From:	Cindy Kimball
To:	CityRecorder
Subject:	Proposed changes to Tree Protection code SRC C 808
Date:	Monday, December 13, 2021 11:11:42 AM

Dear members of the Salem Planning Commission,

Please protect our city trees by supporting the proposed changes to the Tree Protection Code - SRC C 808. Among the changes included is the need to preserve and increase the critical root zone of our large trees in order that they may survive the trauma of nearby construction done by careless developers. Large trees sequester carbon from our city air. According to the Environmental Protection Agency (July 2021), as much as 95 percent of all CO emissions in cities may come from motor vehicle exhaust. Salem is a car-centric city. Cars are a major contributor to our air pollution and the health consequences.

Trees also provide shade, improves our livability and overall health of our community.

Thank you for your time and consideration

Cindy Kimball

1260 21st St NE, Salem, OR 97301

From:	Susann Kaltwasser
То:	<u>CityRecorder</u>
Cc:	<u>citycouncil</u>
Subject:	2021 Unified Development Code Update testimony
Date:	Monday, December 6, 2021 8:34:28 AM
Attachments:	UDC middle housing code changes 12621.pdf

Please enter the attached testimony from East Lancaster Neighborhood Association (ELNA) into the public hearing record regarding the UDC update, item 4.a. on the December 6, 2021 City Council Agenda.

Susann Kaltwasser Co-President, East Lancaster Neighborhood Association



EAST LANCASTER NEIGHBORHOOD ASSOCIATION (ELNA)

December 6, 2021

To:Salem City CouncilFrom:Susann Kaltwasser, co-president ELNARE:2021 Unified Development Code Update (item 4.a.)

East Lancaster Neighborhood Association has discussed the proposed changes of Unified Development Code on several occasions. In summary the members support most of the Staff Report understanding that due to State legislation very little discretion is allowed by local governments.

ELNA strongly supports the revisions to the Tree Conservation rules. It would be good for the City to complete a full tree inventory of significant and heritage trees as well as Oregon White Oaks. There such be a strategy for how to prevent mass denuding of a property prior to an application for development. We understand that some properties might have remnants of old orchards or Christmas tree farms that are sometimes considered natural areas. But can be shown to not be native and purposely planted in order to be harvested. This kind of tree is not our main concern.

As to middle housing UDC changes ELNA may not like some elements, but we do accept some of the revisions. However, we do not support the elimination of all off-street parking minimum for middle housing as proposed by the Planning Commission. We feel that all housing should have a similar parking requirement of at least one off street parking space per dwelling unit.

We acknowledge that more parking can be provided, but to allow developers to have full discretion as to local needs is inviting problems that ELNA feels the City Council can wisely avoid. If a project truly cannot be built with the minimum parking requirement, the applicant can always apply for a variance to address a specific situation. But to make a no-onsite requirement citywide without recourse for city planning, seems unwise.

This parking requirement would then be the minimum across all density levels whether single, duplex, triplex, 4-plex or multifamily.

To not require new development to provide no off-street parking is unfair to existing and future single family and multifamily residents. It shifts the demand for parking to the public right of way, which other residents, visitors, and delivery vehicles are already competing for. It is not reasonable to assume all residents in middle housing units will not have a vehicle. It could create animosity and resistance to greater housing density in existing single family zones.

The second point that ELNA wishes to address is the fact that once these code changes got into effect and with the future zone changes in Our Salem there will be many projects that will be out right permitted uses that no longer will require public notice or any form of public hearing/ review process. If the developer has a project that meets the UDC codes they can just go to the PAC center and be issued a permit. The neighbors will have no notice prior to the bulldozers coming to do their work.

ELNA thinks this is going to create problems that while can't be totally avoided, might be softened somewhat by having the requirement to make a courtesy notice to at minimum the Neighborhood Association, but preferable to the neighbors. Currently an applicant must make contact with the NA prior to completing their application. This would be an extension of that process. And adjacent property owners might be included in at least a written notice. Through this process perhaps slight modifications can be made that could alleviate points of conflict.

Thank you for the consideration of the ELNA board in this matter.

To: Salem City Council From: Eric Olsen Date: 12/10/21

I write to you in support of the modifications recommended by City Staff for the Fairview Mixed Use Zoning Amendments.

As someone who has written two Refinement Plans and built the most single family homes in Fairview, I highly recommend that City Council move expeditiously to approve the changes to the zoning ordinance. Without these changes, the properties within the master planned area which are not currently approved with a refinement plan or ones that may need amending in the future, will likely become even more uncertain as to the development potential. I firmly believe, that looking back at all of the refinement plans to date, likely none would have withstood the rigid interpretation handed down by LUBA.

Uncertainty as to the parameters of what and how this 270 acres can be developed, by both City Staff and developers, leaves the future of this property in a state of unknown...which usually mean undeveloped. One important aspect necessary for the success of this development as envisioned by the City depends on build out of the entire master development. The mixed-use, diverse and sustainable aspects all depend on eventual connection of the parts. Unfortunately, without these staff recommended changes, such connection I believe is unlikely anytime in foreseeable future.

Thanks you,

Eric Olsen, PE

From:	Matt Harrell
То:	Bryce Bishop; citycouncil
Cc:	Matt Harrell
Subject:	2021 Unified Development Code (UDC) Updates - Specific to Ch.530 Fairview (FMU Zone) and Ch. 808 Trees
Date:	Monday, December 13, 2021 1:00:50 PM
Attachments:	2021 Unified Development Code (UDC) Updates - Simpson Hills LLC 12.13.2021.pdf

Dear Mayor, City Council Members, and Staff,

Please receive this email and enter this testimony for today's Hearing.

Thank you, Matthew Harrell Simpson Hills LLC 7509 S. 5th Street #101 – PMB #A801 Ridgefield, WA. 98642 matt.harrell@raptorfamily.com

NOTE THAT OUR ADDRESS HAS CHANGED

December 13th, 2021

To: City of Salem City Council

From: Simpson Hills LLC
 Owner of 103 acres of land within Fairview plan (formerly the Fairview Training Center Site) zoned as FMU.
 Matt Harrell, Project Manager

We are writing to you to provide comments on proposed SRC changes and provide support of the modifications recommended by City Staff for the Fairview Mixed Use Zoning Amendments.

SRC Chapter 530 -

Simpson Hills LLC is one of the largest single land owners within the Fairview FMU. We <u>support</u> the modifications recommended by City Staff for the Fairview Mixed Use Zoning Amendments. Without these modifications, development on the Simpson Hills LLC property will be severely affected in a negative way. There is proven success within Fairview for allowing Refinement Plans and their amending.

SRC Chapter 808 -

Simpson Hills LLC has some trees on the property owned. Our comments are limited at this time because we aren't in a development stage yet to determine the level of impact that may occur on our property due to the proposed Chapter 808 changes. We do know that the current SRC Chapter 808 currently works. We request that if there are increases in land development restrictions, affects upon property density calculations, impact to the developability and/or constructability to the affected lands that landowners be compensated for their economic losses.

We appreciate the ability to comment, thank you.

Matt Harrell, Project Manager Simpson Hills LLC 7509 S. 5th Street #101 – PMB #A801 Ridgefield, WA. 98642

From:	Lucy Hitchcock
To:	<u>CityRecorder</u>
Subject:	public comment for city council
Date:	Monday, December 13, 2021 3:15:59 PM

In response to the public comments at last Monday's Council meeting on "stricter tree removal rules for developers," I want to speak up for the Urban Forest development goals in the Comp plan and the Unified Development Code Update, Chapter 808. We must preserve the well-established, wide-girthed trees we have in Salem while planting ever more. Increasing to 30 % the minimum preservation requirement must stand. Of course, developers want their projects to be easier and more lucrative. But saving the planet from any further warming must come first. Climate changes are, as reported by scientists, already not reversible. Carbon sequestration by trees is an important part and it is working <u>now</u> not some industrial solution that may come in ten plus years. Yes, urban density will help reduce the use of fossil fuels for transportation. But, if it comes by reducing green space, parks and other natural recreation, cooling, educational and beauty sites, the quality of life of Salem residents, human, floral and faunal will be reduced.

Children especially need to be able to walk in nature near their homes. I lived in an apartment complex of a hundred units on Wiltsey Road for a year. Other than a small pool open in summer, there was no place for the children who lived there to play outside, to plant a garden or watch a tree grow, and the birds and squirrels who inhabit it. Across the street, putting in another apartment complex, a whole row of huge Sequoias were cut down to be replaced a year later by a row of spindly street tree starts. They will never sequester what those Sequoias did. Yes, you could walk to Safeway, but young children could not walk to a park. I now live in a housing development where most of the houses have zero lot lines. Fortunately, it was designed leaving 30% green space so our children have places to play. That is not true of many of the housing developments and apartment complexes rapidly going up nearby in SE Salem. The possible loss of the Meyer Farm and its oak grove to a housing development instead of a park is another example.

If we do not cultivate gratitude and a love of nature and of the earth we have been given, strong enough to undertake self-rationing to drastically reduce energy use and consumption, we'd better retain and plant a million trees in Salem as other cities are now doing. Renewable fuels will not be enough to replace U.S. use of carbon-spewing fossil fuels. As we in Oregon know, time is running out on averting climate disasters.

Rev. Dr. Lucy Hitchcock, 1715 John Muir Circle SE, Salem, OR 97302 lucyhitchcock8140@gmail.com

ouncil Meeting
1:19:37 AM

With regard to the Unified Development Code, I am writing to express my strong support for the proposed stricter tree removal rules. The science is clear. Trees play a big role in sequestering carbon and will contribute to the city meeting its climate action plan goals. Trees provide cooling benefits to communities (which leads to reduce electricity consumption) and help reduce the impacts of city heat deserts that have developed in their absence. Trees provide necessary oxygen and filtration to a community that has suffered too many poor air quality days (Vancouver-Portland-Salem is currently ranked #23 of the most polluted areas by the American Lung Association). Physical and mental health measures have been clearly linked to urban tree canopies and green space. Our local wildlife and migratory birds depend on tree habitat. Carbon is released, and fungal networks within our soils are disrupted when trees die or are uprooted.

'Replacement' of mature trees by saplings as is often proposed by developers fails to account for much of the above, or for the carbon emissions and water demands of newly planted trees, or of the immature tree's inability to sequester carbon for many years to come.

While the city grapples with its own growth, it is important to maintain a long term vision of livability. No city resident wants to see Salem become a concrete jungle. Developers unfortunately have short term profits as a necessary imperative. We can no longer allow expedience of building to be a primary interest when considering trees, and must begin to consider the long term effects of our actions.

Thank you for protecting what little is left.

Kim Davis 97306

4.c. 21-563

I understand the builders' association is arguing that trees contribute to global warming. This is absolutely ludicrous! As any high school student knows, trees sequester carbon. Salem needs more trees not fewer!

Laura Sauter 1145 16 St NE Salem

Sent from my iPhone

From:	noreply@cityofsalem.net on behalf of corrineloomisdietz@gmail.com
To:	<u>CityRecorder</u>
Subject:	City meeting public comment
Date:	Monday, December 13, 2021 11:12:48 AM
Attachments:	ATT00001.bin

Your Name	Corrine Loomis-Dietz
Your Email	corrineloomisdietz@gmail.com
Your Phone	503 871-0025
Street	2010 Nebraska Ave Ne
City	Salem
State	OR
Zip	97301
Message	To Whom it may concern, I am writing in reference item 4.c. 21-563. I oppose changes to this ordinance. The critical root zone should Not be removed from the ordinance! The variance in place for invasive species is practical. Please consider postponement of the decision of the agenda item: 4.c. 21-563 Until January, after the holidays.

This email was generated by the dynamic web forms contact us form on 12/13/2021.

Regarding Agenda item 4c as it relates to increased protection of trees.

Reduction of minimum diameter of oak trees, and expansion of definition to include other types of trees, is a necessary step to prevent destruction activities. Do not be overly influenced by opposition from profit minded developers, who support minimum rules and regulations.

I appreciate the opportunity to comment.

Ronald D. Rhodehamel

From:	Dan Atchison
То:	Amy Johnson
Subject:	FW: UDC Update
Date:	Monday, December 13, 2021 3:13:43 PM
Attachments:	image001.png

From: Tom Andersen <TAndersen@cityofsalem.net>
Sent: Monday, December 13, 2021 12:25 PM
To: Dan Atchison <DAtchison@cityofsalem.net>
Subject: Fw: UDC Update

From: Sent: Monday, December 13, 2021 12:24 PM To: Tom Andersen Subject: Fwd: UDC Update

Tom,

I wanted to follow up, and thank you for your questions and comments on my request to keep the Property Boundary Verification (PBV) process in the Salem Revised Code (SRC).

We practitioners only have so many tools at our disposal when approaching different problems or challenges with our development applications. Not all properties are created equal or similar, and having different tools in the tool kit to meet the needs of our clients is important. Eliminating the PBV process is simply removing a valuable tool from the 'kit' that has been in the SRC for 30 years(?). While not appropriate for all applications, it is appropriate for some and to eliminate it and require applicants of all stripes to have to engage in more time consuming and costly professionals and processes at the city is not good public policy.

Thanks for your consideration in keeping the PBV provisions in the SRC.

Best,

Mark D. Shipman

Lawyer – Real Estate & Land Use Practice Group



Park Place, Suite 200 | 250 Church Street SE | Salem, Oregon 97301 tel: 503.399.1070 | fax: 503.371.2927 Email | Web | Bio | LinkedIn

This message & attachments hereto are privileged and confidential. Do not forward, copy, or print without authorization. Sender has scrubbed metadata from the attachment & recipient shall not scan for metadata erroneously remaining. If recipient does not agree to all conditions above, recipient shall delete this message & the attachments & notify sender by email.

From:	Lynn Takata
То:	<u>CityRecorder</u> ; <u>citycouncil</u>
Subject:	Written testimony for Agenda 4c 21-563; Proposed tree amendments
Date:	Monday, December 13, 2021 12:59:40 PM
Attachments:	Agenda 4c 21-563 Proposed tree protection amendments.docx

Attached please find written testimony from Northeast Neighbors (NEN) regarding Agenda item 4c 21-563 in support of the proposed tree amendments and protection plan.

Best,

Lynn Takata NEN Chair 503-970-1319



NORTHEAST NEIGHBORS 555 Liberty Street SE, Rm 305 Salem, OREGON 97301

(503) 588-6207 www.salemnen.org

December 13, 2021

To: Salem City Council

From: Northeast Neighbors (NEN)

Re: December 13, 2021, City Council Agenda Item 4c 21-563 Improved tree preservation and protection (SRC Chapter 808)

Northeast Neighbors (NEN) strongly supports the proposed improved tree preservation and protection plan as originally recommended by City staff. We recommend including protection of Douglas-firs (Oregon's state tree), and the Urban Forester's recommendation to exclude several invasive species from protection. NEN voted to support the proposed tree preservation ordinance with the above changes at our October 12 meeting.

As a community that values livability, Salem can protect our environment while providing much needed housing. These are not mutually exclusive goals. The many benefits of our urban tree canopy include sequestering carbon, cooling our neighborhoods, providing habitat, preventing crime, and increasing property values.

- Tree canopy is vital to keeping Salem livable in the coming years of extreme heat.
- The ordinance won't prevent efficient, compact development from happening in the city limits. There is plenty of flexibility in the proposed ordinance. Builders can preserve trees while still building the same number of units, especially if they build a mix of housing types on different lot sizes instead of the cookie cutter single-family home developments they have the habit of building. The middle housing code allows more housing types and Salem needs a diversity of housing types to meet the varying needs of its population. It is simply not true that tree preservation leads to fewer housing units. Builders have many options to maximize development with creative approaches.
- More mature trees in new development will help regulate stormwater runoff in areas with new
 paving, which saves the City government money and operations trouble; will help control high
 temperatures, which saves people money, protects their physical well-being, and reduces
 energy consumption; will provide habitat for wildlife; and will help improve people's mental
 health.

Thank you for your consideration for improving livability in the City of Salem.

Best,

NEN Chair Lynn Takata NEN Land Use Co-Chair

Hello,

I would like to provide written testimony for the Monday December 13th 2021 City Council meeting with regards to the Unified Development Code updates to comply with HB2001 and other state laws, known as Our Salem.

Our city has a severe housing shortage which has resulted in extraordinary rental and home prices. The YIMBY (yes in my backyard) movement seeks to fight this effect by supporting denser development in cities, just as HB2001 allows. As I'm sure you're aware, there are lots of great side benefits to density such as walkability, increased tax revenue, lower greenhouse gas emissions, and reduction in sprawl. For these reasons, I am very excited to see Salem not only implementing HB2001, but also considering additional ways to allow density and walkability in Salem, including as part of our Climate Action Plan. Of course, many of these initiatives have been met with NIMBY ism (no neighborhood hubs near me!) and misunderstanding (you're trying to take away my natural gas!). Change is hard, but we know it's also required, so I suggest we look to economists and studies from other cities, and zoom out to the larger picture, rather than focusing on every individual public comment. I believe you can adequately hear each of your constituents and find good outcomes for all without having to do exactly as each commenter suggests. There are limits to what public input is appropriate and what is not (everyone's an expert, right?), which is why it's important for council members to both listen to their constituents and do their own investigation on these topics between meetings. The most prevalent ideas are not always what is measurably correct. I'll start with some general thoughts about Salem's zoning and UDC.

,

GENERAL HEAVY HANDEDNESS. We are overzoned. Just look at the complicated rainbow that is our proposed zoning map. Do we really need to separate "community service government" land uses from our mixed use? Why? Why separate our "employment center" from where people live? Some of the changes proposed, for example, adding a density minimums near transit, are heavy handed and unnecessary when following HB2001. *Allowing* density has benefits over *requiring* it such as neighborhood buy-in. The reason Salem isn't dense enough is because it was illegal, not because it wasn't required. In fact, there are already some multifamily and multi-use proposals in areas that were previously off limits due to restrictive zoning, probably in every Ward. Consider the 2016 change to allow ADUs- they're all over the place now because they are allowed. Another example people are worried about is where to allow neighborhood hubs. Wouldn't a less heavy-handed approach be just to allow hubs anywhere in residential zones so long as they are a certain distance from similar services (or not)? Is the worst case scenario that neighborhoods have too many services nearby?

Why do planners, commissions, counselors, and citizens feel like they need to micromanage how our city grows rather than allow needs to be filled organically? This approach has not worked well for the housing market, so why would it be appropriate for hubs? Sometimes flexibility is all we need to achieve the desired results from the bottom up.

TRANSPARENCY. Additionally, simplifying the code for the layperson to understand is really important. For example, I have a non-conforming lot and I have no idea if I would be allowed to build a duplex after reading through the new code. It has taken me a LOT of effort to understand the little I do know about our code. Updating itto plain language in this process will reduce staff time in the long run. I suggest that the City also clearly define the goal of each UDC restriction that the city has discretion over (i.e. is not a requirement of state law). For example, what is the purpose of a setback? Is it to allow sunlight onto adjacent properties, limit density, add cost to development, allow stormwater infiltration, mandate landscaping, or something else? Code is not inherently "good or bad", but it's important to build the code based on goals for Salem, so we aren't inventing goals to defend code after the fact. If the public does not know the intended consequences of the code, how are we supposed to comment on it? If the City does not measure the effects of the code (intended or otherwise), how do we know if it's an effective strategy for meeting our goals? This is how blind spots form and why in the United States BIPOC folks are subject to a disproportionately low homeownership rate. In my opinion, updating the UDC language and explaining the reasoning behind it would be a very simple way to encourage transparency and trust, and decrease opportunities for pretext-driven extortion.

PARKING. Speaking of <u>pretext</u>, there seems to be some acknowledgment that minimum parking requirements are an artificially required cost for home builders, but the proposed code is shortsighted in limiting that idea to mixed use zones and to within 0.25 mile of transit. Parking minimums should be eliminated city wide to encourage walkability and discourage sprawl. See my written testimony from last week for more on that.

TREE PROTECTIONS: I appreciate the vigorous discussion last week concerning the proposed changes to the tree management restrictions. My perception of what are absolutely good intentions (saving trees) has happened with a little too narrow of a focus. I think saving a few trees in town with the proposed approach could possibly lead to many more trees destroyed outside of the urban growth boundary. Not only that but

the change in Salem's carbon budget from retaining a few large trees does not outweigh the <u>reduction in carbon emissions gained by allowing folks to live closer to their place</u> <u>of work</u> or city center. So, the central idea in question is whether or not the climate benefits of dense housing outweighs the climate cost of cutting down larger trees. Let's work it out:

If the loss of development closer to the city center led a single person to commute an additional 5 miles, the commute itself would require approximately 7 more gallons of gas, resulting in around 140 pounds of added carbon every day (source: EPA). A typical estimate for how much carbon a mature oak can sequester is 48 pounds per year. On the high end a healthy white oak might sequester as much as 140 pounds per year (source: USDA). Trees also reduce carbon emissions by providing shade, and thus reducing energy consumption in the summer. However, a flaw in this application is said family will not actually be living there if the root zone protections lead to stopping development. If families are able to replace driving with walking, the GHG reduction is much greater- and we can still require new trees to be planted after the site is developed. Much of Our Salem's strategy for reducing CO2 emissions is built on the idea of increased density, which the root zone protection policy is working against.

For example, Salem's own Climate Action Plan acknowledges that the majority (53%) of our GHG emissions come from transportation. I believe there are some more creative solutions, though less clearcut (pun intended) than blanketly stopping tree cutting on parcels within the Urban Growth Boundary. Some ideas are to require two trees be planted for every one that is cut, taxing home builders who cut more than a certain amount of trees and using the fund to restore parks (especially wetlands or prairies which can lock in much more carbon than a tree), or taxing vacant land to incentivize infill in already developed lots.

I believe allowing more folks to live in Salem, rather than outside our Urban Growth Boundary will result in a net lower tree mortality than encouraging sprawl. We should acknowledge that trees in a forest are not necessarily as healthy as city trees. I think our Valentine's Day ice storm helped illustrate that. Anecdotally,, many of the oaks I see around town are infected with mistletoe. If you were to balance the carbon budget, when trees die, and they all do eventually, they release the carbon they were storing. I do believe tree deaths will occur from climate change, so planting climate resilient species will remain important.

If we approach these ideas with scientific curiosity rather than tribalism, we'll come up with appropriate and defensible outcomes for our city. Thanks so much for your continued willingness to consider public comment and for all the effort that is being put into setting our city into the right direction.

Marissa Theve Gaines Street NE 97301

Sources and links included:

The Pretext Problem: The Pitfalls of Planning While Bargaining https://www.planetizen.com/features/113615-pretext-problem-pitfalls-planning-whilebargaining?utm_source=newswire&utm_medium=email&utm_campaign=news-06102021&mc_cid=f38551e8ae&mc_eid=qy1Fz591M0&fbclid=IwAR30AHZ8M88-BfB4BcktOTOAOMcVGbustV_UDX9cVCpyvsqTH4O0rsQnUQc

Transport Energy and Population Density

https://www.transformative-mobility.org/assets/publications/Transport-Energy-and-Population-Density_2021-09-08-072436_ozfa.pdf

EPA Greenhouse Gas Calculator

https://www.epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references

USDA Forest i-Tree Design Tool https://design.itreetools.org

Marissa Theve Pronouns: she/her/hers