

Bryce Bishop

From: Ed Rutledge <ebrutledge@gmail.com>
Sent: Thursday, September 16, 2021 7:24 PM
To: Bryce Bishop
Subject: proposed revisions to central business district (cb) zone

Good evening: Returning from a short trip out of town, one of the items in our mailbox was an advisory from the City of Salem regarding "Proposed Revisions to Central Business (CB) zone." My residence is located on the fourth floor of 295 Church Street, SE – so I have a direct interest in this matter.

The examples provided within this advisory include the following:

"Allowing managed temporary camping for homeless and emergency shelters as temporary uses ..."

I respectfully request the City to explain in more detail what it is intended on this matter. For example:

- Who or what entity is envisioned would be the "manager" of the "temporary camping for homeless and emergency shelters?"
- Within the intent of this proposed revision, what does the term "temporary" mean?
- Within the intent of this proposed revision, where is it intended the "temporary camping for homeless and emergency shelters" would be located? [Essentially – this is a matter of the amount of estimated space that is needed and the sanitary infrastructure footprint presumably included within the concept] Does this proposal envision there would be multiple "temporary camping for homeless and emergency shelter" sites within the city?
- If it is intended the site(s) and supporting infrastructure for same are to be supported by City resources, what is envisioned as the quid pro quo for downtown businesses, homeowners (actual taxpayers) for this use of public resources? Does the City envision taking every necessary legal measure to effectively enforce the camping ordinances already on the books?

I expect I will be submitting commentary on or before the October 5, 2021 deadline. I am severely hearing impaired and may, as a result, choose not to try entering one of the Zoom chats that have been scheduled.

Thank you for taking on this daunting task. I have a graduate degree in Public Administration and spent my career at executive level administration in the public sector. My career included working for Metro which addressed land use planning issues and working for the City of Portland. I look forward to becoming involved in the process of review and consideration of the "Proposed Revisions."

Be well.

Ed Rutledge
Salem, Oregon USA
website: <https://erutledge.zenfolio.com/>
YouTube: https://www.youtube.com/channel/UCEnWjmtGAPlhBhValnb2_g

Bryce Bishop

From: SUZIE KELLEY <suzie.kelley@comcast.net>
Sent: Thursday, September 23, 2021 12:58 PM
To: Bryce Bishop
Subject: Fwd: homeless camping, meeting on Oct 5.

Suzie Miller

John L, Scott

1124 Cornucopia St NW

Salem OR 97304

650-678-9031

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

From: SUZIE KELLEY <suzie.kelley@comcast.net>
To: "bbishop@cityofsalem.net" <bbishop@cityofsalem.net>
Date: 09/23/2021 12:55 PM
Subject: homeless camping, meeting on Oct 5.

This is to express my opposition to temporary camping for homeless and emergency shelters as temp. uses. The downtown is completely overrun with garbage, waste, sketchy people hanging out and we are losing store after store, business after business. Allowing their situation to be and to get worse every month is not a solution. If you start to deal with those individuals that need help, get them taken care of even if it is only one at a time. Whether it be a place to detox, a ticket to family that is willing to help out, back to jail in case of criminals, or what ever, you are making the whole town and businesses suffer more and more with allowing those to break the law. We don't need more allowances, we just need the law to be kept and those that are homeless discouraged and not be given the world at the cost of Salem.

We need to be the city that discourages this, not encourages others to come here. Time to represent the 99.9%, not the few hundred that are ruining our towns well being.

As far as eliminating general retail and office, please do not make it harder for businesses to come in and join our city. We don't need more rules, we need fewer. The government interference has helped with the homeless to make this city a ghost town, not just in October. How about the city take a position of helping people, getting businesses in, encouraging people to reinvest in the town and stop making things harder.

thanks for your time.

Thanks for listening.
Suzie Miller
650-678-9031

Bryce Bishop

From: Lisa Anderson-Ogilvie
Sent: Monday, September 27, 2021 6:25 PM
To: Bryce Bishop
Subject: FW: Re planning commission meeting

FYI, for the public hearing.

- Lisa | 503-540-2381

From: Cory Heintz <chaindriven@gmail.com>
Sent: Monday, September 27, 2021 4:55 PM
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Subject: Re: Re planning commission meeting

Yes please forward on. However, my criticism of the Brush College/Wallace location could be carbon-copied for any location that puts the unhoused any unmanageable distance from the services they need.

Sent from my iPhone

On Sep 27, 2021, at 4:43 PM, Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net> wrote:

Hi Cory,

Your email seems to be about a specific location that is under consideration by the City Council tonight. The proposed code amendments that the Planning Commission will consider next week are to create a permit process for managed camps but not to consider any particular camp or location.

Would you like me to forward your email to the City Councilors for consideration this evening?

- Lisa | 503-540-2381

From: Cory Heintz <chaindriven@gmail.com>
Sent: Monday, September 27, 2021 4:40:44 PM
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Subject: Re planning commission meeting

To whom it may concern,

I wish to provide comment on the following agenda item:

- Allowing managed temporary camping for the homeless and emergency shelters as temporary uses

The proposed site for temporary housing is at the intersection of Brush College Rd NW and Wallace Rd. I am concerned about moving a population of 50-60 residents miles from the agencies on which they rely for support. Are they planning to walk the 4 miles to get to services? Or ride their bikes? Crossing

Wallace road to access the bike path is a dangerous proposition. Does the city plan daily transportation for those residents?

This project is marked as managed, who is managing it? How much of the proposed \$90k+ in operating costs is earmarked for staff to provide services and support to residents? Or is it solely for maintenance and upkeep? Statistics show that the unhoused experience higher than normal rates of substance abuse and mental health. Is the City providing intervention for drug use or mental health?

Has the City talked to legal counsel regarding liabilities? For example, pedestrian/cyclist/auto accidents and injuries due to proximity to the busy Wallace corridor or crimes in camp or surrounding neighborhoods resulting from the aforementioned substance abuse and mental health issues.

These concerns are exacerbated by the proposed camp's proximity to nearby elementary schools.

Having witnessed (as many of us have) the damage caused by camps, I worry about the increased debris and litter in the surrounding countryside and environmental damage, pollution, its effects on area wildlife, the water and soil.

I fully support efforts to lift up the unhoused by providing access to housing, employment and healthcare, but I strongly question this move. I fear it merely displaces the unhoused to another location without offering a holistic and thoughtful solution.

Has anyone reached out to churches and faith leaders for partnerships? There are numerous churches in the downtown area, near services utilized by the unhoused, with empty parking lots and armies of attendees with a mandate to help their fellow human. At each location is a building with bathrooms, is heated when it's too cold and air conditioned when it's too hot...and empty all week long. Folks at each church could work on rotation to provide a more complete support network for just a few shelters per location. With this additional support and community involvement, you may be able to put more of the budget for this project into shelters rather than operating costs, getting more off the street. If successful, each church may feel compelled to continue the good work in perpetuity.

Sent from my iPhone

September, 28, 2021

Dear Members of the Salem Planning Commission,

I am writing in support of the proposed changes to city tree protection code in Chapter 808 under consideration as part of the Unified Development Code update. I have gained exposure to the various elements of the current code through my time serving on the Salem Parks and Recreation Advisory Board (SPRAB). However, my comments here are my own and are not on behalf of the board.

The benefits of urban tree canopy are immense, providing everything from ecosystem services to measurable heat reduction to improved mental wellbeing. The proposed changes will provide additional protections for important trees, such as Oregon White Oaks, ensure more trees are preserved during new development, and increase protection of critical root zones in tree conservation plans.

My one request is that SPRAB is better informed and included in the process for additional updates. Our work with trees and green space as well as the expertise of SPRAB members could benefit this process. Greater engagement with SPRAB should be considered for the future.

I appreciate the detail that has gone into these changes and hope to see them adopted.

Sincerely,

Dylan McDowell

September 30, 2021

Salem Planning Commission
City of Salem
555 Liberty Street SE, Room
Salem, Oregon 97301

Dear President Griggs, and members of the Salem Planning Commission:

The Salem Area Mass Transit District (SAMTD) is providing this letter as a record of support for the proposed amendments, in particular Section 803.035 (r) of the Salem Revised Code. These changes are being considered during a Public Hearing conducted by the Salem Planning Commission on October 5, 2021.

SAMTD is supportive of these changes to address a number of challenges in coordinating new developments with the efficient and accessible operations of public transit services in the greater Salem area. The changes will make improvements in the following ways:

- Communication clarity and standardization of transit related elements needed to ensure accessible and efficient public transit services to the new development;
- Ensure compliance to Americans with Disabilities Act (ADA) requirements for all aspects of bus stop design;
- Allow for convenient access to public transit services encouraging more individuals to use public transit as their method of travel, thus reducing traffic congestion;
- Improved public transit access and services will assist the City of Salem in achieving goals that are being considered in the development of the city's Climate Action Plan; and
- Well designed and incorporated public transit stops improve safety through standardized of designs to create an environment of clear visibility and locations that encourage pedestrians to safer locations to cross roadways in designated places.

SAMTD encourages the Salem Planning Commission to approve these amendments as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Dickey", written in a cursive style.

Stephen Dickey

Director of Technology and Program Management

Steve.dickey@cherriots.org

503-361-2552

cc: Glenn Davis, Chief Development Engineer – City of Salem
Allan Pollock, General Manager – SAMTD
Chris French, Service Planning Manager – SAMTD

775 Fir Gardens St. NW ♦ Salem, OR 97304
emeasterly@comcast.net ♦ 503-363-6221

September 30, 2021

Dear Members of the Salem Planning Commission,

As you put together a final version of the Salem Middle Housing code changes that the Planning Commission will recommend to the City Council I ask that you support the proposed language and intent of the Oregon Middle Housing mandate by focusing upon a clarifying update to Salem's defined waterways.

To that end, I encourage you to support Member Slater's motion recommending to Council that the City Salem update its Stormwater Master Plan maps to address the development obligations contained SRC Chapter 802.

If the Salem Planning Department continues to ignore the portions of the City of Salem which were not included in the 1999 Wetlands Inventory process, then more examples of flawed subdivision approval processes highlighted during the appeal of the 2230 Doaks Ferry Road NW subdivision will come before the Planning Commission.

Rather than continuing to rely upon outdated maps I urge that the City identify and update maps for all parts of the City to insure that all perennial spring feed streams/watercourses are identified and evaluated by the Public Works Director to waterway status as currently required under SRC Chapter 802.

Respectfully,


E.M. Easterly

Shelby Guizar

To: Bryce Bishop
Subject: RE: Tree code amendments before Planning Commission October 5

From: RAMSTAD Kristin * ODF <Kristin.Ramstad@oregon.gov>
Sent: Thursday, September 30, 2021 4:55 PM
To: Patricia Farrell <PFarrell@cityofsalem.net>
Subject: RE: Tree code amendments before Planning Commission October 5

Hi Patricia – I took a few minutes to look through the proposed changes.

A couple of things I noticed:

1. In the arboriculture industry, we no longer use the term “hazardous tree” but rather “high risk” tree. This is something that long-time city risk managers have pushed back on us about... though for me, personally, it seems to be more or less the same thing.
2. When talking about tree protection and restoration measures (approx. p. 389), I may have missed something, but I did not see mention of when proper pruning may be needed. In other words, if there is an overhanging tree that is to be preserved, the regs talk about preserving critical root zone, etc. (great!) but part of the tree may need to be pruned back, or (more likely) the developer/builder may be inclined to hack the tree back to make room for equipment, etc. Somewhere in the code (perhaps next revision?), should indicate that if necessary all trees should be pruned according to [ANSI A300](#) standards if canopy work is required for building clearance, etc.

Cheers,
K



Oregon's Urban & Community Forestry Program is celebrating 30 YEARS of service!

Kristin Ramstad (she/her)
Manager, Urban and Community Forestry Assistance Program
ISA Certified Arborist
Desk Phone: 503-945-7390
Email: kristin.ramstad@oregon.gov
Web: [ODF Urban and Community Forestry](#)

Mailing:
ODF – Urban & Community Forestry
2600 State St
Salem, OR 97310

To subscribe to our **Community Tree Connections** newsletter, please go [HERE](#).

Shelby Guizar

From: E Easterly <emeasterly@comcast.net>
Sent: Sunday, October 3, 2021 6:07 PM
To: Bryce Bishop
Subject: UDC Update - Single family dwelling setback reconciliation

Mr. Bishop,

Would you please reconcile **Sec. 112.050. Setbacks** with the proposed TABLE 510-3. SETBACKS for single-family dwellings. The Table says there are no set backs for single family dwelling lots. How do you reconcile those two provisions before the Planning Commission?

Please also explain how you reconcile Sec. 802.030 with single family lot dwelling no set back cited in TABLE 510-3. SETBACKS with watercourse setbacks.

Please share your response with the Planning Commission at their October 5th meeting.

Thanking you in advance.

Respectfully,

E.M. Easterly

503-363-6221

Shelby Guizar

From: Woodrow Dukes <woodrowd668@gmail.com>
Sent: Sunday, October 3, 2021 9:16 AM
To: Shelby Guizar
Subject: Proposed Changes to the City Tree Protection Code - SRC C 808

I would like to resubmit my previous comment with an added sentence at the end that I meant to include but forgot:

I wish to commend City staff and others that were responsible for the proposed improvements to this code. Among the proposed changes, reducing the diameters of Oregon white oaks for retention, increasing the percentage of trees retained on a site, more protection for "significant trees", increasing the diameter of the Critical Root Zone (CRZ) similar to International Society of Arboriculture standards, as well as requiring the inclusion on conservation plans the CRZs of all existing trees and providing for more enforcement of the protections of CRZs with regard to structures, underground utilities and other development to help ensure tree survival and viability. These and the other proposed changes should protect many more trees than the current Chapter 808.

Woody Dukes - Arborist



Glenn and Gibson Creeks Watershed Council 2308 Ptarmigan St. NW, Salem, OR 97304

Issue: PROPOSED 2021 UNIFIED DEVELOPMENT CODE UPDATE (CODE AMENDMENT AND LEGISLATIVE ZONE CHANGE CASE NO. CA-ZC21-01)

The proposed changes to tree preservation and protection (SRC Chapter 808) are laudable but there is one issue that remains unaddressed.

Issue

Section 808.005 Definitions states:

“Waterway means any river, perennial stream, or creek within the City as designated by the Director.”

Section 215.050 Detailed Plan Standards states:

“Additional riparian area protection. The riparian corridor boundary is increased from 50 feet to 75 feet horizontally from the top of the bank on each side of the waterway, as defined in SRC 808.005, is platted as a separate lot or parcel, and dedicated as a natural area in perpetuity.”

Thus, the application of riparian corridor designation depends on the Director’s discretion on what constitutes a “waterway”. There is no standard or process to ensure there is consistency throughout the City to apply the protection of riparian areas. This discrepancy was brought to light in a subdivision development in West Salem in recent months.

Suggestion

At the very least there should be a common standard for such designations. Use of the National Hydrography Dataset could be a starting point. This would at least be a common standard usable for the entire City. Such a starting point would be uniform and consistent throughout the City of Salem.

Beyond that, standards for identifying waterways for which riparian corridor protection should be developed. It is difficult to have faith in a requirement that has no known basis. Standards that identify the characteristics of areas that provide riparian benefits could be developed (e.g., intermittent, or perennial stream, incised channel, or other features). I would suggest that a process for the necessary evidence to be used for such a designation could be promulgated so local information could be used that is more accurate for local conditions.

This approach would remove the sense of arbitrariness in designation of “waterways” and provide an opportunity to build on a common set of streams that deserve riparian corridor protection.

Ken Bierly, Chair
Glenn Gibson Creek Watershed Council
2308 Ptarmigan St. NW
Salem, OR 97304

October 4, 2021

Chair Griggs and Members of the Salem Planning Commission:

Comments on PROPOSED 2021 UNIFIED DEVELOPMENT CODE UPDATE (CODE AMENDMENT AND LEGISLATIVE ZONE CHANGE CASE NO. CA-ZC21-01)

1. **SRC 808 proposed amendments:**

I am writing to support the changes to SRC 808 contained in the PROPOSED 2021 UNIFIED DEVELOPMENT CODE UPDATE (CODE AMENDMENT AND LEGISLATIVE ZONE CHANGE CASE NO. CA-ZC21-01) providing more broader regulation to Oregon White Oak trees and other significant trees. Trees provide us with beauty, they modify urban heat, they capture carbon, they provide habitat for many creatures, they filter pollutants out of our air and water. It is difficult to overstate the value of trees.

While I do support these amendments, I want to make it clear that I do not think they go far enough. We still fail in the attempt to provide adequate protection for trees and vegetation.

I ask that these new protections not only be adopted, but also strengthened. Currently, swaths of trees are routinely cut down to make way for development. Even if these amendments to the Salem Revised Code are adopted, it will still be easy to cut down trees. Developers will still be required to save only 30% of trees on a site. Currently, they must save 25%. 5% does not seem like much progress. At a minimum, developers should be required to preserve 90% of all trees.

Also, trees are counted at the time of the development application. This stipulation does nothing to protect trees on property not slated for development. Trees may be cut down prior to application, then the developer applies for a development permit and there are no trees to inventory because they were all cut down a year ago. This does not seem like protection.

Even with the proposed amendments, SRC 808 still only defines trees with a certain DBH as worthy of regulation or significance. My concern with this limitation is that like all living things, if we do not protect the young, we will never have mature beings. How do trees get to be a certain DBH? They grow from a small start. We especially need to protect Oregon White Oak trees through all stages of growth and development. These are extremely valuable trees biologically. They are slow growing trees with a long-life span. They are vanishing. We need to protect this species.

One very large loophole in the ordinance is the protection of trees and vegetation in a riparian corridor. Only if a stream is recognized as a waterway by the Public Works Director does its riparian corridor receive protection. Many streams in Salem are not so recognized. Only when the City conducts a stream survey and updates the stream inventory will we really know how many "waterways" exist in Salem. Without this

designation, many riparian corridors go unprotected. Development is also allowed within a riparian corridor. If a tree is in the way, down it goes.

2. **Comment on SRC Chapter 800 (General Development Standards) 314-326 ▪ Amendments:**

❖ Establish standard requiring all lots to be of a size and shape so as to be buildable exclusive of required setbacks, easements, riparian corridors, mapped flood plain/floodway boundaries, and wetlands. ❖

I support this proposed amendment, especially if tree canopy were to be included in the list of natural features to be avoided by development. The intent here seems that development shall accommodate to natural features rather than the opposite as is currently the practice here in Salem.

3. **Comment on Table 510-3 regarding stream setbacks:** middle housing is required to set back from waterways 100 feet. Single family housing setbacks: None. It is unclear why single-family housing has no stream setback. This should be changed to the same setback as middle housing, especially since middle housing is now allowed in the single family zone.

Linda Bierly

Linda Bierly

Ward 8

Shelby Guizar

From: Laura Buhl <buhl1@yahoo.com>
Sent: Monday, October 4, 2021 8:37 PM
To: Bryce Bishop
Subject: Public Comment on UDC Update - October 4, 2021 Planning Commission Meeting

Members of the City of Salem Planning Commission:

I would like to express my very strong support for the proposed amendments to Chapter 808 (Preservation of Trees and Vegetation) of the Salem Revised Code.

By providing more protection for Salem's urban forest, these amendments further the purpose of Salem's Unified Development Code to "promote and protect the health, safety, and general welfare of the public" and to "preserve and enhance environmental resources, the natural scenic beauty of the area, and aesthetic qualities of the community" (UDC § 110.010). In a hotter climate, a mature tree canopy will be vital to preserve Salem's livability, and especially the health and well-being of its people and animals. Trees are also crucial elements of our city's natural environment and the attractiveness of our neighborhoods.

Recommending approval to the City Council of the proposed amendments to Chapter 808 will help Salem be a healthier, more beautiful, and more resilient city.

Respectfully,
Laura Buhl
695 16th Street NE
Salem

From the Desk of Curt Arthur

Curt.Arthur@svn.com

503-588-4146 (direct)

503-559-7990 (cell)

October 4, 2021

City of Salem Planning Commission
555 Liberty Street SE
Salem, OR 97301

Re: Letter of Support

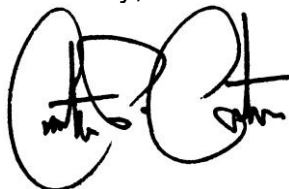
Dear Members of the Planning Commission:

I am writing in support of the proposed amendments to the CB Zone in the 2021 Unified Development Code Update on your agenda for October 5, 2021. Specifically, the allowance of self-storage in existing buildings outside of the historic area (page 150 and 286-287).

As we continue to encourage residential development in the Central Business District, it is essential we provide storage options for those residents who are choosing to downsize to live in a vibrant downtown Salem.

Thank you for your volunteer service to our great city.

Sincerely,



Curt Arthur, SIOR
Managing Director

To: City of Salem Planning Commission
From: Southwest Association of Neighbors (SWAN)
RE: Proposed amendments/revisions on UDC Code 10/5/2021

In review of the proposed changes to code, the SWAN Land Use Committee and Association Board supports the following suggested revisions/additions for your consideration:

- In regards to SRC Chapter 807 , page 378 of 390, proposed amendments should include the development and establishment of a tree replanting requirement for single family, two family, and three family uses as infill occurs.
- In regards to SRC 808, pages 380 of 390, there should not be an exemption granted for the removal of city owned trees from the requirements to obtain a tree removal permit. Even if the city is removing their own property the city should still be required to apply for and post a tree removal permit thereby providing public notice of the pending removal.
- SWAN does not support the proposed reduction of the minimum tree planting requirements for lots less than 4,000 feet from a minimum of two trees to a minimum of one tree.
- The City is currently developing a climate action plan and this reduction in required tree canopy replacement does not promote the needs of the climate action plan.
- SWAN suggests providing greater incentives to developers other than the current two to one reduction in the amount of trees required to be planted on a lot for each significant tree preserved. This could include city approved financial incentives, such as reduction or removal of sewer tap fees, for implementing creative or flexible design standards that preserve a greater amount of significant trees or groves of trees.
- In SRC 808 , page 386 of 390, SWAN suggests inserting the word “all phases” in the phrase ...all trees and native vegetation designated for preservation under the tree conservation plan shall be protected during “all phases” of construction.
- SWAN suggests establishing a UDC update standard requiring the keeping of a records database on tree and protected vegetation removal violations. This data base should be administered by Public Works and overseen by the City Forester. It should include the person or company who has willful engaged in violation of SRC 808.035 or 808.040, the type of violation and the number of violations accrued but the person or company. Penalties shall be tracked and repeat violators noted so as to assess penalties sufficient to discourage future willful violations.
This standard could be attached as section (f) of page 390.

- In SRC 511, pages 92-101, a proposed amendment would allow placing managed camps for the unhoused within RS single family residential zones. We see this as an less than ideal use for such zones due to the potential increase in traffic, noise and light pollution and distance from services that typical serve needs for service access typically seen this those who lack housing.
- In SRC 803, pages 326-330, a proposed amendment would require construction and dedication of right-of-way for transit stops when transit stops are identified as being needed by the Transit District in connection with a proposed development. We see this as a small but important step toward a city that makes it easier for people to do enjoy enhanced livability with fewer cars, (and a much more positive step than exempting certain kinds of multifamily housing from parking requirements in hitherto single-family residential areas [see SRC 806, pages 334-377]).

Thank you for your consideration of these comments.

Sincerely,

Ted Burney, Land Use Chair
On Behalf of the SWAN Association Board

Shelby Guizar

From: Evan Manvel <evanmanvel@gmail.com>
Sent: Tuesday, October 5, 2021 1:08 PM
To: Shelby Guizar
Subject: Re: testify Planning Commission Tuesday

Thanks for your assistance, Shelby. Testimony below; I'll try to attend as well.

Best,
Evan

.....

5 October 2021

RE: UDC Update

Dear Salem Planning Commissioners,

We continue to struggle as a community to provide housing people can afford, and housing choices to meet the needs of our current and future residents.

We also continue to struggle to reduce climate pollution as our community faces severe weather events such as ice storms and wildfires, and all-time-record heat.

There is a small but important step we can take: take our foot off the gas.

We should repeal one-size-fits-all parking mandates. Parking reform has been highlighted as a key action Salem can take under its Climate Action Plan.

One in six renter households in Salem have no vehicles. We need to give local builders the option to provide a diversity of housing bundles for the diversity of Salemites.

While there are numerous places in the UDC to improve the parking code, several improvements are already included in this draft, including ensuring parking is behind or beside development, protections of transit stops from parked vehicles, reduced garage requirements, and improved bike parking.

So tonight I ask you to follow the lead of Bend, who recently updated its codes to waive parking mandates for duplexes, triplexes, and cottage clusters, and limited mandates to one space for each quadplex *development* (not unit), except in its low-density residential zone, where it requires two.

I urge you to change the parking tables on Page 336 (general) and Page 23 (PUDs), and:

1. Move mandated spaces to zero for duplexes, triplexes, and quadplexes
2. Limit multifamily mandates to 1 per unit (or ideally, zero). Bedroom counts are not as strong as transit or density in predicting demand; they may become even worse as work-at-home expands.
3. Move mandated parking spaces for studio and one-bedroom units to zero.

Thank you once again for your service to the city of Salem.

Warm regards,

Evan

Evan Manvel
345 Leffelle St S
Salem, OR 97302



TESTIMONY:
**Case No. CA-ZC21-01 for Unified
Development Code (UDC) Update**

First—

Appreciate all the hard work by Bryce Bishop & Staff

Second—

A few comments tonight & requests

RECOMMENDATION

Adopt the facts and findings of this staff report and **recommend** that the City Council accept first reading of an ordinance bill to amend the UDC and other chapters of the Salem Revised Code to address issues that have arisen in the application of the UDC since 2019 and to change . . .

FACTS AND FINDINGS

1. Proposed Code Amendments

1.F. Improved tree preservation and protection (SRC Chapter 808)

Amendments to the tree preservation requirements of SRC Chapter 808 are proposed to provide for greater preservation and protection of trees. Highlights of the amendments include:

- a) Expansion of definition of significant tree:
- b) Changes to tree removal permit requirements:
- c) Changes to tree conservation plan requirements:
- d) Additional requirements for tree protection during construction:**

Attachment A



2021 Unified Development Code (UDC) Update (Summary of Proposed Amendments)

SRC Chapter 535 (Edgewater/Second Street Mixed-Use Corridor - ESMU Zone
Amendments:

YES ❖ Eliminate commercial parking as a permitted use within the zone.

NO ❖ Add managed temporary camping for the homeless and emergency shelters as permitted temporary uses within the zone.

Within the ESMU Zone specifies a pedestrian friendly, walkable neighborhood provision; this is in conflict with. . .

Attachment A



2021 Unified Development Code (UDC) Update (Summary of Proposed Amendments)

SRC Chapter 800 (General Development Standards)

Amendments:

- ❖ **Establish standard** requiring all lots to be of a size and shape so as to be buildable exclusive of required setbacks, easements, riparian corridors, mapped flood plain/floodway boundaries, and wetlands.

TWO issues here need to be made absolutely clear before sending this to Council for consideration

ISSUE #1

The need to reconcile Sec. 112.050 Setbacks with the proposed Table 510
NO SETBACKS for single-family dwellings

The Table says there are no **setbacks** for single family dwelling lots in relations to waterways, and

Sec. 112.0505 says there are setbacks

CONFUSION BETWEEN Reconciliation Needed

We **request** that these two provisions be clarified in the UDC before the Planning Commission forwards this to Council

ISSUE #2

Bryce Bishop's Testimony Salem Planning Commission June 1st Workshop

Bryce testified that the City of Salem currently is not in compliance with State of Oregon Land Use Goal 5

Applicability of Goal 5 Resources protection:

- a. Riparian corridors, including water and riparian areas and fish habitat
- b. Wetlands
- c. Wildlife Habitat

ISSUE #2 Cont.

City of Salem not in Compliance Goal 5

The “Word Riparian” has four applications in the UDCs that need clarification:

Area

Buffer

Corridor

Zone

We **request** that this be clarified and consistent in the UDCs and actionable as the implementing city code for OAR 660-023-0090 (Riparian Corridors) before the Planning Commission forwards this to Council

Goal Protections

Since the September commission meeting, several edits have been made to OAR 660-046-0010(3) to reflect conversations with various goal experts. Revisions include the following:

1. Goal 5 Natural Resources: These revisions reflect discussions with DLCD's Goal 5 Natural Resource specialist. **The section and the revisions are intended to prevent additional development pressure near sensitive natural resources.** The section also includes a provision for jurisdictions that do not have Goal 5 protections. . .
OAR 660-046-0010(3)(a)(A):

October 29, 2020, LCDC Director Memo to LCDC Commission

MIDDLE HOUSING LARGE CITIES MODEL CODE AND MINIMUM STANDARDS

SUBJECT: Agenda Item 4, November 12-13, 2020, LCDC Meeting ⁹

Goal Protections (Cont.)

1.A. Goal 5 Natural Resources - Pursuant to OAR 660-023-0050 through 660-023-0110, Medium and Large Cities **must adopt** land use regulations to protect water quality, aquatic habitat, and the habitat of threatened, endangered and sensitive species. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 5.

▪*Proposed Amendments - Establish a new 100-foot setback, as required by the State, abutting waterways.* **INSUFFICIENT—Specifics as to how Protection is to be accomplished within setback, tie to riparian corridor, etc., missing. State Rules says along “Riparian Corridor” not waterways.**

We **request** that the needed Goal 5 compliance and Riparian Corridor definition issues be addressed and solved so as they are up-to-date regulations to protect water quality, aquatic habitat, and the habitat of threatened, endangered and sensitive species before the Planning Commission forwards this to Council

Goal Protections (Cont.)

1.A. Goal 5 Natural Resources - Pursuant to OAR 660-023-0050 through 660-023-0110, Medium and Large Cities **must adopt** land use regulations to protect water quality, aquatic habitat, and the habitat of threatened, endangered and sensitive species. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 5.

This missing as well. . .



Attachment A

SRC Chapter 111 (Definitions)

Amendments establish new and revised definitions for various terms used throughout the Unified Development Code.

There are **Five** definitions contained in the Salem Revised Code for the term “Waterway”

CHAPTER 65. - EXCAVATIONS AND FILLS *Sec. 65.020*

CHAPTER 75. - EROSION PREVENTION AND SEDIMENT CONTROL *Sec. 75.020*

CHAPTER 82. - CLEARING AND GRADING OF LAND *Sec. 82.005*

CHAPTER 601. - FLOODPLAIN OVERLAY ZONE *Sec. 601.005*

CHAPTER 808. - PRESERVATION OF TREES AND VEGETATION *Sec. 808.005*

A review of the Salem Revised Code identifies 33 references to “Waterway”

A second and parallel term “Watercourse” is defined and referenced in 10 Salem Revised

These causes confusion

They do not satisfy the implementation requirements for SDCs implementing the State of Oregon definition of Waters of the State, Riparian Corridors OAR 660-023-0090

THEY PRECLUDE, UNTIL CORRECTED, THE CITY MUST ADOPT REQUIREMENTS OF HB 2001

Memo: Case No. CA-ZC21-01 for Unified Development Code (UDC) Update

Date: 10/5/21

To: Salem Planning Commission

From: Eric Olsen of Olsen Communities, LLC.

General description: As a developers who prides ourselves on sustainability, creative development, and livability, I have some reservations about a few of the proposed changes. More than anything, I want to mention some possible unintended consequences for consideration by the staff and Planning Commission which I think can improve the changes which are under consideration.

Item 1: The City proposes the following: **Require alley access for new single family, two family, three family, and four family uses on existing lots abutting an alley**

Response: As developers who incorporate alleys in 95 percent of all lots we build, we oppose this limitation. Topography, duplex, triplex and fourplex designs can be improved dramatically if vehicular access is permitted from both the street and the alley. We would, however, not object to limiting the garages on the street side to exclusively single car garage door which might help the aesthetics of a neighborhood.

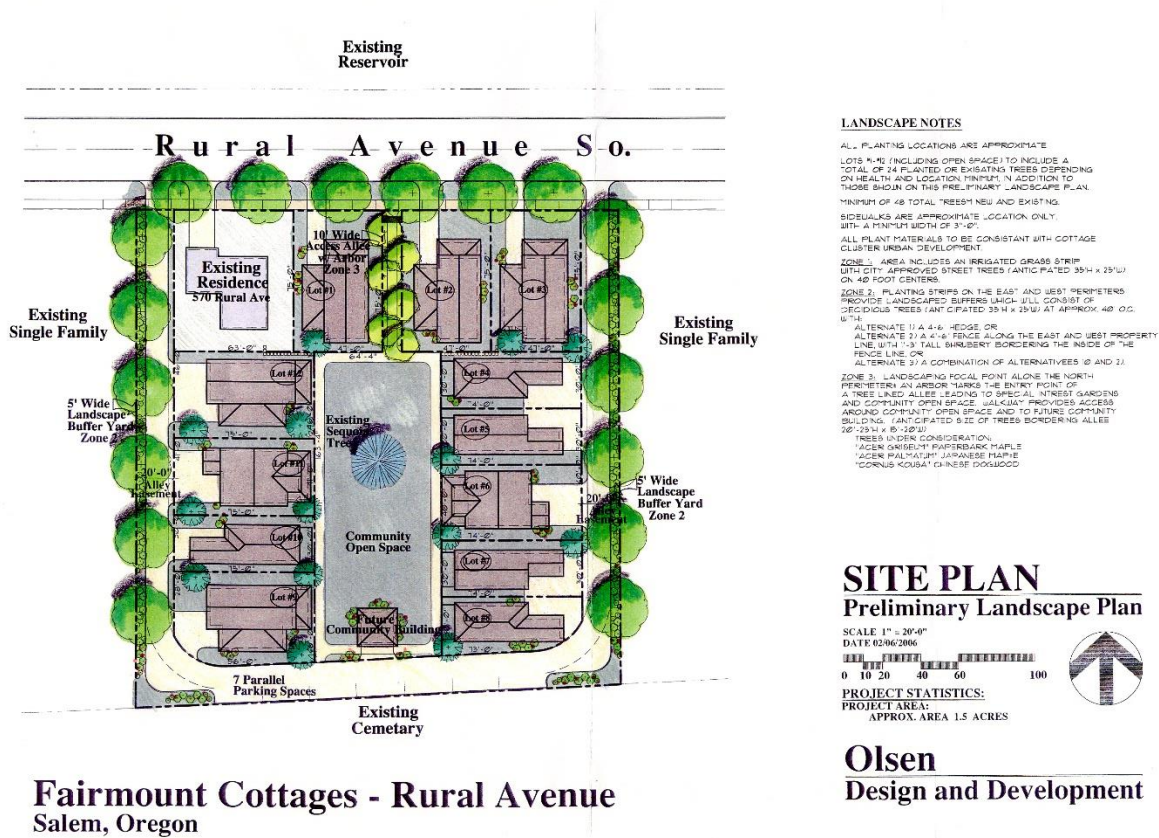


Example of housing with two homes built on a single lot. Back unit accessed from alley and front unit from street. Single car on street facing unit.

We recommend the following: Require alley access for new single family, two family, three family, and four family uses on existing lots abutting an alley. (Exception: single car garage access permitted).

Item 2: The City proposes the following definition: **Cottage cluster means a grouping of five to twelve detached dwelling units, each with a maximum building footprint of 900 square feet, that are located on an individual lot and include a common courtyard.**

Response: Our company has built numerous cottage clusters of which most would not survive this definition/limitation. A small 1200 SF single story fee simple ownership home with a two car garage, for instance, would be a good housing type for cottage clusters. For this to occur and in order permit fee simple ownership, we recommend cottage clusters not be limited to a single lot nor have a minimum number of units. Furthermore, street frontage must be contemplated in such a cottage cluster development (e.g. Fairmount Cottages on Rural). At a min, alley frontage should be permitted in lieu of street frontage. We believe that this can increase density and utilize land in a more productive way. While the example below was a PUD, we think this type of Cottage Cluster can be very beneficial in reaching statewide land use goals.



We recommend consideration of the following change to the definition of Cottage Cluster:

Cottage cluster means a grouping of three to twelve detached dwelling units, each with a maximum building footprint of 2000 square feet and minimum density of 6 units to the acre, that are located on an individual or multiple lots and include a common courtyard or amenity of no less than 20% of the total area of building lots.

Item 3: The City proposes residential lot size requirements and street frontages. Based on our cottage cluster experience and small lot developments, we recommend that minimum lot size depth be changed to 50 feet on one and two family homes. For cottage clusters and other small lot homes, per discussion above, we recommend that the street frontage requirements include an alley as street frontage.

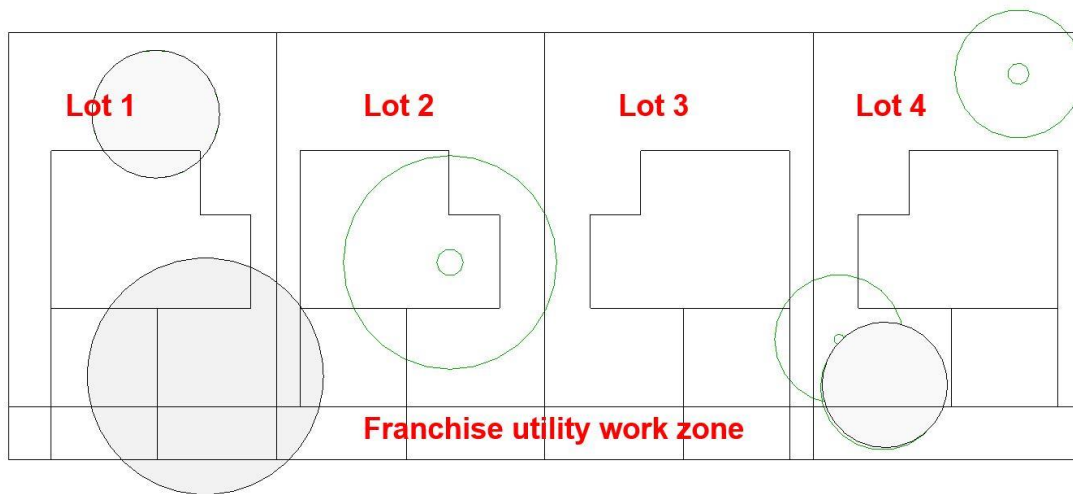
Item 4: Section 700.081 refers to special provisions for three and four family residences. From our experience in this type of construction, we recommend:

Change Section A.1 to read “Has at least one entrance facing the street/alley or has a roof”

Change Section A.1.a be changed to read: “Facing the street or an alley.”

Item 5: Tree preservation Section 808

The image below indicates generic subdivision of small homes (two story 1400 square foot home) on 4000 s.f building lots with 6 trees. The shaded trees indicate trees that as a developer we would not be inclined to take out but would be forced to remove because we are disturbing more than 70 percent of the root zone. Our fear is that the critical root zone requirement will ultimately lead to more trees removed that might otherwise be kept by developers.



Our would recommend the following for consideration:

- 1. Remove or modify the Critical Root Zone requirement for trees except for significant trees**
- 2. Verify that all existing Tree Conservation Plans are not under the new Significant Tree definition and Critical Zone requirements for all trees**