

## Ruth Stellmacher

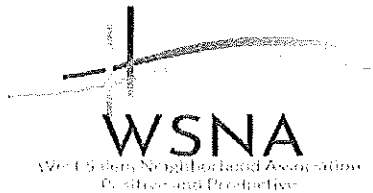
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**From:** STEVEN ANDERSON <[andersonriskanalysis@comcast.net](mailto:andersonriskanalysis@comcast.net)>  
**Sent:** Thursday, June 9, 2022 2:20 PM  
**To:** CityRecorder  
**Cc:** Eunice Kim  
**Subject:** Testimony for June 13th City Council Our Salem Public Hearing  
**Attachments:** Our Salem City Council Public Hearing Testimony June 2022.pdf

ATTN:

Attached is West Salem Neighborhood Association Testimony for the upcoming Salem City Council Our Salem Public Hearing June 13th. Please include for the record and distribute to the Mayor & City Council as soon as you can. Would you please confirm receipt of this testimony and its inclusion in the record? If any problems here, please let me know as soon as possible. Thank you for your assistance.

Steven A. Anderson, West Salem Neighborhood Association Land Use Chair  
[andersonriskanalysis@comcast.net](mailto:andersonriskanalysis@comcast.net)



To: Salem City Council,  
Fr: Steve Anderson, West Salem Neighborhood Association Land Use Chair  
Dt: 9 June 2022

The West Salem Neighborhood Association (WSNA) has enjoyed working closely in partnership with the Our Salem team to facilitate the advancement of the Our Salem goals and resulting benefits for our community. We see the inclusion of more multi-family acreage<sup>1</sup> and the multiuse rezoning in the old industrial area of the Edgewater District as positive steps forward.

With this progress comes the need to **step up now** and make a commitment to address the traffic congestion along Wallace Road. Nowhere in the Our Salem Goal 12 (transportation) staff report findings is Wallace Road mentioned. This increased housing density, while needed, will further degradation traffic and congestion along Wallace Road. How much can be debated. The facts are that currently there is a broken transportation system so valuable for the economic viability of West Salem. Congestion relief for Wallace Road is an important community issue. Without a commitment for action, it will only get worst with no plan for fixing it.

The solution is amazingly simple. The WSNA is asking Council to recognize that Wallace Road will be impacted by the Our Salem proposed zone changes. The WSNA sees the mitigation details being worked out during the upcoming revision of the Salem Transportation System Plan. The WSNA ask Council to officially recognize the problem now (do not kick the can down the road), then instruct staff to make Council's instruction a priority using the four multi-modal transportation improvements from the Congestion Relief Taskforce Finding the foundation for effecting positive change for a broken transportation system, Wallace Road.

Therefore, taking the "balancing test" approach proposed by staff in the Our Salem transportation analysis and approved by Oregon Department of Transportation (see details below) coupled with the "solution package" recommendation from the Congestion Relief Taskforce, the West Salem Neighborhood Association requests that:

- (1) Council acknowledges that the approval of the Our Salem comprehensive plan changes will further degrade the West Salem transportation infrastructure, specifically Wallace Road.
- (2) that Council direct staff to amend the Our Salem adopted findings to acknowledge the impacts of the proposed Our Salem zone changes to Wallace Road; and
- (3) direct staff to address the Council approved increased Wallace Road traffic volumes during the pending updates to the Salem Transportation System Plan.

The implementation of said multi-modal transportation solutions to be accomplished when the Salem Transportation System Plan is updated later this year.

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<sup>1</sup> Details obtained from staff show the proposed Our Salem zone changes will result in a total of 335 acres of Multi-Family Residential (MF) land now in West Salem, a 23.2% increase in MF zoned acres for West Salem. This is 30.4% of the 207-acre deficit determined in the Housing Needs Analysis.



## OUR LOGIC & SUPPORTING RATIONALE

A review of the Our Salem Goal 12 draft staff report findings<sup>2</sup> and the Transportation Analysis Zone (TAZ) report supporting the conclusions offered found that staff conducted a detailed analysis according to prescribed methodology for such work. The TAZ report referenced in the proposed Our Salem staff findings for the West Salem zone changes projected an increase of 1,670<sup>3</sup> daily trips southbound and eastbound from Wallace Road and Highway 22 [(656 + 1,044) = 1,670 daily trips].

The TAZ Transportation Analysis Report is accurate within the limits of its methodology. However, we have clear evidence that the Our Sale proposed zones changes will **further degrade** transportation on the Wallace Road corridor. The WSNA understands that increased density is needed as Salem grows and have worked closely with Our Salem staff to accomplish this. The WSNA understand that the large land reserves in West Salem will need to be used to provide more supply of affordable housing to contribute to the economic growth of our community. This said, nowhere in the TAZ Transportation Analysis Report is Wallace Road addressed.

The WSNA supports staff's suggestion of a balancing test in that their analysis suggests that the identified significant impacts can be offset using the balancing test described in the Transportation Planning Rule Section OAR 660-012-0060(2)(e) which states that improvements to other modes or in other locations can be used to offset the impact. Oregon Department of Transportation affirmed this.

Reports like the Salem River Crossing and the Congestion Relief Taskforce Findings documented that congestion and mobility are issues along Wallace Road today without the additional proposed Our Salem zoning changes. In fact, these studies clearly show that without the proposed Our Salem Zone changes for West Salem, Wallace Road, which currently does not meet mobility targets, will continue to deteriorate into the future unless addressed specifically.

Additionally, in as much as the current Salem Transportation System Plan map, adopted by council in 2016, declares both Wallace Road and Highway 22 to be "capacity deficient," and the Oregon Department of Transpiration has limited development along the East side of Wallace Road, more evidence that transportation infrastructure mitigation is needed for Wallace Road with or without the zone changes proposed as part of the Our Salem project. Clearly, adding more housing density to West Salem through the Our Salem zone changes with further degrade the Wallace Road transportation system.

The WSNA recommends that Council look to the Congestion Relief Taskforce findings for reasonable solutions. The Salem Congestion Relief Taskforce Final Report offered

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<sup>2</sup> <https://salem.legistar.com/View.ashx?M=F&ID=10906667&GUID=E6D919DF-A9CB-483E-A6C2-146459E61D80>  
Pdf pages 157-160

<sup>3</sup>The TAZ data provided one westbound segment, but no northbound segment daily traffic increases for the proposed Our Salem West Salem comprehensive plan update. Further, on a daily basis 22% of all new Our Salem daily southbound traffic on Wallace Road was projected to turn west onto 2<sup>nd</sup> or Edgewater Streets.



recommendations to significantly reduce congestion along Wallace Road. A set of capital projects were suggested and cited as “must be packaged together.” These “packages” of project ideas were called Solution Packages, each of which constituted potential major, long-term capital projects. These solution packages included those same multi-modal improvements suggested in the TAZ report in the form of bicycle/pedestrian, transit, and traffic signal in the vicinity of the impacted intersections for the balancing test (OAR 660-012-0060(2)(e)). In addition to those three, the Congestion Relief Taskforce included a fourth, the creation of a circulator/trolley program. The TAZ report assumed an 8% ridership increase. However, the Salem River Crossing study found that this level of ridership may be too optimistic. Therefore, the WSNA feels the inclusion of the circulator/trolley program offers four sound approaches to reducing congestion along Wallace Road. These four multi-modal improvements when incorporated into the future Salem Transportation System Plan update is cost-effective and provides clear direction for the future.

Taking the “balancing test” approach using the “solution package” recommendation from the Congestion Relief Taskforce, the WSNA offered the three specific requests of Council above (see page 1).

The WSNA has asked staff to support this request. We see no reason why not to recognize further degradation to the Wallace Road transportation system. It is simply a question of how much. The WSNA sees no reason for Council to not support the WSNA in its three specific requests to have actions now with specific, time certain, implementation dates to be agreed upon now. Our community is asking for your attention to our concerns and leadership to support it.

## Ruth Stellmacher

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**From:** noreply@cityofsalem.net  
**Sent:** Friday, June 10, 2022 11:46 AM  
**To:** CityRecorder  
**Subject:** City meeting public comment  
**Attachments:** ATT00001.bin

Once again, I'm writing to completely oppose construction of an apartment complex next to the park on Eola (RM1) on the map. First, the concern for the safety of our children using the park will be put in jeopardy, as our children have to cross Eola to access that park, and rather than not doing something about the already excessive traffic on Eola, you want to add even more. The proposed entrance to this complex off of Eola is on the MOST dangerous curve on Eola, where yearly multi-car pile ups and accidents already occur. The commissioner just approved a 500-unit complex off Doaks Ferry that will add an additional 1000 plus vehicles coming over the bridge, down Eola and Wallace, and you want to add more, not including the 32 additional homes that have been approved to be built off Doaks Ferry and Eola. West Salem has a higher crime rate than the national average, and these past few months alone we have had a murder off Doaks Ferry, multiple stabbings off Kingwood, and a major drug bust on Crozer Rd of 31 pounds of meth, and the list goes on, yet you want to keep on adding to this. There doesn't appear to be any consideration whatsoever to the tremendous impact that this will have, and already has had on the community. The emphasis seems to be on the amount of tax dollars that can be generated rather than the impact to the community. We would like to make this part of your record. The property next to the park, "has a water table that runs from the wetlands through the park and around the side of the property behind the homes on Mule Deer, it continues to run under those homes, on Mule Deer and down the hill". Previously the question of, "who would be held responsible for loss of life and property when a large apartment complex became part of the mudslide" was answered by basically no one. The correct answer is the city and the state would be responsible if they approve such a build. Have you determined the acceptable percentage of loss of life and property to accommodate the completion of this project? To reiterate one of many concerns, the project and the additional tax dollars from the number of residents have a higher priority than loss of life and property. Currently the governor has ordered that all the state buildings be retrofitted for earthquakes, at a large expense. Obviously, the concern is a valid concern. Deforestation, and the removal of a large portion of the hillside to place an apartment complex can more than likely lead to a mudslide into the homes on Mule Deer as well as those on Eola. When logging or fire strips the topography of trees, shrubs and grasses, water can infiltrate the ground and make it more prone to sliding. Earthquakes may also play a big part. The Gorge is an example of such a location with tragic results!!!!

This email was generated by the dynamic web forms contact us form on 6/10/2022.

## Ruth Stellmacher

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**From:** Mike Malowney <mike\_malowney@yahoo.com>  
**Sent:** Friday, June 10, 2022 3:36 PM  
**To:** Chuck Bennett; Micki Varney; Virginia Stapleton; CityRecorder; citycouncil  
**Subject:** June 13 Council Meeting - Agenda Item: Our Salem Project ( Map# 170 - College Dr NW

**Categories:** Council Dox

Dear City Council.

It has come to our attention that there is an effort to re-zone the property currently owned by Life Church from PE to Residential 1 - 4 unit property. We strongly oppose this action, primarily for the health and safety of current residents, and potential future residents. I live at 247 Turnage NW. I've lived on Turnage for 30+ years. This subject property is commonly known also as the former Salem Academy property.

We oppose this re-zoning because if additional housing, especially multi-unit housing, were built it would overwhelm the narrow streets in this neighborhood. College Drive is a narrow winding street that stretches from Highway 22 up the hill past several small single family homes and a series of duplexes. As College Drive winds it's way uphill there are about a dozen residential units in 3 or 4 structures on the left side. The parking lot on those units floods after hard rains and many residents park on the street and on a grassy unpaved stretch on College rather than wade through the waters to get to their cars.

Continuing up the hill there multiple apartment units (College Drive Apartments?) on the right. It's a sweeping right hand curve with limited visibility, many children, mail box kiosks, school bus stops and pedestrians, children. The apartment complex is directly across the street from the old Salem Academy school.

College Drive continues to wind uphill past Turnage Street, Crozer Street and eventually loops around and joins Stoneway Drive. All these streets are narrow, without sidewalks (except in front of the more recently built apartment complex and those across the street). Also a 3rd short sidewalk in front of the 2 recently built single family homes on the west side of College at the intersection with Turnage Drive.

Here are the problems we see with adding more residential units on College Drive

1. College Drive is narrow. Many Residents living on the right side of College have insufficient driveways, they are too short, and longer vehicles stick out into the roadway. Residents with multiple cars often park on the edge of the road. Delivery drivers stop on the roadway, turn on flashers, and leave the vehicles to deliver parcels. Landscaping services park on College and Turnage and Stoneway park on the side of the road due to lack of parking.

2. The road surface is poor. It is cracked, crumbling and prone to pot holes. With those 3 minor exceptions, there are NO sidewalks on College Drive. No sidewalks on Stoneway, and with one short section exception, No sidewalks on Turnage from College Drive to Eola.

3. There is a spring under College Drive and there is a wet spot on College, at the top of the hill, just below the apartment structures, that the pavement is always wet. All four seasons, water is seeping through the road surface. In the winter this is especially hazardous due to freezing/icing weather.

4. There are NO storm drains on College. There is a ditch rain water enters. I believe there is 1 storm drain on College below the apartments. There are No storm drains on Stoneway, Crozer and none on most of Turnage. As I have said previously, there are no contiguous sidewalks, none on Crozer or Stoneway. Pedestrians and cars share the roadway. This is already dangerous. It will get worse.

5. I live on a short deadend section of Turnage. To leave my home to go into town I have very limited choices:  
a. Drive down College to the intersection with Highway 22. This is entering a 4 lane plus turning lane ON A CURVE. Very limited sight distance, which is even worse now that a storage facility has been constructed on Hwy 22. The storage units severely restrict visibility of oncoming traffic. Traffic that is driving at 50+ MPH, often much faster. Adding additional residential properties will exacerbate this problem. Traffic trying to enter hwy 22 will find a bottleneck and desperate drivers will take unnecessary risks, especially in foggy/rainy weather. Rush hour is very dangerous.

b. Cross College and turn right on Stoneway, go down to the bottom of the hill, and although the visibility is better, entering Hwy 22 is still hazardous, especially during Rush Hour. And, there are many multifamily dwellings on Stoneway already (and Rosemont). Adding more residential units will make the situation on Stoneway worse. Also Stoneway has NO sidewalks, no storm water sewer and many pedestrians. Plus the additional traffic will affect the liveability of those who live on Stoneway.

b2. If I turn left from Turnage onto Stoneway, traffic is funnelled onto Kaley, Impacting that neighborhood with additional traffic.

c. Continuing on Turnage Drive to Eola. Turnage Street at Stoneway is offset, you don't just cross Stoneway, the street takes a jog to the left and there is zero visibility of cross traffic coming down Stoneway because the intersection is on a curve. Again no sidewalks for pedestrians and dog walkers. Turnage is extremely narrow and curvey with limited sight distance. Cars encountering oncoming drivers are often forced to come to a complete stop to allow an oncoming car to pass. Delivery vehicles, landscapers, trades people all stop on the roadway.

6. To add more housing to the College Drive property will require a major investment in storm sewers, roadway improvements, sidewalks and onstreet parking.

Please DO NOT approve this zoning change.

Sincerely,

Mike & Connie Malowney  
247 Turnage St NW

**Ruth Stellmacher**

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**From:** Roz Shirack <rozshirack7@gmail.com>  
**Sent:** Friday, June 10, 2022 4:24 PM  
**To:** CityRecorder  
**Subject:** Testimony for June 13 Council Hearing on Our Salem, agenda item 4.a  
**Attachments:** SCAN Testimony to Council-Our Salem.docx

**Categories:** Council Dox

Please include the attached testimony from South Central Association of Neighbors in the record for the Council's June 13 hearing on Our Salem.

Thank you,  
Roz Shirack, Chair  
SCAN Land Use Committee

Submitted for Lorrie Walker, President





*SCAN*  
South Central Association of Neighbors  
Salem, Oregon

June 10, 2022

To: City Council

From: Lorrie Walker, President  
South Central Association of Neighbors

Subject: Our Salem Testimony, Agenda Item 4.a, June 13 agenda

**SCAN requests the Mixed Use-II zone for Commercial St. SE from Mission St SE to Vista Ave SE.** Specifically, we request changing the proposed Mixed Use-I zone to Mixed Use-II on Commercial St SE from Mission St to Meyers St (see Map 119 in Attachment 19 of March 15 staff report); and changing the proposed Mixed Use-III zone to Mixed Use-II on Commercial St from Superior St to Jerris St and *on the eastside only* of Commercial St from Jerris St to Vista Ave (see Map 124 in Attachment 19 of March 15 staff report).

The proposed zone map already applies the Mixed Use-II zone on Commercial St SE from Meyers St to Superior St (see Map 122 in Attachment 19 of March 15 staff report).

Following the Planning Commission's March 15 hearing, staff responded to SCAN's request for MU-II instead of MU-III: "... staff has no objection to SCAN's request to rezone this southern portion of Commercial Street SE to MU-II." (Supplemental Report for the Continued Public Hearing on the Our Salem Project, dated April 5, 2022, p 5.)

At the Planning Commission's April 19 meeting Commissioner Slater's made two motions in support of SCAN's request for MU-II zoning:

- 1) I move that the properties on Commercial Street SE from Mission Street SE to Myers Street SE on Proposed Zone Change Map 119 be rezoned to MU-II instead of MU-I.
- 2) I move that the properties on the west side of Commercial Street SE from Superior Street S to one block south of Rural Avenue S and on the east side of Commercial Street SE from Liberty Street SE to Vista Avenue SE on Proposed Zone Change Map 124 be rezoned to MU-II instead of MU-III.

The motions failed on a tie vote of 3 yay's to 3 nay's.

**The MU-II zone is most appropriate for Commercial St. SE from Mission St to Vista Ave.**

Staff notes that MU-I is proposed south of Mission to extend downtown-like development south. However, given the vacant buildings downtown, it does not need more competition on its doorstep. We believe a buffer of less intense development south of Mission is better for the health of downtown and for the existing residential uses adjacent to Commercial St.

On the west side of Commercial St SE many of the lots that front Commercial St. SE are about 8,000 square feet, relatively small for commercial and multifamily uses. A narrow alley runs parallel to Commercial St. from Bush St to Rural Ave SE and provides access to those lots. The mixed use zone on that narrow, one-lot deep

strip would abut existing single-family zoned properties and multi-family zoned properties, most of which are still in single-family use.

The east side of Commercial St. SE has similar small lots and an alley that runs from Mission St to Superior St. The mixed use zone would abut existing commercial office zoned properties that also use that alley for access and parking. However, south of Superior St, the mixed use zone would abut the single family zone.

Mixed uses would need to use the two alleys for access, as the current small businesses and residents do now. Commercial St SE is only two lanes wide (three lanes for 3 blocks from Mission to Owens) with no room for bike lanes and limited or no curb parking for most of the blocks between Mission and Rural. Therefore, the Mixed Use-II zone is the most appropriate for this section of Commercial St SE due to small lots, adjacent residential uses, and limited street and alley capacity.

**We strongly oppose the MU-III zone proposed on Commercial St SE from Superior St to Vista Ave** (see Map 124 in Attachment 19). The lots along Commercial St, on Cherriot's Core Network, are a good location for pedestrian friendly commercial and residential uses that can rely on transit. The MU-III zone "wastes" this potential because it includes a number of vehicle-related uses that do not need to be located on the Core Network. Also, MU-III allows too intense\* of development for the small lots and abutting residential uses.

Vehicle-related uses allowed in the MU-III zone that are **not** allowed in the MU-II zone include:

- Motor vehicle and manufactured dwelling and trailer sales
- Motor vehicle services, including gasoline stations
- Commercial standalone surface parking lots
- Parking lots for park-and-ride facilities
- Drive-throughs for any use
- Taxicabs and car services
- Truck rental and leasing
- Truck stops and tire retreading and repair shops
- Privately owned campgrounds and RV parks
- Distribution centers for online and mail order sales
- Solid waste transfer stations, recycling depots

Proposed amendments to the zone code include strong protections for continuing uses that would not otherwise be allowed due to a zone change (eg vehicle dealerships allowed in the current CR and proposed MU-III zones, but not allowed in MU-II). Continued uses can repair, rebuild and expand. But new development in a MU-II zone would be less vehicle dependent and more pedestrian friendly, compared to the MU-III zone.

SCAN does not oppose the widespread use of mixed use zones, but the choice of which mixed use zone is applied to a given location needs to consider the surrounding uses and the capacity of the street system that will carry not only buses, but also increased traffic generated by the mixed uses.

SCAN believes the MU-II zone on Commercial St SE will allow significant progress toward meeting the City's goals to create more walkable, complete neighborhoods, particularly near frequent transit service; and to reduce greenhouse gas emissions from transportation.

In addition, SCAN's written testimony to the Planning Commission's March 15 hearing is in your record.

\*MU-III zone allows the most intense and large-scale development and is the least pedestrian friendly of all the mixed use zones, as measured by allowed height of 70 feet (versus 55 feet in MU-II); capped setback of 50 feet from residential zones; and minimum ground floor height of 20 feet (versus 10 feet in MU-II).

## Ruth Stellmacher

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**From:** Michael Coutley <mcoutley77@yahoo.com>  
**Sent:** Friday, June 10, 2022 6:59 PM  
**To:** Chuck Bennett; CityRecorder; Micki Varney; Virginia Stapleton  
**Subject:** June 13th Council Meeting - Agenda item: 4a: Our Salem Project (Map #170 College Drive NW)

Dear Mayor Bennett and City Councilors,

My name is Michael Coutley. I live at 224 Turnage St, NW Salem, OR 97304. I'm writing to share my concerns about this proposal. I think it's important for me to mention that I fully support mix income housing. Many Salem residents have been priced out of communities that they grew up in, or that they could once afford. Especially residents of color. However, the College Heights neighborhood is a horrible location for ANY kind of expansion. This is definitely not a "not in my backyard situation." College Heights is extremely hilly with windy curves and is already unsafe for those of us walking our dogs and children. Developers are constantly looking for ways to build more housing on this side of town. The West side of Salem, especially College Heights, doesn't have the capacity for more housing. What we need is improved infrastructure and more services. For example, West Salem should focus on building Marine Drive project that runs parallel to Wallace Street to help with traffic flow and a store similar to a Bi-Mart. I often see potential accidents waiting to happen when vehicles turn onto Hwy 22 off of College Drive. The flashing yellow light does very little in terms of safety. The thought of an additional 1,000 or more residents scares the hell out of me.

As someone who grew up in a family with very modest means, I have firsthand experience of what 's important to working people; public transportation, safety, schools, and services that are nearby top the list. College Heights doesn't fit the bill. Why would anyone think that building low incoming housing on the far edge of town is a good idea? Not to mention that College Drive, Stoneyway Drive, and Rosewood Drive already have numerous apartment complexes. I would argue that this area is already diverse in terms of income levels... College Heights isn't Bald Eagle Avenue or Titan Drive. Please consider that local residents have a better understanding of what our community needs. Developers only understand dollars - and never think about the potential consequences. I'm not looking forward to penning a "told you so" letter in ten years after the overcrowding congestion in this small neighborhood create a tragedy due expansion that was created after changing the zoning code.

Respectfully,

Michael E. Coutley

**Ruth Stellmacher**

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**From:** noreply@cityofsalem.net on behalf of paul\_shaffer@hotmail.com  
**Sent:** Saturday, June 11, 2022 11:05 AM  
**To:** CityRecorder  
**Subject:** City meeting public comment  
**Attachments:** 2022.06.12 Salem Planning Comission Ordinance 9-22 Exhibit A.pdf

Your Name	Paul Shaffer
Your Email	paul_shaffer@hotmail.com
Your Phone	425-753-1610
Street	1949 PTARMIGAN ST NW
City	SALEM
State	OR
Zip	97304
Message	Submission of document for Salem Planning Commission meeting June 13, 2022. Covering ordinance 9-22 Exhibit A.

This email was generated by the dynamic web forms contact us form on 6/11/2022.

To: Salem Planning Commission

Subject: Public Hearing for Agenda Items:

***Ordinance No. 9-22 Exhibit A, Ordinance No. 11-22 Exhibit A, and Ordinance No. 10-22 Exhibit B***

Our family is 50% owner of property along Fairview Industrial Drive which abuts Interstate 5, also known as Fairview Commerce Center or Drager's Subdivision. Our ownership includes lots with tax accounts: 532207, 547124, 547125, 547126, 547127, and 547128.

Our father purchased the initial parcel of this property nearly 30 years ago with the ultimate intent of development. The property remains undeveloped and is now the subject of this Comprehensive Plan and zoning hearing.

***We are writing in support of the proposal for the zoning designation of the property to Industrial Commercial. We believe that this rezone will support the best ultimate use of the land.***

The property is within "Opportunity Area 1" as defined in the Morningside Neighborhood Plan.

The Morningside Association document appears to support this redesignation, and certainly the zoning change to Industrial Commercial meets with the goals for "Opportunity Zone 1" as explicitly stated in the Plan document goals and policies:

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***GOAL 21 (Morningside Association Plan)***

***Maintain and enhance the Fairview Commerce Center as an innovative and market-responsive, economic development asset.***

***POLICIES:***

***21.1 The Fairview Commerce Center should be promoted and managed as a significant regional employment center, providing diverse private investment opportunities and a preponderance of family-wage jobs, and contributing to the economic and social livelihood of the City of Salem.***

***21.5 New uses and development within the Fairview Commerce Center should contribute toward the property tax base of the City of Salem.***

***21.6 Within the Fairview Commerce Center, the design standards and landscaping requirements of the IBC (Industrial Business Campus) zone and Fairview Urban Renewal Area (City of Salem, 1984) shall be maintained in any update or replacement of the IBC zoning district.***

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Certainly, any development project will add to the creation of employment center and business desirability of the Fairview Industrial area, while at the same time enhancing the City's tax base and improving the overall attractiveness of the area by conforming with design, landscaping, and surface water control standards. The land is currently undeveloped, with mostly dense brush on the property.

The City of Salem Comprehensive Plan contains several goals in the "Industrial Development" section, including:

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***Salem Comprehensive Policies Plan (2015)***

***GOAL 5. Appropriate public facilities, services, and utilities are essential for industrial development. The industrial areas currently serviced by public facilities, services, and utilities provide the best opportunity to maximize past and future public investments in infrastructure. Systems expansion to promote infill development and redevelopment of the currently serviced areas shall be given priority for public funding of facilities, services, and utilities.***

***GOAL 10. Traffic generated by industrial uses should be diverted away from residential areas when feasible and should have convenient access to arterial or collector streets.***

***GOAL 16. Development of a distinct industrial district that provides for a continuity of design and uses on preferably medium sized parcels (10 to 40 acres in size) is necessary to provide a variety of parcel sizes within the industrial inventory and to assist in attracting industrial development.***

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These goals are well supported by the zoning change. The property already has public infrastructure including power, water, storm drains and sidewalks. As the property is positioned adjacent to Interstate 5, industrial traffic would avoid residential areas. The parcels we own amount to approximately 29 Acres, and as such fall under the "medium sized" classification in the Comprehensive Plan. We believe that the property is perfectly sized for the desired type of clean, quality industrial development that the City seeks.

As the property would be designated for industrial/commercial uses, we believe that the final use of the property will not increase residential traffic or cause parking issues which often accompany retail or multi-family uses.

As the property is not situated next to a residential development, there are no expected safety threats to neighborhoods.

Changes to our zoning designations are directly supported by the Morningside Neighborhood Plan:

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***RECOMMENDED ACTIONS:***

***A21.5 The Morningside Neighborhood supports changes to the zoning and Comprehensive Plan designations for existing residentially zoned properties within the Fairview Commerce Center to classifications that are supportive of industrial and office uses to facilitate expansion of the commerce center south to Marietta Street SE and Interstate 5, as illustrated in Figure 9.2.***

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We feel that the proposed zoning changes in Ordinance No. 9-22 Exhibit A, Ordinance No. 11-22 Exhibit A, and Ordinance No. 10-22 Exhibit B deserve approval. Our parcels have been owned by our family for many years as we have waited for this process to conclude. We believe it is the right choice for the City.

Thank you for your valuable work and time. The improvements in the City of Salem are well balanced and continue to raise the quality of life for all residents and businesses.

Sincerely,

Viola Shaffer  
Paul Shaffer  
Park Shaffer  
Grant Shaffer

## Ruth Stellmacher

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**From:** Seth GaRey <sgarey@cejohn.com>  
**Sent:** Sunday, June 12, 2022 2:10 PM  
**To:** CityRecorder  
**Subject:** Written Testimony for Our Salem Public Hearing  
**Attachments:** Our Salem - Public Comment-CE John Company, Willamette Town Center.pdf

Attached is public testimony for tomorrow's Public Hearing concerning the Our Salem Zone and Code changes.

Thank you,

**Seth GaRey**

*Director of Development* | [sgarey@cejohn.com](mailto:sgarey@cejohn.com)



C.E. John Company, Inc. | 1701 S.E. Columbia River Dr. | Vancouver, WA 98661  
Direct: 360.823.2779 | Main Office: 360.696.0837 | Fax: 360.696.1007

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**CE JOHN**

SINCE 1947

June 12, 2022

VIA Email: [cityrecorder@cityofsalem.net](mailto:cityrecorder@cityofsalem.net)

City Council  
555 Liberty St  
Salem, OR 978301

**Re: Public Comment for Proposed Zone and Code Change (Our Salem)**

Dear Councilors:

We are the owner and manager of the Willamette Town Center (831 Lancaster Dr NE). This 50 plus acre shopping center that originally opened as the Lancaster Mall in the 70's is midway through a multi-phase \$100 million dollar redevelopment to reinvigorate it as a major regional shopping center. The proposed zone and code change would modify the zoning from CR Commercial Retail to MU-III. While we are supportive of many aspects of the proposed changes and the underlying reasons behind them, we are concerned that certain specific items within the new MU-III code and Pedestrian Oriented Design will have unintended negative consequences that will hinder the completion of upcoming phases..

We have had a very positive experience over the past 7 years working with the City's various departments to entitle and permit the many projects that have breathed new life into the property and the City of Salem. As a property owner that is also completing projects in many other jurisdictions including Portland, Beaverton, and Vancouver, it is very safe to say that the City of Salem has been the best to work with. When we heard of upcoming code changes well over a year ago, we provided early feedback to Eunice Kim through the eyes of a property owner that is actively developing both in Salem and other jurisdictions with similar codes to what is being proposed. Unfortunately, our feedback was largely ignored. The proposed code changes make great sense for downtown areas with a block grid and on-street parking with limited or no off-street parking, but will result in significant challenges along Lancaster Dr where 4 sided buildings must be constructed to accommodate the majority of customers entering through the inward parking lot facing side in order to access the the front door of the shops.

Here are few items that we ask council to consider:

- 1. Ground Floor Windows - consider reducing the minimum requirement from 50% to 25%; clarify how it is measured, recommend using window height for analysis area.** For 4-sided single story buildings, it will be very unlikely to meet the new Oregon Energy Code using the standard prescriptive path with this requirement. New buildings would require expensive energy models and upgrades just to meet the minimum efficiency requirements. This will make new buildings along Lancaster Drive very expensive and much less likely to pencil out leaving old buildings that do not meet this code in perpetuity. How this is measured is also not clear; most jurisdictions do it by building length or by measuring the area at typical storefront window height - 2'-12'. Depending on how this is applied, nearly the entire frontage may need to be glass once a base, sign band, and required parapet for screening are factored in.
- 2. Primary Building Entrances - Multi-tenant retail shop buildings are intended to be flexible and many times include multiple small tenants.** It is impractical to have a primary entrance facing Lancaster Dr and another facing the parking lot where 99% of customers will come from as additional hallways through the tenants "back of house" will eat upvaluable space. Asking customers to walk around the building to get to the primary entrance is the opposite of pedestrian friendly as people become pedestrians once they park their car or walk between the multiple buildings onsite. These multi-tenant buildings are intended to be flexible, typically the number and size of the individual tenants is not known as the buildings are being built so having a primary entrance for each tenant is very hard to achieve. **Consider changing to a minimum of one primary entrance facing the street PER**

**BUILDING rather than per tenant.** Beaverton has this rule which is easily accomplished on single tenant buildings and although is challenging for multi-tenant, is a good compromise. You would hate to build a 10,000 SF building with 7 primary entries onto Lancaster Dr and then lease it to a single tenant. Functionally and architecturally, this would be very problematic.

3. **Off-street parking location** – With a large property like the Willamette Town Center, even as buildings are built along Lancaster Dr and Center St, there are still going to be buildings in the inner part of the site and D Street is not a marketable retail street although it is classified as an arterial. It is impossible to not have some portions of parking areas between the 3 arterial streets and these inner property buildings. In the coming years, we see new buildings going where the interior mall and Burlington building sit today in addition to new buildings up along Lancaster Dr. **There needs to be some provision that clearly allows for large lots and corner lots to have buildings on the interior of the site when additional buildings are also built along the frontage of the true Primary street.**
4. **Weather Protection 75%** – This would require a significant amount of street side canopies in this area with no onstreet parking which will drive costs up significantly and make redevelopment less likely. Weather protection makes sense at storefront and entries. Creating covered arcades makes sense in downtown but not along Lancaster Drive. **Consider reducing weather protection to be required only at entries and ground floor windows.**

I'm more than happy to collaborate with staff to help ensure that this proposed zone and code change works for the City of Salem and does not cause development along Lancaster Drive to stagnate and/or evaporate.

Sincerely,



Seth GaRey  
Director of Development  
CE John Company, Inc

## Ruth Stellmacher

---

**From:** A Scott <scott46ac@gmail.com>  
**Sent:** Sunday, June 12, 2022 6:09 PM  
**To:** CityRecorder  
**Subject:** 1280 Center Street Shelter

To the Mayor and City Council:

As I will be out of town for your next Council Meeting, I must submit my comments this way.

I attended the recent hearing on this homeless shelter and I thought I would put down some of my concerns after listening to the judge and attorneys.

Before you continue with this development, please consider the following:

1. What will happen to those who arrive and are not admitted and decide to camp in the neighborhood because their girlfriend was admitted?
2. Who will we call with issues and how quickly will our complaints be responded to? The residents need a direct phone number to call about issues around this shelter other than the non-emergency or Public Works numbers. The city has done a terrible job with the downtown camping issues and there are still folks camping around the Salem Center parking block. We need to know issues will be dealt with quickly.
3. Foot traffic will increase between the shelter and Safeway. There should be a pedestrian activated light at Center and 13th.
4. The entrance to the shelter off Center Street seems dangerous. Why not off the alley on the south side?
5. I questioned the Church on the Hill representative about fencing at this new shelter as the Portland Road location has a very ugly chain link fence covered in landscaping cloth that has blown partially off. His response was that they would put up chain link fence with black slats on only two sides as it was "too expensive" to do the other two sides. What will go there?
6. A few years ago the City Council asked Councilor Cara Kaser to head up a Task Force on homeless shelter options. The Task Force recommended converting Marion Square Park into a campground for homeless. It is not in a neighborhood and close to services. Seems to have been dropped as an option. Why?

Respectfully,

Alan Scott  
Salem  
503-302-3602

## Ruth Stellmacher

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**From:** Erica Randall <ery2cute5787@yahoo.com>  
**Sent:** Sunday, June 12, 2022 7:49 PM  
**To:** CityRecorder  
**Subject:** June 13 public hearing feedback

Good evening,

>

> I'm writing to completely oppose construction of an apartment complex next to the park on Eola (RM1) on the map. First, the concern for the safety of our children using the park will be put in jeopardy, as our children have to cross Eola to access that park, and rather than not doing something about the already excessive traffic on Eola, you want to add even more.

> The proposed entrance to this complex off of Eola is on the MOST dangerous curve on Eola, where yearly multi-car pile ups and accidents already occur. The commissioner just approved a 500-unit complex off Doaks Ferry that will add an additional 1000 plus vehicles coming over the bridge, down Eola and Wallace, and you want to add more, not including the 32 additional homes that have been approved to be built off Doaks Ferry and Eola.

>

> West Salem has a higher crime rate than the national average, and these past few months alone we have had a murder off Doaks Ferry, multiple stabbings off Kingwood , and a major drug bust on Crozer Rd of 31 pounds of meth, adding additional housing here will only further compound the safety issues we are facing without properly adding additional personal To keep the area safe.

>

> I would like to make this part of your record:

> The property next to the park, "has a water table that runs from the wetlands through the park and around the side of the property behind the homes on Mule Deer, it continues to run under those homes, on Mule Deer and down the hill". Previously the question of, "who would be held responsible for loss of life and property when a large apartment complex became part of the mudslide" was answered by basically no one. The correct answer is the city and the state would be responsible if they approve such a build. Have you determined the acceptable percentage of loss of life and property to accommodate the completion of this project? To reiterate one of many concerns, the project and the additional tax dollars from the number of residents have a higher priority than loss of life and property.

> Currently the governor has ordered that all the state buildings be retrofitted for earthquakes, at a large expense. Obviously, the concern is a valid concern. Deforestation, and the removal of a large portion of the hillside to place an apartment complex can more than likely lead to a mudslide or other significant issues.

>

> Thank you for taking the time to understand my response and strong opinion that this land should not be used for the proposed development.

>

> Erica Randall

Sent from my iPhone

## Ruth Stellmacher

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**From:** Michael Randall <mrands55@yahoo.com>  
**Sent:** Sunday, June 12, 2022 7:53 PM  
**To:** CityRecorder  
**Subject:** June 13 public hearing feedback

> Good evening,

>>

>> I'm writing to completely oppose construction of an apartment complex next to the park on Eola (RM1) on the map. First, the concern for the safety of our children using the park will be put in jeopardy, as our children have to cross Eola to access that park, and rather than not doing something about the already excessive traffic on Eola, you want to add even more.

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>>

>> Thank you for taking the time to understand my response and strong opinion that this land should not be used for the proposed development.

>>

>> Michael Randall

Sent from my iPhone

## Ruth Stellmacher

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**From:** Sarina Hill <sarinahill14@gmail.com>  
**Sent:** Sunday, June 12, 2022 7:55 PM  
**To:** CityRecorder

I'm writing to completely oppose construction of an apartment complex next to the park on Eola (RM1) on the map. First, the concern for the safety of our children using the park will be put in jeopardy, as our children have to cross Eola to access that park.

The proposed entrance to this complex off of Eola is on the MOST dangerous curve on Eola, where yearly multi-car pile ups and accidents already occur. The precious commissioner just approved a 500-unit complex off Doaks Ferry that will add an additional 1000 plus vehicles coming over the bridge, down Eola and Wallace, and you want to add more, not including the 32 additional homes that have been approved to be built off Doaks Ferry and Eola.

West Salem has a higher crime rate than the national average, and these past few months alone we have had a murder off Doaks Ferry, multiple stabbings off Kingwood , and a major drug bust on Crozer Rd of 31 pounds of meth, adding additional housing here will only further compound the safety issues we are facing without properly adding additional personal To keep the area safe.

I would like to make this part of your record and want it to be addressed in detail:

The property next to the park, "has a water table that runs from the wetlands through the park and around the side of the property behind the homes on Mule Deer, it continues to run under those homes, on Mule Deer and down the hill". Previously the question of, "who would be held responsible for loss of life and property when a large apartment complex became part of the mudslide" was answered by basically no one. The correct answer is the city and the state would be responsible if they approve such a build. Have you determined the acceptable percentage of loss of life and property to accommodate the completion of this project? To reiterate one of many concerns, the project and the additional tax dollars from the number of residents have a higher priority than loss of life and property. Currently the governor has ordered that all the state buildings be retrofitted for earthquakes, at a large expense. Obviously, the concern is a valid concern. Deforestation, and the removal of a large portion of the hillside to place an apartment complex can more than likely lead to a mudslide or other significant issues.

Thank you for taking the time to understand my response and strong opinion that this land should not be used for the proposed development.



## Ruth Stellmacher

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**From:** Ryan Steckly <rsteckly@me.com>  
**Sent:** Sunday, June 12, 2022 7:58 PM  
**To:** CityRecorder  
**Subject:** Apartment proposal on Eola

Good evening,

I'm writing to completely oppose construction of an apartment complex next to the park on Eola (RM1) on the map. First, the concern for the safety of our children using the park will be put in jeopardy, as our children have to cross Eola to access that park, and rather than not doing something about the already excessive traffic on Eola, you want to add even more.

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Thank you for taking the time to understand my response and strong opinion that this land should not be used for the proposed development.

Ryan Steckly  
REALTOR®  
Licensed in the State of Oregon  
HomeSmart Realty Group

Direct: [503-507-1808](tel:503-507-1808)  
Office: [971-599-5865](tel:971-599-5865)  
Email: [rsteckly@me.com](mailto:rsteckly@me.com)

Sent from my iPhone

## Ruth Stellmacher

---

**From:** Doug Herndon <dherndonwai@gmail.com>  
**Sent:** Sunday, June 12, 2022 7:59 PM  
**To:** CityRecorder  
**Subject:** Eola apartments

Good evening,

I'm writing to completely oppose construction of an apartment complex next to the park on Eola (RM1) on the map. First, the concern for the safety of our children using the park will be put in jeopardy, as our children have to cross Eola to access that park, and rather than not doing something about the already excessive traffic on Eola, you want to add even more.

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Currently the governor has ordered that all the state buildings be retrofitted for earthquakes, at a large expense. Obviously, the concern is a valid concern. Deforestation, and the removal of a large portion of the hillside to place an apartment complex can more than likely lead to a mudslide or other significant issues.

Thank you for taking the time to understand my response and strong opinion that this land should not be used for the proposed development.

Erica Randall

## Ruth Stellmacher

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**From:** Jase Dye <jase.dye@gmail.com>  
**Sent:** Sunday, June 12, 2022 7:59 PM  
**To:** CityRecorder  
**Subject:** Eola apartment complex

Good evening,

I'm writing to completely oppose construction of an apartment complex next to the park on Eola (RM1) on the map. First, the concern for the safety of our children using the park will be put in jeopardy, as our children have to cross Eola to access that park, and rather than not doing something about the already excessive traffic on Eola, you want to add even more.

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Thank you for taking the time to understand my response and strong opinion that this land should not be used for the proposed development.

Jase Dye

## Ruth Stellmacher

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**From:** Craig and Cecilia Urbani <ccurbani@comcast.net>  
**Sent:** Sunday, June 12, 2022 8:03 PM  
**To:** citycouncil; CityRecorder  
**Subject:** June 13 Council Meeting/Our Salem - Item 4a: College DriveNW area (Map 170 & 171)  
**Attachments:** testimony for Council Hearing June 13, 2022 PDF.pdf

Mayor Bennett and City Councilors

This email includes our testimony for the Hearing for the Our Salem proposal. We appreciate your consideration of our comments in opposition to Map 170 proposal. We are not opposed to the Church and the School continuing and possible improvements to support their uses; but are opposed to Multiple Family especially since the Church has said they mainly just want to have their existing uses allowed. We request consideration of our proposal options.

Thank you for your kind consideration.

Cecilia & Craig Urbani  
370 College Drive NW  
503-508-7498

TO: Mayor Bennett and City Councilors  
SUBJECT: June 13 Council Meeting - Agenda Item: 4a:  
Our Salem Project (Map #170 – College Drive NW)  
FROM: Cecilia & Craig Urbani

We request to be permitted to provide live testimony at the digital public hearing; plus submit the following comments for consideration by the Salem City Council.

We own property at 370 College Drive NW. This is within the College/Stoneway Drive NW area. This is a well-established single-family neighborhood. Our street is a narrow sub-standard improvement with no sidewalks, no curbs, no gutters, and a ditch handles stormwater drainage. These are Local designated streets throughout the neighborhood.

Our comments are in reference to the proposals on Maps #170 and Map #171.

**MAP #170 (property generally at the 255 College Drive NW area)**

We OPPOSE this proposed change to MF and RM1. This is not the right area to assign this multiple family designation through the Our Salem project. The proposed intensification of the use of this area is not appropriate because these criteria cannot be justified:

1. College Drive NW is designate as a Local Street and not designed or improved to safely handle an increase in traffic. This proposed change would generate too much traffic and parking issues for this narrow, curvy street in this hilly area. Multiple family zoned areas should be along major corridors.
2. The surrounding area is well-established single family residential on large lots. Compatibility with the surrounding uses must be maintained.
3. An increase in additional storm drainage would negatively impact our neighborhood area. Open ditches are the current method of drainage.
4. This property is the western edge of the city limits and also the existing UGB. Additional density at the edge of the Salem Urban Area makes no sense.
5. There are no existing services to support the proposed increase of multiple family developments. Those required services should include uses to justify a MF change, such as:

- A. Transit routes,
  - B. Neighborhood shopping/services/activities/commercial
  - C. City Parks
  - D. Arterial Streets
6. The adopted West Salem Neighborhood Plan does NOT include proposed Multiple Family for this area (refer to attached Map).
7. There is NOT a demand for this proposed change to multiple family. Based on the staff report that “updates” the Housing Needs Analysis Report, states that from 2015 to 2021, there have been 3,192 multiple family dwelling units permits. Therefore based on all of the proposed changes there will be a surplus of 1,059 multiple family dwelling units; and therefore the need assumptions for this proposed change are flawed.

**A suggested alternative to allow the church and school use to continue on this property and improvements to support their continuation might include: Either an amendment to the PE zone to allow church as a “Special Use”; or change to the RS zone.**

#### MAP #171 (property at Stoneway Drive NW)

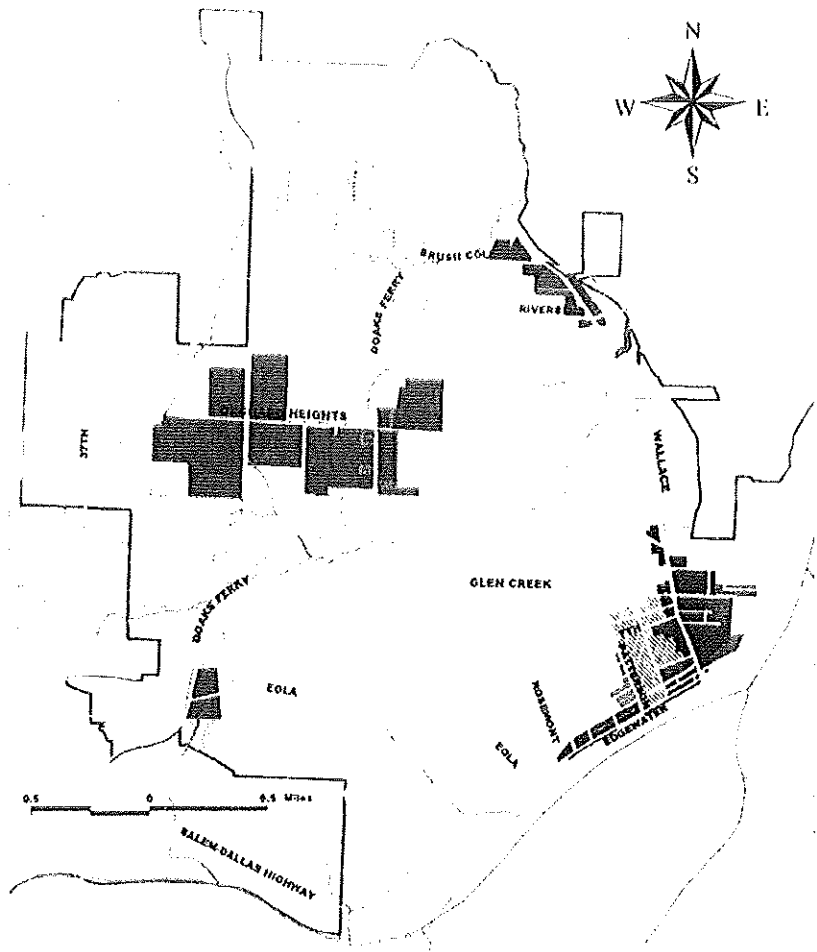
We support to change to RS.

This property should be Single Family to be compatible with the surrounding single-family area. The vehicle access onto Stoneway would be very dangerous for an increase in density and intensity; it's a narrow local street with no sidewalks, The existing multi-family parking (across the street) backs directly onto Stoneway causing hazards. This is steep land with risk of slides and therefore the amount of grading for future development should be reduced.

Thanks to the city staff for providing information and the staff report (1,000+ pages) and answering questions during the “Our Salem” project.

# West Salem Neighborhood Plan

## Map of Recommended Changes adopted by Salem City Council



- Urban Growth Boundary (2003)
- City Limits (2003)
- Urban Service Area
- Center
- Center Employment Only
- Center over Existing Commercial
- Multi-Family
- Commercial

The Center designation provides for concentrated development within the area shown that allows for residential, neighborhood retail, restaurants, employment, public space, and other uses. Centers may include any or all of these uses, but should be developed as specific areas with the prevailing economic market and neighborhood needs in mind. Centers should be developed in such a manner as to provide a sense of place, a compact urban form, neighborhood vitality, and aesthetic design. Other urban features should be oriented to the pedestrian, there should be secondary transit and major roads, and there should be connectivity with the surrounding neighborhood where not a completely new use of the area is intended.

### Recommended Changes to the Generalized Land Use Map\*



As adopted by City Council on October 11, 2004 to show expansion of the Center, generally located around West Salem High School, and removal of the larger areas proposed for Multi-Family designation adjacent to this Center.

This map represents the City Council's decision for staff to implement the use of the neighborhood plan.

October 2003

**EXHIBIT**



## Ruth Stellmacher

---

**From:** Cynthia Walsh <wishcynth@gmail.com>  
**Sent:** Sunday, June 12, 2022 8:15 PM  
**To:** CityRecorder  
**Subject:** Opposing More Apartments

I'm writing to completely oppose construction of an apartment complex next to the park on Eola (RM1) on the map. First, the concern for the safety of our children using the park will be put in jeopardy, as our children have to cross Eola to access that park.

The proposed entrance to this complex off of Eola is on the MOST dangerous curve on Eola, where yearly multi-car pile ups and accidents already occur. The precious commissioner just approved a 500-unit complex off Doaks Ferry that will add an additional 1000 plus vehicles coming over the bridge, down Eola and Wallace, and you want to add more, not including the 32 additional homes that have been approved to be built off Doaks Ferry and Eola.

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Thank you for taking the time to understand my response and strong opinion that this land should not be used for the proposed development.

## Ruth Stellmacher

---

**From:** Phil Carver <philiphcarver@gmail.com>  
**Sent:** Sunday, June 12, 2022 9:03 PM  
**To:** CityRecorder  
**Cc:** Clair Clark; Laurie Dougherty; Scheppke Jim; Janet Lorenzen; Bob Cortright; Sarah Deumling  
**Subject:** Comments for 6/13 on Our Salem

Comments on Our Salem Adoption  
June 13, 2022  
350 Salem Oregon

350 Salem thanks City staff and the Planning Commission for its proposed amendments to the Salem Comprehensive Plan (Our Salem). The product is very good. It was the result of much hard work by the staff and Commission.

It is a strong step that is largely in agreement with many of the strategies in the accepted Climate Action Plan. The changes in Salem's Comprehensive Plan are likely to help reduce greenhouse gas (GHG) emissions by increasing density, by providing incentives for not owning a car, by encouraging middle housing and by encouraging mixed-use development, particularly near the core Cherriots bus network. We are especially pleased that many of the new high density areas are scattered throughout the city, promoting equity.

We also agree with some of the compromises that were made. We understand that neighborhood hubs are not popular among some residents. These were substantially reduced in the final plan. We look forward to seeing helpful developments in the many of the hubs that are in the final plan. If these work well, more can be added.

We are especially pleased at the following elements of the final plan:

1. A minimum density for developments in residential/middle-housing zones, with a minimum percentage of middle housing\*
2. Having no additional parking requirements for converting a single-family detached house to middle housing
3. Removing any requirements for parking spaces for developments within a quarter mile of the core transit network
4. The changes in design requirements for apartments and commercial buildings
5. Many acres of new high-density mixed use and multi-family zones, especially those near transit service.

\*{Specifically, 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 is paired with a requirement that 15 percent of housing units in such subdivisions be 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.}

Thank you for a job well done.

Philip H. Carver, Ph.D.  
Co-coordinator 350 Salem Oregon



## Ruth Stellmacher

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**From:** Deanna Garcia <dg.boardstuff@gmail.com>  
**Sent:** Sunday, June 12, 2022 9:29 PM  
**To:** CityRecorder  
**Subject:** Letter to council  
**Attachments:** Nola letter to council.pdf

Good evening,

I have prepared a letter for the council in regards to the Our Salem project. Please share with them. Thank you!

Best,  
Deanna Garcia, Chair  
NOrth LAncaster NA

Salem City Council  
June 13, 2022

RE: Our Salem

Dear Councilors,

The members of North Lancaster Neighborhood Association (NOLA) hosted a presentation on the Our Salem project shortly after it was first introduced to the public. At a recent meeting, the topic of zone changes resurfaced and residents had given feedback on the proposed changes impacting NOLA. While we understand some of the proposed changes are necessary to comply with state and federal legislation, other changes do not seem to fit with what Salem's residents want or need.

First and foremost, the communication of this planning project and any accompanying outreach never came across clearly to the residents of NOLA. The residents that had received information about the project (or were successful in seeking it out on their own) report that it was difficult to understand and unclear what the full impact will be.

This part of NE Salem is almost exclusively residential, which is (& has been) an attraction for homeowners and those seeking to buy homes in the area. The upcoming plans for installation of equipment and fixtures to develop Brown Road Park is also a draw for this community. A commercial business in the middle of this residential area is not a draw, in fact, it would be a detriment to our community. A commercial business, regardless of size, will draw in additional traffic for deliveries and possibly customers/patrons from outside of our community. As expressed in public commentary and written testimony, there are concerns about the increased vehicle traffic that's already present along Brown Road. This poses a great safety hazard for pedestrian traffic; which has increased after recent the addition of bike lanes and sidewalks. We want to keep members of our community safe no matter the mode of transportation used. Residents from this area have had their commercial business needs met at a variety of businesses located within a mile of our community. Residents are able to walk, drive or use public transit to access these local businesses. There isn't a need to add to the traffic and safety concerns by rezoning this property.

The residents of NOLA expressed a Neighborhood Hub (NH) is not needed on Brown Road. The original plans for the NH included three separate properties located on Brown Road NE. In addition to providing feedback on the interactive map, several residents signed off on a letter requesting these properties remain residential use only. The area designated for the NH rezone was then reduced to one address located at 2390 Brown Road NE

In addition to all the previous commentary and testimony, the actual owners of the property submitted a letter to the planning commission. The letter asked for the planning commission to reconsider this plan and stated they **do not** want their property rezoned. The planning commission misconstrued the owners request by focusing on a statement about office space and a commercial building. The commission completely disregarded the fact that the owners are not in agreement with their property being subject to a rezone. The owners also mentioned the increased "thru-traffic" and a commercial business would be "out-of-place" as reasoning for not wanting the property to be rezoned. The property owners also mentioned in their letter, they may opt to subdivide their land in the future and possibly build multi-family housing. While the rezone as a NH would allow this, so would the standard zoning of Residential Single Family.

The residents of NOLA understand the goal of the Our Salem project is to accommodate current and future growth of Salem. We want to provide valid input that will help the planning department and commission understand the unique needs of our community while meeting that goal. The rezone of 2390 Brown Road is not a good fit for our community. The community including the property owners did not ask for something like this to be considered for our community. What we are asking for, is for you to remove this rezone from the Our Salem plan. There are sufficient properties nearby that would definitely be a good fit for this type of rezone and would be supported by members of the community. Those potential properties are located in the 4600 block of Sunnyview Road NE. This block includes several vacant parcels that fit every criteria of the evaluation process used in the Our Salem planning phases to determine what properties to designate as a NH. Please leave 2390 Brown Road zoned as Residential and explore other properties for a mixed-use

rezone that won't damage the property values and appeal of our community. Thank you for taking the time to review this message.

Deanna Garcia, Chair  
North Lancaster Neighborhood Association

## Ruth Stellmacher

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**From:** Brian Clothier <ishmailme222@yahoo.com>  
**Sent:** Monday, June 13, 2022 12:04 AM  
**To:** CityRecorder  
**Subject:** Written testimony for public hearing 6/13/22  
**Attachments:** Written testimony for public hearing 61322.pdf

Please see attached written testimony for public hearing regarding CA20-04.

Thank you,

Brian D. Clothier

6/12/22

Dear Councilors,

We, a group of neighbors, wish to bring your attention to the matter of 12 residential properties in West Salem which are proposed to be changed to RM-II as part of the Our Salem plan.

The proposed zone change is based on flawed assumptions regarding the land. Please see the attached legal memo for complete details and note the following items:

1. We have been told that City of Salem staff, including Ms. Eunice Kim, have expressed that this change is **not necessary** and they will support the removal of it from the Our Salem plan.
2. The justification used by the city for rezoning this land RM-II is that it is "partially vacant." The definition of "partially vacant" as used by the city in OAR 660-038-0120(2)(b) has strict criteria which are not met for at least 5 of the 12 parcels. The remaining parcels are discontinuous and therefore unsuitable for development of RM-II. Most of the parcels are small, only two are over 5 acres, and are owned by separate individuals.
3. Every parcel save two are developed with a home and most with one or more accessory buildings. Development of these properties as RM-II would require demolishing existing homes and structures.
4. Substantial tree canopy is present, nearly all of which would have to be removed to construct RM-II with its associated buildings, driveways, and requisite parking.
5. The need to balance the inventory of RM-II housing with the Housing Needs Analysis is used as justification for this change. However, the current "Our Salem" proposal has a 60 acre surplus of RM-II. Rezoning of our collective 22.77 acres is not necessary.
6. The local residents do not desire this change as evidenced by our multiple efforts both written and verbal at planning commission and community meetings. These efforts were hardly acknowledged in written meeting summaries and inadequately addressed.
7. City councilors are free to remove this portion from the Our Salem plan.



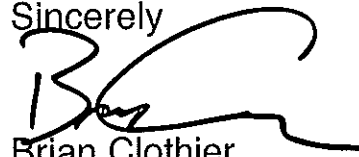
8. The transportation plan will reroute Orchard Heights to the south, away from the area in question, in order to service the development of the 133 acre Wyant property. Orchard Heights Rd where it abuts the proposed rezoned area will become Orchard Heights Place, essentially a driveway to access these 12 properties and not a major transportation route.

Please note that all 133 acres of the Wyant property are to be rezoned MU-II. This large parcel has adequate space for construction of multifamily housing which could be incorporated into the Our Salem vision of a walkable neighborhood with single and multifamily housing, shopping, eateries, and nearby schools and parks. We support the masterplanned development of this prime property.

As tax payers, small business owners and parents, we plead with the city council to take action on our behalf. Please, please, do not force this unwanted and unnecessary rezoning on our neighborhood.

Thank you for your kind attention.

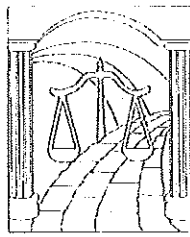
Sincerely



Brian Clothier

3117 Orchard Heights Rd NW

WALLACE W. LIEN



Wallace W. Lien

Attorney at Law

Contact by e-mail at  
wallace.lien@lienlaw.com

May 23, 2022

Ms. Eunice Kim  
Planning Division  
City of Salem  
555 Liberty St SE  
Room 305  
Salem, OR 97301

By Email to: [Ekim@cityofsalem.net](mailto:Ekim@cityofsalem.net)

Re: Comments for the Record - Case CA21-04

Dear Ms. Kim:

Thank you for meeting with my clients and I regarding the proposed rezone of their and surrounding properties located in Polk County on Orchard Heights Road NW, Salem from its current Suburban Residential (SR) zone to the proposed RM2.

My clients are opposed to the proposed change and ask that the following information and arguments be submitted to the City Council as part of the official hearing record in the above referenced land use case.

The specific block of properties my clients are concerned with, and opposed to the proposed zone change are shown in yellow on the attached Assessor Map, and shown on the attached aerial photograph. The rezone area affected properties are summarized as follows:

Map	Tax Lot	Size	Use	Comments
7.3.18	1810	1.02	Vacant - accessory use	This parcel is used in combination with Tax Lot 300, Map 7.3.18D, as an enlargement of that homesite
7.3.18	1900	2.0 ac	Residential and Horse Arena	Proposed split zone - noted is the apx size of the parcel to be rezoned Property has 2 General Purpose buildings totaling 3,072 sq ft, a house at 3,054 sq ft and the Arena at 29,120 sq feet

Map	Tax Lot	Size	Use	Comments
7.3.18	5100	5.12 ac	Residential and heavily wooded	Assessor online site lists this file as "confidential". The aerial pix shows a house and at least one outbuilding
7.3.18D	100	1.0 ac	Residential	There is a General Purpose building at 738 sq ft and a house at 2,251 sq ft
7.3.18D	200	.32 ac	Residential	There is a General Purpose building at 750 sq ft and a house at 1,244 sq ft
7.3.18D	300	1.11 ac	Residential	There are two General Purpose buildings totaling 1,190 sq ft and a Manufactured Home
7.3.18D	301	.22 ac	Residential	House at 988 sq ft
7.3.18D	400	.71 ac	Residential	There are two General Purpose buildings totaling 6,014 sq ft and a house at 2,754 sq ft
7.3.18D	600	1.92 ac	Residential	There are two General Purpose buildings totaling 1,556 sq ft and a house at 1,792 sq ft
7.3.18D	900	2.45 ac	Vacant	Almost entirely wooded
7.3.18D	1100	5.9 ac	Residential	There are four General Purpose buildings totaling 6,014 sq ft and a house at 2,363 sq ft
7.3.18D	1200	1.0 ac	Residential	There is a General Purpose building at 220 sq ft and a house at 1,605 sq ft
TOTAL		22.77 ac		

The reasons for opposition to this rezone are several. The first is that this small area is not suitable for conversion to multifamily uses. The parcels are for the most part small, all but one are developed with single family homes and most have one or more outbuildings on them. The one vacant parcel is entirely covered in trees. The location and quality of the buildings and houses are for the most part such that their useful life will extend out 40-50 years, long past the planning period involved in this current process.

Flawed assumptions are made about this area, and then used to justify the change in zone. The first is the tree canopy. This proposal assumes little tree canopy, and that existing trees could be removed without impact for the construction of apartment buildings. The attached aerial photograph clearly indicates the proposed rezone area has a significant number of trees, most of which would be required to be removed for new construction of multifamily buildings, driveways and parking areas.

In addition, partial justification for rezoning this area is the lack of development. As the above table points out, with the one exception, every parcel is developed with a single family home, and most have one or more outbuildings. My clients' object to the characterization of this area as not developed or only "partially developed", which characterizations are then used to justify the rezone.

The definition of "partially vacant" used by the City in this process is found at OAR 660-038-0120(2)(b) which allows the City to "assume" that a parcel is partially vacant<sup>1</sup> if either:

*(A) The real market improvement value of the lot or parcel is greater than five percent and less than 40 percent of the real market land value, in which case, the city must assume that 50 percent of the lot or parcel is developed and 50 percent is vacant, or*

*(B) Based on an orthomap, the lot or parcel is greater than one acre in size and at least one-half acre is not improved.*

Using this definition and applying it to the 12 parcels at issue here, my clients have developed a table of information needed to determine which of the 12 parcels in the rezone area actually do qualify as "partially vacant." The Table is attached hereto for your reference, and it establishes that five of the parcels in the proposed rezone area do not qualify as "partially vacant," and therefore are not sufficient to justify the proposed rezone.<sup>2</sup> The parcels that do not qualify as "partially vacant" lie along Orchard Heights Road, and are interspersed with the other parcels, making it too difficult to consolidate the "partially vacant" parcels into a larger economically useable parcel for redevelopment. Therefore, reliance on the "partially vacant" theory for the rezone of this area is not factually supported and is misguided.

It makes no sense to convert this area to RM2 when in fact there is no chance in the foreseeable future for it to ever actually be utilized for that purpose. Every parcel in the area is owned by different owners, so with the exception of the two parcels that are over 5 acres, there is not sufficient area for the development of multifamily buildings. To develop multifamily uses, multiple contiguous parcels will have to be purchased by a single developer, who will then demolish perfectly good structures in order to build apartments. It simply defies logic that this will happen at any time in the next 40 years. Why do a rezone for an area that will never develop with that use? It simply creates an entire community of non-conforming uses.

This brings me to our second objection to this rezone. The current process uses the Housing

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<sup>1</sup>It must be recognized that OAR 660-038-0120(2)(c) allows a city to assume that a lot or parcel is "fully developed" if the real market improvement value is greater than or equal to 40 percent of the real market land value. Using this standard, 8 of the affected parcels are considered to be "fully developed." See the attached table of information.

<sup>2</sup>Larry Parkinson actually owns two adjoining parcels and uses them as one homesite. The dwelling is located on TL 300, and the adjoining vacant parcel is TL 1810. For planning purposes these two tax lots should be considered as one parcel, and when viewed in that manner, TL 1810 which would otherwise be defined as "partially vacant" would lose that qualification. As such there are actually 6 of the 12 parcels in the rezone zone area that do not meet the definition of "partially vacant."

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Needs Analysis as its basis and justification. The result of this process has not only balanced the need for multifamily housing, but has created a surplus of 60 acres of multifamily zoned land. To my clients, having such a large surplus created in this process does not make sense. Balancing the inventory is obviously a good thing, but creating a large surplus is not. There appears to be no real justification for doing anything other than balancing the current inventories to the Housing Needs analysis. There is no mandate for a surplus, and in fact a surplus can be used quasi-judicially to rezone lands out of multifamily uses. My clients ask the City to remove this 22.77 acres of land from the RM2 zone, the result of which will still leave the City with a surplus of multifamily lands of nearly 40 acres.

Finally, the reasons for selecting this area for RM2 zoning are flawed. It is understood that the City desires to place multifamily uses close to parks and on major transportation routes. In this case the city owned land across from West Salem High School that is designated for a future park, is undeveloped. We were advised there is no budget for any future improvements to this land. There also does not appear to be money allotted in the capital improvement plan to fund conversion of this land into an actual useable park at any time in the future. The land is not now a park, and will not become a park in the foreseeable future. Reliance on this land as justification for conversion of my clients' area is misplaced.

In addition, the reliance on Orchard Heights as a transportation route is also misplaced. While Orchard Heights is currently the primary access to this area, when the Wyant property across the street develops, the transportation plan re-routes Orchard Heights to the south to serve the Wyant property, making the road servicing my clients' area not much more than a driveway. No longer will this area be located on a major street, thereby negating one of the justifications for this rezone in the first place.

On behalf of my clients, I respectfully urge the City of Salem to abandon the effort to rezone the above described area. It is simply not suitable for redevelopment and is not needed in order to balance the need for multifamily uses in the City.

Yours truly,

**Wallace W. Lien**



WALLACE W. LIEN

Enc: Assessor Map  
Aerial Photograph  
Partially Vacant Lands Table

cc: Clients

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THIS MAP IS FOR ASSESSMENT AND TAXATION PURPOSES ONLY

S.E. 1/4 SEC. 18 T.7S. R.3W. W.M.

Poik County

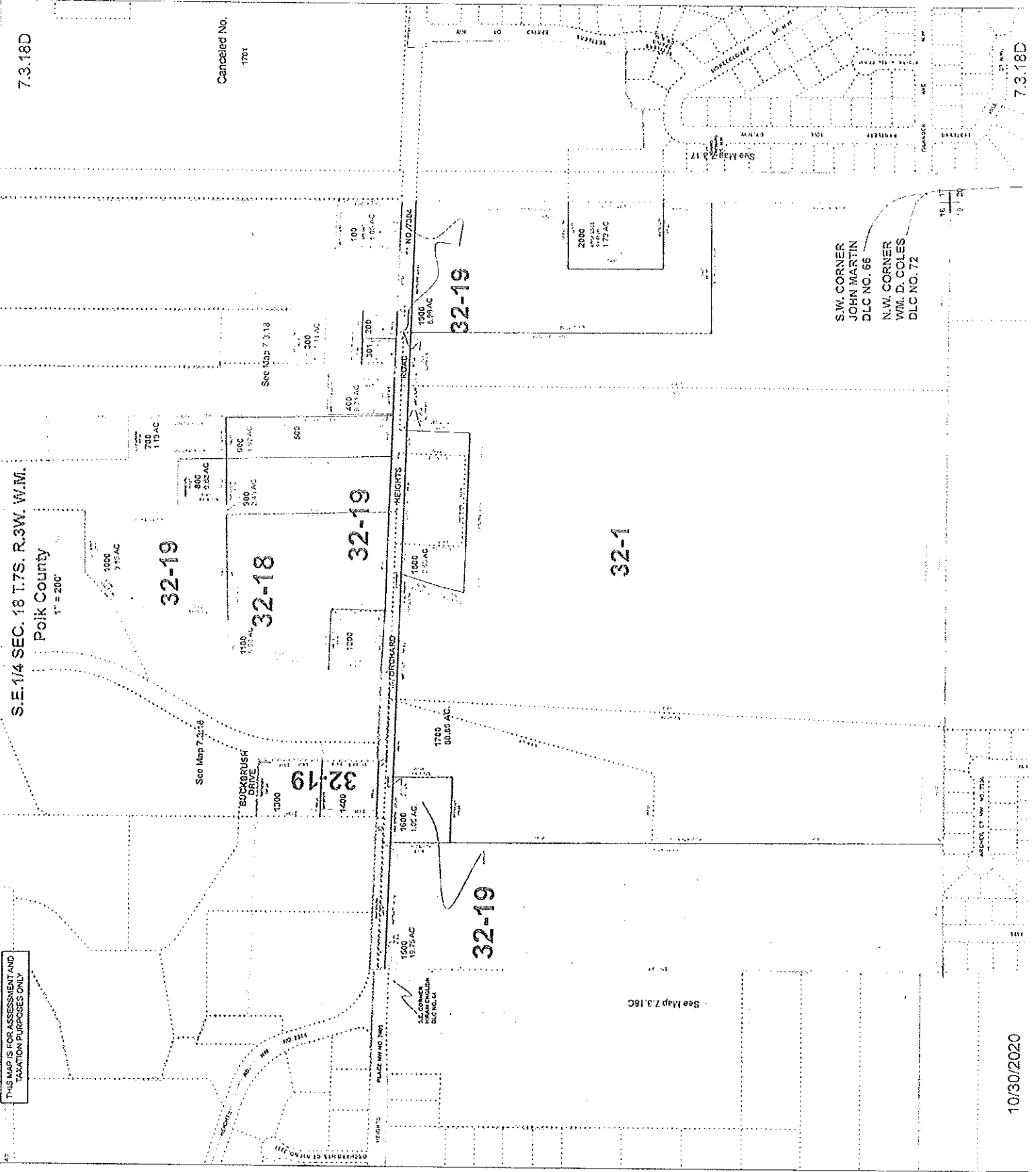
1" = 200'

7.3.18D

Cancelled No.

1701

7.3.18D



S.W. CORNER  
JOHN MARTIN  
DLC NO. 66


N.W. CORNER  
W.M. D. COLES  
DLC NO. 72

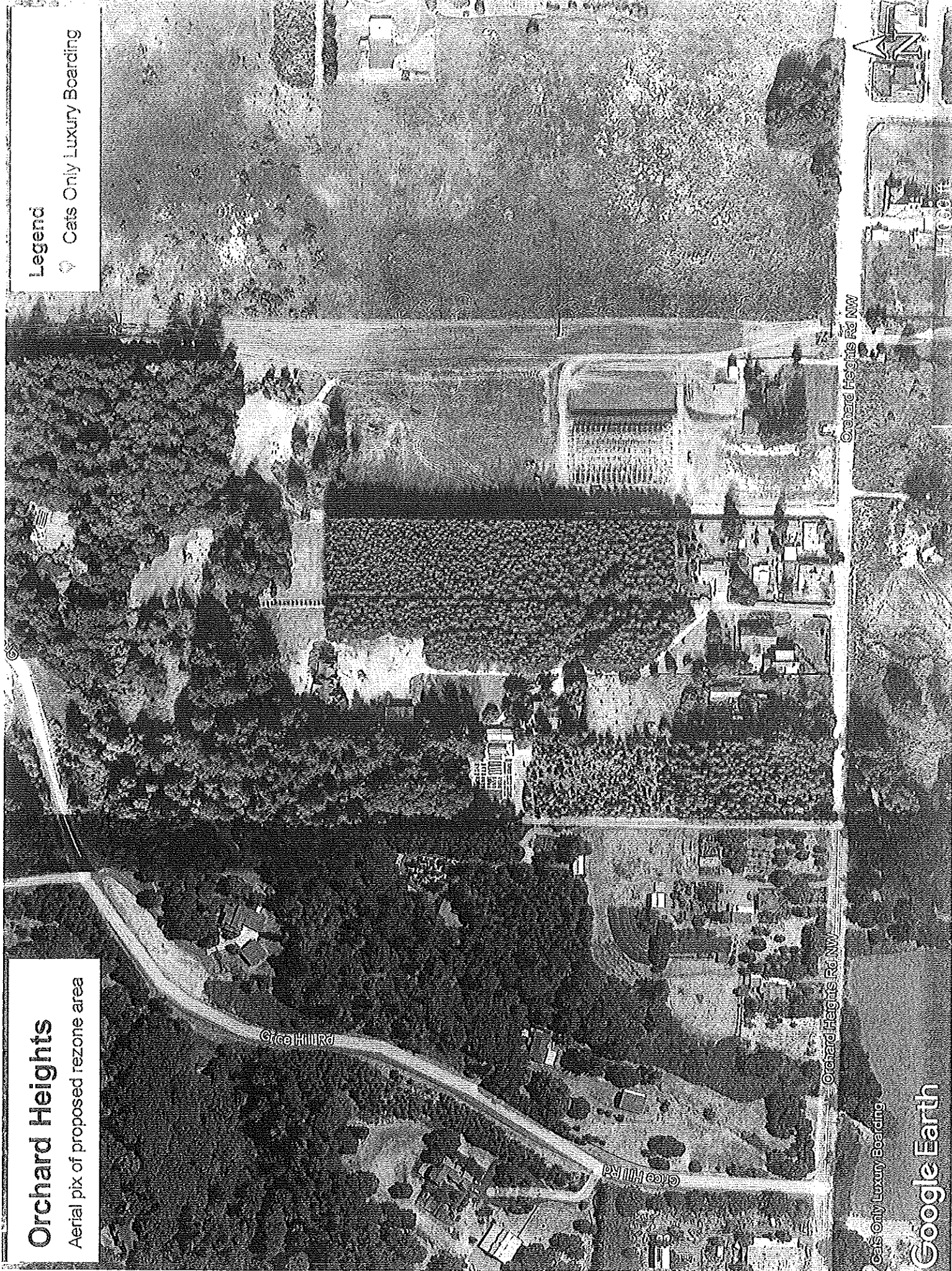
10/30/2020

# Orchard Heights

Aerial pix of proposed rezone area

## Legend

 Cats Only Luxury Boarding



Cats Only Luxury Boarding

Google Earth

Analysis of Partially Vacant Land

Owner	Address	Map / Tax Lot	Land Size	Land Value	Improvement Value	Percentage Value (Improvements to land)	Based on improvements to land value, does this parcel qualify as "partially vacant" (must be between 5-40%)	Is the lot greater than one acre in size AND at least 1/2 acre is not improved? (both factors must be met to qualify as "partially vacant")
Rick & Kimberly Sohn	3017 Orchard Heights Rd	7.3.18D / 100	1 acre	\$182,500.00	\$318,420.00	57%	No	No
J&M Rental Properties (Keystone)	3065 Orchard Heights Rd	7.3.18 / 1900	13.9 acres	\$639,010.00	\$990,510.00	55%	No	Yes
Dennis Korn	3085 Orchard Heights Rd	7.3.18D / 200	.32 acre	\$162,500.00	\$166,620.00	96%	No	No
Krysta & Mark St. Michell	3087 Orchard Heights Rd	7.3.18D / 301	.23 acre	\$135,000.00	\$134,640.00	100%	No	No
Larry Parksion	3097 Orchard Heights Rd	7.3.18D / 300	1.11 acres	\$104,510.00	\$56,700.00	184%	No	No
Larry Parksion	3097 Orchard Heights Rd	7.3.18 / 1810	1.02 acres	\$56,980.00	N/A		Yes	Yes
Gene Bolante	3147 Orchard Heights Rd	7.3.18D / 400	.71 acre	\$185,000.00	\$530,890.00	35%	Yes	No
Devonna Drake	3167 Orchard Heights Rd	7.3.18D / 600	1.92 acres	\$289,840.00	\$188,770.00	154%	No	Yes
Les Huntsinger	3187 Orchard Heights Rd	7.3.18D / 900	2.45 acres	\$295,110.00	N/A		Yes	Yes
Jeremy Holman	3247 Orchard Heights Rd	7.3.18D / 1100	5.9 acres	\$467,000.00	\$311,150.00	150%	No	Yes
Wayne Simmons	3287 Orchard Heights Rd	7.3.18D / 1200	.9 acre	\$187,500.00	\$193,400.00	97%	No	No
Occupant	1974 Grice Hill Drive	7.3.18 / 5100	5.12 acres	Access to information	unavailable			Yes