

From: [Linda Nishioka](#)
To: [Amy Johnson](#)
Subject: FW: Concerns re: eliminating the Superior-Rural Overlay Zoning
Date: Thursday, May 11, 2023 8:11:37 AM

Amy,

This email is regarding the overlay zones that will be in the June 26 meeting. Please add this as public testimony.

Thank you,

Linda Nishioka (She/Her)

City Councilor - Ward 2

lnishioka@cityofsalem.net | 971-707-2112

From: Katja Meyer <katja.meyer@gmail.com>
Date: Wednesday, May 10, 2023 at 11:26 PM
To: Linda Nishioka <LNishioka@cityofsalem.net>, Vanessa Nordyke <VNordyke@cityofsalem.net>
Subject: Concerns re: eliminating the Superior-Rural Overlay Zoning

Dear Linda,

I am a resident of the 1800 block of Saginaw Street (east side) and a resident of Ward 2. I am writing regarding the proposed elimination of the Superior-Rural Overlay Zone, which is a change that would directly impact my household.

My understanding is that this proposal has moved forward, and the change suggested by SCAN of removing the overlay zone but keeping the building heights to 35 ft was not considered. This is disappointing to me, and I wonder why there hasn't been any direct engagement with our neighborhood on this topic? The Fairmount Hill neighborhood has many active and engaged citizens who strongly support building a more equitable, climate-resilient, and public transit-oriented city. If the development of this mini-hub was done effectively, I think you would find that our neighborhood would support the businesses that move into that space.

I have several concerns regarding this zoning change:

- 1. This proposed change in zoning will bring more traffic into our neighborhood without any commitments to make the streets safer for pedestrians and bicyclists.** Saginaw Street already has many speeding cars running through it during rush hour, when drivers are too impatient with traffic slowdowns on Commercial. Without additions like signage, speed bumps, lighted pedestrian crossings, sidewalks, and/or bike lanes, the combination of increased street parking and increased traffic on Saginaw St will greatly impact the walkability and safety of the area. There are many young

children who play with one another in this area, and it concerns me that it will become more dangerous for my children to cross the street or walk our dog.

2. The proposed change in zoning neglects the opportunity to make coordinated improvements in transportation infrastructure in alignment with Salem's Climate Action Plan. I am in general very supportive of eliminating the parking minimums, because shifting to public transportation and reducing Vehicle Miles Traveled is an essential and central component of meeting our CAP goals. I am concerned that the overlay zone elimination is not being done in coordination with improvements to infrastructure that would support alternative modes of transportation. In line with the CAP, this should include increased frequency of bus routes on Commercial, the addition of sidewalks within a specified distance of the bus stations, and enhancement of bike lanes. None of these things have been proposed in coordination with the zoning overlay changes. Why not?

3. The proposed change in zoning has not been done in consultation with residents of the area. It would be helpful to get residents "on board" with the zoning change by listening to our concerns and ideas for thoughtful development of the area. Why has this one block been selected for the zoning change? Without any coordinated improvements to the area, the change feels driven by the interests of developers, neglecting the needs and interests of neighbors who will be living adjacent to this mini-hub. It seems to me that there are several other isolated blocks in the vicinity that would be less impacted by a change in building heights and land use, such as the several blocks north of us that are between Commercial and Liberty. Those blocks include houses that hold small businesses and areas that could undergo an increase in building height without impacting the view of houses in the Fairmount Hill neighborhood.

4. The topography of the Fairmount Hill neighborhood is unique and should be considered when thoughtfully developing the area. Many houses on the 1800 block of Saginaw St have peekaboo views of the Cascades, private backyards, and significant issues with stormwater management and flooding. Adding buildings up to 55 feet tall on Commercial will block our views, decrease our privacy, and will likely further exacerbate existing stormwater management concerns. For example, if cars park too close to the curb on the east side of Saginaw, rain cannot drain into the stormwater drains and instead spills over the curb and floods basements. During rainstorms, the alleyway between Commercial and Saginaw is often full of deep puddles because the stormwater system cannot handle that volume of rain. Adding impervious surface in the area and increased street parking will only increase flooding risks to residents of the area.

For these reasons, I hope you will support our neighborhood in supporting keeping the building height at 35 feet and promote enhanced infrastructure (on sidewalks, speedbumps, bike lanes, and signage) that supports CAP goals and helps keep our pedestrians, bicyclists, and children safe on neighborhood streets.

Sincerely,
Katja Meyer

Austin Ross

From: Shelby Guizar
Sent: Monday, June 5, 2023 2:45 PM
To: Austin Ross
Subject: FW: Council Hearing Notice - Case No. CA23-02 for Eliminating Five Overlay Zones

Follow Up Flag: Follow up
Flag Status: Flagged

Please see the comment below:

From: HPPG <scanparks2023@gmail.com>
Sent: Monday, June 5, 2023 2:20 PM
To: Shelby Guizar <SGuizar@cityofsalem.net>
Subject: Re: Council Hearing Notice - Case No. CA23-02 for Eliminating Five Overlay Zones

Ms. Guizar, in January at the SCAN Board meeting, I asked Austin Ross if a build out model had been made -- to show the scale of a 5-6 story building next to residences has been made. Has a build out model been made for the hearing?

Jon Christenson

On Mon, Jun 5, 2023 at 9:56 AM Shelby Guizar <SGuizar@cityofsalem.net> wrote:

Hello,

The Hearing Notice for Code Amendment Case No. CA23-02 for Eliminating five Overlay Zones is attached for your information. This case will be heard digitally before the City Council on Monday, June 26, 2023.

Please direct questions or comments to the **CASE MANAGER:**

Austin Ross

ARoss@cityofsalem.net

503-540-2431

Thank you,

Shelby Guizar (she/her)

Administrative Analyst

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem, OR 97301

SGuizar@cityofsalem.net | 503-540-2315

[Facebook](#) | [Twitter](#) | [YouTube](#) | CityofSalem.net

Now Available! Online submittal of Land Use Applications through the City of Salem Permit Application Center. Register for an account [here](#).

Due to limited staffing, the Planner's Desk has temporary hours: 10-4 Monday-Friday

Questions on Zoning and Sign Permits can be submitted by email to Planning@cityofsalem.net

From: [Evan Manvel](#)
To: [CityRecorder](#)
Cc: [Linda Nishioka](#)
Subject: testimony in favor of Code Amendment Case No. CA23-02
Date: Friday, June 16, 2023 9:53:24 AM

Dear Mayor Hoy and Salem City Councilors -

Thank you for your service to the city. You have before you an unenviable hard decision on an upzoning proposal. I encourage you to support it.

As a Fairmount Hill resident, I feel lucky to live where I live. Just as my other Fairmount Hill neighbors, I appreciate walking around the neighborhood and seeing the views of Mt. Jefferson. I love the number of people who garden, and the amazing amount of work they put in. I understand the concerns they voice about the upzoning, and the potential impacts on views and sunlight.

But in balance, I support the upzoning proposal. I want *more* neighbors to meet, to play with my kids, to join us in the annual Fairmount Hill Halloween parade. I'm optimistic buildings might eventually include more coffee shops or restaurants or places to walk to. I'd rather meet my daily needs on foot, rather than having to bike or drive further afar.

We, as a city, need more housing people can afford. And we need more neighborhoods that are truly walkable, if we're going to meet our climate goals. I want a view of a Mt. Jefferson that has snow on the top of it, even if that view is slightly harder to seek out. We need to act on climate disruption, for the sake of future generations, and ourselves. This small step is one of a thousand. But I encourage you to take it.

Thank you for your time, and your thoughtful consideration.

Warm regards,

Evan Manvel
Ward 2 resident

345 Leffelle St S
Salem, OR
he/him/his

From: [Holly Carter](#)
To: [CityRecorder](#)
Subject: Public comment on code amendment case CA23-02
Date: Monday, June 19, 2023 1:18:44 PM

Hello, I am a home owner and resident on Saginaw St, adjacent to the Saginaw St overlay zone. I am writing today to provide testimony opposing the proposal to remove this overlay zone. Our home directly faces the overlay zone and would be directly and negatively impacted should the Council vote to remove the zone lift current restrictions on building height. Please keep the current zoning in place so our neighborhood can continue to feel like a residential neighborhood.

Thank you,

Holly Carter, Salem resident since 2007
Homeowner of 915 Saginaw St S

From: [Kathleen Wallace](#)
To: [CityRecorder](#)
Subject: Superior-Rural section CA23-02/ Ordinance Bill No.5-23 Elimination of five overlay zones in the SCAN neighborhood
Date: Wednesday, June 21, 2023 10:56:16 AM

I am a resident of Ward 7. I agree with our neighborhood association SCAN recommendations. Our SCAN has studied the proposal and agrees to the goal of the council, to simplify development by removing current restrictions—except for the height limit. SCAN opposes increasing the height limit. This is comment on the Superior-Rural section of CA23-02/Ordinance Bill No. 5-23 Elimination of five overlay zones in the SCAN neighborhood.

I oppose increasing the height limit restrictions due to the adverse impact it will have on our neighborhood.

Kathleen Wallace
Ward 7
1635 Rio Vista Way S.
Salem, Oregon
Sent from my iPad

From: noreply@cityofsalem.net on behalf of k.l.wilson321@gmail.com
To: [CityRecorder](#)
Subject: Submission
Date: Wednesday, June 21, 2023 9:30:32 AM
Attachments: [ATT00001.bin](#)

Your Name	Kristen Wilson
Your Email	k.l.wilson321@gmail.com
Your Phone	5035087518
Street	1985 Saginaw St S
City	Salem
State	OR
Zip	97302
Message	I live on the west side of Saginaw St (zone 7) and write in regards to the proposed change in zoning in the Superior-Rural section of CA23-02/Ordinance Bill No. 5-23. Along with my neighbors, I am strongly opposed to the increase in height limitation from 3 to 5 stories on Commercial St. This would lead to an increase in noise and traffic in the area and directly impact quality of life in the Fairmount Hill neighborhood generally and particularly for those living on the east side of Saginaw. Please remove this proposed change from the ordinance. Thank you, Kristen Wilson

This email was generated by the dynamic web forms contact us form on 6/21/2023.

From: noreply@cityofsalem.net on behalf of vjdodier@teleport.com
To: [CityRecorder](#)
Subject: Submission
Date: Monday, June 19, 2023 2:24:31 PM
Attachments: [SCAN Testimony re Overlay Zones.pdf](#)

Your Name	Victor J Dodier Jr
Your Email	vjdodier@teleport.com
Your Phone	5039104719
Street	396 Washington St S
City	Salem
State	OR
Zip	97302
Message	SCAN testimony concerning Ordinance Bill No. 5-23 repealing overlay zones

This email was generated by the dynamic web forms contact us form on 6/19/2023.



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

June 20, 2023

To: City Council

From: Victor Dodier, President
South Central Association of Neighbors

Victor Dodier

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

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

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

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

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

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

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

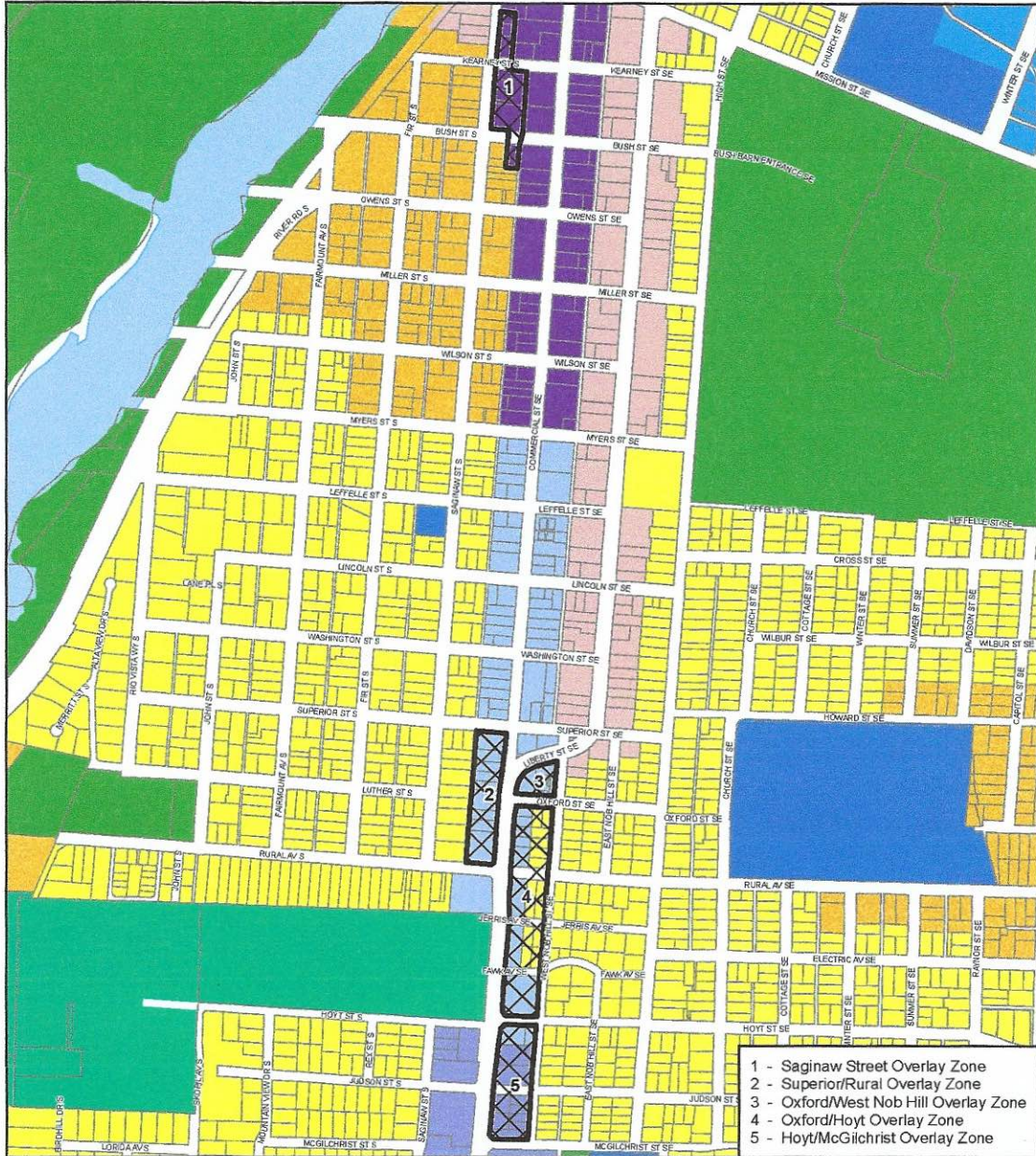
We recognize that most of the MU-II zoned properties in the Oxford-Hoyt Overlay Zone would likely not be developed with a building over 35 or 40 feet, due to the shallow lot depth and greater setback required abutting the residential zone. However, in the block north of Rural Ave there is a sharp 10-foot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

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

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

Attachment: Map of Overlay Zones to be Eliminated

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



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

Legend

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

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

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

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

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From: [Roz Shirack](#)
To: [CityRecorder](#)
Cc: vidodier@teleport.com
Subject: Petition Attachment to SCAN Testimony for CA23-02
Date: Tuesday, June 20, 2023 11:26:17 AM
Attachments: [Overlay Zones Petition.docx](#)

Attached is a petition to accompany SCAN's testimony sent to you yesterday.

Thank you,
Roz Shirack, Chair
SCAN Land Use Committee



6/19/2023

We SCAN neighbors Oppose the Removal of the SCAN Overlay Zones

Names in Bold are adjacent to the Overlay Zone (abutting or across an alley or street)

Saginaw St Overlay Zone Neighbors

Holly Carter	915 Saginaw St
Vincent Dunn	925 Saginaw St
Debra Marsh	925 Saginaw St
Cindy Doss	965 Saginaw St
Beth Boock	170 Bush St

Superior-Rural Overlay Zone Neighbors

Katja Meyer	1848 Saginaw St
Peter Bergel	1850 Saginaw St
Alice Phalan	1850 Saginaw St
Carol Mitchell	Saginaw St
Charles Myers	1845 Saginaw St
Nathan Rafn	1950 Saginaw St
Rochelle Rafn	1950 Saginaw St
Sue Wells	160 Superior
Joseph Wells	160 Superior
P. Gil Gray	170 Superior
Kelley Caryt	185 Superior
Deborah Maloney	1660 Fir St.

Oxford -West Nob Hill Overlay Zone Neighbors

Maurice Wilson	365 Oxford
Jim Plank	1858 W Nob Hill
Kathryn Dewey	1880 W Nob Hill

Oxford-Hoyt Overlay Zone Neighbors

William Ammon	1905 W Nob Hill
Jeff Schumacher	1945 W Nob Hill
Esther Ford	1960 W Nob Hill
Cole Massey	1965 W Nob Hill
John Prohodsky	1975 W Nob Hill
Lynne Percevoy	1975 W Nob Hill
Kathleen Fish	1980 W Nob Hill
Martin Boysen	1940 W Nob Hill
Carl Rimby	2280 W Nob Hill
Kathy Rimby	2280 W Nob Hill
Steven Trahan	340 Rural
Tim Antone	360 Rural
John Saris	365 Rural
Alex Katlong	336 Jerris
Seth Young	340 Jerris
John Bagg	362 Jerris
Jennifer Mosley	335 Fawk
Susan Latham	355 Fawk
Janie Stewart	351 Hoyt

Hoyt-McGilchrist Overlay Zone Neighbors

Walker	2350 W Nob Hill
Donna Cowan	2380 W Nob Hill
Jason Hilton	2460 W Nob Hill

From: [Linda Nishioka](#)
To: [Amy Johnson](#)
Subject: FW: Concerns regarding Overlay Zoning (Saginaw Street, Superior- Rural)
Date: Monday, June 26, 2023 8:30:34 AM

Amy,

Here is testimony that should be added for tonight's council meeting regarding the overlay zones 4.a 23-128.

Thank you,

Linda Nishioka (She/Her)

City Councilor - Ward 2

lnishioka@cityofsalem.net | 971-707-2112

From: Ashley Duenas <ashaduenas@gmail.com>
Date: Monday, June 26, 2023 at 7:50 AM
To: Linda Nishioka <LNishioka@cityofsalem.net>
Subject: Concerns regarding Overlay Zoning (Saginaw Street, Superior- Rural)

Hello,

I am a resident of the Fairmount Hill neighborhood in Ward 2 and I'm writing to express my concern regarding the proposed elimination of the Superior-Rural Overlay Zone. I would like to contribute my voice in support of maintaining the existing building height restriction of 35 feet. I have read the letter to you from my neighbor, Katja Meyer, and she details the many potential consequences of allowing increased building height. I agree with these arguments and ask that City Council maintain the existing height limit.

Thank you for your time,
Ashley

From: noreply@cityofsalem.net on behalf of ajasso@q.com
To: [CityRecorder](#)
Subject: Submission
Date: Sunday, June 25, 2023 9:08:34 PM
Attachments: [ATT00001.bin](#)

Your Name	Albert Jasso
Your Email	ajasso@q.com
Your Phone	503 362 0465
Street	Fairmount Ave s.
City	Salem
State	OR
Zip	97302
Message	Hello My name is Albert Jasso I live at 1795 Fairmount Ave S. My wife and I would like to register our objections to the proposed building height along Commercial Street. We feel an increase in building height would seriously affect (in a negative manner) the quality of life of those living along Commercial Street and adjacent neighborhoods. Simply stated, the height increase would damage the residential quality of life by the increase in building density, traffic and human traffic. Sincerely, Al & Naomi Jasso

This email was generated by the dynamic web forms contact us form on 6/25/2023.

From: [Carlene Benson](#)
To: [CityRecorder](#)
Cc: [Linda Nishioka](#); [Chris Hoy](#)
Subject: Superior-Rural section of CA23-02/Ordinance Bill No. 5-23
Date: Monday, June 26, 2023 9:02:15 AM

I am writing in opposition to Superior-Rural section of CA23-02/Ordinance Bill No. 5-23, elimination of five overlay zones in the SCAN neighborhood.

Our neighborhood association, SCAN, has studied the proposal and agrees to the goal of the council, to simplify development by removing current restrictions—except for the height limit. SCAN opposes increasing the height limit, as do I.

The additional 2 stories will dramatically block the sunlight and view of the neighbors to the west and have people looking down into their homes and yards. The additional traffic impact at the already busy intersections of Commercial, Liberty, and Rural must be considered as well as more traffic on the residential streets of Saginaw and the east-west streets from Commercial and Saginaw.

Please adjust this bill to not allow the 5 stories and leave it at 3 stories.

Regards,

Carlene Benson

545 Leslie St. SE, Salem

From: [Carol M](#)
To: [CityRecorder](#)
Cc: [Austin Ross](#)
Subject: Monday's agenda CA23-02/Ordinance Bill No. 5-23
Date: Friday, June 23, 2023 9:32:51 AM

Dear Mayor Hoy and Councilors,

While I appreciate moves to simplify government, one section of proposed CA23-02/Ordinance Bill No. 5-23 Superior-Rural section of overlay in SCAN, is particularly worrisome.

The affected section of Commercial Street involved butts up to a residential area of Saginaw. This is an established neighborhood with historic homes and pretty gardens. Residents take pride in their neighborhood, maintaining homes and gardens. It is a family neighborhood. People from other parts of Salem also enjoy visiting Fairmount Park at the top of the hill. Walkers enjoy seeing the gardens.

The proposal as I understand it would allow buildings up to and including five stories to be built up against the residential area. A five-story building in our backyards on Saginaw would block our sunshine, air, view. That would impact neighbors ability to enjoy their homes, gardens, privacy. It could literally darken our backyard gardens.

The additional density would increase traffic problems at the intersection of Rural/Liberty/Commercial. That's already a difficult intersection but the city has consistently refused residents' requests to add left-turn lanes there. There have been a number of accidents and near-misses there. Not just cars use the intersection--kids walking to nearby schools, people with small children or pets, runners, walkers, bikers.

Visitors use Rural Street to access Fairmount Park. Saginaw, the only north-south through street on the hill, already gets additional traffic when Commercial is backed up.

Please don't make the traffic and congestion any worse. Retain the residential character of the neighborhood for all to enjoy.

Pass the measure but keep the current height restriction.

Thank you.

Carol Mitchell,

Ward 2

From: [Evan West](#)
To: [CityRecorder](#)
Subject: Case NO: CA23-02/Ordinance Bill No. 5-23
Date: Wednesday, June 21, 2023 3:44:36 PM

Dear Mayor Hoy and members of the City Council:

I am writing in regards to the proposal before the City Council to eliminate overlay zones in the SCAN neighborhood. I intend to provide additional testimony in person at the 6/26 public hearing.

I am writing in support of the position taken by the neighborhood association (SCAN) - that the overlay zones *should be maintained* with the only requirement being the maximum building height, which is currently 35 feet. In the quest for equity in development in our community it is important for the City Council to recognize the [difference between equity and equality](#), and to acknowledge that a "one size fits all approach" will never be correct for planning the future of our community.

The majority of the overlay zones in the SCAN neighborhood sit in an area of unique topography. There is roughly 100 feet of elevation change from John Street to West Knob Hill. Potential development in the Superior-Rural overlay zone taller than the current maximum height would severely impact the [human scale](#) of this neighborhood. Mixed development, including transit-oriented development, is welcomed and championed by members of the south Salem community. However, to remove all of the restrictions on development that are currently in place in consideration of the unique challenges of our community does not serve a future-oriented Salem.

I know that I join my neighbors in a desire to see walkable grocery stores and other retail options. I know that I join neighbors who hope to see more office spaces within walking or biking distance of their residences. I know that I join neighbors who want to see mixed residential development, so that our housing crisis can continue to be dealt with. None of those uses reasonably require buildings of 50+ feet height (four or more stories). To the contrary, a building of 50+ feet height would adversely impact many of the most unique and livable features of south Salem, such as the many micro farmers who depend on west-facing light to grow beautiful flowers, fruits, and vegetables, right here in our city.

These are just a few of the myriad reasons why the building height requirement of the overlay zones are critical. Please join my south Salem neighbors in affirming a commitment to human scale amid mixed development by maintaining the overlay zones with their current maximum building height requirements. Thank you.

Websites hyperlinked above:

<https://interactioninstitute.org/illustrating-equality-vs-equity/>

<https://www.pps.org/article/placemaking-and-the-human-scale-city>

--

Evan West, M.A.
He/Him/His

970-980-1445

evanwest714@gmail.com

From: [Jacque Heavey](#)
To: [CityRecorder](#)
Subject: Superior-Rural sec. of Ca23-02/ordinance bill no. 5-23
Date: Sunday, June 25, 2023 6:48:41 PM

To whom it may concern- As a resident of Ward 2- I want to express my support for the neighbors that are advocating for the current height restrictions to remain in place for future housing developments in the Fairmont Hill neighborhood of Salem.

Do not allow neighborhoods and livability to be undermined for the interests of a few by allowing completely outsized buildings in a low rise neighborhood. Scale matters. Listen to neighbors that are asking for reasonable accommodations and some restraints on building height.

Thank you~ Jacque Heavey, Ward 2.

From: [Mary Anne Spradlin](#)
To: [CityRecorder](#)
Subject: Increasing the height limit for buildings on Commercial Street
Date: Friday, June 23, 2023 2:51:44 PM

I am opposed to increasing the height limit for the buildings on Commercial Street.

Mary Anne Spradlin

1547 Chemeketa Street NE

Salem. OR. 97301

Please include my comments for the next city council meeting, Thank you

Sent from my iPhone

From: noreply@cityofsalem.net on behalf of patdex@comcast.net
To: [CityRecorder](#)
Subject: Submission
Date: Friday, June 23, 2023 7:03:47 PM
Attachments: [ATT00001.bin](#)

Your Name	Patricia Deminna
Your Email	patdex@comcast.net
Your Phone	503-581-6351
Street	635 Church St. SE
City	Salem
State	OR
Zip	97301
Message	<p>June 22, 2023 To: City Council From: Patricia Deminna Re: Superior-Rural section of CA23-02/Ordinance Bill No. 5-23 I'm a resident of Ward 2. I support the City's goal to encourage housing and mixed used development near frequently used transit services, which this bill seeks to accomplish. I am opposed, however, to the component that eliminates the 35 foot maximum building height limit on the Superior-Rural stretch of Commercial. Some consideration needs to be given to residents who live in the neighborhood adjacent to the Superior/Rural overlay. If buildings on Commercial are allowed to be 65 feet high, they will loom above the houses on Saginaw, whose residents will be facing 5-story buildings in close proximity to their homes. Their personal privacy, their backyard comfort, and what we experience as residential livability will be seriously impacted. The City's goals to address multi-use zoning can be accomplished without the removal of the 35 foot maximum building height limit. Keeping 35 foot high buildings on this short stretch of Commercial, instead of allowing 65 foot high buildings, isn't a significant loss to MU zoning; nor is it necessary when more than one thousand acres of MU zoning was added by the Comprehensive Plan. I urge you to retain the 35 foot maximum building height limit. Thank you. Patricia Deminna</p>

This email was generated by the dynamic web forms contact us form on 6/23/2023.

From: noreply@cityofsalem.net on behalf of irelon@msn.com
To: [CityRecorder](#)
Subject: Submission
Date: Sunday, June 25, 2023 11:47:09 AM
Attachments: [ATT00001.bin](#)

Your Name	irene longaker
Your Email	irelon@msn.com
Your Phone	503-581-0265
Street	975 High Street SE Salem Oregon
City	SALEM
State	OR
Zip	97302
Message	RE: Superior Rural Section of CA23-02/Ordinance Bil No. 5-23 We need to maintain these liveable and lovely neighborhoods close to downtown to keep downtown viable. When a downtown fails so does the city. Erecting buildings with more than one story along Commercial Street is not only unsightly but will ruin the views of neighbors on streets west of Commercial and make properties less desirable. Please do not allow this to pass. Thank you, Irene Longaker

This email was generated by the dynamic web forms contact us form on 6/25/2023.

From: noreply@cityofsalem.net on behalf of suevan Noord@gmail.com
To: [CityRecorder](#)
Subject: Submission
Date: Friday, June 23, 2023 3:28:58 PM
Attachments: [Sue Wells Comment Superior-Rural Overlay Zone.docx](#)

Your Name	Susan Wells
Your Email	suevan Noord@gmail.com
Your Phone	503-575-6677
Street	160 Superior St S
City	Salem
State	OR
Zip	97302
Message	Please see attached letter containing public comment. Thank you!

This email was generated by the dynamic web forms contact us form on 6/23/2023.

Dear Councilors,

My name is Sue Wells, and I'm writing in regards to the Superior-Rural section of CA23-02/Ordinance Bill No. 5-23 elimination of five overlay zones in the SCAN neighborhood.

I'm writing on behalf of myself, my husband Joseph and our two daughters, age 2 and 5. We live at **160 Superior St. S**, which as you can see on the map of proposed overlay zone removal, is **one of the few properties with a home site directly adjacent to the proposed overlay removals, and the only one in this unique position in the Superior-Rural overlay zone.** Whatever happens on the Superior-Rural overlay zone happens right outside our kitchen window.

We are a working family with young children. We have made this neighborhood home and fiercely believe in the practice of neighborhood, community and mutual care. As our neighbors can attest, my daughters ride their bikes down the alley between Superior and Rural streets every day. We pick up trash in the alley, feed the birds, share and receive garden space and garden abundance with other folks our block. We belong to the fabric of the neighborhood on both sides of the alley, both up the hill and our neighbors who live on the Commercial street side. We have shared chainsaws and generators during the ice storm, shared meals with Commercial street neighbors when they had a baby, shared our sump pump with another when their yard and basement flooded (please refer to our neighbor Katja Meyer's earlier letter with concerns about storm drain overflow). We walk and ride regularly down and across Commercial street, and will do more so as my daughter attends school this fall.

I haven't spoken earlier as I've honestly been a bit ambivalent about this issue- I agree with the aims of the city to build walkable and transit-oriented development, and as a regular walker passionately believe in a future Salem that is climate- resilient, where it's possible to live car-free, and where everyone who needs a home has access to one. However, the more I've learned about this proposal, the more I realize that the removal of the Superior-Rural overlay zone will not effectively meet these goals, and will in the process be a significant detriment to the livability of our home and our block.

The removal of the 35-foot height restriction in the overlay zone opens the neighborhood to development that would change the human scale of where we call home. A 5-story midrise building would be not only completely incongruous with its neighbors, but would dwarf our home and fundamentally and permanently change the livability of our home and our block. This ranges from significantly blocking out the little natural light we receive, to opening up real privacy concerns as even with a 70' setback, we would still have a massive building with a direct view into both our dining room and the yard where our kids play.

Additionally, there are real safety concerns that will directly affect us as next-door neighbors. The increased traffic, both human and vehicle, will make our block less safe and possibly prohibitive for kids to play and ride. Depending on the type of development, we may also face

the issues of nightlife noise, waste and other issues, and will certainly be faced with an increase in light and sound pollution.

Further, the street parking situation on our street is somewhat tenuous right now as the street is extremely narrow, and we already have strangers walking in our front yard from their cars parked in front of our house. This would only be exacerbated by a 5-story development directly next door. There is not adequate space for parking to meet these needs, and we are a long way away from a brighter reality in which Salem is a place where people simply won't bring or need cars. (One only need to look at many examples in Portland to see the unintended consequences of developing for an aspirational car-free future rather than the reality of what is).

Our request is that the city council please consider the real needs and concerns of the people who live here and will be directly affected by this change. We believe that our neighborhood association SCAN has formulated a measured and thoughtful compromise. To this end, **we support the position of SCAN to remove the overlay zone but keep the building height restriction.**

This is not a matter of losing our mountain view or even changing the character of the neighborhood- we welcome new neighbors and understand that new approaches to housing are necessary for the future. What we are concerned with is a fundamental change to the livability of this city block for our family. We live in a simple home and work very hard. We don't have the luxury of choosing just anywhere to live, but we love and care for our home, our neighbors and our neighborhood.

We know you are working hard throughout the city to find creative ways to meet the challenges of the present and the future. To you, this may be just one city block. To us, it's our home. To my kids, it's where they can ride bikes, play in their backyard without worrying, walk to school, and learn about generosity and what it means to be part of the fabric of a neighborhood. It's easy to support this proposal in theory if you aren't the one who lives next door. In so many cities, actual livability has been the casualty of so-called "progress." It's possible that our family could be the unfortunate yet inevitable casualty of this "progress." But you, councilors, have the ability to listen to your neighbors here and make a different choice. We urge you to chart a different path for Salem by accepting this reasonable and well-considered compromise.

Thank you so much,

Sue Wells
160 Superior St. S.
Ward 2

From: [Walter Benson](#)
To: [CityRecorder](#)
Subject: Zoning change
Date: Friday, June 23, 2023 1:44:01 PM

Salem city councilors,

Please consider carefully the zoning change before you to increase building height limits on Commercial Street South. The changes to neighbors on Saginaw and perhaps beyond would be regretful if not invasive should buildings go to five stories. Privacy for these folks should be taken into consideration strongly.

Thank you.

Wally Benson
Ward 2

From: [Carol M](#)
To: [CityRecorder](#)
Subject: Removal of overlay zones proposal
Date: Tuesday, September 19, 2023 4:58:57 PM

Your honor and councilors,

Re Code Amendment Case No. CA23-02 for Eliminating Overlay Zones in the SCAN Neighborhood

I respectfully request that you apply a 35-foot maximum height limit to the properties affected by this zoning change. Taller buildings would negatively affect the quality of life of those living nearby. Gardens would be shadowed, backyard privacy invaded and traffic would be increased in already busy, congested areas.

Thank you,

Carol Mitchell

1910 Saginaw

From: [Naomi Jasso](#)
To: [CityRecorder](#)
Subject: Fwd: building code revisions.
Date: Monday, September 18, 2023 4:12:19 PM

Sent from my iPhone

Begin forwarded message:

From: Al and Naomi Jasso <ajasso@q.com>
Date: September 17, 2023 at 2:34:57 PM PDT
To: cityrecorder@cityof.netsalem
Subject: building code revisions.

--=-1bDAvSPkAIRNvKzEuv+k3g==
Content-Type: text/plain; charset=utf-8

My Name is Albert Jasso
I live at 1795 Fairmount avenue.

I want to register my opposition to the revise building codes to allow six story building along Commercial St. south of Salem City Center.

Such an increase in building heights would help degrade property values, community culture, and living conditions along this roadway.

Traffic would increase, become more dangerous and act to increase the migration of traffic to the the already stressed country side as more people find living in metropolitan Salem more difficult.

I therefore urge the City Council join my opposition to this proposal. Help stop the increase in building heights along South Commercial

From: [Sandra Oliver-Poore](#)
To: [CityRecorder](#); [Chris Hoy](#); [SALEM Manager](#)
Subject: Resend: Regarding The Proposal to Remove Overlay Zones in SCAN
Date: Tuesday, September 19, 2023 9:05:57 PM

September 19, 2023

From: Sandra Oliver-Poore
3144 Tess Ave NE Apt 124
Salem, Oregon 97301-2872

To: The Honorable Mayor, City Councilors, City Manager, Planning Director, and Planning Commissioners of the City of Salem, Oregon

RE: The proposal to remove overlay zones in SCAN

I am writing to the leaders of Salem in response to your plans to eliminate the last five overlay zones existing in the SCAN neighborhood. I wish they could remain in place as in these particular locations they have served the city very well. But if they are to go I urge you all to retain the features that make this such an impressive and important part of Salem visually and stamp it as an historic town that has retained the best of old values. Actually, I encourage City Council to ensure that the community is given time to pursue designation of the neighborhood as a national historic district. Failing even than I would at least request that a three storey height restriction remain.

I'm a transplant from another state who would frequently come into town via Liberty as I was city shopping and I always got a thrill seeing the grand old homes, even those used as offices along Commercial and Liberty. The few clearly commercial buildings added along Liberty and Commercial since then detract from the effect. The area remains a great joy to me every time I travel its length. It marks the beginning of Salem's historic business and residential areas and set one's expectations for the city's downtown. If tall commercial buildings or modern high rise apartments were to replace any of the existing beautiful historical buildings then no hint of what lies behind would reach me or anyone else using that Commercial / Liberty corridor; that would be a great loss to Salem's character.

Of course the entirety of this historic neighborhood behind would also be severely impacted by having hulking buildings shadowing entire neighborhoods, affecting livability, property values and desirability. Taller denser buildings, especially with any loss of trees and landscape, would cause more noise and traffic as well.

Without that beautiful entrance as it exists into town, then Salem would lose its special character, like some other wonderful towns, for example Corvallis have preserved and some other cities have regrettably lost. Without it Salem would appear as a series of strip malls leading into an old and somewhat decaying downtown. But the existing buildings and their uses and landscaping lead a person to expect to find great things in downtown and having made that impression, people tend to actually see the best of downtown when they enter.

Again, I would urge that if the overlay zones have to be removed at all, then height restrictions of three stories max should be imposed so that the area remains a very unique and classy yet

homogenous introduction into downtown going north, and a transition to the modern suburbs to the south. Also I hope and urge the Council and Staff to require the old trees remain in any future building plans and that the spirit of the landscape provisions and open space of the overlay zones remain in the new zoning replacing them as it's these attributes that give this stretch of town its special character, the beautiful old low height buildings, and the liberal use of the tree canopy and landscaping that make it so lush and inviting plus buffering the neighborhoods beyond. It's worth any extra trouble in my opinion.

It was that strip, including the wise overlay zones that were a major factor when I chose Salem as my new home when I came to Oregon and my first choice in neighborhoods to explore. However; I wasn't able to locate in that neighborhood and ended up in Northeast Salem. I still love that trip up Liberty, especially at Christmas when the personal touch of twinkling lights makes it that much better and shows off the neighborhood to wonderful effect!

The area is truly one of Salem's treasures and I urge you to be sure your actions allow it remain that into our future. Maybe these last overlay zones should just remain. It's just that important!

Thank you,

Sandra Oliver-Poore

From: [Sarah Fishler Rice](#)
To: [Linda Nishioka](#); [CityRecorder](#)
Subject: Commercial Street Re-zone
Date: Tuesday, September 19, 2023 11:05:36 AM

Councilor Nishioka,

I am writing to express concern about the proposed re-zone along Commercial Street to allow high rise buildings up to six stories tall. The creep of the more urban footprint into those neighborhoods south of downtown would create some big disadvantages including increased congestion/concrete areas (whether from traffic or parking spaces needed), and in some cases the reduction of citizen access to sunlight.

I urge you to please consider the living conditions in adjacent neighborhoods, especially preserving the privacy, solar access and character of these areas. Maintaining livability in these neighborhoods is critical because the success of our downtown area is economically and physically dependent on these adjacent neighborhoods.

Thank you,

Sarah Rice
1635 Saginaw Street S

From: [Bill Holmstrom](#)
To: [CityRecorder](#)
Cc: [Therese Holmstrom](#); [Austin Ross](#)
Subject: Public Comment for September 25 City Council Meeting
Date: Monday, September 25, 2023 4:21:33 PM
Attachments: [Support removal of overlays.pdf](#)

Please see the attached letter for tonight's city council meeting.

Thanks,
-Bill Holmstrom

Therese and Bill Holmstrom
350 Hoyt Street SE
Salem, OR 97302

September 25, 2023

City Council
City of Salem
555 Liberty Street SE
Salem, OR 97301

Via Email: cityrecorder@cityofsalem.net

Re: Support of removal of the Hoyt/McGilchrist Overlay Zone

Dear Mayor and City Council,

We are Therese and Bill Holmstrom, we live in and own a home in the SCAN neighborhood. Our home is directly across West Nob Hill Street SE from property that would be affected by the proposed removal of the Hoyt/McGilchrist Overlay Zone.

We support the removal of this overlay zone and the removal of the other overlay zones, as proposed.

We support the continued redevelopment of the city, including along the South Commercial Street corridor. The proposed changes will allow a wider range of mixed-use development to be built in these areas. The South Commercial Street corridor is part of the community's core network of transit routes, with the highest level of transit available in the community.

We believe the proposed changes are positive for our neighborhood, and may bring more neighbors and energy. We feel any potential detrimental effects to us or our current neighbors would be outweighed by the potential benefits for the neighborhood, our new neighbors, and the community.

Along with other land use changes recently adopted by the city, the proposed changes are a necessary and positive step toward making our community a more vibrant place to live, work, and go to school.

Sincerely,

/s/

Therese and Bill Holmstrom

From: [Beverly Loos](#)
To: [CityRecorder](#)
Subject: Planning Case No. CA23-02 Proposal to eliminate five overlay zones in Ward 2
Date: Monday, September 25, 2023 11:11:53 AM

Dear Councilor Nishioka,

Our home will be directly impacted if this proposal goes through, as we live on West Nob Hill. We have lived in our home for 32 years. Our home was built in 1927. When we bought the home, it needed significant repairs, as it had previously been a rental. We invested significant effort to live on a limited income so that we could pay our home off prior to retiring. In the past 32 years, we have also invested significant personal time and sweat repairing and maintaining this old house, while raising our four children as they attended the local schools. Now we have grandchildren and great grandchildren. We have made years of family memories that we treasure in every part of this house, including a time capsule placed in the 90's under our bathtub, cramming 20+ people at table for Thanksgivings and Christmases and birthdays and little footprints on the cement floor from painting in the basement. Memories of grandchildren carrying baskets of vegetables in the house, and loving on the dogs are precious.

I have been a Master Gardener for the past 10 years. I grow blueberries and currants and figs in the front yard, which I share with the neighborhood birds, many of whom nest in the big trees across the street. The scrub jays call to us for peanuts when we walk out of the house. I grow a vegetable garden in our back yard to help us with food, as well as sharing that with the local wildlife. Last year I nurtured a baby Virginia Opossum that had fallen from its mother in our garden until it was big enough to venture out on its own. I am a member of the National Wildlife Foundation and have a certified bird habitat also in our back yard.

We are not wealthy. We are getting older now, and are watching our previous work friends and their spouses pass away. We are beginning to experience more mobility issues than before. The possibility of moving from our home and memories at this stage in life is certainly frightening and difficult to fathom.

Our home would be affected by this change in many ways. The sun on our front yard bushes would be completely eliminated except for a few hours per day. That would be insufficient to maintain my fruit. The shade from a high rise building would also further limit the amount of sun on my vegetable garden. If the trees across the street were cut down, our neighborhood birds would suffer. Our view from our front yard would be replaced with an enormous building. Parking on our narrow old street would be continually congested making getting in and out of our driveway problematic, and trash collection difficult. The increase in population would likely increase crime in our neighborhood. We would never again see a sunset from our home.

Please do not approve this change.

Sincerely,

Beverly and David Loos
2350 W. Nob Hill Street SE
Salem, OR 97302

From: darcychris777@gmail.com
To: [CityRecorder](#)
Subject: Zoning overlays in SCAN area
Date: Monday, September 25, 2023 3:58:42 PM

I join with my neighbors and SCAN neighborhood association in supporting a 35' height limit in the overlay zones under consideration. Many of us appreciate the City's long-term goals for more and more affordable housing and mixed use development that take advantage of available open space. A 35' common sense maximum building height requirement supports these goals of the city.

SCAN includes a number of designated historic districts, and a large portion of the Fairmount Hill neighborhood has been surveyed and is National Register for Historic Places eligible. Yes, a number of historic homes here are local and national landmarks due to their architectural and historic significance. But historic buildings are scattered throughout SCAN and the rest of Salem – and tell the story of the state of Oregon. They are the former homes of tradespeople, small business owners and artists and writers and are important to more than just our neighborhood. They don't only reflect wealth, and have many stories to tell.

Taking the right steps to protecting the historic character of the Fairmount and Nob Hill neighborhoods does not stonewall or otherwise prevent community development. Actually, preservation is a useful tool in promoting tourism, housing stability, climate resilience and racial justice. -- These are the preservation priorities of the National Trust for Historic Preservation, the national thought leader on preserving the built environments of Americans of all backgrounds and eras.

Historic designation is a cumbersome process. It can and usually does take years, and comes with costs. There are many historic places in our community that are not designated landmarks because of these barriers.

I look forward to the upcoming discussions in the greater SCAN neighborhood that will look into the history of all areas that it serves. In the meantime, I urge you to maintain the 35' height limit for the overlay zones you will consider tonight.

Thank you.

Christine D'Arcy
Ward 2

(Neighbor to the former Hebel family house, built in 1921. Mr. Hebel founded the famous Cherry-Bud Band, a brass band that started out as an activity for boys in East Salem and became acclaimed for its smart uniforms and presence at Salem's patriotic parades and events.)

503/510-3633
darcychris777@gmail.com

From: [CAROL SNYDER](#)
To: [CityRecorder](#)
Subject: Comments for Council Meeting 9/25/23, Agenda item 5.a
Date: Monday, September 25, 2023 3:17:03 PM

Dear Mayor Hoy and City Council =

I'm Carol Snyder, and I reside in an apartment complex in the SCAN neighborhood in Ward 2.

I am writing in opposition to the removal of the overlay zones in SCAN, particularly to the allowing of buildings taller than 35' in a residential neighborhood.

As an apartment dweller myself, I certainly favor multi-family dwellings throughout all neighborhoods, but at a smaller scale than 55'. Tall buildings are fine for downtown, but not for residential neighborhoods.

As a related note, I do hope that as we add more density to our city, which we must, we will also add more parks - to replace the green space we call yards.

Thank you for all your time and effort on behalf of Salem.

Carol Snyder

From: [Chris Hoy](#)
To: [CityRecorder](#)
Subject: FW: Overlay Zones Case 23-02 CA: Deliberations
Date: Monday, September 25, 2023 4:45:25 PM

From: HPPG <scanparks2023@gmail.com>
Sent: Monday, September 25, 2023 4:44 PM
To: Trevor Phillips <TPhillips@cityofsalem.net>
Cc: Chris Hoy <CHoy@cityofsalem.net>; Vanessa Nordyke <VNordyke@cityofsalem.net>
Subject: Re: Overlay Zones Case 23-02 CA: Deliberations

correction: the word "downtown" should be downward.

I have seen the flooding first hand, myself. And I talked to Aaron Panko, Planner III who is one of the best. And, I asked, "Aaron, did you go to the site?" And he said no. The slope, the height were causing surges of water going to Nob Hill: car lights were going into 2nd floor bedrooms: and that is my concern, land use planning by most of the people who are pushing paper, are not actually looking to what is on the ground, either at the base of Fairmount, not taking the time to look, research inventories (beginning with the initial Goal 5 Inventory in 1984 - which identified National Register properties and resources of value), not walking, looking at slope towards West Nob Hill or the visual context of Pioneer Cemetery - which was once rural, modeled after the famous Mt. Auburn design concept in Boston (Cambridge-Watertown). Height should be moderated to account for slope, context, a City's legacy and significant cultural, historic and architectural features, respect for the continuum of a State Capital. Ours is just a short time on a larger continuum.

Jon

On Mon, Sep 25, 2023 at 3:56 PM HPPG <scanparks2023@gmail.com> wrote:

Dr. Phillips, Councilor,

Word on the street is you may flip in your support for the Overlay Zones in south central Salem. From your previous vote, in asking for reconsideration of an earlier decision to let it be.

Allow me to be very straightforward. I will try to be brief.

The recommendation that you have received from Roz Shirack, Chair of the SCAN Land Use Committee, is solid.

Roz is a walking encyclopedia on land use, modest, analytical, thorough, former president of the Marion-Polk Counties League of Women Voters, experienced in land use analysis for years since 1977, when Roz served as a economist land use professional staff at the Oregon Department of Land Conservation & Development (DLCD). At her core, in land use, Roz leads and follows code, criteria, application and purpose. Recently, I am sure you are aware, Roz received a prestigious

award from Council, following years of volunteer service on the Budget Committee.

Our family strongly supports the recommendation, of the SCAN Land Use Committee to you -- and members of Council, to the Mayor, -- that the five Overlay Zones be retained.

The overlay zones provide moderation to height, -- in and adjacent to valued historic, architectural and cultural resources, and to address the severe downtown slope on south Commercial to West Nob Hill Street (Overlay Zones 1, 2, 4, 5). Moderation of the building height on south Commercial also mitigates mass overshadowing of nearby residences from structures over 35 feet. West Nob Hill swoops up and down.

Also street flooding has occurred from development, from S Commercial towards West Nob Hill Street, downward on Jerris Street. The slope is there. And Community Development staff permitted the building without looking at the site or slope. There was not any consideration of car lights from elevated Commercial Street accessed parking into the 2nd bedrooms of homes. Height moderation is a very serious consideration in protecting street level livability. Homes from shadowing, light and visual intrusion, even more so on steep terrain.

Contextually, height moderation (**Overlay Zones 4 and 5**) also respects the east perimeter of the Historic 19th century **Pioneer Cemetery in Ward 7**, -- by associations, the most historic National Register site in Salem except for the State Capitol.

The east horizon view, sun rising from the Cemetery is very important, symbolically to the Christian Faith, certainly was in the 1800s, of the Resurrection of Christ.

Overlay Zone 1 moderates height at the edge of Fairmount, a National Register eligible area for district recognition.

Overlay Zone 2 moderates height in an area of residence built structures of state and national significance (Minto Houses, Assistance League of Salem Daue House). The State of Oregon - State Historic Preservation Office - informed the City decades ago, this area was eligible for national recognition as a historic district. The SHPO opposed a high communications tower. The earliest Minto house dates back to the 1860s.

Part of why the September 25 Staff report has no citizen comment, I would submit to you, Councilor Phillips, -- is **because** -- from the very beginning, in subsequent meetings with the SCAN Land Use Committee, with the SCAN Board, -- from Austin Ross, also in the flyer, that was sent out by Community Development Department, the tone and the message was clear, "**..this is a done deal.**" Look at the flyer that Community Development put together. The actual building height that will be allowed, did not even include a footage. It all seem like a done deal.

June 26, 2023 Staff Report

Absent from the Staff report on June 26, 2023, at which you were expected to ratify the change, -

-- is not a word on the known historic, architectural and cultural resources, and context that would be impacted.

Not a word on slope of the land. Not an analytical drop on potential street flooding, which actually did occur on Jerris Street towards West Nob Hill Street from an office and elevated parking lot built on S. Commercial.

If you had a Medical Assistant who did not take and report Vital Signs, you would probably can him or her. Or look for somebody else. Look for someone who is going to tell you. In June, you never got the Vital Signs from Staff, why the Overlays, height moderation, improve livability, protection of the cultural legacy of the City were sought. and placed in the beginning.

How This Motion Moved in November 2022

Pushed at a time by Councilor Virginia Stapleton when Councilor Nishioka (Ward 2) had just been appointed when Tom (Andersen) went to the Legislature. Inexperienced, new to Council. There had been virtually no time for Linda to confer with her constituents when Councilor Stapleton set change in Motion or to assess actual purpose of the Overlays or what was on the ground.

7 months later, you received a report from Staff that still did not acknowledge citizen concerns for important historic, architectural or cultural resources and context, streetscape, the **goals of the Salem Comprehensive Plan (Section # 16, CS-3) on LCDC Goal 5** or the objective in the City's **2020-2030 Historic Preservation Plan** adopted by Council, to "work with neighborhoods to identify" affected resources. The report you have today does not identify those policies. ORS 197.763 recommends policies be identified in quasi-legislative hearings. Excellence should insist such integrative land use policies and goals come forward from Planning staff.

Keeping the current Overlays does not require more staff. It does not require additional budget,

Please don't swallow every pill, supplement that you get. This is the Virginia Stapleton Supplement that is not needed.

Governor Atiyeh wisely said, "*if it ain't broke, don't fix it.*" The current Overlays achieve, without cost or additional staffing or bureaucratic maze, the goals of protection, livability and common sense.

Roz is speaking truth to authority. So is Evan West. And Lorrie Walker. Lorrie ain't no prima donna. She know needs on the street. The plight of the homeless, And what binds community, a socially economically diverse neighborhood.

Thank you for the opportunity to provide comment, feedback.

I admire any ER Doc who takes time to engage in City government. Three in my family practice medicine. Thank you for your service.

Respectfully,

Jon Christenson MURP

PO Box 534

Salem, Oregon 97309

From: [lorrie walker](#)
To: [citycouncil](#); [CityRecorder](#); [Chris Hoy](#); [Trevor Womack](#); [lorrie walker](#)
Subject: Fwd: Comments on SCAN Overlay Zones / 5.a on 9/25 Agenda
Date: Monday, September 25, 2023 2:06:00 PM

Mayor Hoy, City Council,

Good Evening. For the record I am Lorrie Walker. I reside in Ward 2. I am not speaking on behalf of SCAN. I am speaking as a 40-year plus year resident of SCAN.

I was and am concerned regarding negative comments by a few councilors about SCAN in the July 26th council meeting. Comments implied that we think we are special. I think we are representative of all people living in Salem.

We are humble, working class, professional and retired people. Some with children. Some raising grandchildren. Some own homes. Some rent.

Half the children at McKinley Elementary school are on free or assisted lunches. We are economically and racially diverse.

On my street we have a close community. We talk, walk, bike, share fruit and vegetables. We have a family from Ethiopia who have a group home for disabled adults. One woman teaches sewing classes in her home. Children attend local schools. We have two separate apartment buildings of over 10 units.

We have construction workers, hardware workers, retirees. Retirees who volunteer all over the city at the library, food banks, hospital, to name a few.

Just over a block away is St Francis Family Transitional Housing. Over 20 units. Awesome neighbors.

I personally volunteer with unhoused in the Salem area. Mentally ill, disabled, addicts, warming shelters, Arches, provide food and more. Many are former patients of mine from the state hospital. I rec'd the Willard C Marshall award in 2018 for my volunteer services. Salem has many awesome volunteers from SCAN and all over Salem who care deeply about our city and all of our citizens.

People who send in emails, come into council to testify are the voices of reason about livability in our neighborhoods. We embrace progress. We are passionate about our investments in this city. We are also concerned about disruption to livability in regard to overlay zones.

We need careful, thoughtful planning, preservation of neighborhoods throughout Salem. This should be given a very high priority by counsel and city staff. Common sense planning for all of Salem.

I respectfully urge council to support our neighbors and neighborhood livability by retaining overlay zones in SCAN and a 35 foot height requirement.

Respectfully,

Lorrie Walker

SCAN Neighbor, Advocate, Legal Guardian

dakotalor@msn.com

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From: [Marissa Theve](#)
To: [CityRecorder](#); [citycouncil](#)
Subject: September 25th 2023 Salem City Council meeting agenda item 5a
Date: Monday, September 25, 2023 10:32:48 AM

Dear Mayor and Salem City Councilors,
For the same reasons mentioned in my July 10th testimony, I continue to support removing all the special residential overlays (height restrictions) fairly throughout the City.

- I don't believe the privilege of sunlight access near downtown in the second largest city in Oregon overrides our dire need for denser housing within the urban growth boundary. Nearly half (46%) of Salem residents rent vs. own and are in need of a rental market that supplies enough units to keep market rate rents in check. Two thirds of people who work in Salem commute in because they cannot afford to live closer to their places of work due to a lack of housing options.
- Height restrictions make housing more expensive per unit.
- Height restrictions arbitrarily cap the future tax revenue on a property (consider the [Strong Towns approach](#) of building growth into zoning).
- I believe urban community gardening makes most sense on rooftops, rights of way, and other underutilized spaces. The point of UGBs is to preserve farmland and natural areas outside of cities.

I urge you all to consider the commitments made during the adoption of Our Salem and the Climate Action Plan like creating a more walkable/bikeable/rollable/scootable and equitable city. Luxury what-abouts (gardens, historic preservation, “human-scaled architecture”) aside, special height restrictions reduce our ability to achieve those goals. Allowing change is hard when it’s in your own backyard, but the greater good calls for us all to do hard things.

Thank you for the opportunity to provide this comment,
Marissa
Ward 1, Grant Neighborhood, 97301

Link: <https://www.strongtowns.org/>

Data source: Our Salem

<https://www.cityofsalem.net/home/showpublisheddocument/5142/637969534610430000>

--

Marissa Theve (*ma-RIS-uh Tev*)

Pronouns: she/her/hers

From: [Peter Bergel](#)
To: [CityRecorder](#)
Subject: Testimony for tonight's City Council Meeting
Date: Monday, September 25, 2023 11:50:41 AM

Testimony of Peter Bergel 9/25/23

Good evening Mr. Mayor and Members of the Council,

My name is Peter Bergel and I live at 1850 Saginaw St., a property that is directly affected by Staff's proposal to remove the zoning overlays.

I recently had a conversation with Councilor Stapleton in which she explained that her support for this proposal was based largely on equity issues. Specifically, she believes that greater density tends to be coupled with poorer access to services and therefore equity demands that greater density be shared by all neighborhoods, not just a few.

But there are other counter-balancing equity issues involved here. I understand the City put the overlays in place originally when Commercial was widened to assure residents that the character of their residential neighborhood would not be degraded by tall buildings along Commercial Street. Those who have moved into the neighborhood since then have relied on that assurance. The City's plan to now remove that protection is an injustice to those who currently live there.

Furthermore, according to Suzanne H. Crowhurst Lennard, co-founder and director of the Making Cities Livable International Council, "the construction industry is a powerful engine for fueling economic development. Tall buildings offer increased profits for developers. However, the higher a building rises, the more expensive is the construction. Thus, the tallest buildings tend to be luxury units, often for global investors... In this way, they increase inequality." -

<https://www.smartcitiesdive.com/ex/sustainablecitiescollective/7-reasons-why-high-rises-kill-livability/561536/>

Indeed, Councilor Nishioka has said words to the effect that we have to let the buildings be big enough to make it worthwhile for contractors to build them.

We do not want to have the quality of our neighborhood determined by its potential profitability to developers.

Additionally, Lennard says, high-rise buildings are built largely of steel and concrete and are less sustainable than low rise and mid-rise buildings built largely of wood; steel and concrete produce a lot of greenhouse gases. Wood traps them. Concrete is 10 times more greenhouse gas-intensive than wood.

I realize that Councilor Nishioka is suggesting that we might be able to retain our protection against tall buildings by becoming a Historic District. That iffy prospect is not what the neighborhood wants. Instead, **we ask that Council simply institute a height limit of 35' in ALL residential neighborhoods to preserve their human scale and livability.**

I completely support the Council's goal of increasing density in order to protect the Urban Growth Boundary, but greater density can be achieved within the height limit we propose. And indeed, if equity is a goal, smaller, less expensive units ought to be preferred.

Thank you for your attention.

Sent from [Mail](#) for Windows

Good evening Mayor Hoy and Members of the City Council.

We find that we are again faced with the proposed elimination of the overlay zones, which represent some of the most successful city planning accomplishments Salem has provided to its residents and has served to effectively mitigate the impact of converting from residential to incorporating commercial uses. The result was that many homes along Commercial Street were seamlessly converted from homes into commercial spaces, providing mixed use areas.

We understand that Salem has a need for affordable housing and that you are under a lot of pressure to make that happen. We agree with your goals, your values, and share in your desire to find equitable solutions, but think you may not understand the negative impact the elimination of the overlay zones and introduction of the proposed high rise high density housing would have on the Fairmount neighborhood. Because of time limitations, I will focus my attentions on the area that will be most dramatically impacted by the removal of the Superior/Rural overlay zone, the upper area of the Fairmount neighborhood, Fairmount hill.

Tonight we will *not* focus on the incongruous nature of inserting a 55' building into the surrounding neighborhood, nor will we address the destruction of the architectural integrity, peace and property values in our historical neighborhood; nor the loss of the city's trees; nor the sense of betrayal of the social contract under which we bought our homes. **

Instead, tonight we will begin by identifying the unique characteristics of the Fairmount neighborhood that make high rise high density housing problematic, with a focus on 1.) the effect of significant population increases on traffic and parking, and 2.) issues of access and egress, particularly in times of emergency.

With the zoning changes and the introduction of high rise high density housing, there would be an enormous increase in the number of people that would be driving on streets that are very narrow, streets that were designed in the late 1800's and early 1900's to accommodate horse drawn buggies, not cars, buses, big garbage trucks, moving vans, or fire-engines. Currently, when there are vehicles parked on both sides of the street, drivers have to wait their turn to pass, large vehicles are challenged to even get through.

Unlike newer neighborhoods, many homes in this area have neither garages nor driveways, so residents park their cars on the street. With the increased number of people, there would be even more vehicles and of course more congestion, making movement within the neighborhood more difficult and issues of safety increasingly problematic and troubling. .

An issue that demands attention and adds a critical level of complexity to issues of movement, safety, and access or egress, is the topography of the hill. There is no street access on the entire northern border of the hill because of the steep slope, with the exception of one, Saginaw Street where Baker School is situated, with associated preschool students, parental activity and traffic, school buses, etc. There is no street access on the entire western border of the hill, which is a cliff. There is no street access on the entire southern border of the hill because it is blocked by a cemetery. The only street access- the only arteries that feed the entire hill lie along the eastern border, on Commercial Street.

Received At Council Meeting
Meeting Date: 7/25/23
Agenda Item: S.A.
Received by: Deborah Maloney
From: A. Johnson

To complicate matters, only four of the five streets on the width of the hill provide access or egress to Commercial Street, which raises safety issues. There are only four streets to service approximately 317 homes and a large apartment complex, Four streets, Lincoln, Washington, Superior, and Rural. Of these streets, Rural Avenue has the only traffic light and is used by anxious drivers who rush to enter the neighborhood in the limited time allotted, without the aid of a turn lane or turn signal. It is used by residents who live in the two story 44 unit apartment building situated at the end of the street, by patients at the big ophthalmology business on the corner, and it is where children and adolescents from the neighborhood wait and then negotiate the traffic as they cross Commercial Street to go to and return from their elementary, middle, and high schools.

Eliminating the Saginaw/Rural Overlay would allow the construction of high density high rise housing to consume the front half of two of the four blocks along Commercial and feed directly onto two of the four streets, or 50% of the access and egress points for the entire hill. I understand that parking will not be provided, so the streets would have to absorb the extra vehicles as traffic demands increase exponentially. It is incumbent upon us to consider whether the demands accompanying a high rise high density housing development could be met in that location, whether there would be sufficient access to emergency services or egress adequate to the circumstances.

Residents from our neighborhood and from across the city frequently walk here with their children and dogs and one of its most desirable attributes is its livability. The introduction of a high rise high density development would undermine, not support the stated priorities of the City Council to have a walkable, livable community.

It must be noted that Fairmont Hill is a largely residential area and that the largely commercial area on Commercial Street begins south of Rural Avenue, where the zoning changes and high rise buildings would make more sense, not in a thriving residential neighborhood.

Also noteworthy, there are numerous vacant buildings downtown, where the other high rise buildings are located. In this area, it seems that high rise high density housing would benefit the community, without unnecessarily damaging or destroying residential areas. There are also many vacant lots and underused lots along the Commercial St. corridor. There are also a lot of one story businesses, where the space could be used to develop multi use buildings along Commercial, locating businesses on the bottom floor and residences on the floors above.

We share your concern and desire to have more affordable housing in Salem and are convinced that the population increase associated with new high density low rise development would represent a significant increase in housing, while preserving the history, architecture, gardens, trees and stately homes, including the governor's mansion, for future generations. These features make the area of value, far beyond the monetary.

Although these changes may be more modest and less ambitious than may have been anticipated or desired, they would be no less meaningful and would allow us to make changes that are commensurate with our abilities.

Thank you for your consideration.

* These were arguments made by the citizens of Bozeman, Montana and repeated almost verbatim by me here from an article written by the editorial board of the Bozeman Daily Chronicle, September 23, 2023, which by the way, supported blocking proposed zoning changes that would have negatively impacted the community.

**The same is true for other old established historic Salem neighborhoods—Bush, Gait Hill, Richmond, Englewood, and Highland to name a few— we have beautiful tall majestic trees with bountiful lower and middle canopies gracing our streets and homes, the need to practice patience, and the ability to take turns. Like all of the other old established neighborhoods, we require special consideration and thoughtful planning to maintain our strengths and character as we cope with an ever changing world.

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

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

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

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

Hello,

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

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

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

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

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

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

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

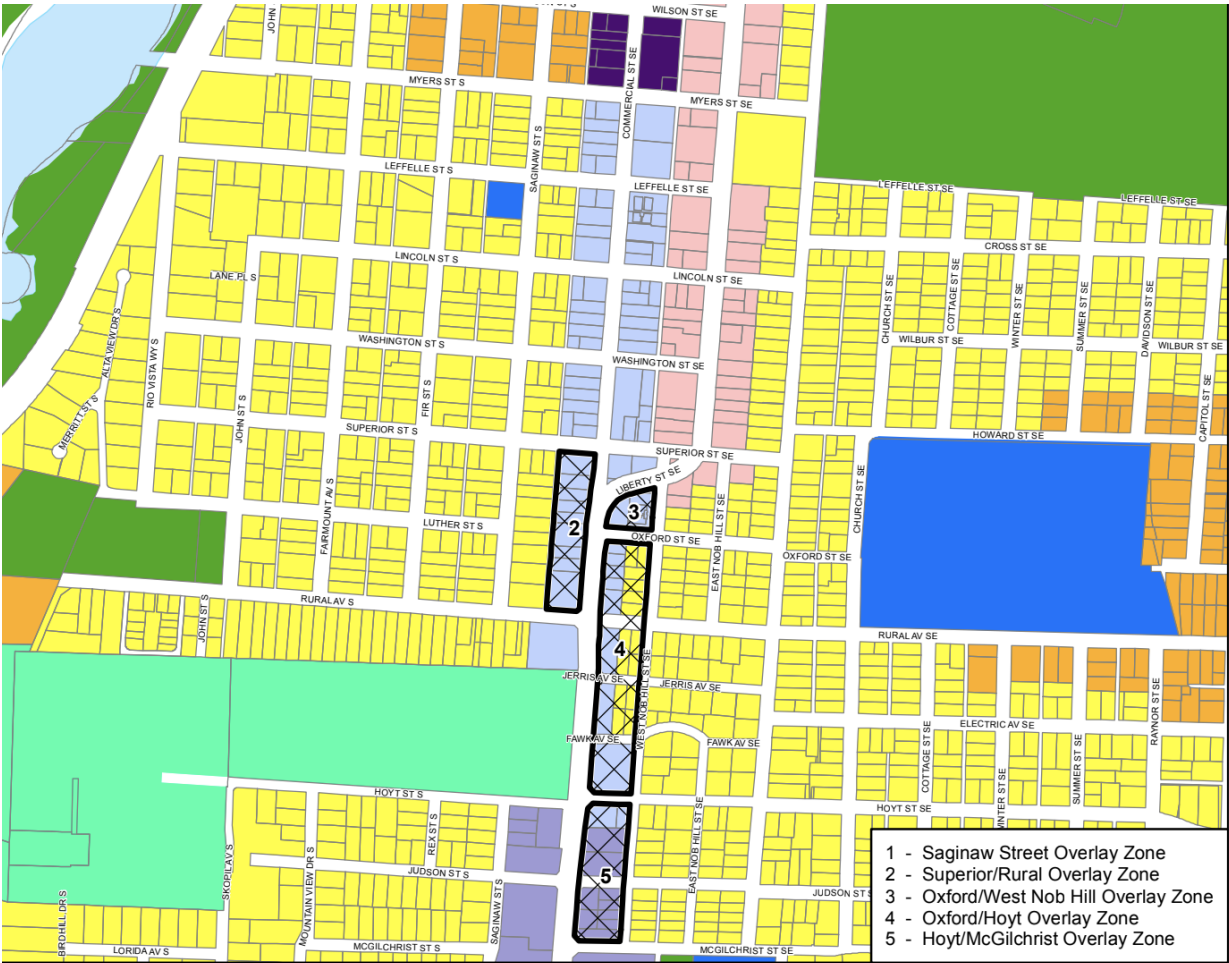
We depend on you to do the right thing for your voters.

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

Elizabeth (Liz) Davis

Elizabeth K. Davis
310-561-5110 mobile
503-616-0822 mobile
elizabeth.davis.usa@gmail.com

515 Washington Street So.
Salem, Oregon 97302



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

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

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

Sincerely,

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

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

Dear City Council Members,

9/22/23

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

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

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

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

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

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

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

Sincerely,

Marta Magistrali

1495 Saginaw St S

Salem 97302

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

Hello!

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

Thank you!

Madison Pate

Dear Mayor Hoy and Members of City Council,

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

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

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

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

Sincerely,

Madison Pate

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

Hello Councilors,

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

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

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

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

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

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

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

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

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

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

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

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

Susan Arbor 450 Rural Ave S

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

To Mayor and City Councilors:

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

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

Thank you for your consideration.

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



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

June 20, 2023

To: City Council

From: Victor Dodier, President
South Central Association of Neighbors

Victor Dodier

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

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

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

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

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

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

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

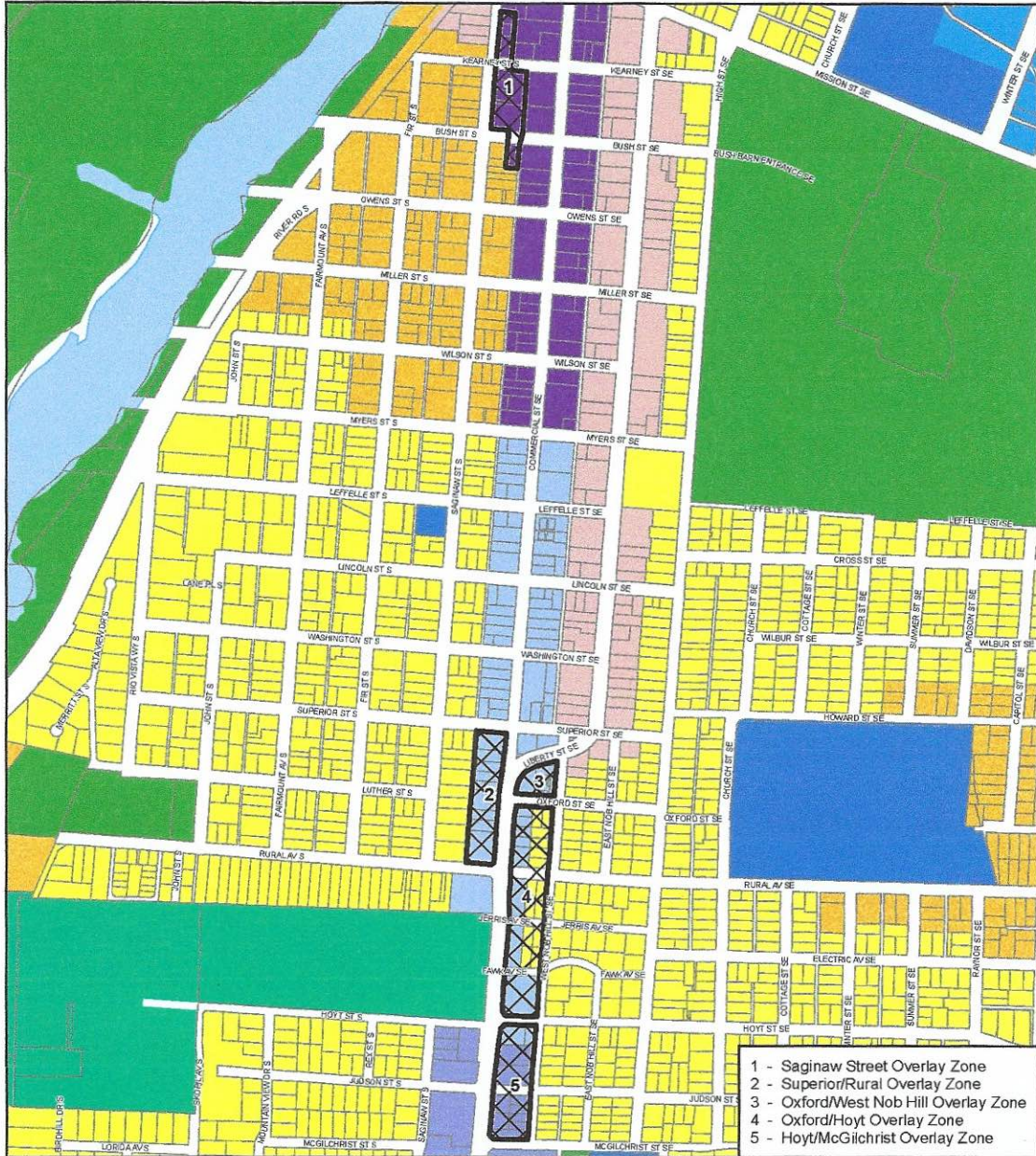
We recognize that most of the MU-II zoned properties in the Oxford-Hoyt Overlay Zone would likely not be developed with a building over 35 or 40 feet, due to the shallow lot depth and greater setback required abutting the residential zone. However, in the block north of Rural Ave there is a sharp 10-foot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

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

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

Attachment: Map of Overlay Zones to be Eliminated

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



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

Legend

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

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

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

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

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



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



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



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

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

Dearest Members,

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

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

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

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

Thank you -- Wm Johnson, Ward 7