



Oregon

Tina Kotek, Governor

Department of Land Conservation and Development

Planning Services Division

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September 11, 2023

Eunice Kim
Planner II
City of Salem
555 Liberty Street SE
Salem, OR 97301



Subject: DLCD Comments on File#CA23-04

Dear Eunice,

Thank you for providing the Department of Land Conservation and Development (DLCD) with the amendments to the City of Salem's Unified Development Code proposed for adoption through File#CA23-04. Please include this letter in the record as DLCD staff's comments regarding the proposed amendments conformance with the parking reform requirements of Oregon Administrative Rules (OAR) 660-012-0400.

The city previously adopted amendments in File#CA23-01 addressing Climate Friendly and Equitable Community (CFEC) amendments to the Oregon Transportation Planning Rules in OAR 660-012. These included a repeal of parking mandates under OAR 660-012-0420 from the city's land use regulations.

Between the current amendments and those adopted in File#CA23-01, the city will have substantially implemented the parking reforms of OAR 660-012-0400. DLCD staff is generally in support of the proposed code amendments, with two suggestions for the city's consideration included below.

First, DLCD staff did not find anything addressing the allowance for conversion of underused on-street parking spaces as required by OAR 660-012-0405(2). Implementation of this rule may include city policies or programs allowing parklets, bicycle parking, or green space to be installed in place of on-street parking. It is not expected that such programs or policies would be codified as land use regulations. Adoption findings should address how the city complies or will comply with this rule. The city's repeal of parking mandates satisfies compliance with the rule for off-street parking. Property owners are no longer required by code to have off-street parking spaces, and can convert existing underused parking to any purpose that would be allowed by the development code.

Secondly, DLCD staff did not find regulations in the proposed amendments that implement OAR 660-012-0405(4)(c), requiring that developments provide pedestrian facilities in parking lots greater than ½ acre in size between building entrances and pedestrian facilities in the adjacent public right-of-way. This rule should be implemented in off-street parking and/or site planning

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regulations within the city's land use regulations. If existing regulations elsewhere in the code implement this rule, this should be noted in adoption findings.

DLCD staff congratulates the City of Salem and city staff on the work to implement the parking reform rules. The city has crafted a very clear and thorough package of code amendments that will further our collective goals to address the climate impacts of transportation.

Please contact me if you have any questions regarding these comments.

Sincerely,

A handwritten signature in blue ink that reads "Ryan Marquardt". The signature is written in a cursive, flowing style.

Ryan Marquardt
Land Use & Transportation Planner

CC: Melissa Ahrens, DLCD Regional Representative (via email)
Evan Manvel, Climate Mitigation Planner (via email)

Austin Ross

From: Cyndi Stocks <cyndi@securitysigns.com>
Sent: Friday, September 15, 2023 12:44 PM
To: Austin Ross
Subject: [BULK] Climate Mitigation for Large Parking Lots

Follow Up Flag: Follow up
Flag Status: Flagged

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I'm very glad to see this being planned - I vote yes.
I hope you get the support required.
It's a great idea and all parking lots should be like this even though the roots will cause some issues.



**SECURITY
SIGNS**
securitysigns.com

Cyndi Stocks
PERMIT SPECIALIST
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503.546.7102
2424 SE Holgate Blvd | Portland, Oregon 97202

From: Salem Planning <DoNotReply@cityofsalem.net>
Sent: Friday, September 15, 2023 12:00 PM
To: Permits <permits@securitysigns.com>
Subject: [External] Planning Commission Public Hearing: Climate Mitigation for Large Parking Lots

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September 19 Planning Commission Public Hearing on Climate Mitigation for Large Parking Lots

The Salem Planning Commission will hold a public hearing on a proposed code amendment to require climate mitigation for large parking lots on **Tuesday, September 19** at 5:30 p.m. at Council Chambers at the Salem Civic Center, 555 Liberty Street SE, Salem.

The code amendment is proposed to comply with new state requirements resulting from the Climate Friendly and Equitable Communities rulemaking process, as well as recently-approved State legislation aimed at allowing single-room occupancy housing more broadly in Oregon communities.

The proposed code amendment will make several updates to the Unified Development Code (UDC), including the following changes:

- Require climate-related mitigation when developing new parking lots that are more than one-half acre in size
- Allow existing parking lots citywide to be converted by a public agency to park and rides
- Allow single-room occupancy housing in all residential, commercial, and mixed-use zones

[READ THE PLANNING COMMISSION STAFF REPORT](#)

[READ THE PLANNING COMMISSION STAFF REPORT](#)

If you have comments or questions, please contact Austin Ross, Planner II,
aross@cityofsalem.net, 503-540-2431.



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To: Salem Planning Commission
Re: CASE NO.: CA23-04

September 19, 2023
AGENDA ITEM: 5.1

Staff Report Findings Supporting the Proposed UDC Revisions

N 2.1 Tree canopy

The City shall facilitate and support community efforts to improve the quality, quantity, and equitable distribution of the urban forest in the Salem Urban Area and strive to meet Salem's tree canopy goals and mitigate the urban heat island effect.

N 2.3 Tree planting

The City shall promote and contribute to tree planting across the Salem Urban Area through regulations, incentives, and other efforts, particularly in neighborhoods with a low percentage of tree canopy."

Unified Development Code Proposed Revisions

"Sec. 806.015. Amount off-street parking.

(n) Additional standards for new off-street surface parking areas more than one-half acre in size.

(A) Expected tree canopy area.

(3) Tree canopy standards. To ensure new off-street surface parking totaling more than one-half acre in size meets minimum tree canopy coverage requirements, new trees shall be planted and/or existing trees shall be preserved in conformance with the following standards:

(iii) Existing trees that are preserved may be included in expected tree canopy area, regardless of species, so long as they conform to the other standards of this subsection. Mature trees 15 years of age or older may be counted with their existing canopy area at the time of application. Immature trees shall be categorized as either small or large trees based on how their species is identified in Table 806-7. Immature trees of a species not listed in Table 806-7 shall be categorized by the Planning Administrator as either small or large based on the average spread of the species at maturity." PDF page 318/319

Questions:

1. Why is the preservation of existing tree canopy not a first priority?
2. How does the "may be included in (the) expected tree canopy area" interface with the tree preservation purpose contained in SRC Chapter SRC 808.001?
3. How does the protection of tree drip lines included under SRC Chapter 808 meet the 15-year large tree maturity soil area criteria of 1,500 cubic feet (31-foot diameter)?
PDF page 320/321
4. When drip lines exceed the tree canopy Table 806-7 diameter must the tree be replaced? PDF page 320/321
5. Why are the quercus rubia-Red Oak, quercus coccinea-Scarlet Oak, quercus phellos-Willow Oak and quercus bicolor-Swamp White Oak eligible parking lot young trees but the native quercus alba-Oregon White Oak is not? PDF page 320/321

E.M. Easterly

Austin Ross

From: Bill Parks <wp8691@gmail.com>
Sent: Sunday, September 17, 2023 3:47 PM
To: Austin Ross
Subject: Climate Mitigation for Large Parking Lots

Follow Up Flag: Follow up
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After attempting to read the proposed code amendment I have the following questions.

I am a bit confused as to the areas effected by this proposal. Are these changes only to affect the downtown core of Salem? The paper indicates changes to the UDC. Does the UDC only apply to the section you have mapped out in the staff report?

This title points directly to mitigation of existing and proposed parking areas and then it seems to quietly add the provision for one room rentals?

I am very positive about the mitigation program put forth and if the idea of expanding one room rentals is a push towards housing people then that is one issue but I would be more than a bit distressed about any expansion of short term rentals in residential neighborhoods and feel if that is what this is suggested it needs to be addressed separately and in a broader format.

Thank you,

Bill Parks

Austin Ross

From: Kaileigh Westermann <kaileighwestermann@gmail.com>
Sent: Tuesday, September 19, 2023 10:40 AM
To: Lisa Anderson-Ogilvie; Jennifer Biberston; Austin Ross
Cc: Virginia Stapleton
Subject: Public Comments for Code Amendment Case No. CA23-04

Dear Staff,

My name is Kaileigh Westermann-Lewis, I am a resident of Ward 2. I would like to make public comments on the proposed code amendments to implement Climate Friendly and Equitable Communities, which will be on the agenda for today's meeting.

Overall, I am in support of adopting more climate friendly initiatives and regulations. However, I have several questions and concerns after reading the CA23-04 Staff Report.

1. What is considered "new" off-street surface parking? Are these only lots that are developed where land was not currently designated as a parking lot? Could these requirements be expanded to include "new and redeveloped lots" to capture existing parking lots that are being redeveloped?
2. On this note, the Staff Report argues on *L.3.8 Parking requirements*, that these requirements are discouraging new parking lots from being built and instead incentivizes the land to be used for housing or employment uses. If that is the case and this is de-incentivize parking lots from being built, how can you also claim that it will be a climate friendly solution. If larger parking lots will not be built due to onerous requirements, then the trigger to add canopy cover, solar or low-income solar funding will not be triggered. Again, I believe this supports the adding redeveloped lots over one-half acre, should to this requirement as well.
3. In section *N.3.4 Renewable energy* of the Staff Report, it claims that the use of the equitable solar and wind energy funds will "benefit low-income residents". If I understand correctly, the argument is that low-income housing units will be equipped with solar or wind, thereby reducing electric bills for low-income residents. How can this ensure that the benefit will be passed to the residents, specifically in multi-family rental units?
4. In section *T9 Parking Management Goals* (and elsewhere) in the Staff Report, it claims that the proposed code amendments will expand opportunities for owners to convert underutilized parking lots to other uses, like Park-and-Rides. However, while I see the proposed code no longer prohibits these specific uses, I fail to see how this encourages these changes. What are the incentives that would make a property owner want to convert unused off-street parking to these other uses? Can more be done to encourage these transitions? Can this be made into something that is mandatory? I believe the staff report makes over inflated claims about the positive climate impacts and more should be done to encourage / incentivize these transitions.
5. In section *Goal 13: Energy Conservation* of the Staff Report, it claims that these code amendments will conserve energy. This is ticky-tacky, but the use of solar energy does not equate to energy conservation. This is utilizing renewable energy, but the overall amount of energy being used is not being decreased through these amendments.

Thank you for your time and public service.

Kaileigh Westermann-Lewis

From: Roger Bell <rbofrbjb52@comcast.net>
Sent: Saturday, November 4, 2023 4:18 PM
To: CityRecorder
Cc: Deanna Gwyn
Subject: Public Hearing comment on Code Amendment Case No. CA23-04

My name is Roger Bell, I live in Ward 4.

Regarding: Code Amendment Case No. CA23-04 - Code amendment to implement climate friendly and equitable communities parking lot requirements and allow single-room occupancy housing more broadly.

Statement in Opposition to approval.

My objection:

There are two separate items being combined into one approve/disapprove case. Each item merits it's own discussion and consideration. That alone should prompt the council to send this case back to the planning commission with direction to resubmit as two separate cases. If the council elects to consider these two items as submitted, I strongly feel that the single-room occupancy zoning change is neither necessary nor appropriate and should necessitate a no vote on this case. As stated in the Notice of Public Hearing, the justification for this change is based on "recently-approved State legislation aimed at allowing single-room occupancy housing more broadly in Oregon communities". There is no ruling or mandate that can be referenced requiring this overreaching action.

My definitions for reference:

Citizens – people who work in Salem, have a home in Salem, pay taxes in Salem.

Vagrants – people who have no established residence and wander from place to place without lawful or visible means of support.

My concern:

If this were allowed to happen, established houses could, and most likely would, be bought by "investors" from outside the city, outside the county and even outside the state. These family houses would be converted to room-for-rent establishments (or as they were called in the old days – flop houses). If the investors expect to get a reasonable return on their money, they will have to charge rates that would be at least comparable to local hotels and motels. We have hotels and motels located throughout the city that meet the current zoning rules set in place for safe operation. That begs the question - why change the zoning rules and disrupt neighborhoods? First thought that comes to my mind - the backroom purpose for these flop houses is to provide rooms for vagrants currently occupying the streets, parks and other public areas of the city. But what about the cost for the room; they can't afford it anymore than they can afford a hotel or motel. The landmine - their rooms would be subsidized by the city through funding routed from the general fund – citizen paid taxes. My gut feeling is that the latter is more correct. Either way, this would be the beginning of the end for family neighborhoods throughout the city. Salem has a multitude of housing options within our neighborhoods – apartments, condos, row houses, fourplexes, duplexes, and the ever popular single family home. A neighborhood is where families live, children play, people feel safe and watch out for each other. I don't believe it is in the best interest of the citizens of Salem to consider such a potentially dangerous idea, and since the safety and well being of the citizens is supposed to be a mandatory priority in all business conducted by the city, this cannot be allowed to move forward.

Parable to ponder:

Providing vagrants a flop house in a family populated neighborhood would be tantamount to releasing a cougar in the forest next to a ranch – the cougar may not bother any people or livestock, but then again it might. It doesn't matter how lofty the ideal, it's not a risk any intelligent person would be willing to take.