From:	Scott Bassett
To:	citycouncil
Cc:	James Lutz
Subject:	Agenda Item 7.1a Inadequate Notice to Property Owners and Changes from Planning Commission Action
Date:	Tuesday, May 27, 2025 8:39:56 AM

Mayor and City Council Members,

The City is required by state law to give notice to each property owner impacted by proposed regulations "...and **shall describe in detail how the proposed ordinance would affect the use of the property**." However this was not done for Agenda Item 7.1a, so the City Council should require that detailed notice be sent to property owners and set a public hearing before the City Council on this ordinance.

The City mailing to the owners of 4,914 properties in Salem stated that "this notice may affect the permissible uses of your property ... may change the value of your property...", "will establish additional requirements for new development...", and "...changes only affect new construction and development projects...". These are vague statements that indicate there will be impacts but they do not describe in detail how the regulations will affect the use of the property.

In contrast, tonight's staff report, second paragraph under the "Summary" heading, is much more descriptive than the notice to property owners and states: "The amendments **require developers to complete a Mitigation Assessment for floodplain projects, ensuring "no net loss" of flood storage, water quality, or vegetation**." The public notice does not mention the words "no net loss", "flood storage", "vegetation" or "mitigation".

Tonight's staff report also makes an eleventh hour change to replace the words " habitat assessment" with "mitigation assessment" although this was not considered or approved by the Planning Commission, or listed in the public notice to property owners. **You are being asked tonight to approve amendments that were not reviewed by the Planning Commission and without adequate notice to property owners**.

Eight hundred acres of privately owned property are directly impacted by the proposed floodplain regulations. You might not be hearing much concern from the property owners because they were not, as required by state law ORS 227.186 (5), given adequate notice describing in detail how the proposed ordinance would affect the use of the property.

If the notice had included the words "**mitigation"** and **"no net loss"** of "**flood storage"**, then property owners would wonder if every square foot of fill or gravel they bring to a construction site below the base flood elevation needs to be off-set by removal of a matching square foot of soil?

If the words "**no net loss**" of "**vegetation"** had been included in the notice, would property owners be here tonight asking you how they are going to build an apartment complex with foundations, sidewalks and parking without any impact to the area of vegetation on the property? Would they want the answers to other questions? Will this stop all new construction on 800 acres of property if they have vegetation? Why is Salem not allowing subbasin mitigation offsets when some other local jurisdictions do allow mitigation? Why should Salem be put at a disadvantage in developing more housing because other Cities allow mitigation of lost vegetation?

Please consider that nearly 5,000 property owners will be impacted by your vote tonight and, in particular, give private landowners adequate notice and a public hearing to understand the major impacts on about 400 acres of residential land and 400 acres of other zoned land. Before you vote, please determine if the 400 acres of residential land subject to the new floodplain regulations create a deficit of multi-family property in Salem's Housing Needs Analysis?

Descriptive notices to property owners and accurate accounting of Planning Commission motions will enable the Council to meet legal requirements and engage residents in Council decisions.

Thank you,

Scott Bassett, Ward 4 resident and property owner in Ward 1