'

7.3.18D

Canceled No.  
1701



10/30/2020

7.3.18D



June 13, 2022

Dear City Council,

We, a group of neighbors, wish to bring your attention to the matter of 12 residential properties in West Salem which are proposed to be changed to RM-II as part of the Our Salem plan. As council members as you have the authority to make changes to the Our Salem Project plan and remove this rezoning from the plan for the following flawed assumptions regarding the land.

Please see the attached legal memo for complete details and note the following items:

1. We have been told that City of Salem staff, including Ms. Eunice Kim, have expressed that this change is **not necessary** and they will support the removal of it from the Our Salem plan.
2. The justification used by the city for rezoning this land RM-II is that it is "partially vacant." The definition of "partially vacant" as used by the city in OAR 660-038-0120(2)(b) has strict criteria which are not met for at least 5 of the 12 parcels. The remaining parcels are discontinuous and therefore unsuitable for development of RM-II. Most of the parcels are small, only two are over 5 acres, and are owned by separate individuals.
3. Every parcel save two are developed with a home and most with one or more accessory buildings. Development of these properties as RM-II would require demolishing existing homes and structures.
4. Substantial tree canopy is present, nearly all of which would have to be removed to construct RM-II with its associated buildings, driveways, and requisite parking.
5. The need to balance the inventory of RM-II housing with the Housing Needs Analysis is used as justification for this change. However, the current "Our Salem" proposal has a **60 acre surplus of RM-II. Rezoning of our collective 22.77 acres is not necessary.**
6. The local residents do not desire this change as evidenced by our multiple efforts both written and verbal at planning commission and community meetings. These efforts were hardly acknowledged in written meeting summaries and inadequately addressed.
7. **City councilors are free to remove this portion from the Our Salem plan.**
8. The transportation plan will reroute Orchard Heights to the south, away from the area in question, in order to service the development of the 133 acre Wyant property. Orchard Heights Rd where it abuts the proposed rezoned area will become Orchard Heights Place, essentially a driveway to access these 12 properties and not a major transportation route.

Please note that all 133 acres of the Wyant property are to be rezoned MU-II. This large parcel has adequate space for construction of multifamily housing which could be incorporated into the Our Salem vision of a walkable neighborhood with single and multifamily housing, shopping, eateries, and nearby schools and parks. We support the masterplanned development of this prime property.

Being forced to seek legal counsel on a local matter with the city is an unjust system. As tax payers (outside of city limits), small business owners and parents, we plead with the city council **to take action on our behalf** and remove this rezoning.

Do not force this unwanted and unnecessary rezoning on our neighborhood.

Sincerely,

Hannah Anonson

3127 Orchard Heights Road NW