



## Oregon Manufactured Housing Association

2255 State St  
Salem, OR 97301  
[www.omha.com](http://www.omha.com)

April 13, 2017

Eunice Kim  
Planner II  
City of Salem, Community Development Dept.  
555 Liberty St SE / Room 305  
Salem, OR 97301

Ms. Kim,

It is exciting to see the discussion surrounding the Accessory Dwelling Units (ADU) that might become an option for Salem residents. I am planning to attend the meeting next week to see how things go, but I wanted to check in and see if we can be proactive about an issue that our members, builders of Manufactured Homes, have encountered in a few cities with codes that conflict and essentially eliminate a Federally built HUD manufactured home from being an ADU option. The obstacle that we have encountered seems to be with the requirement being stricter for a manufactured home than the ADU in size and in sections. While we completely understand the desire to keep manufactured homes as similar in size and look to other homes in a neighborhood when used as the primary home, we want to request, if possible, that this affordable product is still a viable option as an ADU.

Below is the current provision that I could locate for manufactured homes within the City of Salem, including a link to the full zoning and land use document.

**700.025. Manufactured Home.** *Where designated as a special use, manufactured homes shall comply with the additional standards set forth in this section. The standards in this section cannot be modified through Conditional Use approval. (a) The manufactured home shall be multi-sectional and enclose a space of not less than 860 square feet. (b) The manufactured home shall be placed on an excavated and back-filled foundation that shall be enclosed continuously at the perimeter with material comparable to the predominant materials used in foundations of surrounding dwellings. (c) The manufactured home shall have a pitched roof with a slope of not less than 3 feet in height for each 12 feet in width. (d) The manufactured home shall have exterior siding and roofing that in color, material, and appearance is similar to the exterior siding and roofing commonly used on residential dwellings within the community, or which is comparable to the predominant materials used on surrounding dwellings. (e) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards equivalent to the performance standards required of single-family dwellings constructed under the State Building Code as defined in ORS 455.010. (f) The manufactured home shall have a garage or carport constructed of like materials. (Ord No. 31-13)*

Some potential conflicts that I see and hope can be reviewed prior to any new regulation adoption:

Size of units proposed in square footage:

- Not less than 860 sq ft for a manufactured home vs. Not more than 900 sq ft for a manufactured - a very small margin

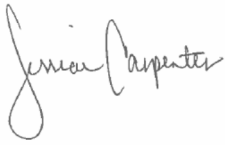
Size of units proposed in sections:

- Requirement for a minimum of two sections for a manufactured home vs. many options that fit the needs of an ADU that are a single unit. A link to some examples of products: Single Wide Products – [Potentially great ADU options.](#)

As a leader in affordable housing options, Oregon Manufactured Housing Association, wants to have our product available to meet the housing needs of Oregonians. My hope is that within the new regulation, the City of Salem can designate that the original manufactured housing provisions relate directly to a primary home on a lot, but that the product can also be used as an ADU if the dwelling meets all other requirements outlined excluding the 860 sq ft and two section minimum. Potential benefits to this product also include a minimized impact on the neighborhood with some site preparation needed, but very little construction taking place on the actual lot.

Eunice, please let me know if you have any questions or if I can provide any further information. As I mentioned, I plan to be at the meeting next week, but wanted to share my thoughts ahead of time.

Respectfully,

A handwritten signature in cursive script that reads "Jessica Carpenter". The signature is written in dark ink and is positioned above the printed name.

Jessica Carpenter  
OMHA, Executive Director



April 17, 2017

Salem Planning Commission  
City of Salem  
555 Liberty ST SE RM 305  
Salem OR 97301

RE: Proposed Amendments To Salem Revised Code Chapters  
111,400,510,511,512,513,514,515,521,522,523,524,532,551, 553, 554, 700, And 806 To Allow Accessory  
Dwelling Units (ADUs) In All Residential Zones, Most Commercial And Industrial Zones, And The  
Neighborhood Center Mixed Use Zone

To the Salem Planning Commission,

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interest relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

We support the amendment of the following SRC Chapters: 111, 400,510,511,512,513,514,515,521,522,523,524,532,551,553,554,700 and 806 to allow and establish standards for accessory dwelling units in all residential zones, most commercial and industrial zones, and the Neighborhood Center Mixed-Use Zone. The level of outreach to neighborhood associations on these amendments which may impact those neighborhoods was exemplary. The amendment of the SRC to allow ADUs and develop standards for these ADUs creates an additional tool to expand housing choice throughout the City of Salem.

Thank you for the consideration of these comments.

Sincerely,

A handwritten signature in blue ink that reads "Louise Dix".

Louise Dix  
AFFH Specialist  
Fair Housing Council of Oregon

A handwritten signature in black ink that reads "Jennifer Bragar".

Jennifer Bragar  
President  
Housing Land Advocates

**1221 SW Yamhill Street, Portland, Oregon 97205**

**Testimony by Laura Buhl, resident of NEN, residing at 695 16<sup>th</sup> Street NE  
Salem Planning Commission Public Hearing, April 18, 2017**

**Re: Proposed Amendments to Salem Revised Code to allow Accessory Dwelling Units in all Residential Zones, most Commercial and Industrial Zones, and the Neighborhood Center Mixed-Use Zone**

I am a resident of the Northeast Neighbors neighborhood and also a board member of NEN, although I am here today representing myself. NEN submitted comments that reflected a vote of the board members present, but there was a variety of opinions among the neighborhood meeting attendees on a number of specific elements in the proposed ADU amendments.

According to the staff report for the proposed code amendments to legalize Accessory Dwelling Units (ADUs) in certain zoning districts within Salem, the amendments seek to help address an identified deficit in land for multifamily housing “expand housing choices in Salem by encouraging the development of ADUs while also establishing standards to promote neighborhood compatibility.”

I am concerned that one element of the staff recommendation in particular would not encourage the development of ADUs and would also be detrimental to their compatibility with existing neighborhoods. That element is the requirement that ADUs provide one off-street parking space.

The Planning Commission may be aware of the concept of “poison pills” in relation to ADUs. Poison pills are regulations that, either by themselves or in combination, erect barriers to building ADUs – to the point that they become very difficult or impossible to build. Some codes have so many poison pills that, although ADUs are nominally legal, they are never built. The most toxic of all the poison pills is the requirement to provide off-street parking. Alan Durning, executive director of the Pacific Northwest think tank, Sightline Institute, and noted sustainability and affordable housing expert, wrote that “one way a city can legalize ADUs but pinch their number is to require a complete, additional, off-street parking space for every [ADU]. At many houses, especially those in dense, in-city districts where the demand for housing is strongest, installing another off-street parking space is expensive if not physically impossible.” Excessive off-street parking requirements prevent property owners from providing the amount of parking that they need, decrease housing flexibility and life-style options, and make housing less affordable by increasing the costs of development. If Salem truly wants a code that will, as the staff report says, “encourage the development of ADUs,” it will not require off-street parking for ADUs.

While it is abundantly clear that additional development requirements will not help encourage the development of ADUs, perhaps more debatable is whether requiring off-street parking would “promote neighborhood compatibility,” another goal of the amendments, as stated in the staff report. I posit that requiring an off-street parking space for ADUs would in fact be detrimental to neighborhood compatibility.

- Creating more off-street parking will lead to the removal of trees and vegetation, which will be replaced by hard surfaces. This will increase stormwater runoff, make my

neighborhood hotter through the urban heat island effect, and remove the natural beauty that makes my neighborhood livable and walkable.

- Requiring parking for an ADU will likely result in needing to make a new curb cut for many properties. This is problematic for a number of reasons:
  - Danger! Every time a car crosses a sidewalk there is an additional opportunity for vehicle/pedestrian conflicts. We know that this is a very real danger – tragically, people walking on sidewalks right here in Salem have been killed this way. The only way to decrease the risk is to reduce the potential for conflicts.
  - Damage to sidewalks is dangerous for pedestrians and expensive for the City and its citizens. Sidewalks that frequently have motor vehicles driving over them degrade and break up faster than those that don't. This adds to the endless list of sidewalk repairs that the City must undertake and creates a hazardous and uncomfortable environment for pedestrians, skateboarders, and people in wheelchairs. There is probably no issue, not even parking, that gets people in my neighborhood association more riled up than the terrible condition of our sidewalks.
  - In my neighborhood, a new curb cut would require the removal of our planting strips' greenery, shrubs, or even street trees, which would make my neighborhood less walkable by taking away shade and natural beauty.
  - Most ironically, when a curb cut is made, it removes a space of on-street parking! So, all the expense and negative neighborhood impacts of adding a curb cut don't even yield a net increase in parking spaces. It's a loose loose situation all the way around.
- Salem's on-street parking resources, which is land that is already paved and maintained, is sorely underutilized. On-street parking is not a problem in my neighborhood, but cars that drive too fast are. If there were more cars parked on the street, cars would drive more slowly and I would have something to buffer me from moving traffic as I walk down the sidewalk. Creating more off-street parking would not provide this benefit.

Not only will the proposed off-street parking requirement for ADUs not achieve City staff's stated goal of "encouraging the development of ADUs," and will be detrimental to another stated goal of promoting "neighborhood compatibility," the off-street parking requirement is also not necessary and is in direct conflict with the NEN/SESNA Neighborhood Plan.

You will likely hear some people say, "you have to require off-street parking for ADUs because there's nowhere to park on my street." I am familiar with some of the locations I've heard people say this about, and their perception is simply not reflecting reality. Well-known parking expert, Donald Shoup (professor emeritus of UCLA) has established that a block face is considered fully parked at 85%. That means that a block face with ten spaces can have eight spaces occupied, and look quite full, but not be fully parked. Second, when I have seen stretch of curbside in residential areas that looks rather full, invariably, just around the corner or down on the next block, it's nearly empty. I have lived in cities with tight parking, and Salem doesn't come close to having tight parking. My main mode of travel around the city is walking, and as I walk through the neighborhoods I see ample on-street parking availability, not the parking crunch some people say they see. How should this difference in perception be resolved? Data!

The City of Salem has no neighborhood by neighborhood parking inventory and has no data on the occupancy of existing on-street parking in the neighborhoods. That means that the requirement for ADUs to provide off-street parking is based on fear about how ADUs could impact parking supply, not on actual on-street parking availability. It would be a tragedy to require development standards that would lead to the negative outcomes I described above, when it's not based on data. Data can also help implement residential parking permit programs in areas where on-street parking truly is a limited resource.

Last, the requirement for off-street parking is contrary to the goals, policies, and actions stated in the NEN/SESNA Neighborhood Plan, which was approved by NEN and endorsed by the City Council.

Goal 2, Housing Types, is to "promote a diversity of housing types, designs and affordability levels while encouraging the efficient use of residential land." Action item 2.3 states that "The City should amend City codes to reduce parking requirements for infill development to encourage more efficient use of land and to promote affordable housing options." (This is labeled as a citywide action item.) Part of housing diversity is allowing flexibility for housing to meet people's needs, including how much parking they need. Requiring an off-street space for ADUs goes directly against the NEN/SESNA plan's action item of reducing parking requirements in order to encourage infill development, efficient use of land, and promote affordable housing options. It does exactly the opposite: the parking requirement will discourage infill development, it is an inefficient use of land, and it will make housing development more expensive.

Goal 5, Mixed-Use Development, seeks to "promote mixed-use development that encourages walking and bicycling . . . and . . . reduces reliance on automobile trips." One of the best ways to reduce reliance on automobiles and create walkable urban areas is to not require as much (or any) parking. Accordingly, the plan lists as Action Item 5.3, "The City should amend City codes to reduce parking requirements for mixed-use developments with housing to encourage the efficient use of land and promote access by alternative transportation modes." (A citywide action item.)

Goal 2 and Goal 5 both call for the City to require less off-street parking, so the proposal for ADUs to require parking goes against the plan and the two action items quoted here, which are both listed as citywide action items. I hope this will not be yet another case of a plan not getting implemented because people don't want to write the code necessary to make great aspirational language a reality. Please help us implement our neighborhood plan and City goals by not requiring ADUs to have off-street parking.

Eunice Kim

**From:** David Glennie <dave@telosdevelopment.com>  
**Sent:** Tuesday, April 18, 2017 8:43 AM  
**To:** Eunice Kim  
**Cc:** 'William Glennie'  
**Subject:** RE: Tomorrow: Public Hearing on Accessory Dwelling Units

Eunice:

I read the staff report you prepared. Generally, well-written and cogent. Off the top, I have one question and one "concern":

- 1) Can you explain the logic in allowing ADUs in "zero-lot line" developments? Presumably, this forces additions and potentially detached ADUs only to rear-yards? Can you give me an example of an existing zero-lot line development in which this would NOT be a burden to the neighboring property owners?
- 2) With regard to parking requirements, it is axiomatic that ADUs would mean more single-family dwellings with cars parked in the driveway or on the street. Like it or not, this is a consequence and will make neighborhoods less attractive.

dg

## Eunice Kim

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**From:** Kirk Leonard <kirkleon@spiritone.com>  
**Sent:** Monday, April 17, 2017 7:25 PM  
**To:** Eunice Kim  
**Subject:** ADU comment for 4/18 public hearing

Hi Eunice,

I'm uncertain about making the hearing tomorrow, so I'm sending this as testimony in the event I miss it. I appreciate all the work you did, although the code proposal seemed to disappear after the Anderson Room exercise and reappear recently with some surprises. A requirement for a parking space and a ban on short-term rentals stood out to me.

I was among those supporting a zero parking requirement rule IF public transit was available close by, say 1500 feet. I would still like to see that adopted as a measure the city can take to support and encourage transit use, as well as denser development in transit corridors. This is something I think the city should be proactive about.

On the prohibition of short-term rentals, I think I can appreciate why that might be supported -- to avoid their being built as businesses, I assume -- but they could be good for our cultural and recreational economy, as well as local business as a whole. I'd give it a chance and see if it actually needed to be imposed.

That's my two cents. Thanks.

Kirk Leonard  
Ward 2  
Salem



April 18, 2017

City Planning Commission  
555 Liberty ST SE RM 320  
Salem OR 97301

**Re: Agenda Item 6.2—Code Amendment Case 17-03, Accessory Dwelling Units**

Dear Commissioners:

I am writing to provide testimony on the Commission's consideration of a zoning code change to permit accessory dwelling units (ADU's). I believe the proposed regulations of ADU's are good but not sufficient. I would encourage the Commission to include a citywide requirement that

(1) no mature tree is cut down to build an ADU and that (2) any non-mature trees that are removed to build an ADU are replaced on the property if space allows or offset by replacing non-mature trees at the owner's expense on city-owned property.

In August 2013, the Salem City Council adopted a "Community Forestry Strategic Plan."<sup>1</sup> The plan set a goal for the City's tree canopy coverage of 23%, which is far below the 40% urban tree canopy coverage recommended by American Forests. In 2010, the last year for which data is available, the City's urban tree canopy coverage stood at 18.3% percent. This is lower than a number of other Oregon cities. Corvallis stands at 30%. Portland stands at 26% and has set a goal of 33%.

The majority of Salem's mature trees live on private land. The loss of mature trees from the backyards of private residences cannot be fully offset by planting young trees on city owned land, both because there is simply not enough land available and because it takes approximately 50 years for a tree to reach maturity. Permitting ADU's puts mature trees at risk for removal. Therefore, the ADU zoning amendment should align itself with the City's stated goal of achieving a citywide 23% tree canopy coverage.

Moreover, a policy of not permitting the removal of mature trees needs to be applied uniformly across the city's neighborhoods. As of 2010, five neighborhoods exceeded the 23% standard, one neighborhood was at 23%, and the remaining thirteen neighborhoods were below 23%. The Northgate neighborhood's tree canopy coverage, for example, was just 9%. Because of land limitations, some neighborhoods will never achieve 23% and thus we will need to rely on other neighborhoods to exceed 23% to meet the citywide goal. For example, my neighborhood of Faye Wright, which is a well situated to incorporate ADU's, has a canopy coverage of 28%. In Northgate, the loss of any mature tree will have a visible impact on that neighborhood. A loss a mature tree in Faye Wright, however, will likely not

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<sup>1</sup> <http://new.cityofsalem.net/CityDocuments/community-forestry-strategic-plan-2014.pdf#search=Urban%20forest%20strategic%20plan>

be as noticeable and thus may seem easier to permit. However, Faye Wright's higher canopy coverage is what makes it possible to achieve the City's 23% goal. Therefore, a policy that prohibits the removal of mature trees in a low canopy neighborhood while permitting tree removal in a high-canopy neighborhood would make it impossible to achieve the City's goal.

The ADU zoning amendment developed by staff does contain two important provisions that help protect Salem's urban forest and which I strongly support. The first is continuation of the 60% coverage rule. The second is the requirement that lots with ADU's be owner-occupied. The first ensures that lots retain adequate open space to support mature trees and other vegetation. The second wisely restrains the expansion of ADU's by limiting their profitability.

In case the Commission needs reminding, the Community Forestry Strategic Plan describes in its opening pages the value of trees, including:

- One tree over 50 years generates \$31,250 in oxygen, recycles \$37,500 of water, removes \$62,000 of air pollution, and controls \$31,250 worth of soil erosion.
- Homes on lots with many trees have 6-12 percent higher appraised values.
- Buildings and neighborhoods with high levels of greenery have fewer crimes.
- Trees reduce runoff and erosion from stormwater by about 7 percent. Trees intercept rain, absorb it through their root systems, and release it back to the air through transpiration. Reducing runoff means less pollution and less need to add more stormwater pipes.
- Trees release oxygen and sequester carbon from the atmosphere, thereby reducing greenhouse gases.
- Trees can reduce the urban heat island effect. Temperatures can be 5-15 degrees cooler on a tree canopied street making a pleasant walking environment in the summer and reducing the energy demands of buildings.

Thank you for your consideration.

Sincerely,

Michael Slater

Michael Slater  
4833 Fir Dell DR SE  
Salem, OR 97302