

## EXHIBIT B

### FACTS AND FINDINGS FOR ORDINANCE BILL NO. 3-22 CODE AMENDMENT CASE NO. CA-ZC21-01 (2021 UNIFIED DEVELOPMENT CODE UPDATE – FAIRVIEW MIXED-USE ZONE AMENDMENTS)

#### SUBSTANTIVE FINDINGS

##### 1. Approval Criteria for Amendments to the Unified Development Code (UDC)

Salem Revised Code (SRC) 110.085(b) sets forth the following criteria that must be met in order for an amendment to the code to be approved. The following subsections are organized with approval criteria shown in *bold italic*, followed by findings evaluating the proposal's conformance with the criteria.

(1) *The amendment is in the best interest of the public health, safety, and welfare of the City.*

**Finding:** The proposed amendments are in the best interest of the public health, safety, and welfare of the City because they update the Fairview Mixed-Use (FMU) zone to comply with recent changes in State law; establish managed temporary villages for the unsheltered and emergency centers as allowed uses within the zone, as is proposed broadly throughout the City in other zone districts, in order to help meet community need; and clarify the requirements for the approval of refinement plans and how they are reviewed in relation to the Fairview plan in order to reflect how the code has been historically applied.

Amendments to the FMU zone that are proposed as result of changes in State law include revisions implementing the requirements of House Bill HB3109 and House Bill HB2583.

House Bill HB3109 establishes requirements pertaining to how local governments may regulate family child care homes and child care centers. Under the bill local jurisdictions are required to allow family child care homes in all areas zoned for residential or commercial use and allow child care centers in areas zoned for commercial or industrial use, except areas specifically designed for heavy industrial use. The bill also establishes revised definitions for “family child care homes” and “child care centers.” In order to comply with the requirements of the bill, the permitted use table of the zone is amended to allow child day care home and child day care centers as required by the bill.

House Bill HB2583 establishes requirements prohibiting local governments from limiting maximum occupancy within a residential dwelling unit based on whether the occupants within the dwelling unit are a family. In order to align with the requirements of HB2583 and the revised definition of “family” included in SRC Chapter 111 (Definitions), the permitted use table of the FMU zone is amended to eliminate the “taking of boarders and leasing of rooms by a resident family” as a permitted use within the zone. This use is proposed to be eliminated because under the revised definition of

family under SRC Chapter 111, any number of unrelated persons may live together in a dwelling unit and therefore the allowance of this use is no longer necessary.

The proposed amendments updating the FMU zone to comply with the identified changes in State law ensure that the development code is kept up-to-date and in alignment with the most recent requirements. This in-turn eliminates any potential conflicts, confusion, or inconsistencies between State and local requirements and helps to better serve the public and ensure land use and development standards are clear as possible.

The proposed amendments to the FMU zone that establish managed temporary villages for the unsheltered and emergency shelters as allowed temporary uses within the zone are part of a broader set of amendments that have been included in the 2021 Unified Development code update. The amendments are necessary because of the need for this type of transitional shelter to help meet the needs of the unsheltered in the community, but neither shelter type is currently clearly identified as being allowed under the UDC. As a result, these uses are required to be authorized under emergency declaration rather than being allowed, as any other land use, through the UDC.

Managed temporary villages are proposed to be allowed broadly throughout the City in all zones and not just the FMU zone. This will help to ensure they can be sited throughout the City and not concentrated in particular areas. Managed temporary villages and emergency shelters are subject to siting and operational standards designed to help meet the needs of shelter residents/guests, promote security, and minimize potential impacts on adjacent properties.

The proposed amendments to the FMU zone also further clarify the relationship between the Fairview plan and refinement plans to reflect how the code has been historically applied to the approval of refinement plans within the zone. The proposed amendment:

- Adds language providing greater clarify regarding the purpose of the Fairview Plan and its regulatory authority over subsequent refinement plans.
- Revises approval criteria for refinement plans under SRC 530.030(e) to specify which specific portions of the Fairview plan that refinements plans must be found to be in conformance with.
- Clarifies that the maps and drawings in the plan are conceptual//illustrative in nature and may be further revised by refinement plans in substantial conformance with the thirteen sustainable land use principles included in the Fairview Training Center Redevelopment Master Plan document.
- Clarifies who has standing to initiate amendments to the Fairview plan and refinement plans.
- Clarifies that amendments to the Fairview plan and refinements plans are actual changes to the text and/or supporting documents of the plans, not site-specific proposals for development requesting deviation from the standards of a refinement plan (e.g. a request that would normally be addressed through a variance or adjustment to the standard rather than an amendment to the plan).

This approval criterion is met.

- (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.***

**Finding:** The Salem Area Comprehensive Plan (SACP) is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meet the needs of present and future residents of the Salem urban area.

The proposed amendments have reviewed for conformance with the applicable goals and policies of the SACP. The following SACP goals and policies relate to the proposed amendments:

- **Mixed-Use Development Goal:** *To provide a mixture of complementary land uses that may include housing, retail, offices, services, industrial and civic uses, to create economic and social vitality.*
- **Mixed-Use Development Policy F.1 – Development:** *Encourage efficient use of land by facilitating compact, high-density development and minimizing the amount of land that is needed to accommodate automobile parking. Where appropriate, revise mixed-use design standards to make them simpler and easier to use, including making mixed-use design standards consistent across mixed-use areas.*
- **Mixed-Use Development Policy F.2 – Development:** *Encourage development that preserves private open space for residents and employees of mixed-use development.*
- **Mixed-Use Development Policy F.3 – Priorities for Mobility and Access:** *Facilitate development (land use mix, density, connectivity, design, and orientation) that reduces the need for, and frequency of, SOV trips and supports public transit, where applicable.*
- **Mixed-Use Development Policy F.4 – Priorities for Mobility and Access:** *Reinforce streets as public places that encourage pedestrian and bicycle travel.*
- **Mixed-Use Development Policy F.5 – Priorities for Mobility and Access:** *Provide roadway and pedestrian connections to residential areas.*
- **Mixed-Use Development Policy F.6 – Design:** *Develop commercial and mixed-use areas that are safe, comfortable and attractive to pedestrians.*
- **Mixed-Use Development Policy F.7 – Design:** *Provide flexibility in the siting and design of new developments, facilities, and redevelopment to respond to changes in the marketplace and infrastructure systems.*
- **Mixed-Use Development Policy F.8 – Design:** *Provide appropriate transitions between mixed-use areas and adjacent single-use neighborhoods.*

The Fairview Mixed Use (FMU) zone applies to the former Fairview Training Center site which is designated Mixed-Use on the Salem Area Comprehensive Plan Map. The FMU zone implements the above identified mixed-use goals and policies of the Salem Area Comprehensive Plan and therefore amendments to the zone must remain consistent with these goals and policies.

The proposed amendments update the FMU zone to comply with recent changes in State law; establish managed temporary villages for the unsheltered and emergency centers as allowed uses within the zone; and clarify the requirements for the review and approval of refinement plans in order to reflect how the code has been historically applied. None of the proposed amendments change the zone in a manner to prevent mixed-use development within the zone consistent with the mixed-use goals and policies of the comprehensive plan.

Development within the FMU zone must be undertaken pursuant to the Fairview plan and subsequent requirements plans. The Fairview plan is the general overall master plan that identifies the goals and policies for development within the zone. Refinement plans are detailed regulatory plans that implement the goals and policies of the Fairview plan through more detailed and specific site planning and by establishing specific standards regulating development with the refinement plan area.

The proposed amendments to the zone clarifying the review and approval requirements for refinement plans provide needed clarification to further prescribe the relationship between the Fairview plan and refinement plans in order to reflect the original legislative intent of the zone and how the code has historically be applied. Under the proposed amendments all of the requirements applicable to the Fairview plan and refinement plans will remain in place in place to ensure that development with the zone is consistent with the above identified applicable policies of the comprehensive plan. This approval criterion is met.

The proposed code amendment was also reviewed for conformance with the applicable Statewide Planning Goals and administrative rules adopted by the Department of Land Conservation and Development. The following goals and administrative rules are applicable to the proposed code amendment:

- ***Goal 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 amendments conform to this goal because the process to adopt the amendments requires public notice and affords the public an opportunity to review, comment, and take part in the approval process. In addition to the formal adoption process, the City held four public work sessions with the Planning Commission to provide the public an opportunity to review the code amendments prior to the official adoption process.

- ***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 SACP has been adopted by the City and acknowledged by the Land Conservation and development Commission as being in compliance with the statewide goals, state statutes, and state administrative rules.

The proposed amendments modify the review and approval requirements for refinement plans to provide needed clarity that further prescribes the relationship between the Fairview plan and refinement plans in order to reflect the original legislative intent of the zone and how the code has historically been applied. The proposed amendments:

- Add language providing greater clarity regarding the purpose of the Fairview Plan and its regulatory authority over subsequent refinement plans.
- Revise the approval criteria for refinement plans under SRC 530.030(e) to specify which specific portions of the Fairview plan that refinements plans must be found to be in conformance with.
- Clarify that the maps and drawings in the plan are conceptual//illustrative in nature and may be further revised by refinement plans in substantial conformance with the thirteen sustainable land use principles included in the Fairview Training Center Redevelopment Master Plan document.
- Clarify who has standing to initiate amendments to the Fairview plan and refinement plans.
- Clarify that amendments to the Fairview plan and refinements plans are actual changes to the text and/or supporting documents of the plans, not site-specific proposals for development requesting deviation from the standards of a refinement plan (e.g. a request that would normally be addressed through a variance or adjustment to the standard rather than an amendment to the plan).

The proposed changes further clarify and improve the City's land use planning process. The proposed amendments therefore conform with this goal.