

Jamie Donaldson

From: STEVEN ANDERSON <andersonriskanalysis@comcast.net>
Sent: Friday, March 10, 2023 3:35 PM
To: Jamie Donaldson
Cc: michaelfreitas9459@att.net
Subject: 2100 Doaks Ferry WSNA Comments
Attachments: 2021 Doaks Ferry Tentative Subdivision WSNA Comments Mar 2023.pdf

Jamie:

RE: Tentative Subdivision Plan, Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Tree Variance, and Class 1 Design Review
Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02
2100 Doaks Ferry Road NW, Salem, OR 97304

Attached find the comments from the West Salem Neighborhood Association. Please confirm receipt and entry of our comments into the record/proceedings for this case. Thank you.

Steven A. Anderson, West Salem Neighborhood Association Land Use Chair
Cc:/ Michael Freitas, West Salem Neighborhood Association Chair



10 March 2023

TO: Jamie Donaldson, Planner II, City of Salem Planning

RE: Tentative Subdivision Plan, Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Tree Variance, and Class 1 Design Review
Case No. SUB-UGA-SPR-ADJ-TRV-DR23-02
2100 Doaks Ferry Road NW, Salem, OR 97304

FR: Steven A. Anderson, West Salem Neighborhood Association Land Use Chair

The West Salem Neighborhood Association (WSNA) upon review of the February 24th, 2023, Notice of Filing has several questions in this matter. We respectfully request that as staff addresses said questions that specific analysis and findings be included in the staff report with attention to past precedence, intent of the code, and the logic to how this has been applied (past, present, and here given the specifics of this site). We note specific requests for variances by the Applicant to existing city codes. We feel strongly that any granting of a variance should clearly be present in staff's findings such that the burden of proof needed to grant this variance, and how it is met or will be met, is clearly documented. We clearly see here need for an inclusion of a tradeoff analysis and balancing discussion to justify any requested variance, especially those that push to maximize dwelling units at the site versus other possible alignments or number or dwelling units at the site. City codes have been enacted to preserve certain community goals and values, the urban forest, and natural resources. We feel that a tradeoff and balancing investigation must be detailed in the staff's analysis with the balance weighted towards the code and burden of proof with the Applicant including at least two or three difference scenarios for development at this site. Currently, what is presented is an ask to provide more dwelling unit density at this site than existing natural site conditions may allow. It seems like there needs to be a site description that shows what dwelling units and street layout is possible if there are no variances and the site complies with the existing code. Call this the base case for what can offer a comparison. No tradeoff or balancing discussions has been seen. For example, the intent clause of preserving significant trees and the request for a variance to cut significant trees to maximize dwelling unit density at the site. There is no environmental impact look at what this means for the urban forest presently on the site. Additionally, ties to the City's Carbon Management Goals



and Plan are not seen. This is a complex geological and environmental site requiring more detailed, focused analyses in the decision-making process. This is not seen in the current application. Please realize that these questions are asked with much consideration so as to achieve development here of dwelling unit density that comply with the intent and language of city code and strikes a balance between the urban density needs and the natural environment. The question remains unanswered as to a clear showing of will this proposed development, as proposed, comply with the city codes. At a minimum, there should be a site plan showing what this site layout would look like if no variance from complying with city code was the case for objective comparison.

WSNA QUESTIONS & ISSUES

1. Variance request street slope. Concern is this to connect to a connector street. Streets in West Salem hills are susceptible to ice and snow making travel not possible at times. This hilly subdivision area will be vulnerable at times, travel via this route may be closed. Maintenance of the street and stormwater system may be higher than other neighborhoods where slope requirements are followed. How will this affect emergency response time? What about insurance rates for homeowners in this area? How about city maintenance costs? What is the justification that staff uses, including a condition checklist, that staff uses to justify granting a variance here?
2. Wilark Brook is a cold-water trout stream that empties into a water quality limited salmon habitat stream. What effects will this subdivision have on the temperature profile of Wilark Brook? What effects will this subdivision have on the hydrological flow and groundwater recharge of Wilark Brook? What effect will the stormwater detention system have on nutrient levels and metal levels in Wilark Brook? Are there benefits from having a zero-discharge stormwater detention system versus a flow release system? What are the environmental impacts, including an analysis of changes to the urban forest canopy, from this subdivision on Wilark Brook and the wetlands immediately downstream across Doaks Ferry from this subdivision?
3. Request for 19 additional parking spaces. Transportation impacts from this site were limited by the city to a maximum of 500 multi-family units and a cumulative total of



2,270 average daily vehicle trips (ADTs). How does the 19 additional parking spaces affect the maximum ADTs, that is, how many more trips will they generate?

Furthermore, the value used during the analysis of the Riverbend apartment complex was 5.8 trips per dwelling unit. Given the proposed 436 units, this is less than the 500 unit maximum; however, 436 units times 5.8 trips per dwelling unit equals 2,529 ADTs. Given the proposed 436 units and the additional 19 parking spaces, it appears that this proposed 436 unit development does not meet the transportation impacts permitted for this site.

4. Why are the White Oaks along the west side of Doaks Ferry Road NW north of Orchard Heights Road not identified on the SDR7 sheet? Any sidewalk work here will result in the removal of a large number of White Oaks not addressed in this application. There appears to be several irregularities in the count for significant trees proposed to be removed. For example:
 - a. SDR3 through SDR7 lists and numbers on 7, not 8, significant non-white oak trees to be removed.
 - b. Eight (8) non-white oak plus 37 white oak equal 45 not 44 significant trees to be removed. The SDR3-7 map segments only show 44 significant trees listed in the variance application.
 - c. Why do the SDR3-SRR7 map keys and the tree variance request list 8 significant non-white oak trees to be removed then only identify 7 non-white oak trees to be removed? Where is the graphic representation of the 8th non-white oak tree slated for removal?
5. A key issue here centers on the balancing of the “intent to preserve” significant trees and White Oaks declaration of SRC 808 and the request by the Applicant for a tree variance to remove 45 significant trees on the site. We ask to see the analysis of how this balancing is to be conducted. What is the logic to how this has been applied (past, present, and here given the specifics of this site) in the decision to preserve or not versus tree removal? The Applicant has put forth a request that seems to favor total number of dwelling units over tree preservation. Building 29 is a good example of this. If there is a tree and a building at a location on the site, the request is to remove the



tree, not preserve it. The removal over preservation intent seems to be the matrix for this application. There are drawings showing tree drip line with inconsistencies. For example, Oak 36 drip line is over Building 14. There are not drawings or mention of the White Oaks along Doaks Ferry Road (#4 above).

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. We ask that the staff report detail what these are as the record is currently silent on this. The Applicant is choosing to site dwelling units in an existing Urban Forest of White Oaks. What precedents are there for making these determinations? Where is the tradeoff analysis to demonstrate that there are such special conditions that apply here? Please enumerate the special conditions. How are these special conditions balanced against the preserve intent of the code? Past examples? How are they relevant here? At a minimum there should be a site plan showing the dwelling unit placement and street alignment for which the site meets the current city codes without the requested variances. A solid base case from which a true comparison can be objectively gained. This is an existing urban forest of White Oaks and it seems reasonable to ask to see a picture of what the site would look like if the preservation intent was met blending development into the existing landscape. Then this could be compared to the existing proposed development where maximum dwelling placement is sought.

Additionally, 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.

We ask that staff address in their analysis the issue of lawfulness in light of the intent to preserve provision in the code. It seems like intent to preserve is the current lawfulness.



Clear, objective information is needed here that currently is not in the record. There are special conditions at this site. It is an urban forest comprised of a significant number of White Oaks. The urban forest is near the head waters of Wilark Brook, a cold-water tributary to an identified salmon habitat stream currently listed as water quality limited for temperature. Removal of headwater forest canopy can have a major impact on the terrestrial and limnological habitats of the area. The decision to locate dwelling units here must provide the detailed ecological, water quality, habitat, etc., analyses that address the special conditions of this urban forest and the city's stated intent to preserve White Oaks. Right now there is no such data in the record.

Bottom line here is that staff is obligated to explain their rationale for granting any variance with accompanying analyses, examples of precedence upon to judge the tradeoffs proposed and the balancing of preservation verses dwelling units. The code is clear with an intent to preserve. What criteria does staff use to override this intent to preserve? This is a significant urban forest with associated value. It exists now and provides numerous benefits within the current city urban landscape. There needs to be a demonstration of just how the placement of multi-family dwelling are blended into a existing urban forest of value. More affordable house is needed; however, this market rate proposed development has not as yet shown the economics of its value to that of the intent to preserve an existing urban White Oak forest. How does staff value a dwelling unit versus a White Oak and significant trees? We ask that this be provided as part of the staff report. What are the impacts on carbon sequestration?

6. What are the provisions for EV charging stations at this proposed development?

Respectively,

Steven A. Anderson, West Salem Neighborhood Association Land Use Chair