

**From:** [E Easterly](#)  
**To:** [citycouncil](#); [Bryce Bishop](#)  
**Subject:** Agenda Item #7.1a  
**Date:** Monday, November 22, 2021 7:21:16 AM

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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 6<sup>th</sup>. 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 6<sup>th</sup> public hearing.

Sincerely,

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