

## **Amending the Salem Revised Code**

### **Substantive Findings**

#### **Amendments to the Unified Development Code (UDC)**

SRC 110.085 establishes the following approval criteria for an amendment to the Unified Development Code (SRC chapters 110 through 900) to be approved:

- 1. The amendment is in the best interest of the public health, safety, and welfare of the City; and*
- 2. The amendment conforms with the Salem Area Comprehensive Plan, applicable statewide planning goals, and applicable administrative rules adopted by the Department of Land Conservation and Development.*

Findings are provided below.

#### ***1. Best interest of the public health, safety, and welfare of the City***

The proposed code amendment will facilitate pedestrian-friendly, mixed-use development and redevelopment in Salem by creating two new mixed-use zones. The proposed MU-III and MU-R zones allow a broad range of uses outright, including housing, office, and retail uses. As applied to land in Salem, the two proposed zones make it easier to develop multifamily housing than other commercial or industrial zones by not requiring a conditional use permit. More multifamily housing is needed to meet Salem's growing population, so removing procedural barriers to housing development is in the best interest of the community. In addition, property owners – as well as the City – will have the option to apply the mixed-use zones to properties where mixed-use development is desired or flexibility in uses, more broadly, is sought. The proposed MU-III zone is specifically tailored to make it easier for developed properties in Salem to either be redeveloped into a mix of uses or have infill housing added. The proposed MU-III and MU-R zones both encourage development to be oriented to pedestrians, which will create more inviting environments to those traveling on foot.

The proposed code amendment also creates a new zone called Neighborhood Hub (NH) that – as applied to land in Salem – creates the opportunity for small-scale shops, services, and other businesses to serve surrounding residential neighborhoods. This, in turn, creates the opportunity for people to more easily access shops and services and meet their daily needs within their neighborhood. This reduces the need to drive, which in turn, reduces greenhouse gas emissions produced by vehicles.

In addition, the proposed code amendment repeals several zones and overlay zones that are no longer necessary, such as the Duplex Residential (RD) zone, Neighborhood Center Mixed Use (NCMU) zone, Northgate Mixed-Use Area Overlay Zone, and Pine Street Mixed-Use Area Overlay Zone. The RD zone, for example, allows two family uses, but with the implementation of HB 2001, the Single Family Residential (RS) and Residential Agriculture (RA) zones now allow two family uses outright in addition to other middle housing types. The RD zone is therefore no longer necessary. The majority of the overlay zones proposed to be repealed were

initially created to promote mixed-use development, but they are no longer necessary because they are proposed to be replaced by several mixed-use zones that also promote mixed-use development. This streamlines the zoning code, simplifying the regulations for development across Salem.

The proposed code amendment includes corresponding changes to various other parts of the UDC to reference and incorporate the new proposed zones and the repeal of several zones and overlay zones. For example, the proposal amends SRC 703 (Wireless Communications Facilities) to establish development standards for the proposed new zones that generally follow standards for existing similar zones.

For the reasons described above, the proposed code amendment is in the best interest of the public health, safety, and welfare of the City.

***2. Conforms to the applicable statewide planning goals and applicable administrative rules adopted by the Department of Land Conservation and Development***

The proposed code amendment is consistent with and conforms to the Statewide Planning Goals and applicable administrative rules as described below. In addition, 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.

***Goals 1: Citizen Involvement***

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The proposed code amendment, including the creation of the proposed new zones, were developed through a multi-year planning project called Our Salem that included extensive public outreach. The community provided input through a variety of ways, including in-person and virtual meetings, surveys, interactive maps, public workshops, property owner meetings, community events, and stakeholder interviews. Staff hosted or attended roughly 260 in-person and virtual meetings and events and engaged with more than 80 community groups throughout the Our Salem project, which spanned more than three years. All of this engagement was conducted to foster meaningful involvement from all members of the community. To ensure that all citizens had the opportunity to be involved, the City specifically conducted targeted outreach to groups in the community that have not historically been from planning processes, including communities of color, youth, lower-income residents, and others. In addition, the process to adopt this proposed code amendment requires public notice and affords the public an opportunity to review, comment, and take part in the approval process. The proposed code amendment therefore conforms with this goal.

***Goal 2: Land Use Planning***

*To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The City has established a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions. The updated Salem Area Comprehensive Plan (Comprehensive Plan) – which is concurrently being adopted – complies with the statewide goals and administrative rules, and it is implemented by the Salem Revised Code. The updated Comprehensive Plan includes a chapter that describes the different Comprehensive Plan Map designations and outlines the zones that implement each designation.

The proposed code amendment establishes three new zones in the Salem Revised Code. The proposed NH and MU-III zones are applied to properties in Salem and are accompanied by amendments to the Comprehensive Plan Map to the Mixed Use designation. The proposed MU-R zone is also applied to properties in Salem and is accompanied by amendments to the Comprehensive Plan Map to the River-Oriented Mixed Use designation. This ensures that the rezoned areas are consistent with the Comprehensive Plan Map and updated Comprehensive Plan. ORS 197.175(2)(b) requires cities to enact land use regulations to implement their comprehensive plans.

The proposed code amendment also advances policies in the updated Comprehensive Plan. For example, several policies call for encouraging high-density housing and mixed-use development to be located near Cherriots' Core Network. The proposed code amendment establishes provisions to encourage more housing and mixed-use development near frequent transit service. Specifically, the proposed code amendment increases the minimum density in mixed-use zones, eliminates minimum parking requirements for mixed-use development in mixed-use zones near frequent transit service (e.g., Cherriots' Core Network), and increases the maximum height in the MU-III zone near frequent transit service.

In addition, the proposed code amendment repeals several overlay zones that are no longer necessary. The properties that are subject to many of those overlay zones are being rezoned to mixed-use zones that aim to achieve the same objectives of the overlays – encouraging pedestrian-friendly, mixed use areas. Repealing the overlay zones ensures there are no conflicts between the existing regulations in the overlay zones and the new proposed zones. In addition, the Compact Development Overlay Zone, which allows two and three family housing, is proposed to be repealed because the RS zone underlying that overlay zone now allows middle housing. The overlay zone is no longer necessary to allow two and three family housing on the RS-zoned properties.

The proposed code amendment therefore conforms with this goal.

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

*To protect natural resources and conserve scenic and historical areas and open spaces.*

The proposed code amendment does not eliminate the requirement for future development in the new proposed NH, MU-III and MU-R zones to meet the conditions of Chapter 230 (Historic Preservation). SRC Chapter 601 (Floodplain Overlay Zone), SRC Chapter 808 (Preservation of Trees and Vegetation), SRC Chapter 809 (Wetlands), and SRC Chapter 810 (Landslide Hazards). The proposed MU-R zone includes a requirement for development to provide public pedestrian access to the Willamette River. This provision helps conserve visual access to and a

sense of openness along the river, which is a scenic asset in Salem.

In addition, the proposed MU-III zone requires building setbacks when the zone is located adjacent to a residential zone, including residential zones within a historic district. Specifically, a minimum 10-foot setback is required, plus 1.5 feet of additional setback for each 1 foot of building height above 15 feet, with a maximum setback of 50 feet. This setback provides a buffer between properties that are zoned MU-III and properties in a residential zone, including residential zones within a historic district.

In addition, 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 public 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.

The proposed code amendment therefore conforms with this goal.

***Goal 6: Air, Water and Land Resources Quality***

*To maintain and improve the quality of air, water, and land resources of the state.*

The proposed code amendment does not eliminate the requirement for future development in the proposed new NH, MU-III, and MU-R zones to meet the conditions of SRC Chapter 808 (Preservation of Trees and Vegetation), SRC Chapter 809 (Wetlands), SRC Chapter 810 (Landslide Hazards), and SRC Chapter 601 (Floodplain Overlay Zone). The proposed MU-III zone also makes it easier to develop housing in areas that were previously commercially-zoned (e.g., housing is allowed outright as opposed to through a conditional use permit in many of Salem's commercial zones), and the potential development capacity of the properties zoned MU-III has been increased through higher maximum heights. These changes allow for more of Salem's housing demand to be potentially met in areas that are already developed but could be redeveloped with housing or could accommodate additional infill. This potentially helps to lessen the demand for development in areas more prone to natural hazards, such as vacant land with steep slopes. The proposed code amendment therefore conforms with goal 6.

***Goal 7: Areas Subject to Natural Disasters and Hazards***

*To protect life and property from natural disasters.*

The proposed code amendment does not eliminate the requirement for future development in the proposed new NH, MU-III, and MU-R zones to meet the conditions of SRC Chapter 808 (Preservation of Trees and Vegetation), SRC Chapter 809 (Wetlands), SRC Chapter 810 (Landslide Hazards), and SRC Chapter 601 (Floodplain Overlay Zone). The proposed MU-III zone also makes it easier to develop housing in areas that were previously commercially-zoned (e.g., housing is allowed outright as opposed to through a conditional use permit in many of Salem's commercial zones), and the potential development capacity of the properties zoned MU-III has been increased through higher maximum heights. These changes allow for more of Salem's housing demand to be potentially met in areas that are already developed but could be redeveloped with housing or could accommodate additional infill. This potentially helps to lessen the demand for development in areas more prone to natural hazards, such as vacant land with steep slopes. The proposed code amendment therefore conforms with goal 7.

***Goal 8: Recreational Needs***

*To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destinations resorts.*

The proposed NH, MU-III, and MU-R zones allow parks, open space, and recreation services such as community centers, youth clubs, and neighborhood club buildings with swimming pools. This helps meet the recreational needs of residents and visitors in Salem. The proposed code amendment therefore conforms with this goal.

***Goal 9: Economic Development***

*To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

The Salem Economic Opportunities Analysis (EOA), adopted in 2015, was developed consistent with the requirements with Goal 9 and associated administrative rules. It determined that there is expected to be a 271-acre deficit of commercial land in Salem's portion of the UGB over the next 20 years. The EOA recommended meeting this need in several ways, including encouraging

redevelopment of existing industrial and commercial areas, allowing or encouraging mixed-use development in downtown or other employment areas, and identifying nodes for neighborhood retail development.

The proposed MU-III and MU-R zones implement these recommendations. For example, both proposed zones allow mixed-use development and facilitate the redevelopment of commercial or industrial areas, as applied to land in Salem, by allowing outright a broad array of uses, including retail uses, offices, and other commercial uses.

The proposed NH zone also implements an EOA recommendation, particularly the one related to neighborhood retail development. The proposed NH zone allows for small-scale commercial uses, including retail sales and services, in neighborhoods that were previously zoned primarily for residential uses. In addition, the proposed code amendment requires new large subdivisions, those that are at least 10 acres in size, to identify at least two properties where small-scale commercial uses (e.g., neighborhood hubs) will be allowed. These code changes provide the opportunity for some of Salem's commercial demand to be met in these existing and new residential areas.

The proposed code amendment also provides the new opportunity for residents in the RS zone – those along major and minor arterial streets – to convert their homes to include live-work space. This allows more properties in Salem to have small retail or service businesses, helping expand employment opportunities in the city. The proposed code amendment therefore conforms with this goal.

### ***Goal 10: Housing***

*To provide for the housing needs of citizens of the state.*

The Salem Housing Needs Analysis (HNA) was intended to comply with Goal 10 and the associated Oregon Administrative Rules 660.008. It determined that there is projected to be a 207-acre deficit of land for multifamily housing in Salem's portion of the urban growth boundary (UGB) over the next 20 years. One way the HNA recommends meeting that need is to lower barriers to multifamily development. The proposed MU-III and MU-R zones accomplish this by allowing multifamily housing outright. Specifically, multifamily developments do not need to receive a conditional use permit, which is required in most existing commercial and industrial zones today. The opportunity to meet the housing needs of Salem's diverse and growing population are therefore increased.

In addition, the proposed code amendment establishes requirements to encourage more housing and mixed-use development with housing near frequent transit service. For example, the proposed code amendment increases the minimum density in the Multiple-Family Residential-II (RM-II) zone and mixed-use zones from 12 units per acre to 15 units per acres, and it eliminates minimum parking requirements for developments that include multifamily housing in mixed-use zones near frequent transit service (e.g., Cherriots' Core Network). The latter change encourages developed properties, such as existing commercial plazas, to add housing on their parking lots, as off-street parking would no longer be allowed once multifamily housing was developed. In addition, the proposed code amendment establishes a maximum height of 70 feet in the MU-III zone, which is applied to many properties that were previously zoned Retail Commercial (CR)

where the maximum height is 50 feet. These changes encourage and allow more housing to be developed in Salem (e.g., development capacity). The proposed code amendment therefore conforms with this goal.

***Goal 12: Transportation***

*To provide and encourage a safe, convenient, and economic transportation system.*

The proposed MU-III and MU-R zones encourage a safe and convenient transportation system by facilitating pedestrian-friendly development. This is accomplished through development standards that require, for example, buildings to be built up to or close to the sidewalk, building entrances to face major streets, and parking lots to be located behind or beside buildings. The proposed NH zone also requires a primary building entrance to nonresidential uses to face the street and provide direct pedestrian access to the adjacent sidewalk. These provisions encourage and facilitate pedestrian travel, while minimizing potential conflicts between pedestrians and other modes of transportation. The MU-R zone also requires public pedestrian access to the Willamette River, which also promotes safe and convenient pedestrian travel. The proposed code amendment therefore conforms with this goal.

***Goal 13: Energy Conservation***

*To conserve energy.*

The proposed MU-III and MU-R zones facilitate the redevelopment of properties and reuse of vacant buildings by allowing a broad mix of uses outright. Property owners looking to develop or redevelop their land – including vacant or underutilized land – can apply the proposed MU-III zone, for example, to expand the ways in which they can use their property. This flexibility allows property owners to better respond to market changes and develop their property. The proposed MU-III zone also specifically encourages reuse of buildings in inner West Salem by allowing existing industrial buildings there to house new industrial uses. This provides more flexibility in how the existing developed land is reused – in addition to having the opportunity to convert to or redevelop into a variety of residential and commercial uses. Also, both the proposed MU-III and MU-R zones facilitate mixed-use development, which reduces the reliance on automobile trips. The proposed code amendment therefore conforms with this goal.

***Goal 14: Urbanization***

*To provide an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

The proposed MU-III and MU-R help accommodate Salem’s urban population and employment inside the UGB by allowing multifamily housing and a range of commercial uses outright. Property owners, as well as the City, can seek to apply the proposed zones to areas where such uses are not currently allowed or are only allowed through conditional use permits. This could increase the amount of land available for multifamily and commercial uses in the city. The proposed zones also ensure the efficient use of land by allowing a mix of uses on the same property. The proposed NH zone, as mentioned under the Goal 9 findings, also allows for some of Salem’s commercial demand to be met in primarily residential areas. While single-family and middle housing types continue to be allowed, the proposed zone allows small-scale businesses in

areas that previously were largely limited to residential uses. The proposed code amendment therefore conforms with this goal.

***Goal 15: Willamette River Greenway***

*To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

The code amendment seeks to enhance and maintain the natural, scenic, economic, and recreational qualities of lands along the Willamette River, primarily through the establishment of the proposed MU-R zone. That proposed zone aims to promote a mixed-use, pedestrian-oriented district that takes advantage of its proximity to the Willamette River. Specifically, it allows a wide range of uses outright, which supports reuse and redevelopment along the river. It also requires public pedestrian access to the Willamette River, which will increase public access as development and redevelopment occurs. In addition, the proposed code amendment does not eliminate the requirement for future development in the proposed MU-R zone (and other zones) to meet the conditions of SRC Chapter 800 (Willamette Greenway). The proposed code amendment therefore conforms with this goal.

***Goals 3, 4, 11, 16, 17, 18, and 19***

Goals 3, 4, 11, 16, 17, 18, and 19 are not applicable to the proposed code amendment.

***Conforms with the Salem Area Comprehensive Plan***

The proposed amendment is consistent with and conforms to the Salem Area Comprehensive Plan as described below.

***CE 1 Community Engagement Goal:*** *Engage the public in planning, investment, and policy decisions and in the implementation of this Comprehensive Plan through inclusive, equitable, transparent, and collaborative processes that foster meaningful involvement from all members of the community.*

***CE 1.1 Partnerships:*** *The City shall build and foster collaborative partnerships with all segments of the community, including individuals, nonprofits, organizations, neighborhoods, institutions, and businesses to ensure meaningful community involvement in all stages of planning and decision making.*

***CE 1.2 Neighborhood associations:*** *The City shall support and foster the growth of neighborhood associations and encourage their continued participation in land use matters.*

***CE 1.3 Inclusion and equity:*** *The City shall expand opportunities for Salem's communities of color, low-income residents, renters, sovereign tribes, and other underserved and underrepresented groups to participate in planning and investment decisions, particularly those that may be impacted by the results.*

***CE 1.4 Youth and young adult engagement:*** *The City shall create opportunities for youth and young adults to be engaged in planning and decision-making processes.*

***CE 1.5 Culturally appropriate processes:*** *The City shall consult community groups and*



*organizations, particularly underserved and underrepresented groups, to design culturally appropriate processes that meet their needs and effectively engage those affected by planning or investment projects.*

***CE 1.6 Barrier reduction:*** *The City shall reduce barriers to participation and help ensure all meetings and materials are fully accessible by considering language, meeting time, location, required technology/internet, and required level of involvement.*

***CE 1.9 Accountability and transparency:*** *The City shall ensure accountability and transparency in planning processes by providing clear and timely information to the community, by maintaining access to City decision-makers, and by showing how public input has been used.*

The proposed code amendment, including the creation of the proposed new zones, were developed through a multi-year planning project called Our Salem that included extensive public outreach. The community provided input through a variety of ways, including in-person and virtual meetings, surveys, interactive maps, public workshops, property owner meetings, community events, and stakeholder interviews. Staff hosted or attended roughly 260 in-person and virtual meetings and events and engaged with more than 80 community groups throughout the Our Salem project. All of this engagement was conducted to foster meaningful involvement from all members of the community.

Staff specifically expanded opportunities for communities of color, youth, and other underrepresented groups to participate in and provide input throughout Our Salem project, including during the drafting of code amendments to advance the goals and policies in the updated Comprehensive Plan. For example, staff held several youth forums to engage youth and young adults and also created and participated in events specifically tailored to engage communities of color. Staff consulted community groups to design culturally appropriate process or events that met their specific needs. For example, staff worked with organizations representing communities of color to develop Facebook live events that effectively engaged members of those communities. Staff also reduced barriers to participation throughout the Our Salem project by holding meetings at different times of the day and at locations across Salem (as well as online). Staff also translated meeting materials into different languages such as Spanish and Chuukese, tailoring the outreach to the audience. Several events and meetings were also held in Spanish.

In addition, staff fostered partnerships with and engaged a broad variety of community groups, including business organizations and nonprofits. For example, during the drafting of the code amendment, staff worked collaboratively with the area's homebuilders association to ensure the perspective of developers and builders were considered. Staff also collaborated with neighborhood associations throughout the Our Salem project, including in the crafting of the proposed NH zone.

Throughout the creation of the proposed new zones, staff worked to provide the community with clear, timely information to increase transparency in the planning process. For example, staff created two-page overviews of the draft zones to provide the community with high-level concepts early in the code development process. Staff also sought and received feedback on the draft zones at neighborhood and community meetings, particularly the proposed NH zone. Based

on public feedback, staff revised the proposed NH zone and let the community know what the changes were and how public input was used.

In addition, the process to adopt this proposed code amendment requires public notice and affords the public an opportunity to review, comment, and take part in the approval process. The proposed code amendment therefore conforms to this goal and associated policies.

***H1 Housing Choice Goal:*** *Promote a variety of housing options to meet the needs, abilities, and preferences of all current and future residents.*

***H 1.1 Housing types:*** *A variety of housing types shall be allowed and encouraged throughout the Salem Urban Area, including single-family homes, accessory dwelling units, manufactured homes, townhouses, middle housing, and multifamily housing.*

The proposed code amendment promotes a variety of housing options in Salem through several ways. First, the proposed MU-III and MU-R zones allow multifamily housing outright, as opposed to through a conditional use permit as is required in most existing commercial and industrial zones today. This encourages multifamily housing in areas where a conditional use permit – which can add time and cost to a project – could have been a barrier to housing development. In addition, the proposed code amendment requires large subdivisions, those at least 5 acres in size, to include middle housing, which includes two family, three family, four family, townhouses, and cottage clusters. Specifically, at least 15 percent of housing units in those large subdivisions must be middle housing types. This expands the types of housing that would otherwise occur in the Single-Family Residential (RS) and Residential Agriculture (RA) zones. The proposed code amendment therefore conforms to this goal and policy.

***H 3 Land Supply Goal:*** *Provide a supply of residential land that accommodates the amounts and types of housing needed to meet the population forecast for the Salem Urban Area.*

***H 3.1 Access and dispersal:*** *Multifamily housing should be located near employment centers, parks, shopping, and schools throughout the Salem Urban Area to increase pedestrian access to those destinations and services, foster complete neighborhoods, and promote dispersal of such housing across Salem's neighborhoods.*

***H 3.3 Infill:*** *Infill housing should be encouraged to promote the efficient use of land and existing infrastructure and access to existing services and amenities.*

The proposed code amendment facilitates the development of multifamily housing through the creation of the proposed MU-III and MU-R zones. The two proposed mixed-use zones allow multifamily housing outright, as opposed to through a conditional use permit as is required in most existing commercial and industrial zones today. The opportunity to meet the housing needs of Salem's diverse and growing population are therefore increased. According to the HNA, there is a need for more multifamily housing units in Salem's portion of the UGB, and one way the HNA recommends meeting that need is to lower barriers to multifamily development, which this proposed code amendment does.

The proposed zones, as they are applied to land in Salem, allow for multifamily housing to be developed near employment, parks, shopping, and schools. The proposed zones are largely located along major commercial corridors served by transit service as well as along the river. The proposed MU-III and MU-R zones also allow a mix of residential and commercial uses, which facilitates the development of housing with or near jobs, shopping, and services. This increases pedestrian access to those destinations and services.

The proposed code amendment also encourages infill housing by eliminating minimum parking requirements for any uses in the MU-I, MU-II, MU-III, and MU-R zones, provided that the property is located within one quarter-mile of the Core Network and is developed with multiple family. This provides the space and flexibility for properties with existing commercial uses, for example, to add housing on existing parking lots; the parking spaces for the commercial uses would no longer be required. The proposed code amendment therefore conforms to this goal and associated policies.

***H 5 Livability and Sustainability Goal:*** *Enhance Salem’s neighborhoods to ensure that they are safe, welcoming, stable, sustainable, and attractive places to live.*

The proposed MU-III zone requires building setbacks when the zone is located adjacent to a residential zone to minimize impacts of more intensive development on adjacent residential properties. Specifically, a minimum 10-foot setback is required, plus 1.5 feet of additional setback for each 1 foot of building height above 15 feet, with a maximum setback of 50 feet. This setback provides a buffer between properties that are zoned MU-III and properties in a residential zone. This helps maintain the livability of Salem’s neighborhoods.

The proposed NH zone requires a new parking spaces to be located behind or beside buildings and structures, and it prohibits outdoor storage of materials and equipment. On-site storage of hazardous materials such as explosive materials are also prohibited in the proposed new zone. In addition, the proposed NH zone generally requires a primary building entrance to a nonresidential use – such as a retail shop – to face the street, and a direct pedestrian access must be provided to the adjacent sidewalk. These provisions help ensure that neighborhoods are safe, attractive, and welcoming places. The proposed code amendment therefore conforms with this goal and policy.

***E 1 Economic Development Goal:*** *Strengthen and diversify the economy to enhance Salem’s economic prosperity and resiliency.*

***E 1.1 Diversity:*** *A diverse range of businesses and industries should be encouraged in the Salem Urban Area to provide jobs and services to the diverse, growing population and to strengthen economic resiliency.*

***E 1.2 Traded-sector industries:*** *The attraction, retention, and growth of traded-sector industries should be fostered, particularly those that provide living-wage jobs and investment in the Salem Urban Area.*

***E 1.13 Flexibility:*** *The types and arrangements of businesses allowed in employment areas should be flexible to support adaptive reuse of existing buildings in changing economies.*

The proposed code amendment encourages a diverse range of businesses to help diversify the economy through the proposed MU-III and MU-R zones. Both proposed zones allow a broad array of uses outright, including retail sales, offices, services, and other commercial uses. This provides flexibility in how properties – those to which the zones are applied – can be used or reused. The proposed zones therefore allow property owners to better respond to market changes.

The proposed MU-III zone specifically allows industrial uses such as manufacturing in existing industrial businesses in inner West Salem, an existing industrial area. This supports the retention of traded-sector industries, and it also provides flexibility in the types of businesses allowed in the inner West Salem area and supports the adaptive reuse of existing buildings. The proposed MU-R zone also allows limited manufacturing and wholesaling in existing and new buildings – in addition to more broadly allowing commercial uses and multifamily housing. This give property owners flexibility to respond to changing economies. The proposed code amendment therefore conforms to this goal and associated policies.

***E 2 Land Supply Goal:*** *Maintain an adequate supply of land to meet Salem’s economic and employment needs.*

***E 2.1 Employment land:*** *The City shall provide a supply of employment land that accommodates the amounts, size, types, locations, and service levels needed to meet the short-term and long-term employment growth forecasts for the Salem Urban Area.*

***E 2.4 Infill and redevelopment:*** *Industrial development should be encouraged in infill and redevelopment locations that are currently served or adjacent to developed properties to maximize returns on public infrastructure investments.*

***E 2.6 River:*** *The Willamette River should be leveraged as an asset to encourage mixed-use riverfront development that revitalizes waterfront properties, while protecting or enhancing the scenic and natural qualities of the land.*

The EOA determined that there is projected deficit of commercial land in Salem’s portion of the UGB, and it recommends meeting this need in several ways, including encouraging redevelopment of existing industrial and commercial areas and allowing or encouraging mixed-use development in downtown or other employment areas. The proposed MU-III and MU-R zones implement these recommendations and help meet Salem’s employment needs, as they allow mixed-use development and facilitate the redevelopment of existing commercial or industrial areas, as applied to land in Salem, by allowing a broad mix of uses outright.

The proposed MU-III zone specifically encourages industrial uses in infill and redevelopment locations – inner West Salem – which helps maximize returns on public infrastructure investments there. The proposed zone specifically promotes the adaptive reuse of existing buildings in inner West Salem by allowing new industrial uses to move into existing industrial buildings.

The proposed MU-R zone leverages the Willamette River as an asset, as the zone is applied to land along the river and encourages mixed-use development that takes advantage of close proximity to the river. The proposed zone allows a mix of uses outright and requires public pedestrian access to the river. The proposed code amendment therefore conforms to this goal and associated policies.

***E 3 Access and Livability Goal:*** Promote a vibrant economy that increases access to jobs, goods, and services.

***E 3.2 Transit-oriented development:*** Pedestrian-friendly, mixed-use development and redevelopment should be encouraged along corridors with frequent transit access and near Cherriot's Core Network to increase access to jobs and services, reduce the need for single-occupancy vehicle trips, and support public transit.

***E 4.1 Pedestrian-friendly design:*** New or retrofitted commercial and mixed-use development should be encouraged to incorporate pedestrian-friendly design elements and site designs that promote pedestrian activity, economic vitality, and a sense of place.

The proposed code amendment, specifically the proposed MU-III zone, promotes pedestrian-friendly, mixed-use development near Cherriot's Core Network; the zone was created to largely apply – and is applied – along that network of frequent bus service. The proposed zone allows a mix of uses outright and includes several design standards that promote pedestrian-friendly development, such as a requirement that new parking lots to be located behind or beside buildings. The proposed MU-R zone includes even more pedestrian-friendly design standards, including those that require ground-floor windows and awnings and entrances facing the street.

Both proposed zones increase access to jobs, services, and goods by allowing multifamily housing outright in addition to a broad range of commercial uses. The proposed zones thus facilitate the development of housing along with commercial uses on the same site. The proposed code amendment therefore conforms with this goal and policies.

***E 3.3 Neighborhood hub:*** The creation of neighborhood hubs – small, neighborhood-serving businesses clustered within residential areas – shall be supported and facilitated to improve local access to daily goods and services, enhance neighborhood resiliency, and foster complete neighborhoods.

***E 3.4 New neighborhoods:*** New, large subdivisions and planned unit developments should be allowed and encouraged to incorporate neighborhood hubs to promote the creation of complete neighborhoods.

***E 3.7 Access to health:*** The City shall allow medical, mental health, and social services broadly in the Salem Urban Area to improve access for all residents, including seniors and lower-income residents.

***E 3.8 Access to childcare:*** The City shall allow child day care opportunities broadly in the Salem Urban Area to improve access for all residents, particularly in neighborhood hubs and in areas with access to frequent transit service.

The proposed code amendment creates the new NH zone, which allows small-scale, neighborhood-serving shops, services, and other businesses in residential areas. The proposed zone, as it is applied to land in Salem, creates the opportunity for businesses to serve surrounding residential neighborhoods, which increases access to daily goods and services and foster complete neighborhoods. Property owners interested in having small-scale businesses in their neighborhoods can also apply to rezone their land to the NH zone.

In addition, the proposed code amendment requires certain large subdivisions – those at least 10 acres in size and that meet other criteria – to allow neighborhood hub businesses on at least two lots. This promotes the creation of complete neighborhoods as vacant or underutilized land is developed with more housing in Salem.

The proposed NH zone also allows childcare centers, social services like job training services, and offices of doctors, chiropractors, physical therapists, and other medical practitioners. As applied in otherwise residential areas, the proposed zone increases access to these medical and social services as well as child care opportunities. The proposed code amendment therefore conforms to these policies.

***L 3.8 Parking requirements:*** *Parking requirements should be reviewed and set at the lowest standards that will meet the community's needs in order to reduce land utilized for parking, allow the market to determine parking needs, reduce the cost of development, and encourage a more walkable development pattern.*

The proposed code amendment includes changes to minimum parking requirements for mixed-use development near Cherriot's Core Network. Specifically, it eliminates minimum off-street parking requirements for any uses in the MU-I, MU-II, MU-III, and MU-R zones, provided that the property is located within one quarter-mile of the Core Network and is developed with multiple family. This encourages infill housing on properties that are already developed with commercial uses, as parking for those uses are no longer required once multifamily housing is added to the site. The change in parking requirements allows the market to determine parking needs, while potentially reducing the land dedicated to parking. The proposed code amendment therefore conforms to this policy.

***CC 1 Greenhouse Gas Emissions Goal:*** *Reduce Salem's greenhouse gas emissions to 50 percent of the citywide emissions from the baseline year of 2016 by 2035 and be carbon neutral by 2050.*

***CC 1.1 Land use and transportation:*** *The City shall facilitate and support changes in land use patterns and the transportation system to reduce single-occupancy vehicle trips and mobile emissions, which are the largest source of greenhouse gas emissions produced in Salem. Progress toward this objective shall be monitored through benchmarks sets forth in Table 1 on p.83.*

The proposed code amendment seeks to reduce greenhouse gas emissions from transportation in several ways. Provisions of the proposed MU-III zone were designed to encourage mixed-use development and more housing near frequent transit routes, as the proposed new zone is largely applied in Salem along Cherriot's Core Network. For example, the proposed zone has a maximum height of 70 feet and a minimum density of 15 units per acre. This allows for more housing to potentially be developed along the Core Network, particularly as the proposed zone replaces the Retail Commercial (CR) zone in many areas. The CR zone has a maximum height of 50 feet and no minimum density.

The proposed code amendment also establishes a minimum density in the RS zone of 15 units per acre for properties within a ¼ mile of the Core Network. This encourages higher density housing to be located near the frequent transit routes when new development or redevelopment occurs. (The RS zone would not have a minimum density without this code amendment, allowing for one dwelling unit, for example, to be located on a large lot.)

The proposed code amendment creates the new NH zone, which as applied in residential areas in Salem, allows for the introduction of small-scale shops and services in existing neighborhoods. This creates the opportunity for people to more easily access shops and services and meet their daily needs within their neighborhood, which reduces the need to drive. Reductions in driving in Salem results in the reduction in associated greenhouse gas emissions.

In addition, the proposed code amendment requires certain large subdivisions to include neighborhood hub uses and middle housing. This provides the opportunity for more people to live near small-scale shops and services, which makes it easier for them to meet their daily needs without having to drive.

***W 2 Recreation and Access Goal: Promote and enhance the recreational and scenic qualities of the Willamette River and adjacent lands and increase access to these areas.***

***W 2.2 Visual access: Visual access and a sense of openness should be provided by maximizing the open space between buildings and the river***

***W 2.3 Public access: Development and redevelopment within the Greenway Boundary should include provisions for public access to and along the river.***

The proposed code amendment seeks to provide access to the Willamette River, primarily through the establishment of the proposed MU-R zone. That proposed zone is applied to land along the river, and it requires public pedestrian access to the river. This will ensure increased access to the river as development and redevelopment occurs along the river. The proposed code amendment therefore conforms to this goal and policy.

***CS 1 Community Spaces and Culture Goal: Foster development of community gathering spaces and other amenities that provide opportunities for people to socialize and celebrate together.***

***CS 1.8 Neighborhood hubs: Neighborhood-scale community spaces and public services should be encouraged in neighborhood hubs.***

The proposed code amendment creates the NH zone, which as applied to land in Salem, allows for the creation of neighborhood-scale community spaces and public services. Specifically, the proposed zone allows community centers, senior centers, youth clubs, and libraries. This creates the opportunity for these types of community gathering spaces to be developed in neighborhood hubs. The proposed code amendment therefore conforms to this goal and policy.

## Procedural Findings

- 1) The City of Salem 2017 Strategic Plan identified a goal to develop a “comprehensive, long-term vision for future growth and development in Salem that has community participation” and two specific actions: Conducting citywide visioning and updating the Salem Area Comprehensive Plan (Comprehensive Plan) with the results of that visioning.
- 2) The City Council approved funding in 2017 to hire a consultant and update the Comprehensive Plan.
- 3) The City, with support from the consultant team led by Fregonese Associates, undertook a multi-year project called Our Salem to update the Salem Area Comprehensive Plan, which included extensive community engagement.
- 4) The result of the Our Salem project includes an updated Comprehensive Plan; proposed changes to the Comprehensive Plan Map, zoning map, and generalized land use maps of several neighborhood plans; and proposed amendments to the Salem Revised Code.
- 5) The proposed changes to the Comprehensive Plan Map accommodate Salem’s projected housing needs, allowing for the Salem Housing Needs Analysis (HNA) to be adopted as a support document to the Comprehensive Plan.
- 6) The proposed changes are considered the following: Adoption of the updated Salem Area Comprehensive Plan is a “Major Comprehensive Plan Amendment” that must be initiated by the City Council under SRC 64.020(e)(1); changes to the Salem Area Comprehensive Plan Map and generalized land use maps in neighborhood plans are “Major Plan Map Amendments” that must be initiated by the City Council under SRC 64.025(b)(1); legislative zone changes may be initiated by the City Council under SRC 265.010(c); proposed amendments to the Salem Revised Code may be initiated by the City Council by resolution under SRC 300.1110(a); and adoption of the HNA as a support document to the Salem Area Comprehensive Plan is considered a “Major Comprehensive Plan Amendment” that must be initiated by the City Council under SRC 64.020(e)(1) with associated amendments to SRC Chapter 64, Comprehensive Planning, that may be initiated by the City Council under SRC 300.1110(a)(1).
- 7) The City Council may refer the matter to the Planning Commission for public hearing and recommendation pursuant to SRC 300.1110(a)(1). On December 6, 2021, the City Council initiated the amendments with Resolution 2021-48 and referred the matter to the Planning Commission for public hearing and recommendation.
- 8) 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 (DLCD) 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.
- 9) The Comprehensive Plan, both the existing and proposed updated versions, requires coordination with other jurisdictions within the Salem Keizer Urban Area (e.g., Salem-Keizer Urban Growth Boundary) when any non-regional planning action is made. Non-regional planning actions include amendments to urban area policies and “all other land use actions”



(excluding regional policies). The City proposed changes to Salem urban area policies and Salem Comprehensive Plan Map and has therefore followed the “Non-regional planning actions procedures” outlined in the Comprehensive Plan. As required, the City notified Marion and Polk counties of the proposed amendments by sending them a copy of the notice sent to DLCDC. This notice was sent on February 7, 2022. Marion County declined to initiate concurrence of the proposed amendments. Polk County concurred with proposed amendments to the Salem Area Comprehensive Plan and Salem Comprehensive Plan Map in Ordinance Bill No. 22-02, dated June 8, 2022. Therefore, the City has fulfilled its requirements for non-regional planning actions.

10) On March 15 and April 5, 2022, the Planning Commission held a public hearing to review and receive public testimony on the proposed amendments. The Planning Commission closed the public hearing on April 5, 2022 and voted to deliberate at its April 19, 2022 meeting. On April 19, 2022, the Planning Commission voted to recommend City Council approval of the proposed amendments with the following revisions:

- a. Remove the proposed map changes at 3094 Gehlar Road NW (Proposed Zone Change Map 173 and Proposed Comp Plan Change Map 145)
- b. Expand the proposed MU-II zone to encompass the entire property for the 3100 Block of Orchard Heights Rd NW (Comp Plan Map 160 and Zone Change Map 190) and that
- c. Rezone 2916 Orchard Heights Rd NW to MU-II instead of RM-II (Comp Plan Map 159 and Zone Change Map 188)
- d. Update the policy language in Policies H 2.1, H 3.2 and H 1.3 as described in the supplemental staff report dated April 5th to be more inclusive for low-income housing, subsidized housing, and public housing

The Planning Commission’s recommendations were incorporated into the ordinances before the City Council for consideration.

11) On May 23, 2022, the City Council voted to hold a public hearing of Ordinance Bills No. 9-22, 10-22, 11-22, and 12-22.

12) On June 13, 2022, the City Council voted to close the public hearing and leave the written record open for submission of additional written evidence and testimony.

13) On July 11, 2022, the City Council vote to advance Ordinance Bills No. 9-22, 10-22, 11-22, and 12-22 to second reading, with the following revisions:

- a. Remove from Ordinance No. 10-22 the property at 2390 Brown Road NE that is proposed to be redesignated to Mixed Use on Map 26 and rezoned to Neighborhood Hub on Map 33
- b. Remove from Ordinance No. 10-22 the properties north of Orchard Heights Road NW that are proposed to be redesignated to Multiple Family Residential on Map 159
- c. Rezone and redesignate the properties south of Orchard Heights Road NW that are proposed to be rezoned to Mixed Use-II on Map 190 and redesignated to Mixed Use on Map 160 to reflect staff’s original proposal to rezone and redesignate only the northern portions of the impacted properties
- d. Rezone and redesignate the property at 255 College Drive NW that is proposed to be rezoned to Multiple Family-I on Map 170 and redesignated to Multi-Family Residential on Map 142 to the Single Family Residential zone and designation

- e. Remove the properties on both sides of Commercial Street SE from Superior Street S to Jerris Avenue and properties on only the east side of Commercial Street SE between Jerris Avenue and McGilchrist Street that are proposed to be rezoned to MU-III on Proposed Zone Change Map 124 from Ordinance No. 10-22 and to direct staff create a new ordinance and schedule a separate public hearing to consider rezoning those properties to MU-II
- f. Direct staff to address traffic issues on Wallace Road NW—including the Congestion Relief Task Force recommendations—in the upcoming update to the Salem Transportation System Plan

**Public Testimony**

Public testimony on the proposed amendments was received both prior to and at the Planning Commission public hearing. **Exhibit 1** summarizes and addresses those public comments.

### *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 July 11, 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 was 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, which was adopted by the City Council, does not impact how the properties can be used or developed now or in the future, and the zoning of the properties 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. However, the City Council found that if the properties proposed to be redesignated to MF north of Orchard Heights Road NW 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. The City Council voted to remove the properties from Ordinance Bill No. 10-22.

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 properties at Liberty Road S and Mildred Lane SE were proposed to be rezoned – and ultimately were rezoned by the City Council – to 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 completely 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.

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.

**Staff Response:** The Walker School Residential Area Overlay Zone was proposed to be eliminated due to the state law HB 2001. The overlay zone was established to promote compatibility between higher density infill residential development and existing single-family dwellings. However, due to HB 2001, the City was required to allow middle housing on the properties zoned RS in this area, and it was restricted in the design standards that could be applied. The City approved a code amendment implementing HB 2001 earlier in 2022, and limited design standards now apply as allowed by the law.

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, which was adopted by the City Council, 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, which was adopted by the City Council, 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, which were also adopted by the City Council, seek to implement many of the goals and policies, including those around open space and wildlife habitat. The 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 – and was ultimately rezoned by the City Council – to Multiple Family-I (RM-I). The 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 minimum density of 8 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 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 map change on Eola Drive NW helps 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 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 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 City Council agreed with the request and chose not to rezone the property; it has been removed from the Our Salem project.

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 was not proposed to be rezoned to MU-R. It is currently zoned General Industrial (IG), and that was 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 – which was adopted by the City Council – is the result of extensive community input. The 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 zone also implements the community’s vision for a mixed-use area along the river there.

The MU-R zone allows existing uses to remain and to be altered, enlarged, and rebuilt. The 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 in the next year or two.

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

**Staff Response:** The properties in question are zoned Residential Duplex (RD) and are proposed to be rezoned – and were ultimately rezoned by the City Council – to Single Family Residential (RS). The 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 – and the City Council has voted to – eliminate the RD zone as part of the Our Salem code amendment and to 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. A comment from the property owner requested that the PE zone be amended to allow religious assembly.

**Staff Response:** The map change on College Drive NW was proposed at the request of the property owner, Life Church; specifically, the owner sought 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.

The City Council voted to rezone the Life Church property to RS as opposed to RM-1, as churches are allowed as a special use in the RS zone. 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 is not allowed in the RS zone.

If development occurred on the Life Church property in the future, 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.

The City Council did not vote to amend the PE zone to allow churches as a special use, as suggested in one of the comments. That would have impacted all properties that are zoned PE in Salem such as school properties. The PE zone is intended for public and private educational services. In addition, an amendment to the PE zone was not initiated as part of the Our Salem project, so any code change to that zone would have required a separate 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 were proposed to resolve conflicts between the existing Comprehensive Plan Map designation and existing zoning. As part of the Our Salem project, staff proposed to resolve the mapping conflicts across Salem, and the City Council adopted the map changes. The property, for example, on Waldo Ave SE was designated Multiple Family (MF) on the Comprehensive Plan Map today, but it was split zoned RS and Multiple Family Residential II (RM-II). To resolve the conflict, the RS portion was rezoned to RM-II to align the zoning with the existing Comprehensive Plan Map designation and to 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.

**Staff Response:** The properties were proposed to be rezoned – and were ultimately rezoned by the City Council – from Residential Agriculture (RA) to RM-II to help Salem meet its projected housing needs. The zone allows for development of housing and limited other uses. Rezoning the properties does not require that they be developed. The Salem Housing Needs Analysis (HNA), which was adopted by the City Council concurrently with the 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 continue to apply to these properties after being rezoned. 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 were zoned RA, which allows for development of housing and limited other uses. The map change adopted by the City Council rezones the properties to Mixed Use-II (MU-II), which allows a range of housing and commercial uses. Rezoning the properties does not require that they be developed. Development could have occurred under the RA zone.

The local wetlands inventory does not indicate wetlands on the properties; the zone change adopted by the City Council 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 continue to apply to these properties under the MU-II zone. 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 initial 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. SCAN’s subsequent request related to proposed zoning was to change the zoning on the west side of Commercial Street between Bush Street and Myers Street to MU-II and to change the zoning on Commercial Street between Superior Street and Jerris Avenue and on the east side only between Jerris Avenue and McGilchrist Street to MU-II. SCAN’s initial 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 – and were ultimately rezoned by the City Council – to 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 were previously zoned CR.

Staff proposed and the Council voted 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 MU-I zone 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 Street 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 was proposed in these areas because staff sought 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 had no objection to SCAN's request to rezone this southern portion of Commercial Street SE roughly between Superior Street and McGilchrist Street to MU-II.

Rezoning the properties to MU-II would result in future development or redevelopment being more pedestrian friendly, as that mixed-use zone includes more expansive pedestrian-oriented design standards than the MU-III zone. It would also restrict new auto-oriented uses from being allowed. The City Council voted to remove the proposed rezoning of the properties from Ordinance No. 10-22, so proper notice of this potential revision to MU-II could be provided to the property owners prior to the public hearing. A separate ordinance will be prepared, and a separate public hearing will be held on this revised map change after proper notice is provided to the property owners. The City Council voted to redesignate the properties to Mixed Use on the Comprehensive Plan Map.

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. The City Council voted to adopt a code amendment that includes all of the changes recommended by the zoning subcommittee. Many of the code changes aim 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 and the City Council did 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 17<sup>th</sup> Street NE. During the Our Salem project, staff proposed rezoning the properties in this area west of 17<sup>th</sup> 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. The Planning Commission and City Council did not support downzoning additional properties from RM-II to RS.

During the Our Salem project, staff heard from the community 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 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, which was adopted by the City Council. 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.

**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 was not proposed or adopted by the City Council.

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.

**Staff Response:** The property was zoned RS, which does not allow retail sales and services. The proposed zoning for this property – which was adopted by the City Council – is Neighborhood Hub (NH), which allows small-scale retail sales and services uses, including markets. Therefore, the NH zone 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.

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 Road 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.

**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. The City Council voted to remove the proposed NH zone from the property at 2390 Brown Road NE, finding that it was not a good location for a neighborhood hub.

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.

**Staff Response:** The existing zoning of the Grocery Outlet property is CB, and no change to the current zoning of this property was proposed or adopted. 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 conducted work sessions in the spring of 2022, and public hearings on the sign code amendments are anticipated to begin later in 2022.

30. A comment was received in support of MU-III zoning on Fisher Rd. NE.
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 was 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 submitted a letter of support dated March 8, 2022.

The Our Salem project – including the updates to the Comprehensive Plan and Comprehensive Plan Map adopted by the City Council – 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 proposed – and adopted – changes to the zoning of several properties in Salem to help protect natural resources on City-owned land. Specifically, the City proposed and adopted changes to Comprehensive Plan Map designations of such properties to Parks, Open Space, and Outdoor Recreation (POS) and changed the zoning to Public Amusement (PA). Such changes 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, which was adopted by the City Council, 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 that were adopted by the City Council reflect these policies by rezoning and redesignating land for multifamily housing and mixed-use development across Salem, including in South and West Salem. The map 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 was not proposed to be expanded as part of the Our Salem project, and its existing provisions related to continued uses were not proposed to be changed. The City currently allows development housing continued uses to be rebuilt following damage or destruction. The proposed code amendment that was adopted by the City Council expands the flexibility provided to properties through continued use and continued development provisions. For example, the new MU-III zone allows 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 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, which was adopted by the City Council, 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.

**Staff Response:** Rezoning the properties does not require that they be developed or redeveloped. Both the CO zone and proposed MU-I zone – which was adopted by the City Council – allow multifamily and mixed-use development. The maximum height in the CO zone is 70 feet, and the maximum height in the MU-I zone is 65 feet. Therefore, the 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 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.

**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 to four 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, 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 and will continue to do so.

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.

42. 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 change was adopted by the City Council. The portion outside the UGB will not be impacted by the map 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.

43. 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.
44. A comment was received from 350 Salem expressing support for the proposed Comprehensive Plan and proposed map changes.
45. 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 were adopted by the City Council were not intended to override land use cases. During the Our Salem project, staff adjusted the proposed 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 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. The City Council did not add the property back into the Our Salem project. The applicant is proposing a mix of zones and uses that are not compatible with CO zoning. Their application is expected to be reviewed by the Planning Commission later in 2022.

46. 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 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 NH zone does not allow office uses. The City Council voted to remove the proposed NH

zone from the property at 2390 Brown Road NE, finding that it is not a good location for a neighborhood hub, so it will remain RA.

47. 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, and the City Council adopted that change.

48. 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.

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. The City Council voted to do that, rezoning only the northern portion of the properties to MU-II, which leaves the southern portions zoned RA. This change does not impact Salem's ability to meet its projected housing needs.

49. A comment was received from the property owner of 1515 20<sup>th</sup> Street NE, inquiring how the proposed changes would affect the property.

**Staff Response:** The property at 1515 20<sup>th</sup> Street NE was zoned RS, and it is in the Compact Development Overlay Zone. The proposed code changes adopted by the City Council 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.

50. 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 the base zone was

proposed or adopted. The property, however, was within two overlay zones: the Compact Development Overlay and Walker School Residential Area Overlay Zone. The City Council voted to eliminate both overlays because they are no longer necessary, as previously stated.

51. A comment was received questioning whether the property with Marion County tax account number 532159 (Map and Tax Lot Number 083W11D000602) 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 was proposed for a zone change from RA to MU-I, and that change was adopted by the City Council.

52. 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.)

**Staff Response:** Due to its proximity to downtown and the Capitol Mall and the walkability of the area, this property and the surrounding area were proposed to be rezoned to MU-I, and that zone change was adopted by the City Council. 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.

53. 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:** During the Our Salem project, staff tracked recently-approved land use decisions and pending land use cases. The proposed Comprehensive Plan map and zoning map that were adopted by the City Council are not intended to override any recent land use decisions, as staff recommended changes to maps to reflect any necessary changes related to land use cases that were 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.

54. 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 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 that was adopted by the City Council, 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 changes that were adopted by the Council 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 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 also suggested revisions to proposed policies (see staff response below), and those changes were adopted by the City Council.

55. 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.
56. 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 – and were ultimately rezoned by the City Council – 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 zone changes will not impact the status of the existing uses on the properties.

57. 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 incorporated the Planning Commission’s recommendation into the proposal before the City Council, so the property was no longer proposed to be rezoned to MU-II. The property was not rezoned by the City Council.

58. 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.
59. 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.

60. 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.

61. 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. In its adoption of the proposed map changes and other amendments related to the Our Salem project, the City Council voted to direct staff to address traffic issues on Wallace Road NW—including the Congestion Relief Task Force recommendations—in the upcoming update to the Salem Transportation System Plan.

62. 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.
63. 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 design standards in the new MU-III zone are intended to promote pedestrian-oriented design as infill development, redevelopment, and new development

occurs. The standards were developed with input from the community, including the owner and manager of the Willamette Town Center. For example, the 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 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.

64. A comment was received in support of rezoning properties on Stoneway Drive NW to RS.

65. 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.

66. 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 that were adopted by the City Council.

67. 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.

68. A comment was received, stating that property owners should be able to retain the zoning of their property if they make the request. No specific property was referenced.

69. 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.

70. Comments were received challenging the transportation planning rule analysis related to the proposed map changes and findings of significant traffic impacts. The comments state

that there are omissions and errors in the analysis, asks that the findings of significant traffic impacts be rejected until corrections are made, asks that the proposed Our Salem zone changes be conditionally approved, and asks that the Our Salem proposals be affirmed.

**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 City is required to adopt findings addressing the statewide planning goals, associated administrative rules, and all applicable criteria. Therefore, the City cannot conditionally adopt the Our Salem ordinances without the accompanying findings, as requested in the comment. The City Council adopted the Our Salem project, including the proposed zone changes, with findings and rejected the request to adopt the project without the transportation analysis or transportation findings.

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.

71. A comment was received from Salem Health, stating no objection to the proposed rezoning of 2561 Center Street SE from Public and Private Educational Services (PH) to MU-I. The comment asked that the City Council consider increasing the maximum height allowed in the PH zone in the future to offset the impact of that proposed zone change and allow for more patient care on the main hospital campus.