

Bryce Bishop

From: Joan Lloyd <jello879@gmail.com>
Sent: Monday, December 13, 2021 4:57 PM
To: CityRecorder
Subject: [SUSPECTED SPAM] Agenda item 4c21-563 in support of proposed tree amendments and protection

Salem City Council,

Regarding agenda item 4c21-563, I support the proposed tree amendments and protection plan. The city has approved increasing the tree canopy by planting more street trees. New trees are important but they won't have a canopy for 15 to 20 years; therefore the established trees need to be preserved. The City and State of Oregon recognize the need to lessen greenhouse gasses but the elimination of gasses that are present now and will exist even if fewer is aided by a healthy tree canopy which uses carbon dioxide to live.

Compaction of roots will kill a tree so the roots must be protected from heavy equipment moving over them. The developers and builders are intelligent and will find ways for construction without the destruction of trees.

I entreat you to save trees as is appropriate for a Tree City USA.

Joan Lloyd

Bryce Bishop

From: Kate King <orangefluff20@gmail.com>
Sent: Monday, December 13, 2021 12:09 PM
To: CityRecorder
Subject: [SUSPECTED SPAM] Public Comment RE: 4c 21-563

I support the tree preservation ordinance as originally proposed by staff (with protections in place for Douglas-firs). The builders who are proposing against this ordinance simply don't want to be creative when planning and building around mature trees that already exist.

We value mature trees! They are a beautiful and necessary part of our city.

More mature trees in new development will help regulate stormwater runoff in areas with lots of new paving, which saves the City government money and operations trouble; will help control high temperatures, which saves people money and reduces energy consumption; will provide habitat for wildlife; and will help improve people's mental health.

Finally, tree canopy is vital to keeping Salem livable in the coming years of extreme heat.

Thank you.

-Kate King

Bryce Bishop

From: NoReply on behalf of lainya@gmail.com
Sent: Tuesday, December 14, 2021 2:53 AM
To: CityRecorder
Subject: City meeting public comment
Attachments: ATT00001.bin

Your Name	LaLainya Kruger
Your Email	lainya@gmail.com
Your Phone	5039903120
Street	855 Thompson Ave. NE
City	Salem, OR
State	OR
Zip	97301
Message	<p>Hello, My apologies for not attending the meeting. I had a work conflict. Pertaining to 21-563 - Please consider more input as we are in a climate crisis and must not let developers sway decisions to not protect trees. Developers have been building using the same building model for decades, dictated by the car industry to force people to have to use their cars. Thus forcing urban sprawl. Old growth trees sequester much more CO2 than new saplings. Plus they allow for much needed shade and cooling, plus moisture. We must not listen to developers any more. Majority care nothing about climate change. Our way of building has been and is one huge contributor to climate change. Tree / vegetation removal while covering with cement blacktop on a global scale is a huge contributor to our warming planet. Our ecosystem in the Northwest is very fragile. Therefore cost of destruction goes up exponentially. On a cost conservative point of view, it is vital to preserve as many trees as possible while planting more. They are the best/cheapest device we have at CO2 removal and sequester, not to mention the other cost /value benefits. Thank you for supporting our beautiful city and fighting to keep it that way. LaLainya Kruger</p>

This email was generated by the dynamic web forms contact us form on 12/14/2021.

Bryce Bishop

From: Curt Arthur <curt.arthur@svn.com>
Sent: Wednesday, December 15, 2021 10:40 AM
To: citycouncil
Cc: Nick Williams; Heather Miller; Lisa Anderson-Ogilvie; Bryce Bishop
Subject: Fwd: CB Zone Storage Amendments
Attachments: Storage Code Amendment.pdf

Dear Mayor Bennett and City Councilors

You are set to hear the reading for the planned amendments to the Salem Revised Code, per the email below. Overall I want to thank City staff for the excellent work they have done but there is ONE change I would hope that you would consider.

As we are now encouraging and incentivizing developers to build residential dwelling units around the CBD, that has created a need for self-storage which I began addressing with city planners in 2020 when we had the JC Penney building on the market. To their credit they agreed and allowing self storage is within the code amendment but ONLY for basement and upper floors. I understand staffs reasoning - they want to keep ground floor for more viable commercial uses BUT in cases like the JCPenney building, or the former Statesman Journal building, these buildings are so deep I would like to propose a change that would state something like:

Self-storage shall be allowed on the first floor of buildings located in the Central Business District but only in the rear portion of said building reserving the first 50 feet of depth for pedestrian commercial uses such as retail and office.

This allowance echoes codes in many other west coast cities and allows more options for use to make these larger, older buildings in Downtown Salem economically viable once again. My thanks for your time.

Curt Arthur, SIOR | Managing Director
SVN National Office Product Council Chair
SVN | Commercial Advisors, LLC
1665 Liberty Street SE | Salem, OR 97302
Phone 503-588-0400 | Cell 503-559-7990
curt.arthur@svn.com | www.SVNCA.com
[LinkedIn](#) | [Twitter](#) | [Facebook](#)

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Team Members:

Heather Miller, Administrative Assistant (Heather.Miller@svn.com)

Nick Williams, Advisor (Nick.Williams@svn.com)

[View the Oregon Initial Agency Disclosure Pamphlet](#)

----- Forwarded message -----

From: **Bryce Bishop** <BBishop@cityofsalem.net>

Date: Thu, Dec 9, 2021 at 3:07 PM

Subject: CB Zone Storage Amendments

To: Curt Arthur <curt.arthur@svn.com>

Curt,

Attached for your information is a copy of the proposed amendments allowing storage within existing buildings in the Downtown in the CB (Central Business District) zone, but outside the Downtown Historic District. The use is proposed to be allowed as a Special Use in the CB zone subject to the Special Use standards included under proposed **SRC 700.071**.

The December 6th City Council staff report can be viewed here:

<https://www.cityofsalem.net/CityDocuments/city-council-staff-report-udc-update-2021-12-06.pdf>

As I mentioned, the Council took public testimony at the 12/6 meeting and subsequently voted to continue the hearing until next Monday (12/13) to allow for the submission of additional public testimony and to provide additional time for the proposed amendments to be considered.

If you have any other questions, please let me know.

Thanks,

Bryce

Bryce Bishop

Planner III

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem OR 97301

bbishop@cityofsalem.net | 503-540-2399

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From: [Jonah Kimmes](#)
To: [CityRecorder](#)
Subject: In Favor of Poultry Revision Proposal - Sec. 50.710
Date: Friday, December 17, 2021 2:23:29 PM

Good afternoon,

I'm writing this in support of the proposed change to Ordinance 13-21 Section 50.710 allowing for various poultry birds to be kept at residence properties within the Salem city limits; other than just ducks or chickens. I would utilize this by keeping pigeons or quail to be used for training my new puppy I'll be getting next year with the intention of training it for upland bird hunting. I would greatly appreciate this revision to the ordinance and am in strong support.

Thank you,

Jonah Kimmes

Bryce Bishop

From: Leigha Gaynair <leigaynair@gmail.com>
Sent: Tuesday, January 4, 2022 1:22 PM
To: Bryce Bishop
Subject: Citizen comment(s)- Leigh Gaynair Highland Neighborhood

Thank you for the opportunity to comment.

I support clarifying land use review, procedures, definitions, and standards.

I strongly support restricting the number of similar/same businesses within a certain range. We have an extraordinary number of used car and auto related businesses. I would like to see these restricted.

I do not support expanding or accepting urban farming of animals or insects. This is unregulated and novices are raising chickens (ABSOLUTELY NO TO ROOSTERS) as a hobby without training or oversight. The same with bees. Healthy bee environments should be supported and funded, not backyard hives. Most people have zero idea how to maintain a hive.

I also support lifting development of housing restrictions and businesses on Front Street. This is our most valuable real estate and it is completely underutilized. It should be sold to developers and developed into single and multi family and businesses with a connecting bike and pedestrian path to downtown. It is confusing why we do not even have one nice restaurant with a view of the river and this area is warehouses, pass through rail, and industrial mess for the most part. ABSOLUTELY essential that this area be developed and vitalized. If there is anyone willing to invest and do something please give them the green light!

No to adding more temporary housing for houseless in this described format. The laws have to change in tandem with services. And, these do not have to be in the central area of the city. The NE side of Salem carries the brunt of these services, shelters and so forth. If something like this goes up here, then one thing needs to go like apartments riddled with crime. Like the ones on Laurel Ave NE. There need to be dwelling (not just building) laws that hold tenants and landlords accountable and allow landlords to evict people not taking care of property and crime. And, landlords should have basic maintenance laws that are enforced. Large multi dwelling units (over six and only that many in pods) should not be in a neighborhood.

Last, the planning department and permit department need to be supported in the knowledge that they are a citizen service. Every attempt to help people improve their property should be taken and easy pathways for these improvements that are not costly and support the citizens should be paramount to the office.

Advocacy groups and city offices seem to have the loudest voices in these matters. Citizens are overwhelmed and tired of not being able to make a difference. I hear my neighbors' concerns all of the time. Advocacy groups are organized NGO's, not the voices of the citizens and tax payers. We want to help others, support the police AND make our neighborhood snice, safe and increase our property values.

Thank you.

Bryce Bishop

From: Sally White <sallysworms@gmail.com>
Sent: Tuesday, January 4, 2022 11:18 PM
To: Bryce Bishop
Subject: trees

SRC Chapter 808 ("Preservation" of Trees & Vegetation)

▪ Amendments:

- ❖ Expand definition of significant tree to include Oregon white oaks 20 inches or greater in dbh and any other tree with a dbh of 30 inches or greater, with the exception of Douglas firs. *In what way are Douglas firs exempted?*
- ❖ Exempt removal of City trees, as defined under SRC 86, and removal of "hazardous" trees, pursuant to an order issued by the City, from the requirement to obtain a tree removal permit. *What criteria is used to determine hazardous? Is proper pruning even considered prior to removal?*
- ❖ Eliminate exemptions for certain activities that do not currently require a tree removal permit and establish a new tree removal permit approval criterion for removal of significant trees in connection with construction of a multiple family, mixed-use, commercial, or industrial development. *Please clarify "certain activities"*
- ❖ Require tree conservation plans for land divisions for middle housing, in addition to single family uses and two uses. *Why not include tree conservation plans for all housing of any kind? Without including trees in multi-family housing, a dead zone/heat zone/calming zone not to mention low income sad zone is created. Trees are just as vital in these areas as they are in other areas of housing.*
- ❖ Require tree conservation plans to show the critical root zones of trees to allow for better review of tree conservation plans to determine whether proposed lots are buildable in conformance with the plan based on their size, configuration, and the location of existing trees. *Please require the most recent scientific information on tree root zone to be utilized and not something from the previous century. Please, as much has been learned in the interim*
- ❖ Increase the minimum tree preservation requirement for tree conservation plans from 25 percent to 30 percent; *Please make sure that the largest trees are preserved over younger and much smaller trees.*
- ❖ Create new section establishing tree protection measures required during construction. *Again, based on the most recent scientific data on urban trees (not just forestry standards).*
- ❖ Reduce the minimum tree planting requirements for lots less than 4,000 square feet in size from a minimum of two trees to a minimum of one tree. *4000 sq ft is just shy of .10 acre - unless trying to build house big enough to fill to limits of property line, two trees will work. Why the reduction?*
- ❖ Provide for a two-to-one reduction in the amount of trees that are required to be planted on a lot for each significant tree preserved. *Written by a developer?*

❖ Modify replanting and restoration requirements associated with violations of the chapter. **Huh?**

I would appreciate clarifications of the above.

Thank you,
Sally A White

Bryce Bishop

From: Sue Leeson or Sam Hall <leeshall@msn.com>
Sent: Wednesday, January 5, 2022 1:35 PM
To: Bryce Bishop
Subject: Poultry in the city

Mr. Bishop:

Per the email to residents asking that comments be submitted to you, I wish to urge that more poultry not be allowed to be kept inside the city. In my neighborhood, poultry attract vermin that include rats and possums going after both the poultry and their eggs. Enough already!

Thank you.

Susan M. Leeson (she, her)
1795 Cottage NE
Salem, Oregon 97301

(503) 588-0535

Bryce Bishop

From: Charles and Charlotte Vollet <cevollet@q.com>
Sent: Thursday, January 6, 2022 2:32 PM
To: Bryce Bishop
Subject: Code Changes

I am submitting my opposition to the Code change regarding increasing the number of poultry to be raised on any property in the City of Salem. The Code currently allows for a maximum of 6 chickens to be raised on any residential lot. The change to the Code allows for an increase to 12 chickens to be raised per lot. My husband and I vehemently object to this change. The Code does not specify the size of residential lot. We live on a very small lot in a neighborhood with only 10 feet between houses, and the distance from our neighbor's coop is about 20 feet from the corner of our house. One of our neighbors has a coop with 4 chickens (it used to be 5) in it and the smell and flies from the chicken coop makes it extremely hard to enjoy the nice deck and patio we have built in our backyard. If they are allowed to have 12 chickens instead of 6 in the size of yard they have, it will be impossible for us to be in our backyard without it smelling like a barnyard or cooking and eating outside without being covered in flies. Please, please consider changing the Code to specify limits on the size of a backyard allowing more than 6 chickens. It makes sense to put limits on the number of poultry being kept in small backyards so that those homeowners who live on small lots (such as the elderly) do not have to put up with this nuisance. Those people who live on large lots have the ability to keep 12 poultry without impacting their neighbors. Our neighbor does not have that ability to keep more than 6 poultry, and I'm sure there are plenty of other people living in Salem that have small lots also and would be upset that their neighbor could double the amount of poultry they keep and destroy the comfort and enjoyment of their neighbors' backyards. This Code change is grossly unfair, prejudicial to those citizens with small lots with no recourse to change it, and only increases neighbors' animosity toward each other. Please either do not change the limit of poultry people can keep on their lot, or allow an increase in poultry only as the size of a person's lot increases. This would be fair to everyone.

Ted and Charlotte Vollet

Sent from [Mail](#) for Windows

Monday, January 10, 2022

Comments Regarding Proposed Code Amendments to the Unified Development Code

Most of the amendments the council is considering today are meant to clean up conflicting code and allow more flexibility for middle housing, shelters, and micro-agriculture. Aside from those however, there are a few other proposed amendments that will make development more difficult. In general, more flexibility and less review processes by the Planning Department will help generate the housing development we want and need.

Chapter 220.005.b.3.f states that any development that involves condition of approval must go through Class 3 Site Plan Review. This seems needlessly broad as many small and otherwise inconsequential developments will be forced to go through a lengthy and costly process. This should be revised to be more flexible as to not inhibit small business and other budget-constrained developments from otherwise making improvements.

The proposed amendments in **Chapter 524** are meant to simplify development in the North Downtown/Riverfront/Front Street area. However, these amendments include unnecessary architectural design standards meant for a historic district. These amendments will inhibit the very development we hope to see. Please consider removing the architectural design standards. They are unwarranted, subjective, and limiting. Alternatively, please consider adding flexibility to encourage investment in this blighted area.

Proposed amendments to **Table 806-9** increases required bike parking for multi-family housing to one stall per dwelling unit. This will reduce the amount of space on a site for housing. Most cyclists prefer to park their bike in their dwelling where it is out of the weather and not in a shared space where it can be stolen. This is unnecessarily cumbersome and will result in most multi-family housing developments asking for an exception. Consider modifying this requirement to allow flexibility.

Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aaron Terpening', written in a cursive style.

Aaron Terpening, AIA

Bryce Bishop

From: Ted Burney <burney.ted.tb@gmail.com>
Sent: Monday, January 10, 2022 9:17 AM
To: Bryce Bishop
Cc: John Lattimer
Subject: Comments on Unified Development Code

Dear Mr. Bishop,

After discussion with John Lattimer, the land use chair for the Southwest Association of Neighbors, we have the following comments regarding the proposed amendments to the Unified Development Code for Salem.

Sec.806.015

The reduction of required parking for a four family dwelling unit to “none” with no mention of proximity to bus line or downtown core.

This is in a chart on page 331 of 382 pages if you look at the page numbers on the scanned pdf lower right corner.

if you use google with all the city headers it is on page 344 of 395 pages.

It seems to us that a four family dwelling should have at least two off street parking spaces- maybe two spaces in a row in a narrow driveway.

It does not need to be a square parking lot which may be challenging to build when doing infill.

page 384 of 395

Sec. 807.015. Landscaping and screening.

(d) Tree replanting requirements.

In addition to the landscaping required under this chapter, when existing trees, as defined under SRC chapter 808, are proposed for removal from within required setbacks or from a development site, replanting shall be required as provided in this subsection. The provisions of this subsection do not apply to lots used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.

Why shouldn't these lots be required to plant trees?

There is also a provision dropping minimum replanting requirements for a 4,000 square foot or less lot from two trees to one. page 387 of 395.

These proposals should be reconsidered.

(2) Removal of trees from development site.

When more than 75 percent of the existing trees, as defined under SRC chapter 808, on a development site are proposed for removal, two new trees shall be planted for each tree removed in excess of 75 percent.

Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper.

For purposes of this section, existing trees within vision clearance areas, or within areas to be cleared for required roads,

utilities, sidewalks, trails, or stormwater facilities, shall not be counted in the total percentage of trees removed from the development site.

Why are the trees that are removed for roads, utilities, sidewalks etc. not counted in the total percentage of trees removed? This should be reviewed.

SRC Chapter 808 Preservation of Trees and Vegetation Sec. 808.030. Tree and vegetation removal permits.

Exemption of City owned trees from the requirement of a tree removal permit. page 388 of 395 Section 2. C.

We know this is primarily about danger and hazard trees or trees in the way of utility or roadway improvements. We support the elimination of permits required for the elimination of safety hazards. However, it may create a permit exemption for other removal reasons. This amendment as proposed precludes the public right to know about city owned tree removal and eliminates public opportunity to examine and propose alternatives to tree removal for roads, utilities and development.

Thank you for your consideration,

Ted Burney
851 Ewald Ave. S.
Salem, Oregon 97302

Bryce Bishop

From: D K CROOK <DKS222@msn.com>
Sent: Monday, January 10, 2022 9:57 AM
To: Bryce Bishop
Subject: Unified Development Code update - minimum required off-street parking

To the Salem City Council:

I oppose Proposed changes to Section 806.015, (aka Table 806-1)

This proposal appears to **_eliminate_** minimum off-street parking for most residential construction of one-, two-, three-, four- family homes, plus cottages.

This proposal would negatively affect city infrastructure and traffic, and shift the cost burden from private developers to the public.

Off-street parking **_should_** be required for new, in-fill, or converted residential development of all densities.

Proposed elimination of off-street parking requirement does the following:

- Shifts residential parking to public streets,
- adds to traffic congestion,
- affects emergency services, and
- erases the developer's responsibility to provide necessary supporting infrastructure.

Mr. D. K. Crook
1698 ILER St S,
Salem

Bryce Bishop

From: JOHN DOKE <jldoke@prodigy.net>
Sent: Monday, January 10, 2022 10:55 AM
To: Bryce Bishop; jllewis@cityofsalem.net
Cc: Chuck Bennett
Subject: Response: 2021 Unified Development Code (UDC) Proposed Updates

Bryce and Councilman Lewis,

Thank-you for the opportunity to respond to the proposed changes,

Chapter 50 - Sec. 50.710 Keeping of poultry, is an attack on single family home owners that pay very high property taxes that choose to **NOT** have livestock near their home. Otherwise, many of us would move to rural areas where property taxes are lower.

Chapter 95 (Miscellaneous Offenses) - Sec. 95.240. Unlawful keeping of miniature swine (pigs) being stricken. So are pigs now allowed in City limits?

Poultry along with pigs **DO NOT** belong in single family neighborhoods. These animals are hazardous to neighbors through disease, pet cats and dogs and the lack of clear standards and real City enforcement of codes and rules. Livestock in our suburban neighborhoods is not unifying.

There are many Chicken coops that are currently out of compliance by being too close to owners and neighboring properties and fences and poultry is allowed to wonder the full yard. (A beloved neighborhood pet cat was shot by bb gun, in the neighborhood, (one (1) house has chickens nearby) we suspect the chicken owners, but that is neighborhood opinion only).

Who in their right mind thinks Pigs are necessary, in our suburban neighborhoods? What's next cows, goats, sheep, horses? I brought this very issue up at original Chickens in the City hearings back in 2008/2009, and was ignored and here we are, EIEIO, livestock could end up next door to you!.. Sorry to say, I will be ignored this time too.

There is nothing about other Male poultry species, in the SRCs, other than Roosters in the definitions? Twelve (12) Poultry (Chickens, Ducks, Geese, Turkeys) on a lot under 10, 000 sqft creates a nuisance through noise and filth. Codes are not clear on These animals waste disposal. I suppose neighbors will be their own first responders. Not unifying again.

Location – “may be kept at **any**” residence is horrible for our community. Does this include, apartments, town homes, condos, trailer parks, motor homes, duplexes, triplexes, quadplexes, and cottage clusters? With up to 12 birds, you can just see the unity, right?

Nothing in the SRC mentions that “commercial poultry operation” IS NOT allowed in any Locations.

This is a very bad change as written. It is not clear and none of the proposed changes are ‘unifying’.

Remember, No is an answer like Yes. Homeowner/ property tax payers **MUST** be protected, who wants to live in a filthy livestock single family home neighborhoods in and already over crowded city of West Salem any city.

Request changes be made as follows:

1. Define Male poultry in other species, and restrict the Males of other species, otherwise these locations become farms;
2. Only 6 chickens allowed NOT 12 chickens (it's a farm with 12);
3. Location is residence and commercial lots over 7500 sq ft;
4. ADD: No "commercial poultry operation" selling of eggs, meat or chicks and chickens is Allowed in neighborhoods (people can sell eggs at Saturday/city markets):
5. NO swine (pigs) allowed in city;
6. Increase of Property Taxes assessed for "poultry and pig" owners, lower property taxes for homeowners affected by the livestock allowed. (Many homeowners will lose value of the homes)
7. Define how meat is harvested on all Poultry and pigs (if allowed) how waste, including and not limited to hazardous waste, is disposed of, i.e., poop, carcass, nesting and coop materials.

All SRCs seriously do not consider or include people that do not want livestock in their neighborhoods and deserve safety and cleanliness for their property taxes. This **is not** unity.

esperate

Without a commuter bridge in and out of West Salem, Salem City Council is putting people that reside in West Salem in danger and are negligent in their duty to protect us. West Salem does not need a behemoth expressway, West Salem is not Portland.

West Salem is in desperate need of a 2-lane commuter bridge from Keizer to north West Salem. One (1) bridge into West Salem is a waste of fuel, electric, commuter time trying to cross one (1) old bridge, not to mention increases pricing if deliveries are brought into West Salem. Also what will happen when current old bridge needs real serious repairs? Just how old is current bridge? Impaired deliveries and transporting of food, fuel, construction vehicles, farms vehicles, child care, ambulance accessibility, etc. Tax investment must be made to keep West Salem residents safe and green.. We will never vote for new construction until a new commuter Bridge is in the plan.

Multifamily residences DO NOT belong in existing single family home neighborhoods. People who purchased these homes in the last 50 years did not buy them because bus stations, commercial businesses, halfway houses, foster facilities, apartments, condos, townhouses, duplexes, triplexes, quadplexes, and cottage clusters would be built next door. Building the mentioned buildings will increase services and reduce safety in the West Salem neighborhoods in which property owners pay very high property taxes to preserve our neighborhood, based on the laws and rules, at the time we purchased our homes. Property owners are losing the sales ability and value of their homes in West Salem. If the multifamily units and homeless camps are allowed in existing neighborhoods property taxes need to be increased for those units and current property taxes for single family residence homeowners need to be relieved of the additional tax burden. Who voted for this over crowding?

Again, a commuter Bridge **is required** for West Salem residents, as new businesses, more buses, townhouses, duplexes, triplexes, quadplexes, cottage clusters people and cars grow in West Salem, people will be faced with gridlock as the current roads **DO NOT** support the growth proposed. Many people drive through neighborhoods to avoid Wallace Rd. which is not safe for many pedestrians , including and not limited to children and dogs, walking in the neighborhoods,

Again, this IS NOT UNITY it's survival! Due to the continued overcrowding that the additional multi-family units, busing areas, electric chargers, neighborhood shopping centers will bring, that is approved by Salem City Council, without an additional bridge in West Salem residents safety is put at risk, and it will become to expensive to live in West Salem.

Respectfully,

John and Lori Doke

511 Tower Dr. NW/Salem. OR 97304



NEN

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

(503) 588-6207
www.salemnen.org

January 10, 2022

To: Salem City Council
From: Northeast Neighbors (NEN)
Re: Testimony for Continued Public Hearing, December 13, 2021, City Council Agenda Item 4c 21-563
Improved tree preservation and protection (SRC Chapter 808)

Northeast Neighbors Neighborhood Association (NEN) supports the City's efforts to improve Salem's tree protection ordinance (Salem Revised Code Chapter 808) as originally proposed by City staff. The NEN board voted to support the proposed amendments, including protection for Douglas-firs, at our October 12 meeting. NEN then followed up that vote by submitting written and verbal testimony in support of the amendments at City Council's meeting on December 13, 2021. NEN continues to strongly support City staff's original proposed amendments to SRC Chapter 808.

Trees make our city more beautiful and livable; they reduce traffic noise, regulate temperature, make shade, absorb stormwater (saving the city money), provide wildlife habitat, improve people's mental health, and help combat climate change. Simply put, without a healthy, mature tree canopy Salem will be a miserable place to live. Established neighborhoods like NEN continue to lose many of the large healthy trees that contribute so much to our well-being, including century-plus-old Douglas-firs. Despite their health and incredible importance to the whole community, these trees get cut down because Salem's code is not strong enough to protect them; the proposed amendments to Chapter 808 can fix that and help protect our quality of life.

The City Council has heard arguments that you must choose between housing or trees. You have seen the proposed regulations applied as a test to site plans that were designed following the current rules, which is a misleading exercise. A more accurate test would be to have someone who understands the importance of both trees and housing design a sample site plan under the proposed regulations. With that goal in mind, the site plan would look very different. A creative layout would take advantage of Oregon's new middle housing rules, which greatly increase the flexibility of number of units and site design, in order to provide more housing units and more housing type variety, all while preserving Salem's valuable tree canopy.

NEN does not believe that the proposed amendments would pose a barrier to development in Salem. Indeed, we desperately need higher density development in central areas near commercial cores/nodes and transportation corridors. These areas are typically bereft of trees, except for some street trees. Furthermore, the 30 inch diameter at breast height (dbh) threshold for a significant tree (20 in. for Oregon white oaks) is not a high bar. For example, The City of Wilsonville requires a permit to remove any tree over 6 inch dbh. Wilsonville can hardly be called unfriendly to development; indeed, the city is known both for its robust tree protection and high percentage of multi-family housing as well as its industrial and commercial developments.

In addition to protecting more trees from being cut down, the proposed amendments also recognize the importance of protecting trees' roots from damage during construction. If the soil and roots aren't protected, trees are condemned to die a slow death and then often aren't replaced. The proposal would protect the critical root zone to a radius of one foot for every inch dbh, which means that a tree of 30 in. dbh would have 30 ft. of its root zone protected. The Tree Care Industry Association stipulates that the protected area for the critical root zone be between 6 and 18 times the tree's dbh (ANSI A300 55.1.3), depending on the circumstances. This ANSI A300 standard would protect between 15 ft. and 45 ft. for a 30 in. dbh tree. So, staff's recommendation is a reasonable clear and objective middle ground. When warranted, exceptions to the critical root zone protection standard can be obtained through either the Tree Conservation Plan Adjustment (SRC Sec. 808.040) process or through a Tree Variance (SRC Sec. 808.045). Any deviations to the standard must be approved by Salem's Urban Forester, not by private consultants, whose impartiality cannot be guaranteed.

It has been suggested that it should be acceptable to cut trees during development in exchange for installing solar panels. Solar panels are a low-carbon energy source and will be crucial to helping Salem meet its greenhouse gas emission reduction goals, but they are not the equivalent of trees, and their benefits are not comparable. Trees provide such a wide range of triple-bottom-line benefits that they are "essential contributors to virtually every measure of public well-being" (Sustainable Urban Forests Coalition: <https://sufc.org>). Salem already has vast acreages of sun-exposed rooftops and surface parking lots available for solar panels. We do not need to sacrifice trees for solar panels; we can have both.

In sum, NEN urges the City Council to pass the original proposed amendments to SRC Chapter 808 including the protection of Douglas firs. The amendments are needed and reasonable:

- There is currently no protection for the vast majority of Salem's tree canopy.
- Tree canopy is vital to the health, safety, welfare, environment, scenic beauty, and aesthetic qualities of Salem and its residents (Unified Development Code purpose: Sec. 110.010).
- The proposed standards seek a clear and objective middle ground based on accepted industry standards.
- The code provides for unique situations through adjustment and variance processes.

NEN urges each of you, individually and as a Council, to do everything you can to help preserve the tree canopy that Salem has, and also work to improve it. These proposed tree code amendments are an important first step.

Sincerely,

On behalf of the NEN Board,

Lynn Takata, NEN Chair
Laura Buhl, NEN Land Use Co-Chair

January 10, 2022

Bryce Bishop, Planner III
City of Salem Community Development Department
555 Liberty St SE Room 305
Salem, OR 97301

RE: Comments for 2021 UDC Update

Mr. Bishop,

After reading through the proposed amendments, I have some comments that I hope you will consider and address as you begin updates to the development code. In general, I feel that these proposed code updates are all made with good intent, meant to encourage density, liveability, and the beautification of our city. However, I feel that some of them may have direct consequences that may actually discourage the intended results from happening.

Chapter 220.005.b.3.f may be the most negative of the code updates in my opinion, stating that ANY development that involves a condition of approval must go through Class 3 Site Plan Review. For a developer or a larger new project in town, this Class 3 Review is probably expected and accounted for in a project budget, but for a small business owner who is looking to make improvements to their space, any minor change that does not quite meet development standards would require this Class 3 review, a lengthy and costly process that could very negatively hurt a business, or dissuade them from making a positive change altogether. The language here is just too broad and too far-reaching, disproportionately affecting smaller businesses and making the path to beautifying spaces much more arduous and difficult.

The design standards shown in Section 524 inhibit the creative potential of the Front Street area. These standards depict a more historic design standard, and even contradict some of the examples shown in the section (for instance, neither of the precedent images in Figure 524-3 clearly show a horizontal change in color, material, or molding/transition piece) to designate the "bottom" from the "middle"). This may be one of the more exciting areas of Salem to be developed, and pigeonholing it to match the more historic character of downtown would be a giant mistake. This district should maintain flexible design standards in order to make it a unique and new area of Salem that can become a destination.

Table 806-9 changes the required bike parking to one stall per dwelling unit in the CSDP, which in larger developments can become an amount that can directly harm the amount of space for housing, or perhaps most importantly, open space that is desired in these code updates. As an avid bike rider, I fear my bike getting stolen if I leave it at a bike staple for longer than an hour or two, and when I lived in an apartment I opted to bring my bike inside for security. Multiple family living outside the CSDP seems to have a more modest bike parking requirement. I understand the intent of promoting multi-modal transportation in this denser area, but making it 10x the amount of other zones seems excessive. Maybe 2 or 3x as much?

Thank you for your time and consideration as the City looks to incorporate these updates. I ask that you would be very diligent in writing amendments that encourage creative solutions without the need for long, tedious review processes.

Regards,

Daniel Roth, AIA

January 10, 2022

To: City of Salem
Community Development, Planning Division

Re: Comments to Proposed 2021 Unified Development Code (UDC) Update

The following are comments or concerns I have to certain proposed UDC amendments that I would like City Staff and the City Council to take into consideration as part of their deliberations when considering code amendments:

702 – Multiple Family Development Standards

Consider eliminating the requirement of private open space for multi-family development proposals located in zones where 0' setback to property lines is the standard as the standard cannot be met without providing recessed balconies which reduces the unit size, creates water intrusion risks and increases to development costs as Public Works will no longer issue ROW encroachment permits for decks that previously would have satisfied the private open space requirement.

806 – Off-Street Parking

Reconsider increasing the minimum bicycle parking requirement for multi-family developments within the CSDP area or within a quarter mile of a Core Network transit route to one space per unit, as this puts unnecessary bicycle parking requirements on multi-family developments that are on most likely proposed on lots smaller infill lots where development area is limited. There is no evidence that this increases is warranted or needed.

807 – Landscaping and Screening

Consider eliminating the “new” requirement for a landscaping plan for properties requiring site plan review when not building permits are required. These site plan reviews are limited to Class 1 site plan reviews which expressly exempt properties where “no exterior improvements” including landscaping are required (SRC 220.005.f.1.C). This will put the burden of landscape and screening requirements on existing properties that may not be able to accommodate landscaping therefore forcing a more involved land use review procedure that could negatively impact a property owner’s ability to secure tenants for vacant properties.

Thank you for the opportunity to provide comments.

Sincerely,

Gretchen Stone



CONSULTANTS
1155 13th Street, S.E.
Salem, Oregon 97302
(503) 363-9227

January 10, 2022

Mayor Bennett and Councilors,

I have appreciated the opportunity to share my professional opinions on the revisions proposed to the UDC tree code over the last couple of months. I know this is an area of the code that many on the council have passionate opinions about. Over my last two testimonies, I have raised concerns regarding the impact of the proposed code on future development in Salem, particularly with respect to density.

Some of the development community have met with City Staff to discuss possible concerns and code revisions. I believe the proposed changes we have worked with staff are a good compromise, providing some clear and objective language and opportunities for flexibility, while making it clear that there will be more of an emphasis on preserving trees during the development process. Providing clear language that trees will be permitted to be removed for necessary elements of construction such as street connections/frontage improvements, utilities, grading and meeting accessibility requirements (both in public and private improvements) is very appreciated.

However, some clear and objective language needs to be provided to allow for density to be addressed as well. During my testimony on December 13th, I used an example of a completed subdivision in Salem, showing the impacts of the new standards on the subdivision. I was asked if middle housing could have been used to offset the lots that would be lost to tree preservation. While in theory, adding middle housing does let you recoup the lost unit, it will still impact affordability and viability of a project.

Using the same example I spoke from at the last hearing (see attached), street connections are required to the property to the north as well as to the existing street to the east. These extensions also require underground utilities in addition to the road surface for future development. Normally these costs are distributed to all the lots in the subdivision. But if the lot's development potential is lost, those costs are allocated to the remaining lots. In the case of the example subdivision, the development costs were approximately \$62,000 per lot for the 20 lots. If 6 lots are lost because of trees (Lots 4, 7, 8, 9, 11, and 12), the cost per lot increases to \$88,500 per lot. This conflicts with the goals of House Bill 2001 which "aims to provide Oregonians with more housing choices, especially housing choices more people can afford."

This change in costs does not include land costs or the potential loss from the revenue for the lot. While adding middle housing might result in a duplex rather than a single-family home (which has the potential

to sell for a little more), it won't result in a sale price that is double two single-family homes. The lots will need to cost more to offset recouping land costs as well. Please note, the increased sale price for a duplex wouldn't be seen by a developer that sells lots to builders.

The fear is that middle housing will be used as the "reasonable alternative" standard and that loss of density will never be a consideration for removing a significant tree/falling below the 30% retention. But losing half of the potential lots and doing 100% middle housing does not result in a one-to-one trade. It would actually result in lots that cost twice as much to build because the amount of infrastructure is not all driven by the number of lots.

For this reason, I believe that there should be a provision in the clear and objective criteria for Tree Conservation Plans that accounts for density. The Our Salem plan will bring a minimum density requirement for the City of Salem. It seems reasonable not being able to meet the minimum density with the required 15% density would be a good criteria to allow for tree removal, that would result in the removal of significant trees or allow the retention requirements to drop below the 30% minimum.

It has been mentioned that discussion regarding density are a challenge because the City of Salem doesn't currently have a minimum density and putting language in the tree code wouldn't necessarily be consistent until after the Our Salem plan is adopted and that any language should be added after the Our Salem plan is adopted. However, I believe that the minimum density language needs to be added into the UDC language now, rather than later. We were given a similar promise regarding the Stormwater standards when they were adopted in 2014, that an annual review would be done to address any problems. We still haven't had our first annual review and it's 8 years later.

Including the clear and objective language regarding density within the code provides assurance that we will be able to balance density and tree preservation while keeping housing affordability in view.

Thank you for your consideration on this issue.

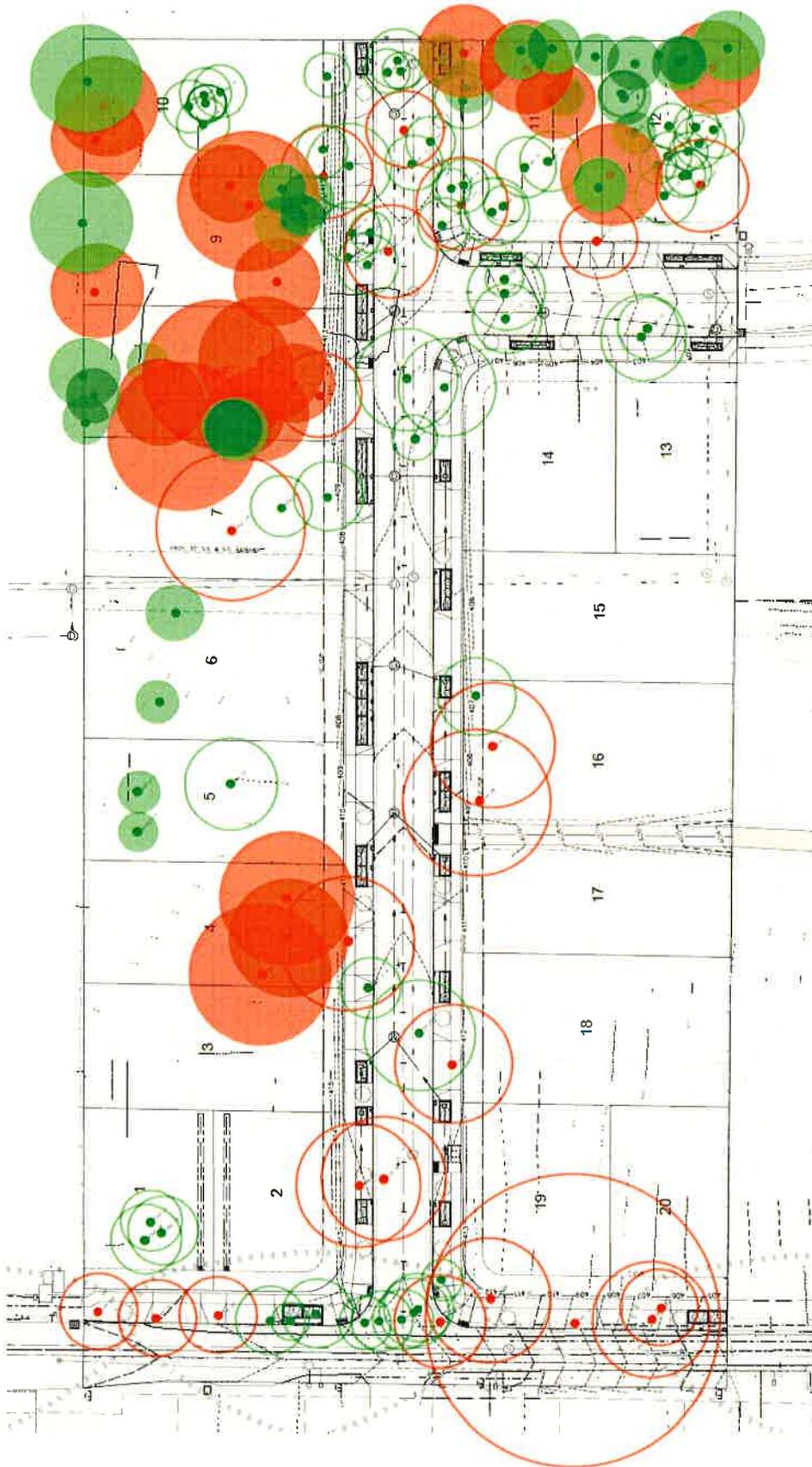
Sincerely,



Natalie Janney, P.E.



Renew date: 6.30.2023



CONNOLLY & MALSTROM
LAWYERS

Paul R.J. Connolly, Founder (Retired)
Tyler P. Malstrom, Managing Partner
Rebecca E. Russell, Attorney

January 10, 2022

Staff:
Shauna Purcell
Jackie Hanson

Via Email Only
Salem City Council
cityrecorder@cityofsalem.net

Re: Amendments to the City's Unified Development Code (UDC)

Dear Members of the City Council:

This law firm represents IN Self Storage 12, LLC (IN Self Storage), owner of property located at 300 Musgrave Ave NW, Salem, OR 97304 (the Property), which is adjacent to Wallace Marine Park (the Park). IN Self Storage operates a storage facility at the Property.

The City of Salem allowed homeless people to reside at the Park during a large portion of the COVID-19 pandemic. We have been informed that the allowance for camping was rescinded on May 24, 2021, but that recent legislation and caselaw have made it difficult for the city to enforce the restrictions on camping. The practical result is that the camping continues to the detriment of IN Self Storage.

Prior to the Park becoming an overnight campground for homeless people, IN Self Storage experienced perhaps one criminal incident per year at its Property. It is now dealing with approximately five or six break-ins per week.

Since IN Self Storage began tracking incidents in June of last year, property was stolen from RVs during break-ins on the following dates:

6/13/21	9/28/21	11/6/21
7/17/21	10/13/21	11/9/21
8/31/21	10/16/21	12/2/21
9/14/21	10/26/21	12/11/21

IN Self Storage has videos and/or photographs for each of these incidents. In addition to the above, multiple times each week IN Self Storage's fence is damaged and RVs are broken into although property is not stolen. This happens so frequently that video footage is not maintained of all of these incidents and so we do not have a list of these numerous additional dates.

After IN Self Storage began reporting the incidents, the police said that the owners of the RVs needed to make the reports. In addition, the police said there was not much they could do about the criminal activity and so IN Self Storage does not report every incident.

We do not think most of the RV owners are reporting the incidents to the police. It appears that they are likely simply making a claim against IN Self Storage's insurance if any items

were stolen, and moving their RVs to a storage location that is not adjacent to a homeless camp.

The loss of many RV customers due to the city's policy to allow camping at the Park has caused significant damage to IN Self Storage and is unacceptable.

IN Self Storage has spoken with a Detective Chase three times and also made calls to dispatch where the police indicated they could do more patrols nearby. Perhaps they have done additional patrols and this may have helped, but it has not solved the problem.

A resident manager lives at the Property and IN Self Storage hired another manager to live in a trailer near the fence to deter crime. These efforts have not helped. And it is not economically feasible to hire numerous security guards to stay up all night to protect the Property.

IN Self Storage has been in contact with City of Salem representatives to try to find a solution, but the city has been unable to assist. IN Self Storage has requested the ability to put barbed wire on its fence or to have an electric fence to keep out potential burglars. Both requests were denied apparently because the Property is zoned West Salem Central Business District, which does not allow either type of fencing due to an ordinance passed by the City Council years ago.

While we understand the city's desire to help provide resources for people in need, we cannot accept the city's prohibition of our client's efforts to protect its business and its own property, particularly under the circumstances. There was no homeless camp next door when IN Self Storage purchased the Property. The Property's value is significantly less if the break ins cannot be stopped. Simple measures such as barbed wire or an electric fence will go a long way to preserving IN Self Storage's use of its Property.

We respectfully request a legislative zone code amendment to alter the requirements to allow barbed wire or electric fencing, at least in particular circumstances such as IN Self Storage's.

We understand the difficult nature of these issues, but given that there is little the city seems able to do, it should be willing to provide a reasonable variance to the fencing requirements so that property owners can protect their property rather than take their business elsewhere.

Sincerely yours,



Tyler P. Malstrom
tyler@connollypc.com

TPM/rer

cc: Client
Daniel B. Atchison, City Attorney (datchison@cityofsalem.net)

To: Salem City Council

From: Eric Olsen

As a reminder, City Council delayed making a final decision on the new tree ordinance amendments in part to allow City Staff to consider major concerns from the development community. As I mentioned, I am generally in agreement that our City as well as all others must take an aggressive stand to mitigate our contribution to climate change. I believe, however, that without changes outlined below, we will instead be moving counter to this essential environmental concern.

City Staff has been responsive to some of our concerns related to the tree ordinance per the draft language which was under consideration. There are three extremely important items which we believe need attention in order to help assure buildability, affordability, and density. These have not been addressed from what we have seen from Staff's drafts amendments.

1. Density takes two forms. First, it can be simply a function of living units to the acre. But also density is affected by the number of building lots in an acre. Our concern relates to disregarding this second piece. As an example, a heavily treed property with many significant trees could potentially be required to use middle housing exclusively (leaving a large remnant effectively unbuildable) in order to achieve a minimum density. This could likely preclude a developer from achieving densities any greater than minimum densities once adopted this next year. Or, and very likely, the parcel may simply not be economically viable. We think this goes against the intent of introducing middle housing into otherwise single family neighborhoods—and so to respond to this we recommend that a condition should be adopted whereby significant trees may be removed if the “density of 5.5 units (net) to the acre with a maximum of 15% middle housing cannot be achieved.”
2. Staff addressed many of our concerns related to permitted justification for removal of significant trees during development except that driveway access was not a permitted reason. We find this troubling as it will likely lead to a reduction of buildable lots. This could be mostly mitigated by adopting the exception indicated in 1) above.
3. Finally, to not permit an arborist to provide a professionally detailed tree protection program for each tree including significant trees will create real issues as far assuring real monitored protection of the tree. Specifically, the area under the tree can't be landscaped or fenced within the protected area--at least not until the builder has turned over the property to the owner. This

seems unworkable. Instead allowing a professional to give guidance to a builder seems preferable.

Thanks so much for your consideration of our concerns.

Eric Olsen