

**From:** [Bonnie O'Connell](#)  
**To:** [CityRecorder](#)  
**Subject:** Zoning for Tall Buildings  
**Date:** Monday, September 25, 2023 6:59:25 AM

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I am writing to ask that you not rezone for 6 feet tall buildings along Commercial or anywhere else in Salem. There are already abandoned builds waiting to be refurbished to allow for the needs of the city and its residents. Please do not destroy the ambience of our city and neighborhoods.

Bonnie O'Connell  
2120 Robins Lane SE, #149  
Salem, OR 97306

**From:** [Elizabeth Davis](#)  
**To:** [CityRecorder](#)  
**Subject:** Testimony re: zoning change  
**Date:** Saturday, September 23, 2023 1:10:15 PM  
**Attachments:** [Overlay Zone Map I.png](#)

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Hello,

My name is Elizabeth Davis, a constituent. I live at 515 Washington St S in Salem.

I am writing to express my concern about the potential zoning overlay on Commercial Street, which would allow significantly taller buildings.

I believe a 35 foot height restriction, especially along the Rural to Superior section on Commercial, is more than adequate for increasing density. We have other sites in the city that are better suited for additional density, and the 35 foot height restriction retains the livability of the neighborhood to the west of Commercial street.

If a 5 or 6 story building is allowed in this area, it will reduce the desirability of the current commercial property in these blocks. It will also reduce the livability of the adjacent residential properties.

**By retaining the 35 foot height in Zone 2, 3 and possibly 4, it creates a more residential environment where all children living to the west of Commercial Street can safely walk to schools located on the east side, such as South Salem High School, without traveling through a more traditional office/commercial part of town.**

Children of many economic demographics are currently living to the west of Commercial Street, and cross between Rural and Superior on their way to school every day. This specific micro-neighborhood is vibrant and engaged, and it is important to continue providing the current highly livable environment, which in its current design, encourages the pathways to education.

I urge you to consider the negative impact this change could make, and hope you will vote to keep a 35 foot height limit in this area (Zone 2 on the map), and consider retaining this height restriction in Zones 3-4 as well.

We depend on you to do the right thing for your voters.

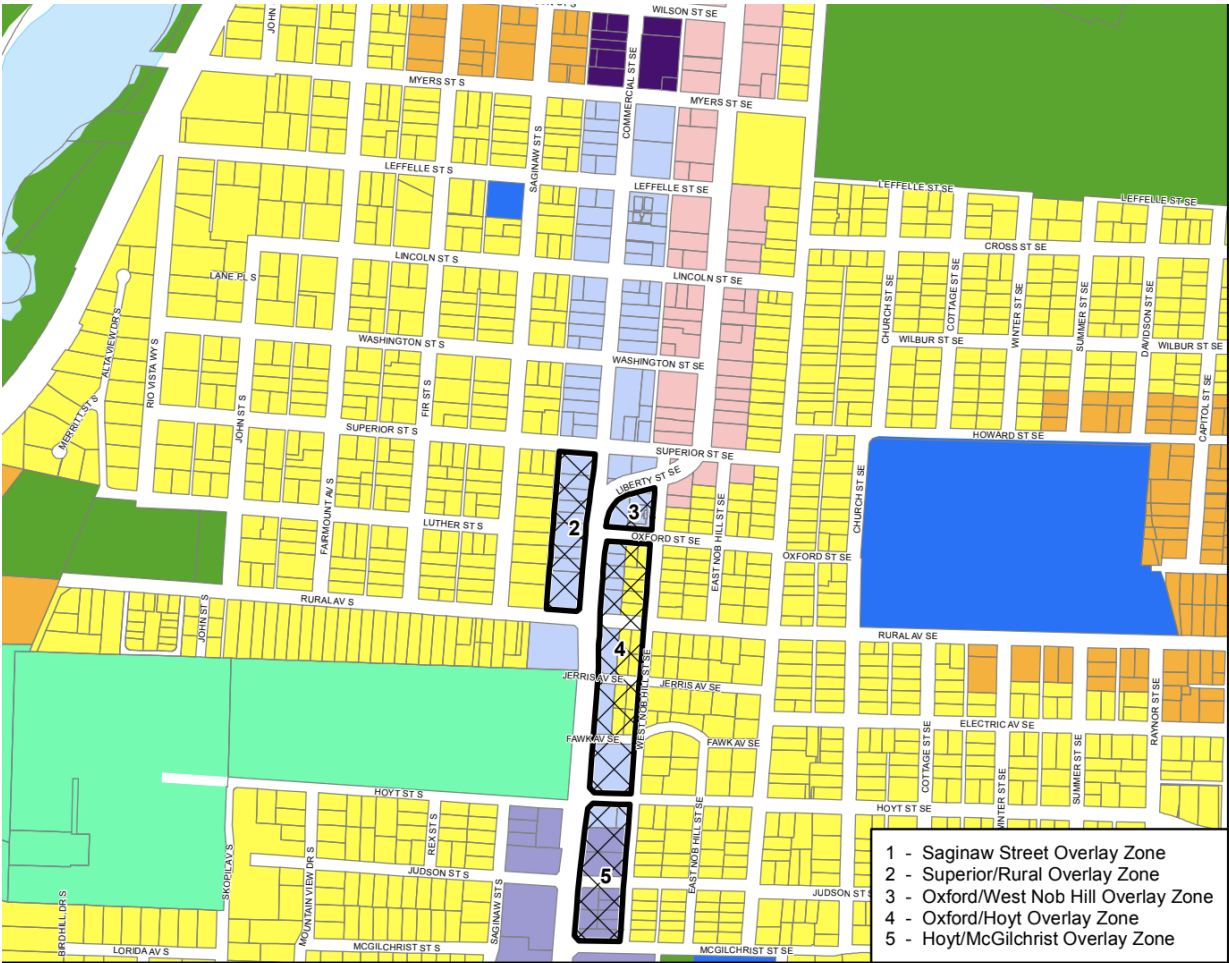
I would be happy to answer any questions you may have. My contact information is provided below.

Elizabeth (Liz) Davis

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Elizabeth K. Davis  
310-561-5110 mobile  
503-616-0822 mobile  
[elizabeth.davis.usa@gmail.com](mailto:elizabeth.davis.usa@gmail.com)

515 Washington Street So.  
Salem, Oregon 97302



**From:** [Birrell, Gordon](#)  
**To:** [CityRecorder](#)  
**Subject:** Comments for City Council meeting September 25  
**Date:** Friday, September 22, 2023 10:33:39 AM

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I am writing with regard to the Salem City Council's deliberations this Monday, September 25, concerning the elimination of overlay zones, specifically the Superior-Rural Overlay Zone, which directly effects my neighborhood, Fairmount Hill. I believe that the proposed changes are well-intentioned, thoughtful, timely, and workable. My principal concern has to do with the height of multi-story buildings that the proposal would allow. The height restriction of a maximum of 35 feet, as stated in the proposal, seems to me to be acceptable and adequate for the purposes of providing higher-density housing in this area, including low-income housing. However, I understand that even taller—possibly much taller--structures have been suggested by at least one member of the Council. Multi-story residential buildings rising higher than 35 feet would among other things present major issues with regard to parking facilities and parking access. There would also be increased vehicular traffic and congestion, in an area close to both South Salem High School and McKinley Elementary School. The intersection of Commercial St. and Rural St., even with a traffic light in place, is already a dangerous corner for students from our neighborhood to negotiate on their way to and from school.

In the interest of equitable zoning policy, one must be prepared to accept compromises. Even beautiful old historic areas such as Fairmount Hill are not immune to legitimate and urgent housing priorities in Salem, such as expanding the availability of low-income, higher-density housing. While some residents of Fairmount Hill would be more comfortable with even lower buildings in the overlay zone, the 35-foot maximum height restriction as stated in the city's proposal is a reasonable compromise, and I urge the Council to commit to maintaining that height restriction.

Sincerely,

Gordon Birrell  
1830 Fir St. S  
(503) 784-7526

**From:** [marta\\_magistrali](#)  
**To:** [CityRecorder](#)  
**Subject:** Proposed building height change on Commercial St.  
**Date:** Friday, September 22, 2023 2:34:53 PM

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Dear City Council Members,

9/22/23

I'm writing to share my views on the proposed (up to 6 stories) building heights along parts of Commercial Street.

My husband and I moved to the corner of Saginaw and Leffelle Streets five months ago. We love the neighborhood and the community. Part of the charming character is the dappled light that illuminates our streets. This was a considered feature in our search for a new home. I remember admiring the thoughtful reuse of the older, distinctive wooden houses as offices along Commercial. The low profile of the one to two story buildings keeps the skyline open, light and livable. From my dining room table on Saginaw, as I look outside, I realize one half of my vision of blue sky would disappear, if the current proposal of 6 story buildings is approved. I would not have considered moving here had that been the reality when looking for a home.

The aspect of apartments or offices over 3 stories high (a half block away, backing up to the alley east of Saginaw) is very concerning and I fear life changing for all who live here and not just from the huge backs of buildings blocking sunlight. For safety reasons, more light is better, especially considering the constant populations coming and going at Baker School. And there's the large number of people who, like us, walk our dogs daily. We pass neighbors of all ages and types, from those with canes to baby strollers. I'm amazed and thrilled at the sidewalk culture that thrives here. There are people on bicycles, Onewheels, skates, pogo sticks, and already loads of cars.

In general, I hope the consideration of more auto traffic is built into any decision. The prospect of even more traffic, especially trying to enter Commercial Street, is disturbing.

On another note, the livability of buildings over 3 stories tall is questionable in terms of access for anyone with children or an older age. We have a variety of 2 story apartment buildings in the surrounding blocks where we walk and share a few words with folks. The apartments are filled with young and old, working and retired. I feel they are accessible and visible. They are good neighbors. I'm grateful they have accepted us into the mix.

Yes, we need more low income and all housing, and I honestly look forward to more diversity. What I'm wary of is losing what makes this place livable for all of us, becoming one that no one would want. Please consider that "just housing a lot of people" isn't a solution for Salem's future. The ability to keep neighborhoods safe, connected and the wellbeing of those who share the streets are goals in any good neighborhood development.

City Councils in the past have been sensitive to permitting multifamily housing that fits our area, keeping open skies and streets that inspire walkability and community. I'm confident you can do the same. Please respect the cohesive design of our current, historic neighborhood and respect our new neighbors to come.

Sincerely,

Marta Magistrali

1495 Saginaw St S

Salem 97302

**From:** [Madison Pate](#)  
**To:** [CityRecorder](#)  
**Subject:** SCAN neighborhood  
**Date:** Sunday, September 24, 2023 1:23:51 PM  
**Attachments:** [Madison Pate Testimony.pdf](#)

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Hello!

Please see the attached letter in reference to Code Amendment Case No. CA23-02 for Eliminating Overlay Zones in the SCAN Neighborhood.

Thank you!

Madison Pate

Dear Mayor Hoy and Members of City Council,

I am writing to you today to ask that you support the request of our neighborhood association to maintain a 35-foot maximum building height requirement in Overlay Zones. The SCAN neighborhood association works hard to engage with the entirety of their neighborhood. I know that they would not be presenting this to you if it was not what the citizens of your community were asking for.

When my family moved into Ward 7, I immediately noticed many significant differences from other parts of the Willamette Valley where I previously lived. It is obvious that this neighborhood cares deeply about creating a livable environment, where diversity is highly valued. My husband works at nights keeping utilities functioning in our community. Two doors down, a neighbor raises three children while her husband is away, serving full time in the Oregon National Guard. In spite of not always being at home themselves, our neighbors were interested in becoming our friends, and supporting our wellbeing. Currently I can safely walk on Rural Avenue to get to my office on Commercial Street – although traffic at the intersection of Rural Avenue and Commercial Street is persistent and dangerous due to a lack of left turn signal lights.

This unique environment is why it is crucial for the City Council to maintain a maximum building height requirement in the Overlay Zones that line Commercial Street. Evidence from around the world has shown that taller buildings are exclusionary to diverse populations. The taller a building is, the more expensive the price of higher floors become. Additionally, tall buildings create traffic and transportation problems. In our neighborhood six story buildings would add traffic congestion on streets that are already unequipped to handle the existing volume. Even the existing city bus route blocks one of just two lanes of traffic on one of our city's busiest transit corridors. Placing residential buildings closer to this busy street will only further endanger pedestrians and bicyclists.

I have lived in different parts of Salem, in Albany, and in Sweet Home. I wish that I could share the successes of my Ward 7 neighborhood with my friends and family who still live elsewhere. I had little part in making this neighborhood what it is but I have great trust in, and gratitude for, those who did and who still work for it every day. The fact that the neighborhood association is now asking for support from the City means that they have reason and logic behind their request. I strongly urge you to move forward with the request to maintain a building height requirement in the Overlay Zoning. Thank you.

Sincerely,

Madison Pate

**From:** [Susan Arbor](#)  
**To:** [CityRecorder](#)  
**Subject:** Please maintain building ht max of 35 ft Code Amendment CA23-02  
**Date:** Thursday, September 21, 2023 2:25:48 PM

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Hello Councilors,

I am writing to urge you to maintain the building height maximum of 35 feet for the block of Commercial from Superior to Rural Avenue.

I understand the housing shortage and feel that human scale multi family housing can be a good option.

The limit of 35 feet allows for 3 story buildings if new construction is needed. Studies show that people living and working at 3 stories or less feel more connected to life outside their building.

Another option is to convert existing buildings to housing. There seems to be partially and totally empty buildings on Commercial Street south of downtown. Often, converting an already existing building is much less energy intensive than building totally new.

Also, tall buildings are likely to be built with more with glass, steel, and concrete which produce more greenhouse gas emissions than wood for example. And daily plumbing use takes more energy in a tall building than a shorter building.

I live at the top of the hill on Rural Ave S. However, my neighbors at the bottom of the hill near Commercial have spoken of drainage issues (Saginaw neighbors) and flooding issues (West Nob Hill neighbors) due to the current buildings already on Commercial Street near their homes.

New tall buildings could also create visual and heat canyons and permanently shade backyard gardens.

Traffic issues are a concern of mine. I try to walk and ride my bike to do as many errands as I can. This is the main reason I chose this neighborhood when buying my house 16 years ago.

I have noticed that the crossing at Rural and Commercial has become more and more perilous, as cars are backed up and more hurried to get through the light. Several times cars have come dangerously close to me as a pedestrian crossing in the crosswalk and when trying to cross Commercial on Rural on my bike (with my partner who is disabled and rides a recumbent trike even with an orange flag) and we both wear lime colored vests.

As a car driver going north on Commercial, I don't even try to turn left on to Rural to go home as the traffic going south on Commercial has become so bad. Instead, I turn into the Bush Park neighborhood so I can get on Rural and go west straight up the hill at the light so I don't have to try to turn left across a steady stream of traffic going south on Commercial Street.

In summary, let's address the housing shortage AND keep neighborhoods liveable and proportional by keeping the building height limit maximum of 35 feet along Commercial St. So existing neighborhoods are not dwarfed and overwhelmed and new neighbors will feel connected at a human scale.

Thank you for all you do for Salem and your careful consideration.



Susan Arbor 450 Rural Ave S

**From:** [Roz Shirack](#)  
**To:** [CityRecorder](#)  
**Cc:** [Linda Nishioka](#); [Vanessa Nordyke](#)  
**Subject:** Comment on Removal of SCAN Overlay Zones, Item 5.a. on 9/25 Agenda  
**Date:** Sunday, September 24, 2023 4:31:48 PM  
**Attachments:** [SCAN Testimony re Overlay Zones.pdf](#)  
[Overlay Zone Topography.pdf](#)

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To Mayor and City Councilors:

The SCAN Board stands by its testimony provided at the Council's June 26, 2023, public hearing requesting Council keep the five overlay zones in SCAN, but with just the 35-foot maximum building height (attached for your convenience).

On the second page of SCAN's testimony (4th paragraph), we note the steep drop-off in land grade from the mixed-use zoned lots on Commercial St to the abutting residences behind and below them. Attached are two photos that illustrate that point. Even a 35-foot building would tower over the existing residences.

Thank you for your consideration.

Roz Shirack, Chair  
SCAN Land Use Committee  
On behalf of SCAN Board



South Central **SCAN** Association of Neighbors  
Salem, Oregon

June 20, 2023

To: City Council

From: Victor Dodier, President  
South Central Association of Neighbors

*Victor Dodier*

Subject: **Testimony on Case No. CA23-02 to Eliminate Five Overlay Zones, 6/26 Council Hearing**

**SCAN** requests Council keep the five overlay zones, but simplify them by removing the development standards (eg. setback, landscaping, screening, site access), **except the 35-foot maximum building height**. This amendment would significantly simplify redevelopment for uses allowed in the underlying mixed use (MU) zones.

- The purpose and need for the overlay zones still exist. The purpose of the overlay zones, as stated in the code, is to establish development standards that minimize the impacts of nonresidential development on existing residential uses.
- Removing the overlay zones creates winners and losers. Properties within the overlays and near the overlays have been bought and sold over the years under the current rules. Removing the overlay zones shifts the established balance between residential and nonresidential uses in favor of the mixed-use zoned properties at the expense of the livability, quality of life, and property values of the existing residential uses adjacent to the overlay zones.
- The Land Conservation and Development Commission acknowledged the recently updated Salem Comprehensive Plan *with* the existing overlay zones as meeting all the statewide planning goals and Salem's Housing Needs Analysis and Economic Opportunity Analysis.

The updated Salem Comprehensive Plan added 1,600 new acres of MU zoning. This number was not based on a measurable need for that much more multi-family and/or commercial land. Instead it provides maximum options and flexibility by locating many acres of MU zones along major arterials. Keeping the overlay zones with a 35-foot maximum building height on a few blocks does not make a dent in the amount of density available for MU development. Furthermore, significant housing density can be achieved in a 3-floor, 35-foot tall building, especially if it is designed to include small studio apartments.

- Setback standards in MU zones abutting a residential zone provide an extra buffer based on building height, but only for those residential uses actually abutting the mixed use zone, including across an alley. But they do not apply to residential uses across a street.

If the Saginaw St Overlay Zone is removed, residents across Saginaw St from the MU-I zone could be looking at a 65-foot building with 0 feet setback from Saginaw St. Only residents south of Bush St directly abutting the MU-I zone would benefit from the extra setback.

If the three overlay zones on the east side of Commercial St are removed, residents across West Nob Hill from the MU-II zone could be looking at a 55-foot building with 0 feet setback from West Nob Hill. Residents south of Hoyt St across West Nob Hill from the MU-III zone could be looking at a 70-foot building with a 5-foot setback from West Nob Hill.

We recognize that most of the MU-II zoned properties in the Oxford-Hoyt Overlay Zone would likely not be developed with a building over 35 or 40 feet, due to the shallow lot depth and greater setback required abutting the residential zone. However, in the block north of Rural Ave there is a sharp 10-foot drop-off in land grade between the MU properties along Commercial St and the adjacent residential properties behind them. So even a 35-foot building would loom 45 feet over the residence behind it, but without the full setback required for a 45-foot building.

If the single family zoned lots within the overlay zone were ever rezoned to MU, then all the residents across West Nob Hill would be at risk of having a 55-foot building with 0 setback as a neighbor. That was a very real concern when the overlay zone was adopted, because a developer did try to buy up a block of single family-zoned lots and get them rezoned to commercial for a hotel development.

All three overlay zones along West Nob Hill require buildings to be setback at least 20 feet from West Nob Hill, recognizing that residents across the street do need that buffering protection. Without those overlay zones, there would be no minimum setback from West Nob Hill required. **That is why the 35-foot maximum building height is so important to retain.**

Attachment: Map of Overlay Zones to be Eliminated

# Map 1 - Proposed Salem Overlay Change Areas Overlay Zones To Be Eliminated



- 1 - Saginaw Street Overlay Zone
- 2 - Superior/Rural Overlay Zone
- 3 - Oxford/West Nob Hill Overlay Zone
- 4 - Oxford/Hoyt Overlay Zone
- 5 - Hoyt/McGichrist Overlay Zone

## Legend

- Overlay Zones Areas To Be Eliminated
- Taxlots
- Urban Growth Boundary
- Outside Salem City Limits

★ Note:  
Only the Overlay Zone WITHIN the  
"Overlay Zones Areas To Be Eliminated"  
would be impacted by these changes

- |                   |      |       |        |    |
|-------------------|------|-------|--------|----|
| ★ Existing Zoning | EC   | IC    | MU-III | PE |
| CB                | EFMU | IG    | MU-R   | PH |
| CG                | ESMU | IP    | NH     | PM |
| CO                | FMU  | MU-I  | PA     | PS |
| CR                | IBC  | MU-II | PC     | RA |

- RM1
- RM2
- RM3
- RS
- SWMU
- WSCB

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It is critical to retain the 35-foot building height maximum in Overlay Zone 4, due to the 13-foot difference in grade between Commercial St and West Nob Hill St.



Photo 1 – Houses on Oxford Street as seen from the parking lot on Commercial Street.



Photo 2 – Houses on West Knob Hill Street as seen from the parking lot at the SW corner of Commercial Street and Rural Avenue.



Top arrow on map indicates location of photo 1. Bottom arrow indicates location of photo 2.

**From:** [Wes Johnson](#)  
**To:** [CityRecorder](#)  
**Subject:** Commercial St. Zoning  
**Date:** Wednesday, September 20, 2023 7:56:18 PM

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Dearest Members,

The stretch of Commercial St. under consideration for zoning which would allow 6 story buildings to go up, is a poor idea for a lot of reasons. But when did reason ever stand in the way of progress?

Consider this: The intersection at Commercial and Rural is one of the most congested N/S traffic funnels that is not next to a freeway. From 2pm to 7pm on weekdays, it can be gridlocked so that left turns are difficult and a firetruck wouldn't be able to get through, nor could military vehicles.

The solutions range from providing horses for emergency personnel to slip through the traffic; or building an elevated monorail, which might be costly; or better, don't even THINK about further congesting the area in question, because it will become an eyesore and a business quagmire.

Full disclosure: It's not in my backyard. But I'll bet it's in somebody's. I care.

Thank you -- Wm Johnson, Ward 7