

## Shelby Guizar

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**From:** Liz Backer <lizmail217@gmail.com>  
**Sent:** Tuesday, March 15, 2022 3:15 PM  
**To:** Eunice Kim  
**Subject:** Re: Testimony for Case CA21-04  
**Attachments:** Clarification - testimony for CA21-04.Backer.docx

Thank you Eunice,  
I am further embarrassed that I forgot to include a piece of relevant information in my testimony. I hope it's not too late to submit this clarification.

Thanks again,  
Liz Backer

On Tue, Mar 15, 2022 at 1:34 PM Eunice Kim <[EKim@cityofsalem.net](mailto:EKim@cityofsalem.net)> wrote:

Hi Liz,

Yes, we will provide this to the Planning Commission.

Best,

Eunice

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**From:** Liz Backer <[lizmail217@gmail.com](mailto:lizmail217@gmail.com)>  
**Sent:** Tuesday, March 15, 2022 1:22 PM  
**To:** Eunice Kim <[EKim@cityofsalem.net](mailto:EKim@cityofsalem.net)>  
**Subject:** Testimony for Case CA21-04

Hello Eunice,

I am deeply sorry for submitting this testimony so late in the game. Will you please add this letter to the record for this case?

Thank you,

Liz Backer

Planning Commission

Public Hearing for Code Amendment Case No: CA21-04

3/15/2022

Hello,

Upon review of my testimony submitted earlier today, I realize that while I did include information regarding the proposed Comprehensive Plan's compliance with Goal 5, I did not include the following information and references as I had intended. In addition, I referred to an incorrect attachment.

The following was meant to be included/clarified in the first section regarding the Comprehensive Plan's compliance with Goal 5:

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The proposed amendments to the Comprehensive Plan amend the goals and policies regarding wildlife habitat to include:

- (p 75) "**N 1.1 Natural Resource Protection:** The quality and function of natural resources in the Salem Urban Area shall be protected, including wetlands, waterways, floodplains, and critical habitat";
- (p 76) "**N 1.11 Habitat Protection:** Habitat areas for native and non-invasive naturalized plants and wildlife that live and move through Salem should be protected"; and
- (p 76) "**N 1.12 Habitat Connectivity:** The City should identify and enhance critical connections between greenspaces and areas of natural habitat."

**Attachment 13** explains the reasons that the comprehensive plan amendments comply with Goal 5 in regard to wildlife habitat for the following reasons:

***"Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces***

*To protect natural resources and conserve scenic and historic areas and open spaces";*

"The proposed Comprehensive Plan contains goals and policies related to natural and scenic resources and open space, which help to conserve these assets as growth and development occur. Goal N1 Environmental Protection is aimed at protecting and enhancing natural resources, ecosystems, and the environment in Salem, and policy N 1.1 Natural Resources Protection specifically promotes protections for wetlands, waterways, floodplains and critical habitat";

"Furthermore, the proposed Comprehensive Plan calls out the specific implementation step of conducting a Goal 5 inventory of natural resources. This implementation project is expected to bring the City's regulations in line with changes to Goal 5 that have occurred after the existing Comprehensive Plan was acknowledged by the Land Conservation and Development Commission"; and

"For the reasons described above, the proposed Comprehensive Plan conforms with this goal."

**The findings do not adequately explain how the amendments to the goals and policies regarding wildlife habitat in the proposed comprehensive plan conform to Goal 5.**

When a local government's amendment of its plan potentially affects the plan's compliance with a Statewide Planning Goal, the local government is required to find and explain why the proposed amendment complies with the goal.

*See ODOT v. City of Newport, 23 Or LUBA 408, 414-15 (1992); and Doty v. Jackson County, 34 Or LUBA 287 (1998).*

- The proposed plan requires that “critical” habitats in the Salem Urban Area “shall be protected”, but does not explain what defines a “critical habitat”, nor does it provide any further suggestions, general or otherwise, as to *how* they will be protected.
- The proposed plan recommends that “Habitat areas for native and non-invasive naturalized plants and wildlife that live and move through Salem should be protected”, but does not explain what defines what areas within Salem are native and non-invasive, naturalized habitat, what wildlife live and move through Salem, nor how they should be protected (generally or otherwise.)
- The proposed recommends that “The City should identify and enhance critical connections between greenspaces and areas of natural habitat”, but does not define what are “critical connections between greenspaces and areas of natural habitat” are, nor how they should be enhanced. (Nor are they identified, although that appears to be a recommendation, not a requirement.)

I apologize for the additional submittal.

Thank you,

Liz Backer