Jamie Donaldson

From: Olivia Dias
Sent: Monday, March 6, 2023 1:32 PM
To: Lisa Anderson-Ogilvie
Cc: Jamie Donaldson; Brandie Dalton
Subject: FW: Comments From Glenn Gibson Watershed Council
Attachments: Signed Comments on SPR-ADJ23-04.pdf

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FYI

Olivia Dias, (she/her)
Current Planning Manager
City of Salem | Community Development Department
555 Liberty St SE, RM 305, Salem, OR 97301
odias@cityofsalem.net | 503-540-2343
Facebook | Twitter | YouTube | CityofSalem.net

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From: Kenneth Bierly <bierlykenneth@gmail.com>
Sent: Monday, March 6, 2023 1:29 PM
To: Olivia Dias <ODias@cityofsalem.net>
Cc: Dorald Stoltz <dorstoltz@msn.com>; Keith Bondaug-Winn <bondaug@gmail.com>; Stacey Kline <catsread@yahoo.com>; Linda Bierly <bierlyskl@gmail.com>; Kenneth Bierly <bierlykenneth@gmail.com>; E. Easterly <emeasterly@comcast.net>; David Simmons <davidatoeo@gmail.com>; Deborah Topp <DTopp@cityofsalem.net>
Subject: Comments From Glenn Gibson Watershed Council

Please consider the attached.

Glenn and Gibson Creeks Watershed Council 2308 Ptarmigan St. NW Salem, OR 97304

March 9, 2023

ATTN: Jamie Donaldson, Planner II, City of Salem Planning Division
555 Liberty Street SE Room 305
Salem, Oregon 97301

Comments From the Glenn and Gibson Creeks Watershed Council (GGWC) Regarding: Subdivision Tentative Plan, Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Tree Variance, and Class 1 Design Review Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02

APPLICATION NO.: 22-117589-PLN

The Glenn Gibson Creeks Watershed Council is concerned with the environmental impacts of development in the watershed. Our comments are focused on those elements of development proposals that have impacts beyond those allowed by city ordinance and state law. We believe the variances being requested have significant potential adverse impact to the watershed and can be avoided by more sensitive development planning.

Our specific concerns are:

- Class 2 Adjustment requests to Increase the maximum allowed parking spaces throughout the development by 19 spaces (SRC 806.015(e)

We ask that this Class 2 Adjustment variance request to increase the maximum allowed parking spaces throughout the development by 19 spaces be denied.
Increasing the number of parking places is not the direction the City of Salem is heading. Salem Revised Code (SRC) now only allows one parking place per dwelling unit (Sec. 806.015). The applicant uses the old 1.75 parking spaces per dwelling unit standard to calculate how each parking lot in this development meets the number of parking places required by the city. They also note that the SRC standard has changed to allow only 1 parking place per dwelling unit. The Climate Action Plan adopted in 2022 lists lowering the number of parking places allowed per dwelling unit in multi-family zones as strategy to reach the climate goals.

This is a mixed-use zone and has the potential to provide commercial uses. One of the reasons given for this property to be granted a zone change to mixed use was to reduce traffic congestion on West Salem streets by reducing the number of trips. Granting a variance for additional parking spaces defeats the purpose of providing mixed uses in residential neighborhoods. The applicant says transit stops will be provided in this development. The development is within easy walking distance to two City parks and three elementary schools, one middle school, and West Salem High School. Both West Salem grocery stores provide delivery service. There is a widespread trend toward internet shopping and home delivery. Parking in this development should be reduced or eliminated, not increased. In the request for a variance to add 19 more parking spaces, the applicant cited the potential for residents of this development to use neighborhood streets for parking. While this is a possibility, it still does not justify adding 19 more parking spaces for a total of 782 spaces when in order to comply with current code, the

number of parking places should be 426 – one for each dwelling unit. Making this change alone could substantially lower the environmental impacts of this project.

The most direct environmental impact of parking lots is the increase in impervious surface in the watershed. Impervious surfaces are just that – impervious. They do not allow for the natural infiltration that occurs in a healthy watershed, providing filtration and groundwater recharge. Rather, precipitation forcefully runs off impervious surfaces, carrying pollution and causing soil erosion, adding to water turbidity and downstream channelization. Below, we address another very important reason to eliminate parking in this development or, if it is deemed to be necessary, to site it under the housing units as a ground level amenity without increasing the footprint of the building.

- (5) A Tree Regulation Variance request for removal of 46 significant trees on site.

We ask that this variance request be denied for all 46 trees.

The applicant asserts:

Tree Variance 808.045(d)(1): A. There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance;

How does the City verify to the public, that stands to lose significant environmental benefits if this variance is granted, that this assertion is accurate and that special conditions exist?

We believe that this assertion is false. If saving significant trees becomes a priority, they can be saved and we will list the ways to save them below each individual case cited by the applicant.

The purpose of saving significant trees is at the beginning of
Sec. 808.001. - Purpose.
The purpose of this chapter is to provide for the protection of heritage trees, significant trees, and trees and native vegetation in riparian corridors, as natural resources for the City, and to increase tree canopy over time by requiring tree preservation and planting of trees in all areas of the City.

Special conditions are not defined, *unreasonable hardship* is not defined, *practical difficulties* is not defined. **But the purpose clearly states the priority: the protection of significant trees.**

First, some information about Oregon White Oak trees. The City of Salem regulates Oregon White Oak trees with a diameter at breast height (dbh) >20" and defines them in the SRC as significant because they are extremely valuable trees in every sense. Environmentally, they provide habitat for over 200 species, some of which are endangered due to habitat loss. They capture and filter stormwater and release oxygen, contributing significantly to both air and water quality. Economically, mature trees add property value. According to Lifestyle and Real Simple magazines, mature trees add up to 20% to property values and lower energy costs by as much as 50%. Socially, they contribute to health benefits. Research shows that just being able to see trees from a home increases health and longevity, including mental health.

The other reason the City of Salem regulates Oregon White Oak trees is because they are a vanishing species. One of the chief reasons for this is right in front of you – habitat loss due to development. Out of 61 Oregon White Oak trees on this property with a dbh < than 20", this applicant wants a variance to cut down 37 out of the 61 – more than half.

Besides development, Oregon White Oak losses are caused by agricultural practices and fire suppression. The loss of Oak savanna and Oak woodland habitat is thought to have the cascading effect of the crash of wildlife of all kinds but especially of birds (Audubon reports bird populations have plummeted as much as 50 % in the last 10 years.). Oregon White Oaks not only provide critical nesting habitat, but they also provide a wide variety of niches for the pollinators that are critical for flowering plants, including many of the food crops we depend upon.

To support our premise that these trees can be saved, we proceed to the tree narrative provided by the applicant.

Before we comment on each tree proposed to be removed, the applicant has requested a hardship variance as listed in
Sec. 808.045 (d) 1. - Tree variances. (1) Hardship
(A) There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance; and
(B) The proposed variance is the minimum necessary to allow the otherwise lawful proposed development or activity;

It is difficult to see how this applies. The applicant proposes to remove trees because they are in proximity to something, often something that could easily be modified, moved or removed. In the case of one building (Building 29), 11 trees are to be cut down for this one building. Colorado Street, already the subject of two variance requests for both grade and block length, requires the removal of 10 significant trees. Colorado Street is unnecessary and the proposed intersection with Doaks Ferry Road, a minor arterial, is unnecessary and dangerous. This is an apartment complex and should require driveway access only. Landaggard Street provides connection to Orchard Heights Road and will provide adequate access to the apartment complex.

Apparently, no effort has been made to save these trees, though all of them meet the City of Salem's definition of significant. The development layout appears to have been set before considering the location of the existing significant white oaks. It is a case of the building site having to accommodate the development rather than the development being designed to fit the building site. This site is environmentally important due to the significant trees and subsurface drainage to Wilark Brook, a fish bearing stream, per the 1998 Oregon Department of Fish and Wildlife inventory.

These are large trees. One Oregon White Oak listed in the trees to be removed is a 66" dbh white oak (more than 5 feet across!). If preserved, they will add value to the property and help to mitigate the environmental impacts of this very large development.

In the request for a parking variance, the applicant repeatedly states the desire to be a good neighbor. Keeping these specimen-sized Oregon White Oaks would go a long way toward being a good neighbor.

Applicant's variance requests are in black, GGWC comments are in green.

Tree #1: a 44" White Oak – Is located near the southerly boundary of the site. Substantial grading and construction activity with the potential of damaging the tree and its roots prohibits preservation of this tree. **Potential is not certainty. We hope we have made the case for how important these trees are. Please visualize the size of a 44" (almost 4 feet!) Oregon White Oak tree and how long it took this tree to grow to this point. These trees grow for hundreds of years to attain maturity. It deserves the time and effort necessary to try and preserve it.**

Tree #2: a 60" White Oak – Is located in the parking area, as well as near the drive providing connection for the property to the south at the southeast corner of the site. This tree's location within the parking lot prohibits preservation of this tree.
We have made the case for less parking. The 60" White Oak tree is of greater value than the parking lot. Please note our comments above regarding the length of time it takes for trees to grow to this point. This is a very important tree. If the parking lot can't be eliminated, it should be reconfigured to spare the tree.

Tree #3: a 40" White Oak – Is located at the edge of a pedestrian sidewalk near in the parking area at the southeast corner of the site. This tree's location abutting the sidewalk and its proximity to Building 29 prohibits preservation of this tree.
This tree only abuts a sidewalk and is close to a building. Sidewalks can be contoured around a tree and having a tree next to a building is a good thing, not a problem.

Tree #4: a 28" White Oak – Is located in a narrow area between the building envelope of Building 29 and the pedestrian sidewalk accessing the parking area at the southeast corner of the site. This tree's location abutting the sidewalk and its proximity to Building 29 prohibits preservation of this tree.
Building 29 will result in the destruction of 11 significant trees. Building 29 should be relocated or removed.

Tree #5: a 50" White Oak – Is located within the building envelope of Building 29. Not allowing for preservation of this tree.
Building 29 will result in the destruction of 11 significant trees. Building 29 should be relocated or removed.

Tree #6: a 55" White Oak - Is located in the parking area at the southeast corner of the site. This tree's location within the parking lot prohibits preservation of this tree.
We have made the case for less parking. The 55" White Oak tree is of greater value than the parking lot. Please note our comments above regarding the length of time it takes for trees to grow to this point. This is a very important tree. If the parking lot can't be eliminated, it should be reconfigured to spare the tree.

Tree #7: a 30" White Oak – Is located in the parking area at the southeast corner of the site. This tree's location within the parking lot and proximity to Building 29 and the drive aisle prohibits preservation of

this tree. **Building 29 will result in the destruction of 11 significant trees. Building 29 should be relocated or removed. Parking lots and drive aisles should be modified to accommodate trees.**

Tree #8: a 30" White Oak – Is located in the parking area at the southeast corner of the site. This tree's location within the parking lot and drive aisle prohibits preservation of this tree.
Parking lots can be modified to accommodate trees.

Tree #9: a 24" White Oak - Is located in the parking area at the southeast corner of the site. This tree's location within the parking lot and proximity to Building 29 and the drive aisle prohibits preservation of this tree. **Building 29 needs to be relocated or removed**. **Parking lots and drive aisles should not preclude the presence of trees.**

Tree #10: a 28" White Oak – Is located within the boundaries of the pedestrian sidewalk abutting a parking area and near Buildings 29 and 30. This tree's location within the sidewalk location and proximity to buildings prohibits preservation of this tree.
Building 29 will result in the destruction of 11 significant trees. Building 29 should be relocated or removed. Parking lots and drive aisles should be modified to accommodate trees. Sidewalks and proximity to buildings should not preclude the presence of trees.

Tree #11: a 24" White Oak – Is located within the building envelope of Building 29. Not allowing for preservation of this tree.
Building 29 will result in the destruction of 11 significant trees. Building 29 should be relocated or removed. Parking lots and drive aisles should be modified to accommodate trees.

Tree #12: a 30" White Oak – Is located within the building envelope of Building 29. Not allowing for preservation of this tree.
Building 29 will result in the destruction of 11 significant trees. Building 29 should be relocated or removed. Parking lots and drive aisles should be modified to accommodate trees.

Tree #13: a 36" White Oak – Is located within the building envelope of Building 29. Not allowing for preservation of this tree.
Building 29 will result in the destruction of 11 significant trees. Building 29 should be relocated or removed. Parking lots and drive aisles should be modified to accommodate trees.

Tree #14: a 28" White Oak – Is located within the building envelope of Building 29. Not allowing for preservation of this tree.
Building 29 will result in the destruction of 11 significant trees. Building 29 should be relocated or removed. Parking lots and drive aisles should be modified to accommodate trees.

Tree #15: a 36" White Oak – Is located within the building envelope of Building 29. Not allowing for preservation of this tree.
Building 29 will result in the destruction of 11 significant trees. Building 29 should be relocated or removed. Parking lots and drive aisles should be modified to accommodate trees.

Tree #16: a 48" White Oak – Is located within the building envelope of Building 29. Not allowing for preservation of this tree.
Building 29 will result in the destruction of 11 significant trees. Building 29 should be relocated or removed. Parking lots and drive aisles should be modified to accommodate trees.

Tree #17: a 24" White Oak – Is located in the southerly water quality and detention facility for this development. The construction of the water quality facility that will damage the tree and its root system. Prohibiting preservation of this tree.
If the number of parking spaces is reduced, impervious surface area can be reduced, saving trees that will act to capture and filter storm water. This is the best type of water quality facility – much better than any built facility. If the size of the built detention and water quality facilities is reduced, this tree can be saved.

Tree #18: is a 30" Fir - Is located in the southerly water quality and detention facility for this development near the right of way for Doaks Ferry Road. The construction of the water quality facility that will damage the tree and its root system. Prohibiting preservation of this tree.
If the number of parking spaces is reduced, impervious surface area will be reduced, saving trees that will act to capture and filter storm water. This is the best type of water quality facility – much better than any built facility. If the size of the built detention and water quality facilities is reduced, this tree can be saved.

Tree #19: a 32" White Oak – Is located in the southerly water quality and detention facility for this development near the intersection of Doaks Ferry Road and Colorado Street. The construction of the water quality facility and roadway construction will damage the tree and its root system. Prohibiting preservation of this tree.
If the number of parking spaces is reduced, impervious surface area will be reduced, saving trees that will act to capture and filter storm water. This is the best type of water quality facility – much better than any built facility. If the size of the built detention and water quality facilities is reduced, this tree can be saved.

Tree #20: a 20" White Oak – Is located within the boundaries of the Colorado Street, right-of way. The location of this tree within the right-of-way prohibits preservation of this tree.
The presence of a tree in a ROW should not automatically doom the tree. Can the ROW accommodate the tree? If not, can the ROW be realigned? Colorado Street is the subject of 2 other requests for variances. 10 trees will have to be destroyed for this street. Perhaps a new alignment? Is Colorado Street necessary? Why does an apartment complex require a collector street?

Tree #21: a 44" White Oak – Is located within the boundaries of the Colorado Street, right-of way. The location of this tree within the right-of-way prohibits preservation of this tree.
The presence of a tree in a ROW should not automatically doom the tree. Can the ROW accommodate the tree? If not, can the ROW be realigned? Colorado Street is the subject of 2 other requests for variances. 10 trees will have to be destroyed for this street. Perhaps a new alignment? Is Colorado Street necessary? Why does an apartment complex require a collector street?

Tree #22: a 60" White Oak – Is located within the boundaries of the Colorado Street, right-of way. The location of this tree within the right-of-way prohibits preservation of this tree.
The presence of a tree in a ROW should not automatically doom the tree. Can the ROW accommodate the tree? If not, can the ROW be realigned? Colorado Street is the subject of 2 other requests for variances. 10 trees will have to be destroyed for this street. Perhaps a new alignment? Is Colorado Street necessary? Why does an apartment complex require a through street?

A 60" Oregon white Oak is a very special tree. Every attempt should be made to save it.

Tree #23: a 66" White Oak – Is located within the boundaries of the access driveway connecting Colorado Street to the parking area for a cluster of 4 apartment buildings. This tree's location within the driveway prohibits preservation of this tree.
The presence of a tree in as access driveway should be able to be preserved. A 66" Oregon white Oak is a very special tree. Every attempt should be made to save it. Access driveways can be rerouted, modified, or eliminated. The tree is of much greater value than a strip of concrete.

Tree #24: a 44" White Oak – Is located in the parking area at the southcentral portion of the site. This tree's location within the parking lot and proximity to the drive aisle prohibits preservation of this tree.
Parking lots and drive aisles can be modified to accommodate trees.

Tree #25: a 24" White Oak – Is located in the parking area at the southeast corner of the site. This tree's location within the parking lot and drive aisle prohibits preservation of this tree.
Parking lots and drive aisles can be modified to accommodate trees.

Tree #26: a 22" White Oak – Is located within the boundaries of the Colorado Street, right-of way. The location of this tree within the right-of-way prohibits preservation of this tree.
The presence of a tree in a ROW should not automatically doom the tree. Can the ROW accommodate the tree? If not, can the ROW be realigned? Colorado Street is the subject of 2 other requests for variances. 10 trees will have to be destroyed for this street. Perhaps a new alignment? Is Colorado Street necessary? Why does an apartment complex require a through street?

Tree #27: a 40" White Oak – Is located within the boundaries of the Colorado Street, right-of way. The location of this tree within the right-of-way prohibits preservation of this tree.
The presence of a tree in a ROW should not automatically doom the tree. Can the ROW accommodate the tree? If not, can the ROW be realigned? Colorado Street is the subject of 2 other requests for variances. 10 trees will have to be destroyed for this street. Perhaps a new alignment? Is Colorado Street necessary? Why does an apartment complex require a through street?

Tree #28: a 40" White Oak – Is located within the boundaries of the Colorado Street, right-of way. The location of this tree within the right-of-way prohibits preservation of this tree.
The presence of a tree in a ROW should not automatically doom the tree. Can the ROW accommodate the tree? If not, can the ROW be realigned? Colorado Street is the subject of 2 other requests for variances. 10 trees will have to be destroyed for this street. Perhaps a new alignment? Is Colorado Street necessary? Why does an apartment complex require a through street?

Tree #29: a 36" White Oak – Is located in a narrow sloping area between the northerly right of way of Colorado Street and the building envelope of Building 5. The grading for Colorado Street and the building improvements will damage the tree and its root system. Prohibiting preservation of this tree.
The presence of a tree in a ROW should not automatically doom the tree. Can the ROW accommodate the tree? If not, can the ROW be realigned? Colorado Street is the subject of 2 other requests for variances. 10 trees will have to be destroyed for this street. Perhaps a new alignment? Is Colorado Street necessary? Why does an apartment complex require a through street?

Tree #30: a 24" White Oak – Is abutting the foundation of a 12-unit apartment building in a heavily sloped area. This tree's location abutting a building envelope prohibits preservation of this tree.
Can the building be shifted to accommodate the tree? Why does a tree abutting the building envelope have to be removed? This is not a case of a tree preventing the building from being built. A tree next to a building adds value to the building and should be preserved.

Tree #31: a 40" White Oak – Is located within the boundaries of the Colorado Street, right-of way. The location of this tree within the right-of-way prohibits preservation of this tree.
The presence of a tree in a ROW should not automatically doom the tree. Can the ROW accommodate the tree? If not, can the ROW be realigned? Colorado Street is the subject of 2 other requests for variances. 10 trees will have to be destroyed for this street. Perhaps a new alignment? Is Colorado Street necessary? Why does an apartment complex require a through street?

Tree #32: a 28" White Oak – Is located within the boundaries of the Colorado Street, right-of way. The location of this tree within the right-of-way prohibits preservation of this tree.
The presence of a tree in a ROW should not automatically doom the tree. Can the ROW accommodate the tree? If not, can the ROW be realigned? Colorado Street is the subject of 2 other requests for variances. 10 trees will have to be destroyed for this street. Perhaps a new alignment? Is Colorado Street necessary? Why does an apartment complex require a through street?

Tree #33: 30" White Oak – Is located within the building envelope of Building 1. Not allowing for preservation of this tree
The building should be shifted to accommodate the tree. Why does a tree abutting the building envelope have to be removed? This is not a case of a tree preventing the building from being built. A tree next to a building adds value to the building and should be preserved.

Tree #34: a 30" Fir Tree– Is located on the northly boundary of the site. The surrounding topography and within close proximity to the adjacent 3 story apartment building structure and storm structure. Grading and construction will damage the tree and its root system. Prohibiting preservation of this tree.
The building should be shifted to accommodate the tree. Why does a tree abutting the building envelope have to be removed? This is not a case of a tree preventing the building from being built. A tree next to a building adds value to the building and should be preserved.

Tree #35: a 30" Fir Tree– Is located on the northly boundary of the site. The surrounding topography and close proximity to the adjacent 3 story apartment building structure to be constructed will damage the tree and its root system during grading and construction. Prohibiting preservation of this tree.
The building should be shifted to accommodate the tree. Why does a tree abutting the building envelope have to be removed? This is not a case of a tree preventing the building from being built. A tree next to a building adds value to the building and should be preserved.

Tree #36: a 30" Fir Tree– Is located on the northly boundary of the site. The surrounding topography and close proximity to Building 3 and parking will damage the tree and its root system during grading and construction. Prohibiting preservation of this tree.
The building should be shifted to accommodate the tree. Why does a tree abutting the building envelope have to be removed? This is not a case of a tree preventing the building from being built. A tree next to a building adds value to the building and should be preserved.

Tree #37: a 36" White Oak– Is located in a sloping area at a point where a pedestrian sidewalk and parking area connect. The location of this tree within the sidewalk and parking lot improvements prohibits preservation of this tree.
Parking improvements and sidewalks can be designed to accommodate the tree.

Tree #38: a 30" Madrona – Is located in a narrow sloping area adjacent to a parking area. The location of this tree adjacent to parking improvements prohibiting preservation of this tree.
Parking improvements can be designed to accommodate the tree.

Tree #39: a 36" White Oak– Is located within pedestrian sidewalk along the northerly boundary of the site. The location of this tree within the sidewalk and proximity to parking will prohibit the preservation of this tree. **Sidewalks can be curved around trees.**

Tree #40: a 30" Maple Tree– Is located near the northeasterly boundary of the site. The surrounding topography and close proximity to the adjacent 3 story Town Home building. grading and constructing will damage the tree and its root system, prohibiting preservation of this tree.
Can the building be shifted to accommodate the tree? Why does a tree in close proximity to a building have to be removed? This is not a case of a tree preventing the building from being built. A tree next to a building adds value to the building and should be preserved.

Tree #41: a 30" White Oak – Is located in a narrow sloping area between the building envelope of a 6-unit Town Home building, the right of way and the northerly boundary of this site. The steep topography and close proximity to the building envelope and right of way will damage the tree during grading and construction, prohibiting preservation of this tree.
Shift the building to accommodate the tree. Why does a tree abutting the building envelope have to be removed? This is not a case of a tree preventing the building from being built. A tree next to a building adds value to the building and should be preserved.

Tree #42: a 36" Maple Tree – Is located in the driveway for a 2-unit townhome in the northwest corner of the development. This tree's location within the driveway prohibits preservation of this tree.
Driveways can be modified to accommodate trees.

Tree #43: a 24" White Oak – Is located in the parking area and drive aisle at the southwesterly corner of the site. This tree's location within the parking lot prohibits preservation of this tree.
Parking lots can be moved or eliminated.

Tree #44: a 24" White Oak – Is located in the parking area and drive aisle at the southwesterly corner of the site. This tree's location within the parking lot prohibits preservation of this tree. **Parking lots can be moved or eliminated.**

Tree 45?

Tree 46?

The applicant has requested a variance to cut down 46 significant trees, he has described only 44.

It appears that the design and layout of the proposed development did little to avoid significant impacts to the forest vegetation and had little regard for the opportunity to reduce automobile use as recommended by the Climate Action Plan approved by the City.

We urge denial of the requested variances to City ordinances and suggest a redesign for the proposal be required that minimized impacts to trees and reduced parking and hard surfaces.

Sincerely,

Kenneth F. Bierly

Ken Bierly, Chair,
Glenn and Gibson Creeks Watershed Council