

Public Testimony

Public testimony on the proposed amendments was received during the public hearing process at the Planning Commission and City Council. The following summarizes and addresses those public comments received through June 30, 2022. The written testimony provided for the Planning Commission public hearing concerning the proposed amendments is included in full [here](#). Additional written testimony provided for the City Council public hearing is included [here](#) and attached to the City Council staff report.

1. Several comments were received questioning why properties were proposed to be redesignated from Developing Residential (DR) to Single Family Residential (SF) on the Comprehensive Plan Map.

Staff Response: The change is proposed because the impacted properties are already developed, so SF designation is more appropriate. The SF designation generally applies to lower-density residential areas. The DR designation, on the other hand, is intended for largely vacant land that has the potential to be developed at urban densities. The proposed Comprehensive Plan Map change does not impact how the properties can be used or developed now or in the future, and the existing zoning of the properties is – and will continue to be – RS.

2. Comments, including those from property owners, were received in opposition to the proposed redesignation of land from Development Residential (DR) to Multiple Family Residential (MF) on the Comprehensive Plan Map on the north side of Orchard Heights NW and west of Grice Hill Park. Comments expressed concern about existing homes, trees, and wildlife being bulldozed and replaced by multifamily housing by developers. Comments also expressed concern that property values would be decreased by the proposed change, that the area is not suitable for conversion to multifamily uses, and that the proposed map changes result in a surplus of land for multifamily housing. Comments also expressed concerns regarding the need to plan for additional schools and transportation infrastructure. As an alternative, some commenters proposed designating a portion of Grice Hill Park for multifamily housing or redesignating land south of Orchard Heights Road NW for multifamily housing (e.g., MF designation).

Staff Response: Salem's Housing Needs Analysis (HNA) determined that there is a projected 207-acre deficit for land designated for multifamily housing (2,897 dwelling units) in Salem's portion of the UGB. The proposed change on Orchard Heights NW would increase the amount of land available for multifamily housing in the future. As noted in the comments, if the properties proposed to be redesignated to MF were removed from the Our Salem project (e.g., the MF designation was no longer proposed), Salem would still meet its projected housing needs as identified in the HNA and the City could still adopt the HNA as proposed with the Our Salem project.

In addition, the properties proposed to be redesignated to MF are located outside of City limits. Redesignating them does not require that they be developed; they can remain as they are today. The proposed redesignation would only apply if the properties were annexed to the City. If the properties were annexed, they could be zoned RM-I or RM-II.

If annexed to the City, the proposed change would allow, but not require, multifamily housing to be developed near a City park – Grice Hill Park – as well as West Salem High School. The area is also across the street from properties that are proposed to be redesignated to Mixed Use (MU). The MU designation, as implemented by mixed-use zones, would allow shops, services, jobs, and other destinations to be developed in the future; multifamily housing north of Orchard Heights NW would be within walking distance of those potential destinations.

If annexed to the City, requirements for preservation of trees and vegetation in SRC Chapter 808 would apply to these properties. The City Council recently adopted a code amendment that increases the number and types of trees that are required to be preserved in Salem. The proposed redesignation also does not eliminate the requirement for future development on these properties – if annexed – to meet the conditions of SRC Chapter 809 (Wetlands), SRC Chapter 601 (Floodplain Overlay Zone), and SRC Chapter 71 (Stormwater).

As mentioned above, the commenters proposed redesignating a portion of Grice Hill Park to MF as an alternative location for future multifamily housing. The Salem Comprehensive Parks System Master Plan, an element of the Comprehensive Plan, identifies Grice Hill Park as an undeveloped community park. Community Parks are larger scale parks that are intended to provide a range of recreation activities, such as group activities and organized sports. They generally range in size from 20-50 acres and serve the entire community. The City acquired the Grice Hill Park property to reserve the land from development for long-term future use as a community park while the opportunity exists to do so. This makes the Grice Hill Park property an important element of Salem’s park system, and redesignating it for housing would have a detrimental impact on recreation opportunities for current and future residents in Salem, especially those living nearby.

The other alternative proposed was properties south of Orchard Heights Road NW. Staff initially proposed that a portion of these properties (3100 block of Orchard Heights Road NW) be redesignated to MU. The Planning Commission voted to extend the proposed MU designation further south to encompass the entire properties south of the street at the request of the property owner. That recommendation has been incorporated into the proposal before the City Council.

In addition, staff has worked with the Salem-Keizer School District during the Our Salem project to discuss how proposed changes could impact future school needs, particularly the need for land for additional schools. The school district anticipates needing an additional middle school in the future to balance feeder systems and address future enrollment at the middle level. The Our Salem project does not impact or create that need, as it is a structural imbalance, according to the school district.

As mentioned earlier, the City worked with the MWCOG to analyze the transportation impacts of the Comprehensive Plan Map changes proposed as part of the Our Salem project (which are implemented by the proposed zone changes). The proposed changes did not result in a significant impact on Orchard Heights Road NW. Also, the City plans to

update the Salem Transportation System Plan (TSP) after the Our Salem project, and it is through that project that additional planning for transportation infrastructure will occur. In addition, City staff are working with Cherriots on their long-range transit plan, which is currently in progress. Cherriots staff have also been involved in the Our Salem project.

In terms of property values, changes to zoning alone will not cause changes in assessed value or taxes, according to the Marion County Assessor's Office. A property would have to be used for a new use allowed in the new zone to trigger reassessment (ORS 308.146).

3. Several comments were received opposing the proposed rezoning/redesignation of land to Mixed Use at Liberty Road S and Mildred Lane SE. The opposition was specifically to commercial uses or potential plans for mixed use, with concerns including traffic/safety, crime, noise/light pollution, and home value impacts as well as a preference to drive to shops.

Staff Response: The proposed zoning of the properties at Liberty Road S and Mildred Lane SE is MU-II. That zone allows but does not require commercial uses. Residential uses are also allowed, either as standalone uses or as part of mixed-use developments. In addition, the City is not building any project or development as part of the proposal, and the proposed rezoning does not require development to occur. The properties can remain as they are today.

As part of the Our Salem project, the City worked with the Mid-Willamette Valley Council of Governments (MWVCOG) to analyze the transportation impacts of the proposed Comprehensive Plan Map changes. The proposed changes did not result in a significant impact in the area near Liberty Road S and Mildred Lane SE. See Goal 12 findings in Exhibit C of Ordinance Bill No. 10-22 related to the proposed changes to Comprehensive Plan Map designations for additional detail on the transportation analysis and impacts.

In addition, a traffic signal is planned within the next few years as a result of a condition of development at 5721 Liberty Road S. That is expected to improve safety of vehicles entering and existing Mildred Lane SE and the safety of pedestrians crossing Liberty Road S at Mildred Lane SE. A future traffic signal is also planned for the intersection of Liberty Road S and Davis Road S.

SRC Chapter 51 regulates noise levels, and any development on the properties in this area would be subject to these regulations. Specifically, SRC 51.015 provides maximum sound levels based on the source and receiver of the sound. It is unlawful to exceed the maximum sound levels without an event sound permit. The Community Development Department enforces these noise regulations.

SRC Chapter 800 regulates exterior lighting, and any development on the properties in the area would be subject to these regulations. SRC 800.060 states the following: "Exterior lighting shall not shine or reflect onto adjacent properties, or cast glare onto the public right-of-away." It also requires that exterior light fixtures be "located and designed so that the light source, when viewed at a height of five feet above the ground at a distance of five feet away

outside the boundary of the lot,” either be completed shielded from direct view or no greater than five foot-candles in illumination. The Community Development Department enforces these light regulations.

Crimes or illegal activities are a police matter and should be addressed by the Salem Police Department, which has law enforcement jurisdiction in Salem. No evidence has been provided to support the idea that a future commercial or mixed-use establishment in the area would result in increased crime that would exceed what would otherwise occur from any other development of the properties.

As noted above, changes to zoning alone will not cause changes in assessed value or taxes, according to the Marion County Assessor’s Office. A property would have to be used for a new use allowed in the new zone to trigger reassessment (ORS 308.146).

4. A comment was received stating no objection to the removal of the Walker School Residential Overlay Zone on property that is proposed to remain zoned RS.
5. A comment was received questioning if there would be extra expenses due to the proposed changes on a property on Gabriela Court NE.

Staff Response: The proposed map change at 1500 Gabriela Ct NE does not include any additional fees or charges to the area from the City. In addition, the City is not building any project or development as part of the proposal. Instead, the proposal is to align the zoning of the property to the existing Comprehensive Plan Map designation. The existing Comprehensive Plan Map designation of that property is Multiple Family Residential, and the zoning is proposed to change to Multiple Family Residential-I.

6. A comment was received in support of the Our Salem project and urged the City to move it forward.
7. A comment was received in support of the updated Comprehensive Plan and specifically in support of the rezoning properties along Lancaster Drive NE, which creates consistency in zoning.
8. A comment was received, stating that the Planning Commission and City do not care about people’s quality of life, green spaces, or preserving wildlife habitat.

Staff Response: The proposed update to the Comprehensive Plan includes numerous goals and policies related to improving quality of life, preserving and increasing green spaces, and preserving wildlife habitat. The proposed changes to the Comprehensive Plan Map and zoning map seek to implement many of the goals and policies, including those around open space and wildlife habitat. The proposed map changes, for example, redesignate open space properties across Salem to Parks, Open Space, and Outdoor Recreation (POS) and rezone them to Public Amusement (PA) to help ensure their preservation as open space and habitat. The POS designation is intended in part for open spaces and natural areas.

9. A comment was received opposing the construction of an apartment complex next to Eola Ridge Park, citing safety due to excessive traffic on Eola Drive NW, additional crime, an emphasis on additional tax dollars, and the potential for a mudslide into homes on Mule Deer and Eola Drive, resulting in loss of life and property.

Staff Response: The property to the east of Eola Ridge Park is proposed to be rezoned to Multiple Family-I (RM-I). The proposed rezoning does not require the property to be developed; it can remain as it is today. In addition, if the property is developed, it is not required to be developed into an apartment complex. The RM-I zone allows a broad range of housing types, including single-family homes, townhouses, middle housing, and multifamily housing, and has a proposed minimum density of 11 units per acre.

The initial proposal was to rezone the property to Multiple Family-II (RM-II), which would have allowed for higher-density housing in the future. The proposal was changed to the lower-density RM-I zone last year in response to concerns from West Salem residents, including neighbors.

The proposed zone change helps the City meet its projected housing needs, as is required by the State. (Additional tax revenue was not a consideration in the proposal to rezone land for multifamily housing.) The HNA determined that there is a projected 207-acre deficit for land designated for multifamily housing (2,897 dwelling units) in Salem's portion of the UGB. The proposed change on Eola Drive NW would help address this projected deficit by increasing the amount of land available for multifamily housing in the future.

As mentioned earlier, the City worked with the MWCOC to analyze the transportation impacts of the Comprehensive Plan Map changes proposed as part of the Our Salem project (which are implemented by the proposed zone changes). The proposed changes did not result in a significant impact on Eola Drive NW. See Goal 12 findings in Exhibit C of Ordinance Bill No. 10-22 related to the proposed changes to Comprehensive Plan Map designations for additional detail on the transportation analysis and impacts.

If the property were developed in the future, it would be subject to SRC Chapter 810, which provides the criteria for determining the total landslide hazard risk and required level of site investigation for the site. An applicant may be required to submit a geological assessment, a geotechnical report, or both, if landslide hazards designated as moderate or high total landslide risk.

Crimes or illegal activities are a police matter and should be addressed by the Salem Police Department, which has law enforcement jurisdiction in Salem. No evidence has been provided to support the speculation that an apartment complex, if developed, would result in increased crime that would exceed what would otherwise occur from any other development of the properties.

10. A comment was received, concerned about notices not being sent to homeowners next to Eola Ridge Park.

Staff Response: SRC 300.1110(e)(1)(A) requires that the City mail notice of the first evidentiary public hearing in a legislative land use proceeding not more than 40 days, but not less than 20 days prior to the first hearing. Legislative zone changes and amendments to the Comprehensive Plan, Comprehensive Plan Map, Neighborhood Plan Maps, and UDC require notice to the Director of the Department of Land Conservation and Development no later than 35 days before the first public hearing pursuant to SRC 300.1110(d). Because the proposed code amendment and Comprehensive Plan Map and zoning map changes restrict some land uses, ORS 227.186 requires written individual notice to the owner of each affected property. This notice is commonly referred to as a “Ballot Measure 56 notice.” All required notices have been provided in accordance with the above requirements.

In addition to providing notice as required, the City has conducted extensive public engagement to not only provide the public with information about the Our Salem project but to solicit input that shaped the proposed amendments that are the subject of the current public hearing process. A summary of the City’s outreach through early March 2022 can be found [here](#).

11. A comment was received, requesting that the existing zoning of properties off of Wallace Road NW – RM-II – be retained due to future development plans for low-income housing funded in part by the City.

Staff Response: The properties referenced above are proposed to be rezoned to Retail Commercial (CR). The CR zone would allow commercial services to be established in and to serve an area in West Salem that is predominantly developed with multifamily housing. The CR zone would allow multifamily housing through a conditional use permit. Retaining the existing RM-II zone would allow multifamily housing outright, which would help meet Salem’s projected housing needs, but commercial uses would largely be prohibited. The requested change – retaining the RM-II zone – has been incorporated into the Our Salem proposal.

12. A comment was received from the Oregon Department of Land Conservation and Development (DLCD) in support of the Our Salem proposal, including the proposed Comprehensive Plan update.
13. A comment was received in support of the rezoning property on Macleay Road SE to Multiple Family Residential.
14. A comment was received in opposition of rezoning property owned by Cascade Warehouse to Mixed Use-Riverfront (MU-R).

Staff Response: The property owned by Cascade Warehouse is not proposed to be rezoned to MU-R. It is currently zoned General Industrial (IG), and this is not proposed to be changed as part of the Our Salem project.

Overall, the proposed MU-R zone and its proposed location along the Willamette River north of downtown Salem is the result of extensive community input. The proposed zone was initially created through a project led by the Urban Development Department that

sought, in part, to streamline the many zones and overlay zones in the north downtown area. The proposed zone also implements the community's vision for a mixed-use area along the river there.

The proposed MU-R zone allows existing uses to remain and to be altered, enlarged, and rebuilt. The proposed zone also encourages the adaptive reuse of existing industrial buildings by allowing new wholesaling and general manufacturing uses in such buildings as follows: up to 50 percent or 10,000 square feet – which is more – per development site, provided associated retail sales is also on site.

The City adopted the Salem Economic Opportunities Analysis (EOA) in 2015, and that determined that the Salem area has a projected surplus of industrial land. The City expects to conduct a new EOA after the Our Salem project is complete.

15. A comment was received questioning how the proposed Comprehensive Plan would affect existing multifamily development on 17th St. SE.

Staff Response: The properties in question are zoned Residential Duplex (RD) and are proposed to be rezoned Single Family Residential (RS). The proposed rezoning is due to HB 2001. That is a recent state law that requires cities like Salem to allow middle housing (townhouses, duplexes, triplexes, quadplexes, and cottage clusters) in single-family zones/areas. The City Council recently adopted code changes that implement HB 2001, which means middle housing is now allowed in the RS zone. The RD zone, which allows single-family and two family uses, is no longer necessary. Staff has therefore proposed to eliminate the RD zone as part of the Our Salem proposed code amendment and rezone RD properties to RS. In the RS zone, existing, legally established uses would be “continued uses.” That means, existing multifamily buildings could be altered, enlarged, or rebuilt. They would not become nonconforming uses.

16. A comment was received in support of the proposed zone change from Public and Private Educational Services (PE) to Multiple Family Residential I (RM-I) at 255 and 375 College Dr. NW because it would allow the current nonconforming use on the property as a permitted use. Other comments were received in opposition, citing inadequate transportation options, stormwater impacts, and concerns that multifamily would not be compatible with the surrounding development. One comment was received expressing that multifamily development would only be appropriate on the lower portion of the lot. One comment suggested rezoning the property to Single-Family Residential (RS) or amending the PE zone to allow the church as a special use. Another comment opposed adding any housing on College Drive NW, including low-income housing, citing concern about traffic, lack of sidewalks, automobile safety, and access to services and transit.

Staff Response: The map change on College Drive NW is proposed at the request of the property owner, Life Church; specifically, the owner seeks the RM-I zone to allow the existing church on the property as a special use. The PE zoning only allows religious assembly uses when they are accessory to an educational use, and since Salem Academy left this site, the church has not been a permitted use. The church also has stated that it has no intention of developing multifamily housing on the property. Instead, it has a long-term

vision of developing assisted living on the property, and the RM-I zone would allow this use. However, if the RM-I zoning is applied, the site could be used for any of the uses permitted in the RM-I zone.

Infrastructure improvements would be required by the developer at the time of development to ensure that public facilities can accommodate that new development, including roadway improvements. A developer would also be required to design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Street Design Standards. Stormwater quality facilities would be required to reduce the risk of impacts to the adjacent properties. In addition, if the properties were developed in the future, the development would be subject to other portions of the Salem Revised Code that aim to promote public health and safety, including SRC Chapter 810 (Landslide Hazards) that seeks to mitigate landslide risks.

If the Life Church property were to be rezoned to RS as opposed to RM-1, churches would be allowed as a special use. In other words, churches are allowed in the RS zone but must meet additional standards set forth in SRC Chapter 700.005. If a church cannot meet those additional standards – such as maximum lot size and seating capacity – an applicant can deviate from those standards through conditional use approval. An assisted living facility would not be allowed to be developed on the Life Church property if it were rezoned to RS.

If the PE zone was amended to allow churches as a special use, as suggested in one of the comments, that would impact all properties that are zoned PE in Salem such as school properties. The PE zone is intended for public and private educational services. Staff would not recommend allowing churches as a special use in the PE zone. In addition, an amendment to the PE zone was not initiated as part of the Our Salem project, so if Council wanted to direct staff to make that code change, it would have to be separated out as its own code amendment. Due to limited staff, such a code amendment could take more than a year to complete.

17. A comment was received expressing support for affordable housing and housing development in Salem to support the growing community.
18. A comment was received requesting clarification on the purpose of proposed zoning changes to specific properties in the South Central Association of Neighbors (SCAN) neighborhood.

Staff Response: Some of the changes to zoning and the Comprehensive Plan Map are proposed to resolve conflicts between the existing Comprehensive Plan Map designation and existing zoning. As part of the Our Salem project, staff has proposed to resolve the mapping conflicts across Salem. The property, for example, on Waldo Ave SE is designated Multiple Family (MF) on the Comprehensive Plan Map today, but it is split zoned RS and Multiple Family Residential II (RM-II). The proposal is to rezone the RS portion to RM-II to align the zoning with the existing Comprehensive Plan Map

designation and apply one consistent zoning to the property, which is already developed with multifamily housing. Changes that resolve conflicts between zoning and Comprehensive Plan Map designation help to eliminate the need for future land use actions that could increase the costs of development or negatively affect property owners.

19. A comment was received questioning whether this case is related to a parks and recreation bond.

Staff Response: The proposed Comprehensive Plan is not directly related to the potential future bond measure.

20. A comment was received from the owner of the property at 1325 Hilfiker Ln. SE and the adjacent properties to the north and west in opposition to rezoning this land to a multifamily zone, expressing concerns about loss of habitat and recreational opportunities if the property is developed. (See proposed zoning map 137)

Staff Response: These properties are currently zoned Residential Agricultural (RA), which allows for development of housing and limited other uses. Rezoning the properties does not require that they be developed. Specifically, the properties are proposed to be rezoned to RM-II to help Salem meet its projected housing needs. The Salem Housing Needs Analysis (HNA), which is proposed for adoption with the proposed changes to the Comprehensive Plan Map and zoning map, identified a need for more land for multifamily housing. The properties on Hilfiker Lane SE are located near services, Cherriots Core Network, and parks. This aligns with where the community, during the Our Salem project, has stated it would like to see multifamily housing in the future.

Requirements for preservation of trees and vegetation in SRC Chapter 808 would continue to apply to these properties if they are rezoned to RM-II. The City Council recently adopted a code amendment that increases the number and types of trees that are required to be preserved in Salem.

21. Comments were received about property at the intersection of Holder Lane SE and Lone Oak Road SE, citing concerns about water and trees. The comments requests that the owner or buyer be required to determine if the property is a wetland or watershed and if it is safe to remove trees or build on the land. Comments suggested that this land would be better suited for a park or natural area. One of these comments also asked for clarification on two staff responses in the supplemental staff report for the March 15, 2022 Planning Commission hearing regarding setbacks in the Mixed Use II (MU-II) zone. Other comments asked if the buyer of the 13-acre site could be required to leave a border of trees to create privacy for adjacent single-family homes and to leave woods for animals. A subsequent comment requested that “at least some of the trees” are protected, drain or flooding issues be resolved before any sale or construction begins, and a “positive spin” on providing affordable housing be put on if building is feasible and safe.

Staff response: These properties are currently zoned Residential Agriculture (RA), which allows for development of housing and limited other uses. The proposal is to rezone the

properties to Mixed Use-II (MU-II), which would allow a range of housing and commercial uses. Rezoning the properties does not require that they be developed. Development could also occur under the existing zoning.

The local wetlands inventory does not indicate wetlands on the properties; the proposed zone change does not eliminate the requirement for future development to meet the conditions of SRC Chapter 809 (Wetlands), which aims to avoid or minimize risks to people and property from natural hazards. In addition, if the properties were developed in the future, the development would be subject to other portions of the Salem Revised Code that aim to promote public health and safety, including SRC Chapter 810 (Landslide Hazards) that seeks to mitigate landslide risks. A developer would also be required to design and construct a storm drainage system at the time of development – not at the time of sale – in compliance with SRC Chapter 71 (Stormwater) and Public Works Street Design Standards. Stormwater quality facilities would be required to reduce the risk of impacts to the adjacent properties.

In addition, requirements for preservation of trees and vegetation in SRC Chapter 808 would continue to apply to these properties if they were rezoned to MU-II. The City Council recently adopted a code amendment that increases the number and types of trees that are required to be preserved in Salem. For example, the definition of “significant trees” – which cannot be removed without a tree removal permit, tree conservation plan, or tree variance – was expanded to include any tree in addition to white oaks that have a diameter at breast height (dbh) of 30 inches or greater, excluding tree of heaven, empress tree, black cottonwood, and black locust.

In addition, side and rear setbacks in the MU-II zone are intended to provide a buffer to adjacent residential development. Specifically, side and rear setbacks adjacent to residential zones are based on building height, so taller buildings that are developed are required to be set back farther from residential zones. Buildings must be set back from adjacent residential zones a minimum of 10 feet plus 1.5 feet for each foot of building height above 15 feet. That setback area must be landscaped – including with trees – and must include a 6-foot tall wall or fence.

The City incentivizes the development of affordable housing in a variety of ways. For example, affordable housing – affordable to households with an income at or below 80 percent of the area median income – is exempt from system development charges (SDCs). Minimum off-street parking requirements are also reduced for affordable multifamily housing, and the City has a tax incentive program, the Multi-Unit Housing Tax Incentive Program (MUHTIP), to incentivize the development of transit supportive, multiple-unit housing in the core areas of urban centers.

22. Comments were received from SCAN expressing general support for the proposed Comprehensive Plan and Comprehensive Plan Map and requesting that the MU-II zone be applied to properties located along Commercial St. SE within SCAN boundaries instead of other mixed-use zones. SCAN’s request was specifically to extend the MU-II zone on the east side of Commercial Street SE from Mission St. SE to Vista Ave. SE and on the west

side of Commercial St. SE from Mission St. SE to Myers St. SE and from Superior St. S to Pioneer Cemetery. (See proposed zoning maps 119, 122, and 124.) SCAN's comments also responded to the recommendations of the Our Salem zoning subcommittee. Specifically, SCAN supports increasing the minimum density in mixed use zones to 15 dwelling units per acre; suggests a higher minimum density in large subdivisions and supports requiring at least 15% of units in large subdivisions be middle housing; opposes requiring a minimum density of 15 dwelling units per acre in single-family zones within ¼ mile of the Cherriots Core Network; suggests a 70 foot maximum setback from residential zones in the MU-III zone rather than 50 feet; and opposes eliminating parking minimums in mixed-use zones within ¼ mile of the Cherriots Core Network.

Staff Response: Properties adjacent to Commercial St. SE between Mission St. SE and Myers St. SE are proposed to be zoned Mixed Use-I (MU-I), as well as properties on the east side of Commercial St. SE between Mission St. SE and Leslie St. SE. These properties are currently zoned CR.

Staff proposed to rezone this corridor to MU-I for several reasons. The community has voiced support for increasing density – including specifically residential density – in and around the downtown area, as it includes many jobs, services, shops, and amenities as well as having frequent transit service. The MU-I zone permits taller buildings – and therefore more potential housing – than the MU-II zone, as the maximum height in the MU-I zone is 65 feet compared to 55 feet in the MU-II zone. As noted by SCAN, the lots are relatively small on Commercial Street SE south of Mission Street SE; by allowing additional height, the MU-I zone could help make multifamily housing and/or mixed-use development more feasible.

In addition, the proposed zoning considers the existing zoning of the properties adjacent to this area, which are zoned RM-II and CO; both zones allow development of up to 70 ft. Also, this portion of Commercial Street SE is oriented toward retail, restaurants, and services, which better aligns with the MU-I zone than the MU-II zone. The MU-I zone is intended to promote a pedestrian-oriented development, with an emphasis on active commercial uses on ground floors facing major streets.

South of Superior Street SE, the majority of properties adjacent to Commercial St. SE in the SCAN neighborhood are zoned CR. Some are also zoned CO and CG. These properties are largely developed with commercial uses, some of which have automobile-oriented development. The Mixed Use-III (MU-III) zone is proposed in these areas because staff is seeking to balance the broad mix of commercial uses currently allowed in this area with the community's vision for this area to become a more pedestrian-friendly, mixed-use corridor.

The MU-III zone specifically allows very similar commercial uses to the existing CR zone, but it promotes housing and mixed-use development by allowing multifamily housing outright and incentivizing mixed-use development. The MU-III zone specifically encourages infill development – particularly if it includes housing – and redevelopment in existing auto-oriented commercial areas without restricting the range of uses currently allowed. It also promotes pedestrian-oriented development through simple design standards

without requiring full-scale redevelopment. Existing overlay zones in this area will continue to ensure that development is sensitive to adjacent residential uses where they are applied.

Nonetheless, staff has no objection to SCAN's request to rezone this southern portion of Commercial Street SE to MU-II. However, the Planning Commission considered SCAN's request and voted not to recommend it, so the change has not been incorporated into the Our Salem proposal. In addition, if the Council wanted to rezone this southern portion of Commercial Street SE to MU-II, the properties would need to be removed from the Our Salem project, as proper notice of this potential revision to MU-II was not provided to the property owners prior to the public hearing. A separate ordinance would need to be prepared, and a separate public hearing would need to be held on this revised map change after proper notice was provided to the property owners.

The zoning subcommittee of four Planning Commissioners and four City Councilors made several recommendations on code changes to help reduce greenhouse gas emissions from transportation. Many of the code changes aimed at increasing the amount of housing that can be developed near frequent transit service (e.g., Core Network). These recommendations resulted from extensive research and discussion about the feasibility of proposed changes, the potential impacts, and desired outcomes. The public, including developers and builders, were included in the discussions with the subcommittee. Staff does not support the changes suggested by SCAN. The recommendations that SCAN opposes or suggests changes to are described below.

Parking: The subcommittee recommended eliminating minimum parking requirements for mixed-use developments in mixed-use zones within ¼ mile of the Cherriots Core Network. This is intended to encourage infill development with housing in areas that are already developed with commercial uses. Specifically, multifamily housing could be developed in place of existing parking lots, as parking would no longer be required for commercial uses. Developers could still choose to provide parking, but it would not be required.

Density: The subcommittee recommended requiring a minimum density of 15 units per acre in single-family zones within ¼ mile of Cherriots Core Network. The intent is to increase housing density – through the development of middle housing – on the remaining vacant lots near frequent transit service. There would be exemptions, including vacant lots in recently-approved subdivisions.

Setback: The subcommittee recommended setbacks in the MU-III zone to be based on height when adjacent to residential zones; this is similar to setbacks in the MU-I and MU-II zones. The subcommittee, however, also recommended capping that setback to a maximum of 50 feet, which would balance the provision of a buffer for residential homes with the development potential of properties zoned MU-III. A 50-foot setback would be greater than what is required in many other zones, including the General Industrial (IG) zone, which requires a 40-foot setback adjacent to residential zones.

Subdivisions: The subcommittee recommended a minimum density of 5.5 dwelling units

per acre in subdivisions of 10 acres or larger. (Currently, there is no minimum density in the single-family zones.) It was paired with a recommendation that 15 percent of housing units in such subdivisions were middle housing units. The intent is to increase the amount of housing, as well as the variety of housing types and affordability levels, in large subdivisions.

23. Several comments, including one from the Northeast Neighbors (NEN) Neighborhood Association, were received expressing support for the proposed Comprehensive Plan and gratitude for the outreach staff has done. The comments also requested that portions of the NEN neighborhood be rezoned from multifamily zones to Duplex Residential (RD) in line with the NEN-SESNA Neighborhood Plan. One comment also expressed concerns about the equity implications of locating multifamily housing near major corridors and safety near railroad tracks.

Staff Response: The NEN-SESNA Neighborhood Plan recommends rezoning some areas with RM-II zoning to RD. However, the RD zone is proposed to be eliminated through the proposed code amendments. This zone is no longer necessary since the HB2001 changes went into effect because the RS zone now allows duplexes. Therefore, the RD zone would not be appropriate.

The largest area that the NEN-SESNA Neighborhood Plan recommended downzoning was in south of Center Street NE along 17th Street NE. During the Our Salem project, staff proposed rezoning the properties in this area west of 17th Street to RS. However, property owners and others did not support the proposed change. In other areas identified in the NEN-SESNA Neighborhood Plan for downzoning, there are some existing multifamily developments that would not have been allowed in the RS zone. If the Planning Commission and ultimately City Council would like to see specific properties downzoned from RM-II to RS, they could direct staff to include those proposed changes in a future City-initiated rezoning project. Only properties that were included in the Our Salem proposal initiated by City Council in December 2021 can be considered for zone changes during this adoption process.

In addition, staff heard from the community during the Our Salem project that multifamily housing should be distributed around Salem; that it should be located close to services, jobs, and transit; and that considerations should be taken to mitigate potential sources of air and noise pollution near multifamily development. Staff has distributed proposed new multifamily zoning around Salem, while considering its proximity to amenities and distance from potential pollution sources, like industrial zoning. Staff has also proposed more mixed-use zoning, so multifamily housing can more easily be located in close proximity to jobs, services, and transit. In the proposed MU-III zone, exclusive residential development is required to be set back farther from major roadways, and additional landscaping is required to help mitigate the negative effects of nearby auto traffic.

Rail safety has been considered in the development of the proposed Comprehensive Plan. One of the transportation policy ideas that will be moved forward for consideration during the planned update to the Transportation System Plan is specific to rail crossing safety.

24. A comment was received in opposition to the proposed zone change at 2840 Broadway St. NE to MU-III due to concerns that the zone would prohibit an existing gas station from continuing to operate. (See proposed zoning map 60)

Staff Response: The property at 2840 Broadway St. NE is currently zoned CR. It is proposed to be rezoned to MU-III, which allows gasoline service stations, so the proposed change will not affect the ability of this gas station to continue to operate (or new gas stations from being developed).

25. A comment was received requesting that a property near Lamberson St. NE that is currently zoned RM-II be rezoned due to concerns that it is adjacent to a railroad line, it would create more traffic if it were developed, and development would result in a loss of trees.

Staff Response: The property is currently zoned RM-II,, and a zone change on this property is not included as part of this proposal, which was initiated by City Council in December.

26. Several comments were received expressing support for having a small market at 800 Highland Ave. NE. Also included was a list of signatures in support of this concept. (See proposed zoning map 57)

Staff Response: The property is currently zoned RS, which does not allow retail sales and services. The proposed zoning for this property is Neighborhood Hub (NH), which allows small-scale retail sales and services uses, including markets. Therefore, the proposed zoning aligns with and supports these requests.

27. A comment was received in support the Our Salem Project and mixed use and multifamily zoning northwest of the intersection of Orchard Heights Rd. NW and Doaks Ferry Rd. NW. (See proposed zoning maps 189)

28. Several comments, including one from the North Lancaster Neighborhood Association, were received in opposition to the proposed zone change to NH at 2390 Brown Rd. NE due to concerns about traffic safety, a desire to maintain safety improvements, and concerns about the proximity to existing commercial areas. A list of signatures was also included. (See proposed zoning map 33)

Staff Response: The NH zone allows small-scale shops and services in residential neighborhoods and is intended to promote complete neighborhoods where residents can walk to meet some of their daily needs. This location was proposed for the NH zone because it is relatively far from existing services (.75 miles), it is in close proximity to complementary amenities (e.g. a park and community garden), it is served by sidewalks and bike lanes that help improve access, and it is located along a bus route with 15-minute service. These were all factors the community indicated were important to consider when locating neighborhood hubs.

The NH zone will continue to allow single-family homes, and there is no requirement that a small business be developed or established if the property is rezoned to NH. The existing single-family home on the Brown Road property can remain.

Brown Road NE was recently improved to a collector street standard with sidewalks and bike lanes, including an enhanced pedestrian crossing at Brown Road NE and Maria Ave. NE. This increases the walkability of this area, which aligns with the broader intention of the NH zone. Any commercial redevelopment would need to meet City standards related to transportation safety.

29. A comment was received from the owner of Grocery Outlet expressing support for expanding the Central Business District (CB) zone on the north side of downtown and requesting flexible code requirements for older developments, like the Grocery Outlet, including requirements for signage. (See proposed zoning map 68)

Staff Response: The existing zoning of the Grocery Outlet property is CB, and no change to the current zoning of this property is proposed. Existing standards in Salem Revised Code address nonconforming development that allow older structures that do not meet current standards to be improved. Additionally, the City is in the process of amending the sign code (SRC Chapter 900), including updated standards for the location of signage and the process for requesting a sign adjustment. The Planning Commission is conducting work sessions in April and May 2022, and public comments and feedback on the proposed updates are currently being accepted. Public Hearings on the sign code amendments are anticipated to begin in June 2022.

30. A comment was received in support of MU-III zoning on Fisher Rd. NE. (See proposed zoning map 25)

31. A comment was received expressing concerns that the proposed Comprehensive Plan, code amendments, and maps do not comply with Oregon State Land Use Planning Goal 5.

Staff Response: The existing Salem Area Comprehensive Plan has been adopted by the City and acknowledged by the Land Conservation and Development Commission as being in compliance with the statewide goals, state statutes, and state administrative rules. The Oregon Department of Land Conservation and Development (DLCD) has reviewed the changes proposed through the Our Salem project and has submitted a letter of support dated March 8, 2022.

The Our Salem project – including the proposed updates to the Comprehensive Plan and Comprehensive Plan Map – does not trigger a requirement to conduct Goal 5 inventories, because the Our Salem project does not amend a resource list or a portion of an acknowledged plan or land use regulation adopted to protect a significant Goal 5 resource or address a specific requirements of Goal 5; it does not allow new uses that could be conflicting uses with a particular significant Goal 5 resource on an acknowledged resource list; and it does not amend the UGB.

It should be noted that the City does not have any significant Goal 5 resources (other than historic resources). The City is proposing to change the zoning of several properties in Salem to help protect natural resources on City-owned land. Specifically, the City is proposing to change the Comprehensive Plan Map designations of such properties to Parks, Open Space, and Outdoor Recreation (POS) and change the zoning to Public Amusement (PA). Such changes would provide greater protection to natural resources and would not be in conflict with Goal 5.

The cases cited in the testimony involve circumstances that clearly required Goal 5 review. In *ODOT v. City of Newport* 23 Or. Luba 408, the City sought to amend the UGB and allow multi-family residential housing on a portion of newly-included property that had previously designated as a resource site under Goal 5. Because the site was previously identified and the proposed use appeared to conflict with that use, the City was required to perform an EESE (economic, social, environmental and energy consequence analysis). Comments submitted have not identified particular properties to be affected; they only cite the fact that the City in the future plans to identify and protect Natural Resources, Habitat and Habitat connectivity. Those actions do not appear to be sufficient to trigger a Goal 5 review.

In *Doty v. Harris* 34 Or Luba 287, the County attempted to rezone a property that had previously been identified as a natural resource (Grizzly, deer and elk habitat) to zoning designation that would allow residential development. LUBA found that the change required an EESE, which the County had conducted, but found the EESE lacking. Again because the City has no significant resources (other than historic resources) and the changes provide greater protection, a Goal 5 analysis is not needed.

32. Comments were received expressing support for dispersing low-income housing across Salem, especially in South and West Salem. One comment also suggested that multifamily housing should be located in compact, mixed-use neighborhoods. The comment asserts that challenges associated with climate change have an outsized impact on low-income residents, and quality housing for low-income residents can help build resiliency.

Staff Response: The proposed Comprehensive Plan includes policies related to dispersing affordable and low-income housing across Salem and encourages development of mixed-income neighborhoods. It also includes policies that encourage the development of compact, mixed-use neighborhoods. The proposed zoning and Comprehensive Plan Map changes reflect these policies by proposing land for multifamily housing and mixed-use development across Salem, including in South and West Salem. The proposed changes help to make the distribution of multifamily land more equitable across different parts of the city. See additional responses below related to the housing policies.

33. A comment was received from the Salem Area Chamber of Commerce expressing concerns for businesses that could become continued uses as a result of proposed zone changes, citing challenges to rebuilding after a building is destroyed. The example given was the West Salem Central Business District (WSCB).

Staff Response: The WSCB zone is not proposed to be expanded by the proposed zone changes, and its existing provisions related to continued uses are not proposed to be changed. The City currently allows development housing continued uses to be rebuilt following damage or destruction. The proposed code amendment would expand the flexibility provided to properties through continued use and continued development provisions. For example, the proposed MU-III zone would allow buildings housing a continued use to be structurally altered and enlarged, as well as rebuilt following destruction, including the option to rebuild in the same location. Staff has worked extensively through its public engagement efforts with property owners, business owners, the Chamber of Commerce, and others to ensure the needed flexibility exists in the proposed new zones.

34. A comment was received opposing additional multifamily housing in West Salem, expressing concerns about the traffic and parking implications. The comment requests that no new multifamily housing be built until more travel lanes for cars are added and that parking requirements for multifamily be increased to 2 spaces per unit.

Staff Response: As part of the Our Salem project, the City worked with the Mid-Willamette Valley Council of Governments (MWVCOG) to analyze the transportation impacts of the proposed Comprehensive Plan Map changes. Based on that analysis, the proposed changes comply with the State Transportation Planning Rule. See Goal 12 findings in Exhibit C of Ordinance Bill No. 10-22 related to the proposed changes to Comprehensive Plan Map designations for additional detail on the transportation analysis and impacts.

The City Council recently changed the parking requirements for multifamily development to 1 space per unit. That change went into effect March 16, 2022.

35. A comment was received from the Cherriots Board of Directors supporting the Our Salem Project, the Our Salem Vision Statement, the attention to equity in the plan, the alignment of the plan with the transit system, strategies to reduce greenhouse gas emissions, and references to transportation and parking management.
36. A comment was received requesting that measures to promote wildfire safety and preparedness be included in the plan.

Staff Response: The proposed Comprehensive Plan includes a chapter on climate change and natural hazards, including wildfires. This chapter contains policies related to natural hazard preparedness, awareness, and the urban-wildland interface. Additionally, the State is in the process of rulemaking related to wildfire risk and mitigation (SB 762), and the City will implement any resulting rules that apply to local jurisdictions.

37. A comment was received requesting a summary of the March 15, 2022 public hearing.

Staff Response: The public is able to view the March 15, 2022 Planning Commission meeting online on the City's [YouTube channel](#).

38. A comment was received opposing the proposed zone change from CO to MU-I at 4343 and 4345 Sunnyside Rd. SE due to concerns that high-density development would degrade wildlife habitat, increase flood risk and pollution from stormwater runoff, and traffic safety issues. (See proposed zoning map 134)

Staff Response: Rezoning the properties does not require that they be developed or redeveloped. Both the existing CO zone and proposed MU-I zone allow multifamily and mixed-use development. The maximum height in the existing CO zone is 70 feet, and the maximum height in the proposed MU-I zone is 65 feet. Therefore, the proposed zone change does not affect the potential for these properties to be developed with high-density development. In addition, the MU-I zone includes setback standards that would provide a greater buffer between these properties and adjacent residential properties than would be required in the CO zone if these properties develop in the future.

The proposed zone change also does not eliminate the requirement for future development on these properties to meet the conditions of SRC Chapter 809 (Wetlands), SRC Chapter 601 (Floodplain Overlay Zone), SRC Chapter 808 (Preservation of Trees and Vegetation), SRC Chapter 809 (Wetlands), and SRC Chapter 71 (Stormwater).

Development of these properties (whether zone CO or MU-1) would need to ensure adequate sight distance at the driveway approach. If a Traffic Impact Analysis is required with development, this would be included in the analysis prior to approval of construction plans.

39. A comment was received requesting that the properties at 4700 Battle Creek Rd. SE, 4786 Battle Creek Rd. SE, and 4826 Battle Creek Rd. SE (near the intersection of Kuebler Blvd SE) be rezoned from the existing RA zoning to MU-III rather than MU-I as proposed. The comment asserts that this will make these properties more attractive for development because the MU-III zone allows drive-throughs, while the MU-I does not. (See proposed zoning map 105)

Staff Response: The MU-I zone is intended to promote pedestrian-oriented mixed-use development. This type of development could improve walkability for future residents of these properties as well as for surrounding residents. The MU-I zone also allows a range of shops and services, which could serve this growing residential area.

The MU-III zone is generally proposed for areas that are already developed with commercial uses, including those that are auto-oriented. It promotes infill development – particularly housing development – through a variety of development standards and incentives. However, this area is not currently developed, so there is an opportunity to create a new pedestrian-friendly mixed-use area through the MU-I zone. Additionally, staff analysis has resulted in concerns about traffic congestion and stacking that would result from MU-III zoning in this area.

40. A comment was received requesting information about the service standards used in the

development of the Comprehensive Parks System Master Plan and asking how the Community Development Department was involved in that planning effort. The commenter also inquired about how “market usage outcomes for public transit” were utilized in proposing MU-II and MU-III zoning. The commenter inquired about the level of expertise of the Community Development Department and asked about how market economic analysis contributes to long range planning processes.

Staff Response: Park acreage standards for Salem parks are set by [Comprehensive Park System Master Plan](#) (CPSMP) policy 4.1, which states, “The City shall provide a system of improvements to meet the needs of the current and future population with the park acreage planning goal of seven acres per 1,000 residents: 2.25 acres of neighborhood, 2.25 acres of community and 2.5 acres of urban park land. Acreage standards for linear parks/trails, special use facilities, historic sites, and natural areas are not established.” Public Works Parks Planning leads the application of these standards and follows the recommendations included in the CPSMP. Community Development staff supports and collaborates with Public Works Parks Planning staff regularly, and Parks planning staff supported and contributed to the development of the proposed Comprehensive Plan.

Numerous studies, reports and projects have recommended encouraging mixed-use development and higher-density development near transit. This is often recommended as a strategy to reduce vehicles miles traveled and thus greenhouse gas emissions related to transportation. This includes the Oregon Statewide Transportation Strategy, which encourages removing barriers to mixed-use development and pairing mixed-use development with expansion of transit, walking, and bicycle networks. Salem’s Climate Action Plan, which was accepted in February 2022, specifically includes a strategy that calls for incentivizing and promoting “dense and vertical development (residential and commercial) within a 1/4 mile of the existing and future core transit network.”

Over the last three years, Our Salem project staff collaborated with a variety of partners, including other City departments, Cherriots, jurisdictional partners, business and property owners, neighborhood associations, community groups, and countless others to propose zone changes – including the location of different mixed-use zones – across Salem. Staff factored that input into its decision-making, which also included consideration of local context, professional expertise, and direction from policymakers. City staff do not set service standards for transit. However, City staff are supporting Cherriots’ first ever long-range transit plan to help ensure coordination between land use planning and transit planning continues.

41. A comment was received from the West Salem Foursquare Church located at the northeast corner of Doaks Ferry Road NW and Eola Road NW inquiring as to what type of future development might take place on the vacant portion of their property, which is proposed to be rezoned to MU-II.

Staff Response: This property is currently zoned RA, which allows single-family and middle housing development, as well as uses that support residential development, like religious assembly. The proposed MU-II zone allows three-family, four-family, and

multiple family development as well as a variety of commercial uses, like eating and drinking establishments, retail sales, personal services, and offices. It also allows religious assembly uses. The MU-II zone encourages pedestrian-oriented design to promote walkable development patterns.

This zoning is proposed in this location because there are many residents in this area – which includes adjacent multifamily and single-family housing – and there is currently very limited access to nearby commercial services and amenities. During the Our Salem project, the community voiced a desire for more convenient access to goods and services as well as concerns about traffic on many of the primary roads in West Salem. By providing the possibility for commercial uses in this area, nearby residents may be able to walk to meet some of their daily needs as opposed to driving. This will help to increase residents’ access to goods and services and may help reduce the number of vehicle miles traveled.

42. A comment was received, stating that there are legal deficiencies regarding the current and proposed Comprehensive Plan Map and requesting that they be corrected as part of the Our Salem project. A subsequent comment requested that the City Council direct legal staff to address the issues during the fiscal year 2022-23 outside of the Our Salem project.

Staff Response: The issues raised in the comment are not related to the Our Salem project nor are they related to the proposed amendments to the Comprehensive Plan Map. Separate from the Our Salem project, staff has worked with the commenter on the issues raised.

One of the comments provided a header and key of a map that was submitted to DLCD – cited as example a in the testimony – as part of the Our Salem project. The map is not the official Comprehensive Plan Map; it was provided to DLCD to show proposed changes to Comprehensive Plan Map designations on specific properties. The map, therefore, does not show the Willamette Greenway. The greenway is mapped on the official Salem Area Comprehensive Plan Map.

43. A comment was received from the owner of 2450 Wallace Road NW inquiring about how the proposed change to the MU Comprehensive Plan Map designation would affect the ability to farm or develop the property in the future. It expressed general support for the proposed change.

Staff Response: The property located at 2450 Wallace Rd. NW is located outside of City limits and is partially within the UGB. The portion inside the UGB is currently designated MF on the Salem Comprehensive Plan Map, and it is proposed to change to MU. The portion outside the UGB will not be impacted by the proposed change; its zoning is currently Exclusive Farm Use (EFU), and that zoning will remain. The MU designation, implemented by mixed-use zones, would be applied to the portion inside the UGB if it were annexed to the city. If that occurred, that portion of the property could accommodate a range of commercial and residential uses. The current agricultural use on the property can also remain. The proposed redesignation on the Comprehensive Plan Map does not require that the land be developed.

44. A comment was received from the owner of the property at 2345 Brush College Rd. NW, Hope Point Church, expressing support for the proposed zoning change from RS to MU-I, citing the need for additional housing options and more flexibility in future development on the property.
45. A comment was received from 350 Salem expressing support for the proposed Comprehensive Plan and proposed map changes.
46. Comments were received from representatives of the owner of property located southwest of the intersection of Kuebler Blvd. SE and I-5, where there is a pending land use application, and the request was for the proposed map changes that are part of the Our Salem project to be revised to reflect the applicant's proposal (e.g., rezoning to CO, CR, and MU-III). Subsequent comments requested that the initial Our Salem proposal for the property – a map change to CO – be added back to the property as part of the Our Salem project.

Staff Response: The proposed Comprehensive Plan Map and zoning changes that are part of the Our Salem project are not intended to override land use cases. Staff has been adjusting the proposed Our Salem map changes to reflect the results of any land use cases that are decided prior to adoption by City Council. For example, properties that have been rezoned through a land use application have been removed from the Our Salem project.

In May 2022, the City Council held a public hearing on a land use application to rezone property located at the southwest of the intersection of Kuebler Blvd. SE and I-5. The City Council remanded the application back to the Planning Commission. Staff has therefore removed the property from the Our Salem project. Initially, staff proposed that the property be rezoned to CO to allow a mix of residential and office uses, but staff did not recommend rezoning the property to CR due to concerns related to transportation impacts.

47. A comment was received from the owner of the property at 2390 Brown Road NE, which is proposed to be rezoned to NH, noting that he does not want to develop office buildings on his property and would like to retain the option to build multifamily housing.

Staff Response: The proposed NH zone allows single-family and middle housing as well as limited small-scale commercial uses, like retail sales and eating and drinking establishments. The proposed NH zone does not allow office uses. If the property is rezoned to NH, the owner would not be required to develop commercial uses and could develop housing in the future.

48. A comment was received from a property owner, requesting that property at 2916 Orchard Heights Road NW be rezoned to MU-II instead of RM-II.

Staff Response: Staff initially proposed rezoning 2916 Orchard Heights Road NW to RM-II to allow for multifamily housing. The property owner requested that the property be rezoned instead to MU-II to allow for commercial uses (in addition to residential uses). The Planning Commission voted to recommend that change, which has been incorporated

into the proposal before the City Council.

49. A comment was received, requesting that the proposed rezoning of the property in the 3100 block of Orchard Heights Road NW (south of the street) to MU-II be expanded to encompass the entire properties. A subsequent comment was received from the representative of the property owner, requesting that the Our Salem proposal be reverted back to staff's original recommendation to rezone only the northern portion of the properties to MU-II.

Staff response: Staff initially proposed rezoning the northern portion of properties south of Orchard Heights Road NW and west of Settlers Spring Drive NW to MU-II to allow for a mix of housing and commercial uses. A property owner requested that the entirety of the properties be rezoned from RA to MU-II to allow for a more cohesive development proposal in the future. The Planning Commission voted to recommend that change, which has been incorporated into the proposal before the City Council.

Subsequently, a comment was received from the representative of the property owner, requesting that staff's original proposal to rezone only the northern portion to MU-II be adopted. Staff supports both proposals: the original recommendation to only rezone the northern portion to MU-II as well as the Planning Commission's recommendation to rezone the entirety of the properties.

50. A comment was received from the property owner of 1515 20th Street NE, inquiring how the proposed changes would affect the property.

Staff Response: The property at 1515 20th St. NE is currently zoned RS, and it is in the Compact Development Overlay Zone. The proposed code changes include eliminating the Compact Development Overlay Zone because it is no longer necessary due to the implementation of Oregon House Bill 2001. The Compact Development Overlay Zone was intended to allow more units on properties that are zoned for single-family uses, and now middle housing is allowed in the RS zone by right.

51. A comment was received from a property owner of 296 Gerth Avenue NW expressing no objections to removing the Walker School Residential Overlay Zone from their property as long as the existing zoning remains RS.

Staff Response: This property is currently zoned RS, and no change to zoning is proposed.

52. A comment was received questioning whether the property with Marion County tax account number 532159 at the northeast corner of Battle Creek Road SE and Kuebler Boulevard SE was a part of the proposed zone changes. The commenter asserted that this property should be changed to MU-I along with the property to the north.

Staff Response: The property in question is proposed for a zone change from RA to MU-I.

53. A comment was received by a property owner who would prefer that his property at 1280 Center St. NE be rezoned from CR to MU-III rather than MU-I as proposed because he wants the option to develop a drive-through in the future. (Written testimony with similar comments has also been received.) (See proposed zoning map 48)

Staff Response: Due to its proximity to downtown and the Capitol Mall and the walkability of the area, this property and the surrounding area are proposed to be rezoned to MU-I. The MU-I zone is intended to encourage pedestrian-friendly, mixed-use development. It includes pedestrian-oriented design standards and allows but does not require a mix of uses, including multifamily housing and commercial uses. Development of this property with a drive through would not be harmonious with the surrounding area, which is one of the most walkable neighborhoods in Salem. MU-III zoning on this vacant parcel would also not be consistent with the surrounding areas, which are zoned Central Business District (CB) and MU-I; neither of those zones permit drive through uses. The MU-III zone, on the other hand, is proposed primarily on commercial corridors that already have auto-oriented development and are located further from downtown. The existing block configuration and availability of vacant properties, including 1280 Center Street NE, further support MU-I zoning.

54. Two comments were received inquiring about how the proposed zoning changes and code amendments would affect land use cases that are currently being reviewed.

Staff Response: Staff is tracking recently-approved land use decisions and pending land use cases. The proposed Comprehensive Plan map and zoning map will not override any recent land use decisions, as staff has recommended changes to maps - and will continue to recommend additional map changes – to reflect any necessary changes related to land use cases that are decided prior to adoption. All land use applications are subject to the zoning and code in place at the time they are received by the City.

55. Several comments were received expressing the importance of promoting equity and environmental justice through the proposed Comprehensive Plan. Specific areas of concern included food deserts, displacement and gentrification, and impacts of concentrated poverty on schools. Comments also emphasized the importance of supporting the development of low-income and subsidized housing across Salem, and especially in South and West Salem.

Staff Response: Throughout the Our Salem Project, staff has partnered with community organizations to ensure that diverse perspectives are included in the plan and those who have historically been underrepresented in planning processes are able to contribute. This includes groups representing communities of color, refugees, people with disabilities, low-income residents, and more.

Input from these groups helped shape goals and policies in the proposed Comprehensive Plan, including those specific to equity and inclusion (“Community Engagement and Equity” chapter), food deserts (CS 2.1 Fresh food), gentrification (H 2.8 Anti-displacement), and environmental justice (CE 2.1 Environmental and social justice). These

goals will help ensure that City processes and plans provide for more equitable outcomes in the future.

The proposed Comprehensive Plan Map and zoning map reflect these priorities by distributing multifamily housing across Salem, changing land uses to expand access to services in underserved areas, and concentrating denser housing, jobs, and services close to transit. As mentioned earlier, the proposed map changes increase the amount of land available for multifamily housing, including in South and West Salem, while seeking to distribute land designated Multiple Family Residential more equitably across Salem. Staff has also suggested revisions to proposed policies (see staff response below.)

56. A comment was received in support of neighborhood hubs generally, stating that they would lower greenhouse gas emissions, incentivize people to walk more, and help people who do not have a car.

57. A comment was received from a property owner inquiring about the status of three existing businesses that are located on properties with proposed zone changes. The businesses are located at 1685 Lancaster Dr. NE, 3455 Commercial St. SE, and 3863 Commercial St. SE.

Staff Response: All three of these properties are currently zoned Retail Commercial (CR), and they are all proposed to be rezoned to MU-III. The uses allowed in these two zones are the same, except the proposed MU-III zone allows multiple family residential development outright. Therefore, the proposed zone changes will not impact the status of the existing uses on the properties.

58. A comment was received from a representative of the West Salem Foursquare Church, which owns property located at 3094 Gehlar Rd. NW. The comment stated that the church is open to the property being rezoned to MU-II, as the zone's allowance for future commercial development could be advantageous to the community and possibly the church.

Staff Response: This property is currently zoned RA, which allows single-family and middle housing development, as well as uses that support residential development, like religious assembly. Staff initially proposed rezoning this property to MU-II zone, which allows three-family, four-family, and multiple family development as well as a variety of commercial uses, like eating and drinking establishments, retail sales, personal services, and offices. It also allows religious assembly uses. The MU-II zone encourages pedestrian-oriented design to promote walkable development patterns. This zoning was proposed in this location because there are many residents in this area – which includes adjacent multifamily and single-family housing – and there is currently very limited access to nearby commercial services and amenities.

During the Our Salem project, the community voiced a desire for more convenient access to goods and services as well as concerns about traffic on many of the primary roads in West Salem. The MU-II zone would allow for the possibility for commercial uses to be developed on the church property, which could enable nearby residents to walk to meet

some of their daily needs as opposed to driving. This would in turn help to increase residents' access to goods and services and could help reduce the number of vehicle miles traveled.

During the Planning Commission public hearing, the land use chair of the West Salem Neighborhood Association voiced opposition to the proposed rezoning. The Planning Commission subsequently voted to recommend removing the proposal from the Our Salem project, which means the existing RA zoning would remain. Staff has incorporated the Planning Commission's recommendation into the proposal before the City Council, the property is no longer proposed to be rezoned to MU-II.

59. A comment from the Housing Land Advocates and the Fair Housing Council of Oregon was received in support of adopting the Our Salem project, stating that it meets Salem's diverse housing needs.
60. A comment was received asking if a property is rezoned to RM-II, could the property owner still develop single-family homes.

Staff response: The RM-II zone allows a range of housing types, including some single-family uses (e.g., townhouses), middle housing, and multifamily housing. A new single-family detached home is not allowed unless it is on a nonconforming lot of record less than 6,000 square feet in area or is replacing an existing single-family detached dwelling. Development would also have to meet other code requirements, including development standards.

61. A comment was received in favor of the proposed rezoning of 800 Highland Avenue NE to the proposed Neighborhood Hub zone to allow the existing building to be restored to house a market or coffee shop.
62. A comment was received from the West Salem Neighborhood Association requesting that the Council: 1) acknowledge that Wallace Road NW is congested and that the proposed map changes will further degrade it in the future, 2) direct staff to amend the Our Salem findings to acknowledge the impacts to the road, and 3) direct staff to address the traffic volumes during the pending update to the Salem Transportation System Plan (TSP). The testimony is attached in full.

Staff Response: Staff, working with the Salem-Keizer Area Transportation Study staff and a consultant team, conducted a transportation analysis of the changes to the Comprehensive Plan and zoning maps proposed as part of the Our Salem project. This analysis compared traffic generation projected to 2035 under two future growth scenarios: the base scenario that forecasts growth under current Comprehensive Plan designations and zoning, and the proposed scenario that forecasts growth under proposed Comprehensive Plan designations and zoning. This approach was confirmed by the Oregon Department of Land Conservation and Development.

Note that this differs from the approach used for quasi-judicial amendments to the

Comprehensive Plan and zoning maps. In the latter case, trip generation is tied to a reasonable worst-case scenario. Using reasonable worst-case development is not appropriate for the scope and scale of the legislative amendments proposed by the Our Salem project as it would result in levels of development that exceed population and employment forecasts for the horizon year of 2035.

More details about the transportation analysis and its results can be found in Exhibit C of Ordinance 10-22, Goal 12 finding.

Staff acknowledges that Wallace Road NW is congested and is expected to continue to be in the future with or without the proposed map changes resulting from the Our Salem project. After the Our Salem project is complete, staff intends to address traffic issues on Wallace Road NW – including the Congestion Relief Task Force recommendations – in the upcoming update to the TSP.

63. A comment was received from the owners of property along Fairview Industrial Drive in support of the proposed rezoning to Industrial Commercial. The comment described how the Morningside Neighborhood Plan supports the zone change.
64. A comment was received from the owner and manager of the Willamette Town Center, requesting changes to the proposed design standards in the proposed MU-III zone. Specifically, the comments requested: reducing the requirement for ground-floor windows, changing the requirement for primary entrances to face the street from applying to each building as opposed to each tenant space, adding a provision to allow large lots and corner lots to have interior buildings, and reducing the weather protection requirement.

Staff Response: The proposed design standards in the MU-III zone are intended to promote pedestrian-oriented design as infill development, redevelopment, and new development occurs. The proposed standards have been developed with input from the community, including the owner and manager of the Willamette Town Center. For example, the proposed requirement for a primary entrance to face the street applies to each building façade, not each tenant space as suggested in the comment. Based on input, the proposed MU-III zone was revised to include provisions that make exceptions for interior buildings and existing parking lots (e.g., interior buildings are allowed). In addition, the design standard related to ground-floor windows facing the street is proposed to only apply to buildings close to the street. The MU-III zone does not require weather protection such as awnings and canopies.

65. A comment was received in support of rezoning properties on Stoneway Drive NW to RS.
66. A comment was received by 350 Salem in support of the Our Salem project, citing alignment with the Climate Action Plan and its likelihood of reducing greenhouse gas emissions.
67. A comment was received referring to the Our Salem Report Card, describing and commenting on the results related to the variety of indicators such as “Affordability” and

“Proximity to Parks.” The comment provides suggestions for how planning can address the results.

Staff Response: The Our Salem Report Card is the result of the first phase of the Our Salem project. During that phase of the project, the City worked with the community and a consultant team to examine the existing conditions of Salem. Specifically, staff and the community looked at how Salem was doing today in 20 key “indicators” and compared it to how Salem would be doing if the community continued to grow as it has traditionally grown. The results helped inform the visioning phase of the Our Salem project and ultimately the proposed update to the Comprehensive Plan and proposed map and code changes.

68. A comment was received in support of the Our Salem project, stating that if adopted and implemented, the project would result in desirable outcomes for the city such as a reduction in greenhouse gas emissions and more housing units and increased housing options. The comment also included support for SCAN’s recommended revisions to the map changes.
69. A comment was received, stating that property owners should be able to retain the zoning of their property if they make the request.
70. Several comments were received in support of the Our Salem project, with requests that multifamily housing, including low-income housing, be allowed and built everywhere in Salem, including West and South Salem. The comments pointed to systematic and environmental racism as it relates to existing land use patterns and requested that it not be allowed to continue.
71. A comment was received challenging the transportation planning rule analysis related to the proposed map changes and findings of significant traffic impacts. The comment states that there are omissions and errors in the analysis, asks that the findings of significant traffic impacts be rejected until corrections are made, and asks that the proposed Our Salem zone changes be conditionally approved.

Staff Response: City staff coordinated with staff from the Oregon Department of Land Conservation and Development (DLCD) and Oregon Department of Transportation (ODOT) on the methodology used to analyze transportation impacts from the proposed Our Salem comprehensive plan and zone changes. ODOT supported the findings included in Ordinance Bill No. 10-22 as they pertained to impacts to State highways.

Volume to capacity ratios that are within 0.03 of the adopted target are considered to comply with the Oregon Highway Plan target. Per Oregon Highway Plan, Action 1F.5, “For purposes of evaluating amendments to transportation system plans, acknowledged comprehensive plans and land use regulations subject to OAR 660- 12-0060, in situations where the volume to capacity ratio or alternative mobility target for a highway segment, intersection or interchange is currently above the mobility targets in Table 6 or Table 7 or those otherwise approved by the Oregon Transportation Commission, or is projected to be above the mobility targets at the planning horizon, and transportation improvements are not

planned within the planning horizon to bring performance to the established target, the mobility target is to avoid further degradation.”

Regarding the mobility targets for Wallace Road, the commenter references both ODOT and Salem mobility targets. ODOT mobility targets apply to Wallace Road; Salem targets do not apply to the state highway.

For the Our Salem transportation analysis, volume to capacity ratios for segments of Wallace Road were projected using existing zoning in the year 2035. Most of these projected volume to capacity ratios exceed the targets contained in the Oregon Highway Plan tables. As indicated above, when the volume to capacity ratio for a highway segment is projected to be above the mobility target at the planning horizon, then the mobility target is to avoid further degradation. To identify where significant impacts might exist from the proposed Our Salem comprehensive plan and zone changes, volume to capacity ratios were projected using the proposed zoning. These were then compared to what was projected under existing zoning. As indicated in the proposed findings, only two segments (Link 772 and 328) were identified as having a significant effect following the guidelines established in the Oregon Highway Plan.

The transportation analysis was informed by the proposed Comprehensive Plan Map and zone changes. Those proposed map changes were the result of the extensive public engagement that occurred throughout the Our Salem project.

Responses to Planning Commission Questions

72. Commissioner Michael Slater: Is it possible to add the terms “low-income housing,” “subsidized housing,” and “public housing” to more of the policies related to housing affordability?

Staff Response: There are several policies related to housing where one or more of these terms could be added to make the policy more inclusive. They include H 2.1 – Low-income and workforce housing, H 3.2 – Dispersal, and H 1.3 – Accessibility and aging in place. Below are suggested changes to the policies; potential additions are underlined, and deletions have a ~~strike through line~~.

H 2.1 Low-income and workforce housing: The City should encourage the development of housing that is affordable to low- and moderate-income households, including public, government-assisted, subsidized, low-income, and workforce housing, through incentives and other tools.

H 3.2 Dispersal: Affordable housing, including low-income, subsidized, and public housing, should be located throughout the Salem Urban Area to promote mixed-income neighborhoods and reduce economic segregation and concentrations of poverty.

H 1.3 Accessibility and aging in place: The development of affordable, and low-income accessible housing, including homes with universal design features, should be encouraged to meet the needs of older adults and people with mental and physical disabilities, particularly in areas near services and transit.

The Planning Commission voted to recommend the policy language changes above, so they have been incorporated into the proposed Comprehensive Plan update before the City Council.

It should be noted that affordable housing can be defined in a variety of ways. To avoid confusion, the following definitions are what is intended by City staff – including those in the Community Development and Urban Development departments– when referring to each term.

Affordable Housing

- **Salem Revised Code Chapter 111:** Affordable housing means housing that is affordable to households with incomes equal or less than 80 percent of the median family income in the county for which the development is built or for the state, whichever is greater, and in a manner so that no more than 30 percent of the household's gross income will be spent on rent, home loan or mortgage payments, and utilities.

Low-Income Housing

- **Salem Revised Code Chapter 2:** Low income means income at or below 60 percent of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development.

Subsidized Housing

- Subsidized housing is housing that is made more affordable with some type of government subsidy. This could include housing where federal housing choice vouchers (section 8) are accepted or some other type of rent assistance. It could also include housing that is required to be rented below market rate in exchange for tax exemptions or other subsidies.

Public Housing

- Public housing refers to housing that is owned by the Salem Housing Authority or another government entity

73. Commissioner Ron Eachus: Does staff have a tree inventory for Northeast Salem available?

Staff Response: The distribution of tree canopy cover across Salem can be found in the [2019 Urban Tree Canopy Assessment](#). Table 6 on page 16 and Figure 12 on page 17 show the amount of tree canopy cover by neighborhood in Salem. Coverage ranges from 14 percent in Southeast Mill Creek to 41 percent in Southwest. In general, tree canopy coverage is higher in South and West Salem than in Northeast and East Salem.

74. Commissioner Daisey Goebel: How have we addressed the need for multifamily housing in Salem, including south and west Salem?

Staff Response: Staff has proposed redesignating and rezoning land for multifamily housing across Salem. The proposed map changes meet Salem's housing needs, as described in Ordinance 12-22 Exhibit B. This is acknowledged in the March 8, 2022 letter from the

Oregon Department of Land Conservation and Development. The proposed changes to Comprehensive Plan Map add more than 300 acres of land designated Multiple Family Residential (MF), with the vast majority of that land being located in West and South Salem.³