

Amend the Salem Area Comprehensive Plan

Substantive Findings

Major Comprehensive Plan Amendment

SRC 64.020(f)(1) establishes the following approval criteria for a major amendment to the Salem Area Comprehensive Plan to be approved:

- A. *The amendment is in the best interest of the public health, safety, and welfare of the City.*
- B. *The amendment conforms to the applicable statewide planning goals and applicable administrative rules adopted by the Department of Land Conservation and Development.*

Findings are provided below.

A. Best interest of the public health, safety, and welfare of the City

Finding: The proposed updated Salem Area Comprehensive Plan (Comprehensive Plan) is in the best interest of public health, safety, and the welfare of the City because it responds to a need identified by the community to manage and guide growth and development in the Salem area. The need was identified in Salem's 2017 Strategic Plan, and the City Council subsequently funded the Our Salem project to update the Comprehensive Plan.

The existing Salem Area Comprehensive Plan has not been holistically updated in decades and does not reflect the priorities of the community today. The three-year process to update the Comprehensive Plan provided the community with the opportunity to express their current priorities for future growth and development. Based on extensive public engagement, the plan introduces new goals and policies that address current and emerging community priorities, such as climate change, resiliency, and equity, while carrying forward goals and policies in the existing Comprehensive Plan that are still relevant today. The proposed Comprehensive Plan therefore responds to the needs of current and future residents.

For example, proposed goals and policies addressing housing affordability and homelessness will improve public health by encouraging more shelter and housing options for residents. Proposed goals and policies that promote complete neighborhoods and encourage more housing near transit service will help more people easily access jobs, services, and amenities. Proposed goals and policies addressing climate change and resiliency will help to minimize economic damages and safety hazards related to natural disasters and changes in the local climate. In addition, proposed policies related to employment and economic development will help improve the general welfare of the community by promoting economic growth and increased access to jobs and training.

By prioritizing equity and equitable outcomes of the City's work, the proposed Comprehensive Plan can also improve the health and welfare of all Salem residents, especially those who have been historically excluded or underserved in the community. The proposed updated Comprehensive Plan is therefore in the best interest of public health, safety, and the welfare of the City.

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

Finding: The proposed updated Comprehensive Plan is consistent with and conforms to the applicable statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development as described below.

Goal 1: Citizen Involvement

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

The proposed Comprehensive Plan advances the goal of citizen involvement in multiple ways. The proposed plan was developed through a multi-year planning project called Our Salem, which included extensive public outreach. The community provided input in a variety of ways, including public meetings and workshops, in-person and virtual stakeholder interviews and meetings, focus groups, surveys, interactive mapping applications, property owner meetings, and more. Several meetings or events were held in Spanish. Information about the project was also provided via mail, the project website, social media, informational meetings, flyers, television, radio, newspapers, and more. Many project materials were translated into Spanish, and several were translated into additional languages, including Chuukese and Marshallese. Overall, staff hosted or attended roughly 260 in-person and virtual meetings and events and engaged with more than 80 community groups. These opportunities were provided throughout the process.

During each phase of the Our Salem project, opportunities for input were provided to the general public, neighborhood associations, community organizations, local institutions, and partner jurisdictions across the Salem Urban Area (e.g., Salem's portion of the urban growth boundary it shares with Keizer). To ensure that all citizens had the opportunity to be involved, targeted outreach was conducted with groups in the community that have not traditionally been engaged in planning efforts or that have historically been excluded from planning efforts, including communities of color, youth, and lower-income residents.

Many outreach activities focused on getting ideas for – or input on – potential goals and policies for the proposed Comprehensive Plan. For example, staff held weekly policy meetings over a two-month period in 2021, with each week focusing on a different policy issue such as housing or transportation. The policy meetings were offered two different times during the day to expand opportunities for people to participate. Staff also created a survey and attended community group meetings to further gather input on potential goals and policies. This wide array of engagement opportunities allowed community members to weigh in and inform the development of the proposed goals and policies.

Additionally, the proposed Comprehensive Plan includes goals and policies that will ensure robust opportunities for all residents to participate in planning decisions in the future. For example, they call for equitable community engagement, including expanding opportunities for Salem's communities of color, low-income residents, renters, sovereign tribes, and other underserved and underrepresented groups to participate in planning and investment decisions.

These proposed goals and policies are much more expansive than what exists in the existing Comprehensive Plan, thereby broadening opportunities for involvement in the future.

The public process for adoption of the proposed Comprehensive Plan also involves multiple public hearings with opportunities for public input. This ensures that this final phase of the process includes the opportunity for citizen involvement. For these reasons, the proposed Comprehensive Plan conforms with this goal.

Goal 2: Land Use Planning

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

The proposed Comprehensive Plan updates the existing Comprehensive Plan, which was adopted by the City and acknowledged by the Land Conservation and Development Commission as being in compliance with the statewide goals, state statutes, and state administrative rules. The City will use the proposed Comprehensive Plan – if acknowledged – as a policy framework and a basis for all decisions and actions related to the use of land.

The proposed Comprehensive Plan has a factual basis, including the Salem Economic Opportunities Analysis (EOA) and Salem Housing Needs Analysis (HNA), both of which project land needs through 2035. Specifically, the EOA, which was adopted by the City in 2015, includes a buildable lands inventory for employment within Salem’s portion of the urban growth boundary (UGB). The HNA, which is planned for adoption with this updated Comprehensive Plan, includes a buildable lands inventory for housing within Salem’s portion of the UGB. The inventories and analyses project the need for residential and employment land through 2035, including the type and amount of land by Comprehensive Plan designation. This proposed Comprehensive Plan – its goals and policies as well as the component proposed Comprehensive Plan Map – aligns with, responds to, and addresses the identified needs in the EOA and HNA. (The Comprehensive Plan Map is proposed to be updated concurrently with the proposed Comprehensive Plan.)

The proposed Comprehensive Plan also relies upon data related to other topics or issues, including demographic data provided by the U.S. Census Bureau, spatial data, and data related to City infrastructure systems, natural resources, and historic resources.

In line with the Goal 2 guidelines, the process of developing the proposed Comprehensive Plan and associated implementing measures included broad phases in which general problems were identified, alternative courses of action were evaluated, and specific provisions were identified to address these issues. Specifically, the City worked with the community and a consultant team to identify problems and priorities in the early phases of the Our Salem project; the City examined the existing conditions of the community and projected how it would grow under existing policies. The result was a report card that showed the issues that the community wanted to address in the proposed Comprehensive Plan such as access to frequent transit and greenhouse gas emissions.

Next, the City and community evaluated a variety of alternatives – land use scenarios – to address the identified issues. The potential impacts of each alternative were weighed against each other, and the results helped inform the goals and policies in the proposed Comprehensive Plan and the proposed changes to the Comprehensive Plan Map. Additionally, the City worked with the community to test various policy alternatives, and the results further informed the policies in the proposed Comprehensive Plan.

The proposed Comprehensive Plan addresses the applicable statewide planning goals through the Comprehensive Plan Map as well as goals and policies related to a variety of topics (see findings related to specific statewide goals below). Together these components are anticipated to guide future development through 2035 and beyond. The proposed Comprehensive Plan also addresses special needs and critical issues identified by the Salem community such as climate change, community spaces, and food systems.

Additionally, the proposed Comprehensive Plan serves as a basis for implementing measures. These implementation measures are specifically presented in the proposed Comprehensive Plan to highlight the tools the City has to carry out the goals and policies. They include the Unified Development Code, which is proposed to be updated at the same time as the Comprehensive Plan to advance several priority goals and policies.

Additional implementation steps are listed in Appendix A; they include updating the Salem Transportation System Plan and the Salem Comprehensive Parks System Master Plan, coordinating and implementing strategies in the Salem Climate Action Plan, conducting a Goal 5 inventory for natural resources, and developing a Housing Production Strategy. This City anticipates conducting these additional projects after the proposed Comprehensive Plan is adopted. This will help implement several of the plan's goals and policies related to transportation, climate change and resiliency, parks and recreation, housing, and natural resources.

As described above, the proposed Comprehensive Plan provides a policy framework and a factual basis for all decisions and actions related to the use of land in Salem and therefore conforms with this goal.

Goal 3: Agricultural Lands

To preserve and maintain agricultural lands.

The proposed Comprehensive Plan will help to preserve and maintain agricultural lands by providing goals and policies that support this objective. For example, Goal L1 Urbanization and Growth Management and Policy N1.5 Agricultural Land promote maintaining agricultural lands. The proposed plan also maintains the Farm and Resource Management land use designation and the corresponding Exclusive Farm Use (EFU) zoning. This land use designation preserves and maintains agricultural uses where it is applied. Therefore, the proposed Comprehensive Plan conforms with this goal.

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

To protect natural resources and conserve scenic and historic areas and open spaces.

The proposed Comprehensive Plan contains goals and policies related to natural and scenic resources and open space, which help to conserve these assets as growth and development occur. Goal N1 Environmental Protection is aimed at protecting and enhancing natural resources, ecosystems, and the environment in Salem, and policy N 1.1 Natural Resource Protection specifically promotes protections for wetlands, waterways, floodplains, and critical habitat. Policy W 2.1 Scenic Easements calls for the scenic qualities of the Willamette River to be preserved through easements where practical, and policy N 1.6 Natural Open Space promotes increasing the amount of open space in Salem.

There are existing regulations in Salem that aim to protect and preserve the urban forest and riparian corridors. In Salem, riparian corridors are defined as the areas adjacent to waterways and measured as 50 feet from top of bank of creeks or streams and 75 feet from top of bank from the Willamette River. Under Salem Revised Code (SRC) Chapter 808, trees and native vegetation within these riparian corridors cannot be removed without a tree removal permit, variance, or approval pursuant to a tree conservation plan – that require the preservation of trees and native vegetation in riparian corridors. SRC Chapter 808 (Preservation of Trees and Vegetation) includes additional provisions that preserve significant trees and trees on large lots. SRC Chapter 809 (Wetlands) provides a framework for identifying wetland resources and establishes a foundation for wetlands protection in Salem, thereby helping to conserve this resource.

Furthermore, the proposed Comprehensive Plan calls out the specific implementation step of conducting a Goal 5 inventory of natural resources. This implementation project is expected to bring the City's regulations in line with changes to Goal 5 that have occurred after the existing Comprehensive Plan was acknowledged by the Land Conservation and Development Commission.

The proposed Comprehensive Plan contains a goal and policies related to historic preservation that support continued protection of historic and cultural resources. Goal CS 3 Historic Preservation promotes historic preservation broadly. Policy CS 3.1 encourages increased outreach and education about historic resources in the community, and policy CS 3.2 Restoration encourages restoration and preservation of historic resources. The recently updated Salem Historic Preservation Plan, a support document for the Comprehensive Plan, further elaborates on the City's efforts to support preservation of historic and archaeological resources in line with the proposed Comprehensive Plan. SRC Chapter 230 also regulates historic resources, specifically the standards and procedures to designate, preserve, and reuse them.

In addition, the proposed Comprehensive Plan maintains and describes the Parks, Open Space, and Outdoor Recreation designation on the Comprehensive Plan Map that is applied to lands in Salem. This designation identifies and dedicates areas for open space and recreational uses, including parks.

For the reasons described above, the proposed Comprehensive Plan conforms with this goal.

Goal 6: Air, Water and Land Resources Quality

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

The proposed Comprehensive Plan contains goals and policies that help maintain and improve the quality of the air, water, and land in Salem. The proposed goals and policies address air quality directly, including policy N 1.3 Air Quality that promotes protecting and improving air quality in Salem. The proposed goals and policies also indirectly improve air quality by encouraging compact, mixed-use development that will reduce the need for automobile travel. This, in turn, will reduce greenhouse gas and particulate emissions from transportation. This is demonstrated by policies like H 4.1 Mixed Use and E 3.2 Transit-Oriented Development. Reductions in automobile travel are also encouraged by goals related to transportation, like goal T1 – Transportation for All, which includes a focus on reducing greenhouse gas emissions. Goal T5 Bicycle System, goal T6 Pedestrian System, and goal T8 Travel Demand Management also promote reductions in automobile travel.

Water quality is addressed by the proposed goals and policies in multiple ways. There are policies directly addressing water quality such as policy N 1.2 Water Quality and policy PF 2.3 Water Conservation. There are also proposed goals and policies related to stormwater runoff as well as protections for riparian and wetland areas and the Willamette River Greenway. Land quality is addressed in proposed policies that encourage remediating brownfields (policy E 2.7), managing waste disposal and reducing solid waste that goes to landfills (policies CC 1.10 and N 1.9), and protecting wildlife habitat (policies N 1.1, N 1.11, and N 2.6).

Salem’s water quality is also supported by the Public Facilities Plan – which is a component of the Comprehensive Plan – as well as Public Facilities Support Documents, all of which are being maintained. These include the recently updated Stormwater Master Plan, which helps to protect water quality by identifying strategies to manage stormwater runoff and mitigate its impacts.

The implementation steps outlined in the proposed Comprehensive Plan call for updating the Salem Transportation System Plan, a component of the Comprehensive Plan. This update is expected to continue promoting multimodal transportation and decreased reliance on automobiles in line with the proposed Comprehensive Plan. This will help to improve air quality. Another implementation step is to coordinate with the Salem Climate Action Plan and help implement its strategies. These strategies will help to further improve the quality of the air, water, and land in Salem, as they seek to reduce greenhouse gas emissions.

For the reasons described above, the proposed Comprehensive Plan conforms with this goal.

Goal 7: Areas Subject to Natural Hazards

To protect people and property from natural hazards

The proposed Comprehensive Plan includes goals and policies to protect people and property from natural hazards. Goal CC2 Climate Change and Natural Hazards directly addresses protecting Salem from natural hazards, and the policies to support this goal include increasing public awareness and education (policy CC 2.2), emergency response (policy CC 2.1), and hazard mitigation. Policies specifically address the hazards of flooding, landslides, and wildfires. Additionally, Goal CC3 Resilience addresses community resiliency, and policies supporting this

goal include adaptation (policy CC 3.2) and upgrades of infrastructure to withstand earthquakes (policy CC 3.3).

There are numerous proposed goals and policies that focus on mitigating, preparing for, and withstanding and recovering from the effects of climate change. Policy CC 2.9 Climate Justice, for example, states that the City should work to ensure the equitable distribution of the benefits climate protections and reduce unequal burdens on underserved and underrepresented communities. Other proposed policies focus on reducing single-occupancy vehicle trips through land use and transportation system changes (policy CC 1.1) and supporting the development of a network of resilience hubs that can support the surrounding areas during emergency events, including climate-related emergencies (policy CC 3.7).

Other proposed goals and policies, as well as the City's recently-updated Stormwater Management Plan, address stormwater management, which help to mitigate flood and landslide hazards (policy PF 3.3). These goals and policies will continue to be implemented through Salem's Unified Development Code.

Specifically, existing regulations that address development in hazard-prone areas will remain in place. SRC Chapter 810 (Landslide Hazards) helps to minimize the risk of landslide hazards to residents and property by establishing standards and requirements for the use and development of land within landslide hazard areas that mitigate risks. SRC Chapter 601 (Floodplain Overlay Zone) establishes standards and requirements for the use and development of lands within all special flood hazard areas and interim flood hazard areas which help to reduce and mitigate the hazards posed by flooding.

For the reasons described above, the proposed Comprehensive Plan conforms with this goal.

Goal 8: Recreational Needs

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

The proposed Comprehensive Plan includes goals and policies that guide the development and expansion of parks and recreation opportunities for Salem residents as the city grows. For example, goal P1 is to provide a comprehensive system of parks and recreational facilities in Salem, and goal P2 is to provide recreational programs to serve all Salem residents. Goal W2 Recreation and Access promotes and enhances the recreational and scenic qualities of the Willamette River and adjacent lands. In addition, policy E 1.11 Downtown supports enhancing downtown Salem as a regional destination with opportunities for recreation, and policy H 5.3 Healthy and Active Living encourages multifamily housing developments to include recreation areas.

The proposed Comprehensive Plan proposes to maintain and expand the Parks, Open Space, and Outdoor Recreation (POS) designation on the Comprehensive Plan Map, which identifies lands that help meet the community's recreational needs. Other land use designations and corresponding zones also allow recreational uses, both indoor and outdoor, to help meet this need.

The implementation work included in the proposed Comprehensive Plan identify an update to the Salem Comprehensive Park System Master Plan (CPSMP), a component of the Comprehensive Plan. This was included – and is anticipated to be completed after the updated Comprehensive Plan is adopted – to ensure that the CPSMP is revised to advance the goals and policies in the updated Comprehensive Plan. Policy ideas gathered during the planning process for the proposed Comprehensive Plan will be provided for further consideration in the update of the CPSMP. These ideas include expanding the network of trails throughout Salem to provide more recreational opportunities and expanding active recreational opportunities and programmed spaces in parks and indoor recreation facilities. The CPSMP identifies specific recreation opportunities, priorities, and improvements that will ensure that the recreational needs of Salem residents are met.

For the reasons described above, the proposed Comprehensive Plan conforms with this goal.

Goal 9: Economic Development

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

The proposed Comprehensive Plan provides goals and policies that align and advance the recommendations in the Salem Economic Opportunities Analysis (EOA), which was adopted in 2015. The EOA found that there is sufficient land within Salem's portion of the UGB to meet employment needs through 2035. Specifically, it projected 271-acre deficit of commercial land and projected 907-acre surplus of industrial land in Salem's portion of the UGB through 2035. It therefore recommended managing the existing industrial land base and encouraging commercial and mixed-use development to provide adequate opportunities for economic activities in the Salem area.

The goals and policies in the proposed Comprehensive Plan reflect these recommendations by seeking to preserve high value industrial land (policy E 2.8) while also outlining when it may be appropriate to convert industrial land to commercial or other non-industrial uses (policy E 2.9). Other policies call for retaining and growing traded-sector industries (policy E 1.2), which will support the local economy, and supporting and expanding opportunities for small businesses and entrepreneurs (policy E 1.4).

The proposed Comprehensive Plan also looks to promote improved access to jobs as well as increased job training opportunities in line with the community's priorities. For example, goal E3 Access and Livability promotes a vibrant economy that increases access to jobs, goods, and services. Policy E 5.1 Training calls for supporting job training programs, career and technical schools, and multilingual workforce programs to build and align skills with local jobs and help workers advance their careers.

Beyond goals and policies, the proposed Comprehensive Plan describes the designations on the Comprehensive Plan Map that support employment lands, including industrial, commercial, mixed-use lands. Each Comprehensive Plan Map designation such as Industrial is described, the corresponding zones are listed, and primary uses are provided. This provides the framework for

changes to the Comprehensive Plan Map, which have been proposed concurrently to the update to the Comprehensive Plan. For example, the proposed Comprehensive Plan describes the Mixed Use designation as being “generally located at major intersections and along major transportation corridors that are served by frequent transit routes.” The proposed changes to the Comprehensive Plan Map therefore redesignate land along frequent transit routes in Salem – Cherriots Core Network – to Mixed Use.

In addition, the proposed Comprehensive Plan calls for updating the existing Economic Opportunities Analysis as an implementation step to continue assessing future needs for economic growth, particularly on industrial lands. Listed in an appendix, the future update to the EOA will help ensure that future economic development efforts align with the goals and policies of the updated Comprehensive Plan.

Based on the reasons provided above, the proposed Comprehensive Plan conforms with this goal.

Goal 10: Housing

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

The proposed Comprehensive Plan provides goals and policies that align and advance the recommendations in the Salem Housing Needs Analysis (HNA). The HNA, which is proposed to be adopted concurrently with the updated Comprehensive Plan, determined that Salem’s portion of the UGB has enough land designated to meet the need for single-family detached housing through 2035, but it has a projected 207-acre deficit for land designated for multifamily housing (2,897 dwelling units). It recommends evaluating tools to increase redevelopment and mixed-use development, lowering barriers to multifamily development, increasing opportunities to develop affordable housing, and increasing opportunities for multifamily housing in single-family designations. (The HNA also recommends redesignating or rezoning land for multifamily housing; this is being proposed as changes to the Comprehensive Plan Map and zoning map concurrently with the updating of the Comprehensive Plan.)

Accordingly, the proposed Comprehensive Plan includes goals and policies that promote housing affordability (goal H2 and associated policies) and housing diversity, including the ability to incorporate or create multifamily housing (Goal H1 and associated policies). Several policies encourage redevelopment, reuse, and mixed-use development in line with the HNA.

In addition, there are policies that aim to guide housing development to the areas that the community has prioritized to promote access to transit and services. Specifically, policies encourage denser development and affordable housing in areas with convenient access to goods, services, and jobs (policy H 3.1); in areas served by transit (policy H 4.3); and in and around downtown Salem (policy H 4.4). Policy H 3.2 Dispersal also reflects the community’s desire to see affordable housing distributed across Salem as opposed to concentrated in one neighborhood or area.

The proposed Comprehensive Plan describes the designations on the Comprehensive Plan Map that support residential lands, including mixed-use land. Each Comprehensive Plan Map

designation such as Single Family Residential is described, the corresponding zones are listed, and the primary use are provided. As mentioned earlier, this provides the framework for updates to the Comprehensive Plan Map. For example, the proposed Comprehensive Plan describes the Multiple Family Residential designation as being “generally located near mixed-use and employment areas, low-density residential areas, major transportation corridors, transit routes, parks, and schools.” The proposed changes to the Comprehensive Plan Map therefore redesignate land near schools, parks, transit, and mixed-use areas to Multiple Family Residential.

Development of a Housing Production Strategy is identified as an implementation step in the proposed Comprehensive Plan (Appendix A). The Housing Production Strategy will identify tools and actions Salem plans to take to address its housing needs and encourage the type of development needed in the community.

For the reasons above, the proposed Comprehensive Plan conforms with this goal.

Goal 11: Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The proposed Comprehensive Plan contains a chapter focused on public facilities and infrastructure that support the growing community and future development. The proposed goals and policies in that chapter guide the development of public facilities and provision of City services, including promoting the orderly extension of services (PF 2), supporting capital programming that balances new facilities with maintaining existing facilities (PF 2.10), calling for water diversification (PF 2.4), and encouraging seismic resiliency for water and sewer facilities (PF 2.7). The proposed goals and policies related to stormwater management (Goal PF 3 and associated policies) also align with the recently-updated Salem Stormwater Master Plan. In addition, the proposed Comprehensive Plan includes policies that promote coordination with Marion and Polk counties on the provision of services within Salem’s portion of the UGB.

The goals and policies in the proposed Comprehensive Plan are and will continue to be implemented by the Unified Development Code as well as other plans, standards, and projects. The UDC regulates development of public facilities and services in coordination with development land within Salem. This ensures that public facilities and services are developed in a timely, orderly, and efficient manner. The proposed Comprehensive Plan therefore conforms with this goal.

Goal 12: Transportation

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

The proposed Comprehensive Plan provides goals related to transportation. They include promoting multimodal transportation options and decreasing reliance on the single-occupancy vehicles (goals T1, T2, T4, T5, T6, and T7), managing parking (goal T9), and providing for the efficient movement of people and freight (Goals T10, T11, and T12).

Goals and policies throughout the proposed Comprehensive Plan also support close coordination between land use and transportation (goal L5). For example, policy H 4.2 Connectivity calls for facilitating multimodal connections between residential neighborhoods and services and amenities, and policies H 4.3 and E 3.2 Transit-Oriented Development encourages high-density housing and mixed-use development near frequent transit service. Policy L 5.5 Trails also calls for expanding bicycle and pedestrian trails to align with and provide access to natural resources.

The proposed Comprehensive Plan includes the implementation step of updating the Salem Transportation System Plan (TSP) to align with and advance the updated Comprehensive Plan. This will ensure that the policies, strategies, and investments needed to achieve the goals in the Comprehensive Plan are identified and pursued. By doing this, the proposed Comprehensive Plan encourages a safe, convenient, and economic transportation system and conforms with this goal.

Goal 13: Energy Conservation

To conserve energy

The proposed Comprehensive Plan promotes energy conservation through goals and policies that encourage energy conservation, including promoting or supporting green building (policy H 5.2), sustainable industries (policy E 1.3), sustainable development and energy-efficiency in buildings (policies E 4.5 and N 3.3), and renewable energy (N 3.4). Several policies also encourage infill and redevelopment (policies H 3.3 and E 2.4).

Throughout the proposed Comprehensive Plan are goals and policies that promote walkable, complete neighborhoods and transit-oriented development, which in turn, reduces energy consumption by decreasing the need to drive and making it easier to walk or bike to shops, services, and other destinations (policies H 4.1, H 4.3, E 3.2, CC 1.1). Policies E 3.3 Neighborhood Hub and E 3.4 New Neighborhoods specifically encourage the creation of neighborhood hubs – small, neighborhood-serving businesses clustered within residential areas – and their inclusion in new, large subdivisions. These neighborhood hubs aim to make it easier for people to meet some of their daily needs by walking or biking, therefore decreasing the need to drive.

An implementation measure of the proposed Comprehensive Plan is to coordinate and implement strategies included in the Salem Climate Action Plan. The Salem Climate Action Plan contains a wide range of strategies to conserve energy, and by proposing to implement these strategies, the proposed Comprehensive Plan further supports the conservation of energy. For the reasons above, the proposed Comprehensive Plan complies with this goal.

Goal 14: Urbanization

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

As mentioned earlier, the proposed Comprehensive Plan contains goals and policies that seek to advance the recommendations in the EOA and HNA to meet the projected housing and

employment needs in Salem’s portion of the UGB. There are two goals that specifically call for sufficient land for housing and employment (goals H3 and E2), and policy L 1.2 Land Sufficiency calls on the City to periodically update the HNA, EOA, and buildable lands inventory to ensure Salem’s portion of the UGB has enough land to accommodate population and employment projections. In addition, the changes proposed to the Comprehensive Plan Map, a component of the proposed Comprehensive Plan, accommodate the projected housing needs identified in the HNA. The map also increases the amount of land for commercial uses, which is identified as a projected need in the EOA.

In addition to addressing land needs, the proposed Comprehensive Plan contains goals and policies that focus on urbanization in Salem. Goal L1 Urbanization and Growth Management and policy L 1.1 Growth Management Program ensure the City continues its growth management plan that guides the conversion of urbanizable land to urban uses and provides for the orderly and economically efficient extension of public services and facilities to that land. Supporting policies focus on the orderly annexation of land (policies L 1.5 and L1.6), urbanization of land within the UGB (policy L 1.3), and the efficient use of land (policy L 1.10).

There are also proposed goals to help provide for a livable community, like Goal H5 Livability and Sustainability and Goal E3 Access and Livability. Supporting policies encourage healthy and active living (policy H 5.3), context sensitive design (policy H 5.4), and increased access to healthcare and childcare (policies E 3.7 and E 3.8). Other proposed goals and policies promote livability through the reduction, mitigation, or minimization of impacts such as light or noise pollution and displacement. Numerous proposed goals and policies seek to improve livability through the promotion of community spaces and services (goal CS 1 and associated policies) and increase access to healthy fresh food (goal CS 2 and associated policies).

The use and division of the land is and will continue to be managed by the proposed Comprehensive Plan, Comprehensive Plan Map, zoning map, the Unified Development Code, Urban Growth Management Program, and other implementing tools. Orderly expansion of public facilities to support designated land uses is managed by the Public Facilities Plan and supporting documents and the TSP. The implementation measures outlined in the proposed Comprehensive Plan also identify updating the TSP to ensure it aligns with and advances the goals and policies in the proposed Comprehensive Plan.

For the reasons above, the proposed Comprehensive Plan conforms with this goal.

Goal 15: Willamette River Greenway

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

The proposed Comprehensive Plan provides goals and policies that address the objectives of Goal 15. Goal W1 Management is to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River. This proposed goal is supported by policies addressing, for example, development within the Greenway (policy W 1.1) and riparian vegetation and wildlife (policy W 1.2). Goal W2

Recreation and Access supports the recreational and scenic qualities of the Willamette River and is advanced by policies like W 2.1 Scenic Easements and W 2.3 Public Access.

These goals and policies are supported by the adopted Salem Willamette River Greenway Plan, a component of the Comprehensive Plan. The City also has existing regulations (SRC Chapter 600) that implement the goals and policies and Salem Willamette Greenway Plan. Specifically, SRC Chapter 600 establishes procedures, standards, and requirements for the use of land and development along Willamette River corridor. It also designates the compatibility review boundary, as required by Goal 15.

The proposed Comprehensive Plan describes the designations on the Comprehensive Plan Map, including the River-Oriented Mixed Use (ROM) that promotes a mix of commercial and residential uses that can take advantage of the scenic, natural, and recreational qualities of the Willamette River as well as close proximity to Riverfront Park. The ROM designation is generally located adjacent to the Willamette River both north and south of downtown Salem. The designation implements and advances the goals and policies in the proposed Comprehensive Plan.

For the reasons above, the proposed Comprehensive Plan complies with this goal.

Procedural Findings

- 1) The City of Salem 2017 Strategic Plan identified a goal to develop a “comprehensive, long-term vision for future growth and development in Salem that has community participation” and two specific actions: Conducting citywide visioning and updating the Salem Area Comprehensive Plan (Comprehensive Plan) with the results of that visioning.
- 2) The City Council approved funding in 2017 to hire a consultant and update the Comprehensive Plan.
- 3) The City, with support from the consultant team led by Fregonese Associates, undertook a multi-year project called Our Salem to update the Salem Area Comprehensive Plan, which included extensive community engagement.
- 4) The result of the Our Salem project includes an updated Comprehensive Plan; proposed changes to the Comprehensive Plan Map, zoning map, and generalized land use maps of several neighborhood plans; and proposed amendments to the Salem Revised Code.
- 5) The proposed changes to the Comprehensive Plan Map accommodate Salem’s projected housing needs, allowing for the Salem Housing Needs Analysis (HNA) to be adopted as a support document to the Comprehensive Plan.
- 6) The proposed changes are considered the following: Adoption of the updated Salem Area Comprehensive Plan is a “Major Comprehensive Plan Amendment” that must be initiated by the City Council under SRC 64.020(e)(1); changes to the Salem Area Comprehensive Plan Map and generalized land use maps in neighborhood plans are “Major Plan Map Amendments” that must be initiated by the City Council under SRC 64.025(b)(1); legislative zone changes may be initiated by the City Council under SRC 265.010(c); proposed amendments to the Salem Revised Code may be initiated by the City Council by resolution under SRC 300.1110(a); and adoption of the HNA as a support document to the Salem Area Comprehensive Plan is considered a “Major Comprehensive Plan Amendment” that must be

initiated by the City Council under SRC 64.020(e)(1) with associated amendments to SRC Chapter 64, Comprehensive Planning, that may be initiated by the City Council under SRC 300.1110(a)(1).

- 7) The City Council may refer the matter to the Planning Commission for public hearing and recommendation pursuant to SRC 300.1110(a)(1). On December 6, 2021, the City Council initiated the amendments with Resolution 2021-48 and referred the matter to the Planning Commission for public hearing and recommendation.
- 8) SRC 300.1110(e)(1)(A) requires that the City mail notice of the first evidentiary public hearing in a legislative land use proceeding not more than 40 days, but not less than 20 days prior to the first hearing. Legislative zone changes and amendments to the Comprehensive Plan, Comprehensive Plan Map, Neighborhood Plan Maps, and UDC require notice to the Director of the Department of Land Conservation and Development (DLCD) no later than 35 days before the first public hearing pursuant to SRC 300.1110(d). Because the proposed code amendment and Comprehensive Plan Map and zoning map changes restrict some land uses, ORS 227.186 requires written individual notice to the owner of each affected property. This notice is commonly referred to as a “Ballot Measure 56 notice.” All required notices have been provided in accordance with the above requirements.
- 9) The Comprehensive Plan, both the existing and proposed updated versions, requires coordination with other jurisdictions within the Salem Keizer Urban Area (e.g., Salem-Keizer Urban Growth Boundary) when any non-regional planning action is made. Non-regional planning actions include amendments to urban area policies and “all other land use actions” (excluding regional policies). The City proposed changes to Salem urban area policies and Salem Comprehensive Plan Map and has therefore followed the “Non-regional planning actions procedures” outlined in the Comprehensive Plan. As required, the City notified Marion and Polk counties of the proposed amendments by sending them a copy of the notice sent to DLCD. This notice was sent on February 7, 2022. Marion County declined to initiate concurrence of the proposed amendments. Polk County concurred with proposed amendments to the Salem Area Comprehensive Plan and Salem Comprehensive Plan Map in Ordinance Bill No. 22-02, dated June 8, 2022. Therefore, the City has fulfilled its requirements for non-regional planning actions.
- 10) On March 15 and April 5, 2022, the Planning Commission held a public hearing to review and receive public testimony on the proposed amendments. The Planning Commission closed the public hearing on April 5, 2022 and voted to deliberate at its April 19, 2022 meeting. On April 19, 2022, the Planning Commission voted to recommend City Council approval of the proposed amendments with the following revisions:
 - a. Remove the proposed map changes at 3094 Gehlar Road NW (Proposed Zone Change Map 173 and Proposed Comp Plan Change Map 145)
 - b. Expand the proposed MU-II zone to encompass the entire property for the 3100 Block of Orchard Heights Rd NW (Comp Plan Map 160 and Zone Change Map 190) and that
 - c. Rezone 2916 Orchard Heights Rd NW to MU-II instead of RM-II (Comp Plan Map 159 and Zone Change Map 188)
 - d. Update the policy language in Policies H 2.1, H 3.2 and H 1.3 as described in the supplemental staff report dated April 5th to be more inclusive for low-income housing, subsidized housing, and public housing

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

- 11) On May 23, 2022, the City Council voted to hold a public hearing of Ordinance Bills No. 9-22, 10-22, 11-22, and 12-22.
- 12) On June 13, 2022, the City Council voted to close the public hearing and leave the written record open for submission of additional written evidence and testimony.
- 13) On July 11, 2022, the City Council vote to advance Ordinance Bills No. 9-22, 10-22, 11-22, and 12-22 to second reading, with the following revisions:
 - a. Remove from Ordinance No. 10-22 the property at 2390 Brown Road NE that is proposed to be redesignated to Mixed Use on Map 26 and rezoned to Neighborhood Hub on Map 33
 - b. Remove from Ordinance No. 10-22 the properties north of Orchard Heights Road NW that are proposed to be redesignated to Multiple Family Residential on Map 159
 - c. Rezone and redesignate the properties south of Orchard Heights Road NW that are proposed to be rezoned to Mixed Use-II on Map 190 and redesignated to Mixed Use on Map 160 to reflect staff's original proposal to rezone and redesignate only the northern portions of the impacted properties
 - d. Rezone and redesignate the property at 255 College Drive NW that is proposed to be rezoned to Multiple Family-I on Map 170 and redesignated to Multi-Family Residential on Map 142 to the Single Family Residential zone and designation
 - e. Remove the properties on both sides of Commercial Street SE from Superior Street S to Jerris Avenue and properties on only the east side of Commercial Street SE between Jerris Avenue and McGilchrist Street that are proposed to be rezoned to MU-III on Proposed Zone Change Map 124 from Ordinance No. 10-22 and to direct staff create a new ordinance and schedule a separate public hearing to consider rezoning those properties to MU-II
 - f. Direct staff to address traffic issues on Wallace Road NW—including the Congestion Relief Task Force recommendations—in the upcoming update to the Salem Transportation System Plan

Public Testimony

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

Public Testimony

Public testimony on the proposed amendments was received during the public hearing process at the Planning Commission and City Council. The following summarizes and addresses those public comments received through July 11, 2022. The written testimony provided for the Planning Commission public hearing concerning the proposed amendments is included in full [here](#). Additional written testimony provided for the City Council public hearing is included [here](#) and attached to the [City Council staff report](#).

1. Several comments were received questioning why properties were proposed to be redesignated from Developing Residential (DR) to Single Family Residential (SF) on the Comprehensive Plan Map.

Staff Response: The change was proposed because the impacted properties are already developed, so SF designation is more appropriate. The SF designation generally applies to lower-density residential areas. The DR designation, on the other hand, is intended for largely vacant land that has the potential to be developed at urban densities. The proposed Comprehensive Plan Map change, which was adopted by the City Council, does not impact how the properties can be used or developed now or in the future, and the zoning of the properties will continue to be RS.

2. Comments, including those from property owners, were received in opposition to the proposed redesignation of land from Development Residential (DR) to Multiple Family Residential (MF) on the Comprehensive Plan Map on the north side of Orchard Heights NW and west of Grice Hill Park. Comments expressed concern about existing homes, trees, and wildlife being bulldozed and replaced by multifamily housing by developers. Comments also expressed concern that property values would be decreased by the proposed change, that the area is not suitable for conversion to multifamily uses, and that the proposed map changes result in a surplus of land for multifamily housing. Comments also expressed concerns regarding the need to plan for additional schools and transportation infrastructure. As an alternative, some commenters proposed designating a portion of Grice Hill Park for multifamily housing or redesignating land south of Orchard Heights Road NW for multifamily housing (e.g., MF designation).

Staff Response: Salem's Housing Needs Analysis (HNA) determined that there is a projected 207-acre deficit for land designated for multifamily housing (2,897 dwelling units) in Salem's portion of the UGB. However, the City Council found that if the properties proposed to be redesignated to MF north of Orchard Heights Road NW were removed from the Our Salem project (e.g., the MF designation was no longer proposed), Salem would still meet its projected housing needs as identified in the HNA and the City could still adopt the HNA as proposed with the Our Salem project. The City Council voted to remove the properties from Ordinance Bill No. 10-22.

3. Several comments were received opposing the proposed rezoning/redesignation of land to Mixed Use at Liberty Road S and Mildred Lane SE. The opposition was specifically to commercial uses or potential plans for mixed use, with concerns including traffic/safety, crime, noise/light pollution, and home value impacts as well as a preference to drive to

shops.

Staff Response: The properties at Liberty Road S and Mildred Lane SE were proposed to be rezoned – and ultimately were rezoned by the City Council – to MU-II. That zone allows but does not require commercial uses. Residential uses are also allowed, either as standalone uses or as part of mixed-use developments. In addition, the City is not building any project or development as part of the proposal, and the proposed rezoning does not require development to occur. The properties can remain as they are today.

As part of the Our Salem project, the City worked with the Mid-Willamette Valley Council of Governments (MWVCOG) to analyze the transportation impacts of the proposed Comprehensive Plan Map changes. The proposed changes did not result in a significant impact in the area near Liberty Road S and Mildred Lane SE. See Goal 12 findings in Exhibit C of Ordinance Bill No. 10-22 related to the proposed changes to Comprehensive Plan Map designations for additional detail on the transportation analysis and impacts.

In addition, a traffic signal is planned within the next few years as a result of a condition of development at 5721 Liberty Road S. That is expected to improve safety of vehicles entering and existing Mildred Lane SE and the safety of pedestrians crossing Liberty Road S at Mildred Lane SE. A future traffic signal is also planned for the intersection of Liberty Road S and Davis Road S.

SRC Chapter 51 regulates noise levels, and any development on the properties in this area would be subject to these regulations. Specifically, SRC 51.015 provides maximum sound levels based on the source and receiver of the sound. It is unlawful to exceed the maximum sound levels without an event sound permit. The Community Development Department enforces these noise regulations.

SRC Chapter 800 regulates exterior lighting, and any development on the properties in the area would be subject to these regulations. SRC 800.060 states the following: “Exterior lighting shall not shine or reflect onto adjacent properties, or cast glare onto the public right-of-away.” It also requires that exterior light fixtures be “located and designed so that the light source, when viewed at a height of five feet above the ground at a distance of five feet away outside the boundary of the lot,” either be completely shielded from direct view or no greater than five foot-candles in illumination. The Community Development Department enforces these light regulations.

Crimes or illegal activities are a police matter and should be addressed by the Salem Police Department, which has law enforcement jurisdiction in Salem. No evidence has been provided to support the idea that a future commercial or mixed-use establishment in the area would result in increased crime that would exceed what would otherwise occur from any other development of the properties.

Changes to zoning alone will not cause changes in assessed value or taxes, according to the Marion County Assessor’s Office. A property would have to be used for a new use allowed in the new zone to trigger reassessment (ORS 308.146).

4. A comment was received stating no objection to the removal of the Walker School Residential Overlay Zone on property that is proposed to remain zoned RS.

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

5. A comment was received questioning if there would be extra expenses due to the proposed changes on a property on Gabriela Court NE.

Staff Response: The proposed map change at 1500 Gabriela Ct NE, which was adopted by the City Council, does not include any additional fees or charges to the area from the City. In addition, the City is not building any project or development as part of the proposal. Instead, the proposal is to align the zoning of the property to the existing Comprehensive Plan Map designation. The existing Comprehensive Plan Map designation of that property is Multiple Family Residential, and the zoning is proposed to change to Multiple Family Residential-I.

6. A comment was received in support of the Our Salem project and urged the City to move it forward.
7. A comment was received in support of the updated Comprehensive Plan and specifically in support of the rezoning properties along Lancaster Drive NE, which creates consistency in zoning.
8. A comment was received, stating that the Planning Commission and City do not care about people's quality of life, green spaces, or preserving wildlife habitat.

Staff Response: The proposed update to the Comprehensive Plan, which was adopted by the City Council, includes numerous goals and policies related to improving quality of life, preserving and increasing green spaces, and preserving wildlife habitat. The proposed changes to the Comprehensive Plan Map and zoning map, which were also adopted by the City Council, seek to implement many of the goals and policies, including those around open space and wildlife habitat. The map changes, for example, redesignate open space properties across Salem to Parks, Open Space, and Outdoor Recreation (POS) and rezone them to Public Amusement (PA) to help ensure their preservation as open space and habitat. The POS designation is intended in part for open spaces and natural areas.

9. A comment was received opposing the construction of an apartment complex next to Eola Ridge Park, citing safety due to excessive traffic on Eola Drive NW, additional crime, an emphasis on additional tax dollars, and the potential for a mudslide into homes on Mule Deer and Eola Drive, resulting in loss of life and property.

Staff Response: The property to the east of Eola Ridge Park is proposed to be rezoned – and was ultimately rezoned by the City Council – to Multiple Family-I (RM-I). The rezoning does not require the property to be developed; it can remain as it is today. In addition, if the property is developed, it is not required to be developed into an apartment complex. The RM-I zone allows a broad range of housing types, including single-family homes, townhouses, middle housing, and multifamily housing, and has a minimum density of 8 units per acre.

The initial proposal was to rezone the property to Multiple Family-II (RM-II), which would have allowed for higher-density housing in the future. The proposal was changed to the lower-density RM-I zone last year in response to concerns from West Salem residents, including neighbors.

The zone change helps the City meet its projected housing needs, as is required by the State. (Additional tax revenue was not a consideration in the proposal to rezone land for multifamily housing.) The HNA determined that there is a projected 207-acre deficit for land designated for multifamily housing (2,897 dwelling units) in Salem’s portion of the UGB. The map change on Eola Drive NW helps address this projected deficit by increasing the amount of land available for multifamily housing in the future.

As mentioned earlier, the City worked with the MWCOG to analyze the transportation impacts of the Comprehensive Plan Map changes proposed as part of the Our Salem project (which are implemented by the proposed zone changes). The proposed changes did not result in a significant impact on Eola Drive NW. See Goal 12 findings in Exhibit C of Ordinance Bill No. 10-22 related to the proposed changes to Comprehensive Plan Map designations for additional detail on the transportation analysis and impacts.

If the property were developed in the future, it would be subject to SRC Chapter 810, which provides the criteria for determining the total landslide hazard risk and required level of site investigation for the site. An applicant may be required to submit a geological assessment, a geotechnical report, or both, if landslide hazards designated as moderate or high total landslide risk.

Crimes or illegal activities are a police matter and should be addressed by the Salem Police Department, which has law enforcement jurisdiction in Salem. No evidence has been provided to support the speculation that an apartment complex, if developed, would result in increased crime that would exceed what would otherwise occur from any other development of the properties.

10. A comment was received, concerned about notices not being sent to homeowners next to Eola Ridge Park.

Staff Response: SRC 300.1110(e)(1)(A) requires that the City mail notice of the first evidentiary public hearing in a legislative land use proceeding not more than 40 days, but not less than 20 days prior to the first hearing. Legislative zone changes and amendments to the Comprehensive Plan, Comprehensive Plan Map, Neighborhood Plan Maps, and UDC require notice to the Director of the Department of Land Conservation and Development no later

than 35 days before the first public hearing pursuant to SRC 300.1110(d). Because the proposed code amendment and Comprehensive Plan Map and zoning map changes restrict some land uses, ORS 227.186 requires written individual notice to the owner of each affected property. This notice is commonly referred to as a “Ballot Measure 56 notice.” All required notices have been provided in accordance with the above requirements.

In addition to providing notice as required, the City has conducted extensive public engagement to not only provide the public with information about the Our Salem project but to solicit input that shaped the proposed amendments that are the subject of the current public hearing process. A summary of the City’s outreach through early March 2022 can be found [here](#).

11. A comment was received, requesting that the existing zoning of properties off of Wallace Road NW – RM-II – be retained due to future development plans for low-income housing funded in part by the City.

Staff Response: The City Council agreed with the request and chose not to rezone the property; it has been removed from the Our Salem project.

12. A comment was received from the Oregon Department of Land Conservation and Development (DLCD) in support of the Our Salem proposal, including the proposed Comprehensive Plan update.
13. A comment was received in support of the rezoning property on Macleay Road SE to Multiple Family Residential.
14. A comment was received in opposition of rezoning property owned by Cascade Warehouse to Mixed Use-Riverfront (MU-R).

Staff Response: The property owned by Cascade Warehouse was not proposed to be rezoned to MU-R. It is currently zoned General Industrial (IG), and that was not proposed to be changed as part of the Our Salem project.

Overall, the proposed MU-R zone and its proposed location along the Willamette River north of downtown Salem – which was adopted by the City Council – is the result of extensive community input. The zone was initially created through a project led by the Urban Development Department that sought, in part, to streamline the many zones and overlay zones in the north downtown area. The zone also implements the community’s vision for a mixed-use area along the river there.

The MU-R zone allows existing uses to remain and to be altered, enlarged, and rebuilt. The zone also encourages the adaptive reuse of existing industrial buildings by allowing new wholesaling and general manufacturing uses in such buildings as follows: up to 50 percent or 10,000 square feet – which is more – per development site, provided associated retail sales is also on site.

The City adopted the Salem Economic Opportunities Analysis (EOA) in 2015, and that

determined that the Salem area has a projected surplus of industrial land. The City expects to conduct a new EOA in the next year or two.

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

Staff Response: The properties in question are zoned Residential Duplex (RD) and are proposed to be rezoned – and were ultimately rezoned by the City Council – to Single Family Residential (RS). The rezoning is due to HB 2001. That is a recent state law that requires cities like Salem to allow middle housing (townhouses, duplexes, triplexes, quadplexes, and cottage clusters) in single-family zones/areas. The City Council recently adopted code changes that implement HB 2001, which means middle housing is now allowed in the RS zone. The RD zone, which allows single-family and two family uses, is no longer necessary. Staff has therefore proposed to – and the City Council has voted to – eliminate the RD zone as part of the Our Salem code amendment and to rezone RD properties to RS. In the RS zone, existing, legally established uses would be “continued uses.” That means, existing multifamily buildings could be altered, enlarged, or rebuilt. They would not become nonconforming uses.

16. A comment was received in support of the proposed zone change from Public and Private Educational Services (PE) to Multiple Family Residential I (RM-I) at 255 and 375 College Dr. NW because it would allow the current nonconforming use on the property as a permitted use. Other comments were received in opposition, citing inadequate transportation options, stormwater impacts, and concerns that multifamily would not be compatible with the surrounding development. One comment was received expressing that multifamily development would only be appropriate on the lower portion of the lot. One comment suggested rezoning the property to Single-Family Residential (RS) or amending the PE zone to allow the church as a special use. Another comment opposed adding any housing on College Drive NW, including low-income housing, citing concern about traffic, lack of sidewalks, automobile safety, and access to services and transit. A comment from the property owner requested that the PE zone be amended to allow religious assembly.

Staff Response: The map change on College Drive NW was proposed at the request of the property owner, Life Church; specifically, the owner sought the RM-I zone to allow the existing church on the property as a special use. The PE zoning only allows religious assembly uses when they are accessory to an educational use, and since Salem Academy left this site, the church has not been a permitted use. The church also has stated that it has no intention of developing multifamily housing on the property. Instead, it has a long-term vision of developing assisted living on the property, and the RM-I zone would allow this use. However, if the RM-I zoning is applied, the site could be used for any of the uses permitted in the RM-I zone.

The City Council voted to rezone the Life Church property to RS as opposed to RM-1, as churches are allowed as a special use in the RS zone. In other words, churches are allowed in the RS zone but must meet additional standards set forth in SRC Chapter 700.005. If a church cannot meet those additional standards – such as maximum lot size and seating capacity – an applicant can deviate from those standards through conditional use approval.

An assisted living facility is not allowed in the RS zone.

If development occurred on the Life Church property in the future, infrastructure improvements would be required by the developer at the time of development to ensure that public facilities can accommodate that new development, including roadway improvements. A developer would also be required to design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Street Design Standards. Stormwater quality facilities would be required to reduce the risk of impacts to the adjacent properties. In addition, if the properties were developed in the future, the development would be subject to other portions of the Salem Revised Code that aim to promote public health and safety, including SRC Chapter 810 (Landslide Hazards) that seeks to mitigate landslide risks.

The City Council did not vote to amend the PE zone to allow churches as a special use, as suggested in one of the comments. That would have impacted all properties that are zoned PE in Salem such as school properties. The PE zone is intended for public and private educational services. In addition, an amendment to the PE zone was not initiated as part of the Our Salem project, so any code change to that zone would have required a separate code amendment. Due to limited staff, such a code amendment could take more than a year to complete.

17. A comment was received expressing support for affordable housing and housing development in Salem to support the growing community.
18. A comment was received requesting clarification on the purpose of proposed zoning changes to specific properties in the South Central Association of Neighbors (SCAN) neighborhood.

Staff Response: Some of the changes to zoning and the Comprehensive Plan Map were proposed to resolve conflicts between the existing Comprehensive Plan Map designation and existing zoning. As part of the Our Salem project, staff proposed to resolve the mapping conflicts across Salem, and the City Council adopted the map changes. The property, for example, on Waldo Ave SE was designated Multiple Family (MF) on the Comprehensive Plan Map today, but it was split zoned RS and Multiple Family Residential II (RM-II). To resolve the conflict, the RS portion was rezoned to RM-II to align the zoning with the existing Comprehensive Plan Map designation and to apply one consistent zoning to the property, which is already developed with multifamily housing. Changes that resolve conflicts between zoning and Comprehensive Plan Map designation help to eliminate the need for future land use actions that could increase the costs of development or negatively affect property owners.

19. A comment was received questioning whether this case is related to a parks and recreation bond.

Staff Response: The proposed Comprehensive Plan is not directly related to the potential future bond measure.

20. A comment was received from the owner of the property at 1325 Hilfiker Ln. SE and the adjacent properties to the north and west in opposition to rezoning this land to a multifamily zone, expressing concerns about loss of habitat and recreational opportunities if the property is developed.

Staff Response: The properties were proposed to be rezoned – and were ultimately rezoned by the City Council – from Residential Agriculture (RA) to RM-II to help Salem meet its projected housing needs. The zone allows for development of housing and limited other uses. Rezoning the properties does not require that they be developed. The Salem Housing Needs Analysis (HNA), which was adopted by the City Council concurrently with the changes to the Comprehensive Plan Map and zoning map, identified a need for more land for multifamily housing. The properties on Hilfiker Lane SE are located near services, Cherriots Core Network, and parks. This aligns with where the community, during the Our Salem project, has stated it would like to see multifamily housing in the future.

Requirements for preservation of trees and vegetation in SRC Chapter 808 continue to apply to these properties after being rezoned. The City Council recently adopted a code amendment that increases the number and types of trees that are required to be preserved in Salem.

21. Comments were received about property at the intersection of Holder Lane SE and Lone Oak Road SE, citing concerns about water and trees. The comments requests that the owner or buyer be required to determine if the property is a wetland or watershed and if it is safe to remove trees or build on the land. Comments suggested that this land would be better suited for a park or natural area. One of these comments also asked for clarification on two staff responses in the supplemental staff report for the March 15, 2022 Planning Commission hearing regarding setbacks in the Mixed Use II (MU-II) zone. Other comments asked if the buyer of the 13-acre site could be required to leave a border of trees to create privacy for adjacent single-family homes and to leave woods for animals. A subsequent comment requested that “at least some of the trees” are protected, drain or flooding issues be resolved before any sale or construction begins, and a “positive spin” on providing affordable housing be put on if building is feasible and safe.

Staff response: These properties were zoned RA, which allows for development of housing and limited other uses. The map change adopted by the City Council rezones the properties to Mixed Use-II (MU-II), which allows a range of housing and commercial uses. Rezoning the properties does not require that they be developed. Development could have occurred under the RA zone.

The local wetlands inventory does not indicate wetlands on the properties; the zone change adopted by the City Council does not eliminate the requirement for future development to meet the conditions of SRC Chapter 809 (Wetlands), which aims to avoid or minimize risks to people and property from natural hazards. In addition, if the properties were developed in the future, the development would be subject to other portions of the Salem Revised Code that aim to promote public health and safety, including SRC Chapter 810

(Landslide Hazards) that seeks to mitigate landslide risks. A developer would also be required to design and construct a storm drainage system at the time of development – not at the time of sale – in compliance with SRC Chapter 71 (Stormwater) and Public Works Street Design Standards. Stormwater quality facilities would be required to reduce the risk of impacts to the adjacent properties.

In addition, requirements for preservation of trees and vegetation in SRC Chapter 808 continue to apply to these properties under the MU-II zone. The City Council recently adopted a code amendment that increases the number and types of trees that are required to be preserved in Salem. For example, the definition of “significant trees” – which cannot be removed without a tree removal permit, tree conservation plan, or tree variance – was expanded to include any tree in addition to white oaks that have a diameter at breast height (dbh) of 30 inches or greater, excluding tree of heaven, empress tree, black cottonwood, and black locust.

In addition, side and rear setbacks in the MU-II zone are intended to provide a buffer to adjacent residential development. Specifically, side and rear setbacks adjacent to residential zones are based on building height, so taller buildings that are developed are required to be set back farther from residential zones. Buildings must be set back from adjacent residential zones a minimum of 10 feet plus 1.5 feet for each foot of building height above 15 feet. That setback area must be landscaped – including with trees – and must include a 6-foot tall wall or fence.

The City incentivizes the development of affordable housing in a variety of ways. For example, affordable housing – affordable to households with an income at or below 80 percent of the area median income – is exempt from system development charges (SDCs). Minimum off-street parking requirements are also reduced for affordable multifamily housing, and the City has a tax incentive program, the Multi-Unit Housing Tax Incentive Program (MUHTIP), to incentivize the development of transit supportive, multiple-unit housing in the core areas of urban centers.

22. Comments were received from SCAN expressing general support for the proposed Comprehensive Plan and Comprehensive Plan Map and requesting that the MU-II zone be applied to properties located along Commercial St. SE within SCAN boundaries instead of other mixed-use zones. SCAN’s initial request was specifically to extend the MU-II zone on the east side of Commercial Street SE from Mission St. SE to Vista Ave. SE and on the west side of Commercial St. SE from Mission St. SE to Myers St. SE and from Superior St. S to Pioneer Cemetery. SCAN’s subsequent request related to proposed zoning was to change the zoning on the west side of Commercial Street between Bush Street and Myers Street to MU-II and to change the zoning on Commercial Street between Superior Street and Jerris Avenue and on the east side only between Jerris Avenue and McGilchrist Street to MU-II. SCAN’s initial comments also responded to the recommendations of the Our Salem zoning subcommittee. Specifically, SCAN supports increasing the minimum density in mixed use zones to 15 dwelling units per acre; suggests a higher minimum density in large subdivisions and supports requiring at least 15% of units in large subdivisions be middle housing; opposes requiring a minimum density of 15 dwelling units per acre in

single-family zones within ¼ mile of the Cherriots Core Network; suggests a 70 foot maximum setback from residential zones in the MU-III zone rather than 50 feet; and opposes eliminating parking minimums in mixed-use zones within ¼ mile of the Cherriots Core Network.

Staff Response: Properties adjacent to Commercial St. SE between Mission St. SE and Myers St. SE are proposed to be zoned – and were ultimately rezoned by the City Council – to Mixed Use-I (MU-I), as well as properties on the east side of Commercial St. SE between Mission St. SE and Leslie St. SE. These properties were previously zoned CR.

Staff proposed and the Council voted to rezone this corridor to MU-I for several reasons. The community has voiced support for increasing density – including specifically residential density – in and around the downtown area, as it includes many jobs, services, shops, and amenities as well as having frequent transit service. The MU-I zone permits taller buildings – and therefore more potential housing – than the MU-II zone, as the maximum height in the MU-I zone is 65 feet compared to 55 feet in the MU-II zone. As noted by SCAN, the lots are relatively small on Commercial Street SE south of Mission Street SE; by allowing additional height, the MU-I zone could help make multifamily housing and/or mixed-use development more feasible.

In addition, the MU-I zone considers the existing zoning of the properties adjacent to this area, which are zoned RM-II and CO; both zones allow development of up to 70 ft. Also, this portion of Commercial Street SE is oriented toward retail, restaurants, and services, which better aligns with the MU-I zone than the MU-II zone. The MU-I zone is intended to promote a pedestrian-oriented development, with an emphasis on active commercial uses on ground floors facing major streets.

South of Superior Street SE, the majority of properties adjacent to Commercial Street SE in the SCAN neighborhood are zoned CR. Some are also zoned CO and CG. These properties are largely developed with commercial uses, some of which have automobile-oriented development. The Mixed Use-III (MU-III) zone was proposed in these areas because staff sought to balance the broad mix of commercial uses currently allowed in this area with the community's vision for this area to become a more pedestrian-friendly, mixed-use corridor.

The MU-III zone specifically allows very similar commercial uses to the existing CR zone, but it promotes housing and mixed-use development by allowing multifamily housing outright and incentivizing mixed-use development. The MU-III zone specifically encourages infill development – particularly if it includes housing – and redevelopment in existing auto-oriented commercial areas without restricting the range of uses currently allowed. It also promotes pedestrian-oriented development through simple design standards without requiring full-scale redevelopment. Existing overlay zones in this area will continue to ensure that development is sensitive to adjacent residential uses where they are applied.

Nonetheless, staff had no objection to SCAN's request to rezone this southern portion of Commercial Street SE roughly between Superior Street and McGilchrist Street to MU-II.

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

The zoning subcommittee of four Planning Commissioners and four City Councilors made several recommendations on code changes to help reduce greenhouse gas emissions from transportation. The City Council voted to adopt a code amendment that includes all of the changes recommended by the zoning subcommittee. Many of the code changes aim at increasing the amount of housing that can be developed near frequent transit service (e.g., Core Network). These recommendations resulted from extensive research and discussion about the feasibility of proposed changes, the potential impacts, and desired outcomes. The public, including developers and builders, were included in the discussions with the subcommittee. Staff and the City Council did not support the changes suggested by SCAN. The recommendations that SCAN opposes or suggests changes to are described below.

Parking: The subcommittee recommended eliminating minimum parking requirements for mixed-use developments in mixed-use zones within ¼ mile of the Cherriots Core Network. This is intended to encourage infill development with housing in areas that are already developed with commercial uses. Specifically, multifamily housing could be developed in place of existing parking lots, as parking would no longer be required for commercial uses. Developers could still choose to provide parking, but it would not be required.

Density: The subcommittee recommended requiring a minimum density of 15 units per acre in single-family zones within ¼ mile of Cherriots Core Network. The intent is to increase housing density – through the development of middle housing – on the remaining vacant lots near frequent transit service. There would be exemptions, including vacant lots in recently-approved subdivisions.

Setback: The subcommittee recommended setbacks in the MU-III zone to be based on height when adjacent to residential zones; this is similar to setbacks in the MU-I and MU-II zones. The subcommittee, however, also recommended capping that setback to a maximum of 50 feet, which would balance the provision of a buffer for residential homes with the development potential of properties zoned MU-III. A 50-foot setback would be greater than what is required in many other zones, including the General Industrial (IG) zone, which requires a 40-foot setback adjacent to residential zones.

Subdivisions: The subcommittee recommended a minimum density of 5.5 dwelling units per acre in subdivisions of 10 acres or larger. (Currently, there is no minimum density in the single-family zones.) It was paired with a recommendation that 15 percent of housing units in such subdivisions were middle housing units. The intent is to increase the amount

of housing, as well as the variety of housing types and affordability levels, in large subdivisions.

23. Several comments, including one from the Northeast Neighbors (NEN) Neighborhood Association, were received expressing support for the proposed Comprehensive Plan and gratitude for the outreach staff has done. The comments also requested that portions of the NEN neighborhood be rezoned from multifamily zones to Duplex Residential (RD) in line with the NEN-SESNA Neighborhood Plan. One comment also expressed concerns about the equity implications of locating multifamily housing near major corridors and safety near railroad tracks.

Staff Response: The NEN-SESNA Neighborhood Plan recommends rezoning some areas with RM-II zoning to RD. However, the RD zone is proposed to be eliminated through the proposed code amendments. This zone is no longer necessary since the HB2001 changes went into effect because the RS zone now allows duplexes. Therefore, the RD zone would not be appropriate.

The largest area that the NEN-SESNA Neighborhood Plan recommended downzoning was in south of Center Street NE along 17th Street NE. During the Our Salem project, staff proposed rezoning the properties in this area west of 17th Street to RS. However, property owners and others did not support the proposed change. In other areas identified in the NEN-SESNA Neighborhood Plan for downzoning, there are some existing multifamily developments that would not have been allowed in the RS zone. The Planning Commission and City Council did not support downzoning additional properties from RM-II to RS.

During the Our Salem project, staff heard from the community that multifamily housing should be distributed around Salem; that it should be located close to services, jobs, and transit; and that considerations should be taken to mitigate potential sources of air and noise pollution near multifamily development. Staff has distributed proposed new multifamily zoning around Salem, while considering its proximity to amenities and distance from potential pollution sources, like industrial zoning. Staff also proposed more mixed-use zoning, so multifamily housing can more easily be located in close proximity to jobs, services, and transit. In the proposed MU-III zone, exclusive residential development is required to be set back farther from major roadways, and additional landscaping is required to help mitigate the negative effects of nearby auto traffic.

Rail safety has been considered in the development of the proposed Comprehensive Plan, which was adopted by the City Council. One of the transportation policy ideas that will be moved forward for consideration during the planned update to the Transportation System Plan is specific to rail crossing safety.

24. A comment was received in opposition to the proposed zone change at 2840 Broadway St. NE to MU-III due to concerns that the zone would prohibit an existing gas station from continuing to operate.

Staff Response: The property at 2840 Broadway St. NE is currently zoned CR. It is proposed to be rezoned to MU-III, which allows gasoline service stations, so the proposed change will not affect the ability of this gas station to continue to operate (or new gas stations from being developed).

25. A comment was received requesting that a property near Lamberson St. NE that is currently zoned RM-II be rezoned due to concerns that it is adjacent to a railroad line, it would create more traffic if it were developed, and development would result in a loss of trees.

Staff Response: The property is currently zoned RM-II,, and a zone change on this property was not proposed or adopted by the City Council.

26. Several comments were received expressing support for having a small market at 800 Highland Ave. NE. Also included was a list of signatures in support of this concept.

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

27. A comment was received in support the Our Salem Project and mixed use and multifamily zoning northwest of the intersection of Orchard Heights Rd. NW and Doaks Ferry Rd. NW.

28. Several comments, including one from the North Lancaster Neighborhood Association, were received in opposition to the proposed zone change to NH at 2390 Brown Road NE due to concerns about traffic safety, a desire to maintain safety improvements, and concerns about the proximity to existing commercial areas. A list of signatures was also included.

Staff Response: The NH zone allows small-scale shops and services in residential neighborhoods and is intended to promote complete neighborhoods where residents can walk to meet some of their daily needs. The City Council voted to remove the proposed NH zone from the property at 2390 Brown Road NE, finding that it was not a good location for a neighborhood hub.

29. A comment was received from the owner of Grocery Outlet expressing support for expanding the Central Business District (CB) zone on the north side of downtown and requesting flexible code requirements for older developments, like the Grocery Outlet, including requirements for signage.

Staff Response: The existing zoning of the Grocery Outlet property is CB, and no change to the current zoning of this property was proposed or adopted. Existing standards in Salem Revised Code address nonconforming development that allow older structures that do not meet current standards to be improved. Additionally, the City is in the process of amending

the sign code (SRC Chapter 900), including updated standards for the location of signage and the process for requesting a sign adjustment. The Planning Commission conducted work sessions in the spring of 2022, and public hearings on the sign code amendments are anticipated to begin later in 2022.

30. A comment was received in support of MU-III zoning on Fisher Rd. NE.
31. A comment was received expressing concerns that the proposed Comprehensive Plan, code amendments, and maps do not comply with Oregon State Land Use Planning Goal 5.

Staff Response: The existing Salem Area Comprehensive Plan was adopted by the City and acknowledged by the Land Conservation and Development Commission as being in compliance with the statewide goals, state statutes, and state administrative rules. The Oregon Department of Land Conservation and Development (DLCD) has reviewed the changes proposed through the Our Salem project and submitted a letter of support dated March 8, 2022.

The Our Salem project – including the updates to the Comprehensive Plan and Comprehensive Plan Map adopted by the City Council – does not trigger a requirement to conduct Goal 5 inventories, because the Our Salem project does not amend a resource list or a portion of an acknowledged plan or land use regulation adopted to protect a significant Goal 5 resource or address a specific requirements of Goal 5; it does not allow new uses that could be conflicting uses with a particular significant Goal 5 resource on an acknowledged resource list; and it does not amend the UGB.

It should be noted that the City does not have any significant Goal 5 resources (other than historic resources). The City proposed – and adopted – changes to the zoning of several properties in Salem to help protect natural resources on City-owned land. Specifically, the City proposed and adopted changes to Comprehensive Plan Map designations of such properties to Parks, Open Space, and Outdoor Recreation (POS) and changed the zoning to Public Amusement (PA). Such changes provide greater protection to natural resources and would not be in conflict with Goal 5.

The cases cited in the testimony involve circumstances that clearly required Goal 5 review. In *ODOT v. City of Newport* 23 Or. Luba 408, the City sought to amend the UGB and allow multi-family residential housing on a portion of newly-included property that had previously designated as a resource site under Goal 5. Because the site was previously identified and the proposed use appeared to conflict with that use, the City was required to perform an EESE (economic, social, environmental and energy consequence analysis). Comments submitted have not identified particular properties to be affected; they only cite the fact that the City in the future plans to identify and protect Natural Resources, Habitat and Habitat connectivity. Those actions do not appear to be sufficient to trigger a Goal 5 review.

In *Doty v. Harris* 34 Or Luba 287, the County attempted to rezone a property that had previously been identified as a natural resource (Grizzly, deer and elk habitat) to zoning

designation that would allow residential development. LUBA found that the change required an EESE, which the County had conducted, but found the EESE lacking. Again, because the City has no significant resources (other than historic resources) and the changes provide greater protection, a Goal 5 analysis is not needed.

32. Comments were received expressing support for dispersing low-income housing across Salem, especially in South and West Salem. One comment also suggested that multifamily housing should be located in compact, mixed-use neighborhoods. The comment asserts that challenges associated with climate change have an outsized impact on low-income residents, and quality housing for low-income residents can help build resiliency.

Staff Response: The proposed Comprehensive Plan, which was adopted by the City Council, includes policies related to dispersing affordable and low-income housing across Salem and encourages development of mixed-income neighborhoods. It also includes policies that encourage the development of compact, mixed-use neighborhoods. The proposed zoning and Comprehensive Plan Map changes that were adopted by the City Council reflect these policies by rezoning and redesignating land for multifamily housing and mixed-use development across Salem, including in South and West Salem. The map changes help to make the distribution of multifamily land more equitable across different parts of the city. See additional responses below related to the housing policies.

33. A comment was received from the Salem Area Chamber of Commerce expressing concerns for businesses that could become continued uses as a result of proposed zone changes, citing challenges to rebuilding after a building is destroyed. The example given was the West Salem Central Business District (WSCB).

Staff Response: The WSCB zone was not proposed to be expanded as part of the Our Salem project, and its existing provisions related to continued uses were not proposed to be changed. The City currently allows development housing continued uses to be rebuilt following damage or destruction. The proposed code amendment that was adopted by the City Council expands the flexibility provided to properties through continued use and continued development provisions. For example, the new MU-III zone allows buildings housing a continued use to be structurally altered and enlarged, as well as rebuilt following destruction, including the option to rebuild in the same location. Staff has worked extensively through its public engagement efforts with property owners, business owners, the Chamber of Commerce, and others to ensure the needed flexibility exists in the new zones.

34. A comment was received opposing additional multifamily housing in West Salem, expressing concerns about the traffic and parking implications. The comment requests that no new multifamily housing be built until more travel lanes for cars are added and that parking requirements for multifamily be increased to 2 spaces per unit.

Staff Response: As part of the Our Salem project, the City worked with the Mid-Willamette Valley Council of Governments (MWVCOG) to analyze the transportation impacts of the proposed Comprehensive Plan Map changes. Based on that analysis, the

proposed changes comply with the State Transportation Planning Rule. See Goal 12 findings in Exhibit C of Ordinance Bill No. 10-22 related to the proposed changes to Comprehensive Plan Map designations for additional detail on the transportation analysis and impacts.

The City Council recently changed the parking requirements for multifamily development to 1 space per unit. That change went into effect March 16, 2022.

35. A comment was received from the Cherriots Board of Directors supporting the Our Salem Project, the Our Salem Vision Statement, the attention to equity in the plan, the alignment of the plan with the transit system, strategies to reduce greenhouse gas emissions, and references to transportation and parking management.
36. A comment was received requesting that measures to promote wildfire safety and preparedness be included in the plan.

Staff Response: The proposed Comprehensive Plan, which was adopted by the City Council, includes a chapter on climate change and natural hazards, including wildfires. This chapter contains policies related to natural hazard preparedness, awareness, and the urban-wildland interface. Additionally, the State is in the process of rulemaking related to wildfire risk and mitigation (SB 762), and the City will implement any resulting rules that apply to local jurisdictions.

37. A comment was received requesting a summary of the March 15, 2022 public hearing.

Staff Response: The public is able to view the March 15, 2022 Planning Commission meeting online on the City's [YouTube channel](#).

38. A comment was received opposing the proposed zone change from CO to MU-I at 4343 and 4345 Sunnyside Rd. SE due to concerns that high-density development would degrade wildlife habitat, increase flood risk and pollution from stormwater runoff, and traffic safety issues.

Staff Response: Rezoning the properties does not require that they be developed or redeveloped. Both the CO zone and proposed MU-I zone – which was adopted by the City Council – allow multifamily and mixed-use development. The maximum height in the CO zone is 70 feet, and the maximum height in the MU-I zone is 65 feet. Therefore, the zone change does not affect the potential for these properties to be developed with high-density development. In addition, the MU-I zone includes setback standards that would provide a greater buffer between these properties and adjacent residential properties than would be required in the CO zone if these properties develop in the future.

The zone change also does not eliminate the requirement for future development on these properties to meet the conditions of SRC Chapter 809 (Wetlands), SRC Chapter 601 (Floodplain Overlay Zone), SRC Chapter 808 (Preservation of Trees and Vegetation), SRC Chapter 809 (Wetlands), and SRC Chapter 71 (Stormwater).

Development of these properties (whether zone CO or MU-1) would need to ensure adequate sight distance at the driveway approach. If a Traffic Impact Analysis is required with development, this would be included in the analysis prior to approval of construction plans.

39. A comment was received requesting that the properties at 4700 Battle Creek Rd. SE, 4786 Battle Creek Rd. SE, and 4826 Battle Creek Rd. SE (near the intersection of Kuebler Blvd SE) be rezoned from the existing RA zoning to MU-III rather than MU-I as proposed. The comment asserts that this will make these properties more attractive for development because the MU-III zone allows drive-throughs, while the MU-I does not.

Staff Response: The MU-I zone is intended to promote pedestrian-oriented mixed-use development. This type of development could improve walkability for future residents of these properties as well as for surrounding residents. The MU-I zone also allows a range of shops and services, which could serve this growing residential area.

The MU-III zone is generally proposed for areas that are already developed with commercial uses, including those that are auto-oriented. It promotes infill development – particularly housing development – through a variety of development standards and incentives. However, this area is not currently developed, so there is an opportunity to create a new pedestrian-friendly mixed-use area through the MU-I zone. Additionally, staff analysis has resulted in concerns about traffic congestion and stacking that would result from MU-III zoning in this area.

40. A comment was received requesting information about the service standards used in the development of the Comprehensive Parks System Master Plan and asking how the Community Development Department was involved in that planning effort. The commenter also inquired about how “market usage outcomes for public transit” were utilized in proposing MU-II and MU-III zoning. The commenter inquired about the level of expertise of the Community Development Department and asked about how market economic analysis contributes to long range planning processes.

Staff Response: Park acreage standards for Salem parks are set by [Comprehensive Park System Master Plan](#) (CPSMP) policy 4.1, which states, “The City shall provide a system of improvements to meet the needs of the current and future population with the park acreage planning goal of seven acres per 1,000 residents: 2.25 acres of neighborhood, 2.25 acres of community and 2.5 acres of urban park land. Acreage standards for linear parks/trails, special use facilities, historic sites, and natural areas are not established.” Public Works Parks Planning leads the application of these standards and follows the recommendations included in the CPSMP. Community Development staff supports and collaborates with Public Works Parks Planning staff regularly, and Parks planning staff supported and contributed to the development of the proposed Comprehensive Plan.

Numerous studies, reports and projects have recommended encouraging mixed-use development and higher-density development near transit. This is often recommended as a

strategy to reduce vehicles miles traveled and thus greenhouse gas emissions related to transportation. This includes the Oregon Statewide Transportation Strategy, which encourages removing barriers to mixed-use development and pairing mixed-use development with expansion of transit, walking, and bicycle networks. Salem’s Climate Action Plan, which was accepted in February 2022, specifically includes a strategy that calls for incentivizing and promoting “dense and vertical development (residential and commercial) within a 1/4 mile of the existing and future core transit network.”

Over the last three to four years, Our Salem project staff collaborated with a variety of partners, including other City departments, Cherriots, jurisdictional partners, business and property owners, neighborhood associations, community groups, and countless others to propose zone changes – including the location of different mixed-use zones – across Salem. Staff factored that input into its decision-making, which also included consideration of local context, professional expertise, and direction from policymakers. City staff do not set service standards for transit. However, City staff are supporting Cherriots’ first ever long-range transit plan to help ensure coordination between land use planning and transit planning continues.

41. A comment was received, stating that there are legal deficiencies regarding the current and proposed Comprehensive Plan Map and requesting that they be corrected as part of the Our Salem project. A subsequent comment requested that the City Council direct legal staff to address the issues during the fiscal year 2022-23 outside of the Our Salem project.

Staff Response: The issues raised in the comment are not related to the Our Salem project nor are they related to the proposed amendments to the Comprehensive Plan Map. Separate from the Our Salem project, staff has worked with the commenter on the issues raised and will continue to do so.

One of the comments provided a header and key of a map that was submitted to DLCD – cited as example a in the testimony – as part of the Our Salem project. The map is not the official Comprehensive Plan Map; it was provided to DLCD to show proposed changes to Comprehensive Plan Map designations on specific properties. The map, therefore, does not show the Willamette Greenway. The greenway is mapped on the official Salem Area Comprehensive Plan Map.

42. A comment was received from the owner of 2450 Wallace Road NW inquiring about how the proposed change to the MU Comprehensive Plan Map designation would affect the ability to farm or develop the property in the future. It expressed general support for the proposed change.

Staff Response: The property located at 2450 Wallace Rd. NW is located outside of City limits and is partially within the UGB. The portion inside the UGB is currently designated MF on the Salem Comprehensive Plan Map, and it is proposed to change to MU. The change was adopted by the City Council. The portion outside the UGB will not be impacted by the map change; its zoning is currently Exclusive Farm Use (EFU), and that zoning will remain. The MU designation, implemented by mixed-use zones, would be

applied to the portion inside the UGB if it were annexed to the city. If that occurred, that portion of the property could accommodate a range of commercial and residential uses. The current agricultural use on the property can also remain. The proposed redesignation on the Comprehensive Plan Map does not require that the land be developed.

43. A comment was received from the owner of the property at 2345 Brush College Rd. NW, Hope Point Church, expressing support for the proposed zoning change from RS to MU-I, citing the need for additional housing options and more flexibility in future development on the property.
44. A comment was received from 350 Salem expressing support for the proposed Comprehensive Plan and proposed map changes.
45. Comments were received from representatives of the owner of property located southwest of the intersection of Kuebler Blvd. SE and I-5, where there is a pending land use application, and the request was for the proposed map changes that are part of the Our Salem project to be revised to reflect the applicant's proposal (e.g., rezoning to CO, CR, and MU-III). Subsequent comments requested that the initial Our Salem proposal for the property – a map change to CO – be added back to the property as part of the Our Salem project.

Staff Response: The proposed Comprehensive Plan Map and zoning changes that were adopted by the City Council were not intended to override land use cases. During the Our Salem project, staff adjusted the proposed map changes to reflect the results of any land use cases that are decided prior to adoption by City Council. For example, properties that have been rezoned through a land use application have been removed from the Our Salem project.

In May 2022, the City Council held a public hearing on a land use application to rezone property located at the southwest of the intersection of Kuebler Blvd. SE and I-5. The City Council remanded the application back to the Planning Commission. Staff therefore removed the property from the Our Salem project. Initially, staff proposed that the property be rezoned to CO to allow a mix of residential and office uses, but staff did not recommend rezoning the property to CR due to concerns related to transportation impacts. The City Council did not add the property back into the Our Salem project. The applicant is proposing a mix of zones and uses that are not compatible with CO zoning. Their application is expected to be reviewed by the Planning Commission later in 2022.

46. A comment was received from the owner of the property at 2390 Brown Road NE, which is proposed to be rezoned to NH, noting that he does not want to develop office buildings on his property and would like to retain the option to build multifamily housing.

Staff Response: The NH zone allows single-family and middle housing as well as limited small-scale commercial uses, like retail sales and eating and drinking establishments. The NH zone does not allow office uses. The City Council voted to remove the proposed NH

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

47. A comment was received from a property owner, requesting that property at 2916 Orchard Heights Road NW be rezoned to MU-II instead of RM-II.

Staff Response: Staff initially proposed rezoning 2916 Orchard Heights Road NW to RM-II to allow for multifamily housing. The property owner requested that the property be rezoned instead to MU-II to allow for commercial uses (in addition to residential uses). The Planning Commission voted to recommend that change, and the City Council adopted that change.

48. A comment was received, requesting that the proposed rezoning of the property in the 3100 block of Orchard Heights Road NW (south of the street) to MU-II be expanded to encompass the entire properties. A subsequent comment was received from the representative of the property owner, requesting that the Our Salem proposal be reverted back to staff's original recommendation to rezone only the northern portion of the properties to MU-II.

Staff response: Staff initially proposed rezoning the northern portion of properties south of Orchard Heights Road NW and west of Settlers Spring Drive NW to MU-II to allow for a mix of housing and commercial uses. A property owner requested that the entirety of the properties be rezoned from RA to MU-II to allow for a more cohesive development proposal in the future. The Planning Commission voted to recommend that change.

Subsequently, a comment was received from the representative of the property owner, requesting that staff's original proposal to rezone only the northern portion to MU-II be adopted. The City Council voted to do that, rezoning only the northern portion of the properties to MU-II, which leaves the southern portions zoned RA. This change does not impact Salem's ability to meet its projected housing needs.

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

Staff Response: The property at 1515 20th Street NE was zoned RS, and it is in the Compact Development Overlay Zone. The proposed code changes adopted by the City Council include eliminating the Compact Development Overlay Zone because it is no longer necessary due to the implementation of Oregon House Bill 2001. The Compact Development Overlay Zone was intended to allow more units on properties that are zoned for single-family uses, and now middle housing is allowed in the RS zone by right.

50. A comment was received from a property owner of 296 Gerth Avenue NW expressing no objections to removing the Walker School Residential Overlay Zone from their property as long as the existing zoning remains RS.

Staff Response: This property is currently zoned RS, and no change to the base zone was

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

51. A comment was received questioning whether the property with Marion County tax account number 532159 (Map and Tax Lot Number 083W11D000602) at the northeast corner of Battle Creek Road SE and Kuebler Boulevard SE was a part of the proposed zone changes. The commenter asserted that this property should be changed to MU-I along with the property to the north.

Staff Response: The property in question was proposed for a zone change from RA to MU-I, and that change was adopted by the City Council.

52. A comment was received by a property owner who would prefer that his property at 1280 Center St. NE be rezoned from CR to MU-III rather than MU-I as proposed because he wants the option to develop a drive-through in the future. (Written testimony with similar comments has also been received.)

Staff Response: Due to its proximity to downtown and the Capitol Mall and the walkability of the area, this property and the surrounding area were proposed to be rezoned to MU-I, and that zone change was adopted by the City Council. The MU-I zone is intended to encourage pedestrian-friendly, mixed-use development. It includes pedestrian-oriented design standards and allows but does not require a mix of uses, including multifamily housing and commercial uses. Development of this property with a drive through would not be harmonious with the surrounding area, which is one of the most walkable neighborhoods in Salem. MU-III zoning on this vacant parcel would also not be consistent with the surrounding areas, which are zoned Central Business District (CB) and MU-I; neither of those zones permit drive through uses. The MU-III zone, on the other hand, is proposed primarily on commercial corridors that already have auto-oriented development and are located further from downtown. The existing block configuration and availability of vacant properties, including 1280 Center Street NE, further support MU-I zoning.

53. Two comments were received inquiring about how the proposed zoning changes and code amendments would affect land use cases that are currently being reviewed.

Staff Response: During the Our Salem project, staff tracked recently-approved land use decisions and pending land use cases. The proposed Comprehensive Plan map and zoning map that were adopted by the City Council are not intended to override any recent land use decisions, as staff recommended changes to maps to reflect any necessary changes related to land use cases that were decided prior to adoption. All land use applications are subject to the zoning and code in place at the time they are received by the City.

54. Several comments were received expressing the importance of promoting equity and environmental justice through the proposed Comprehensive Plan. Specific areas of concern

included food deserts, displacement and gentrification, and impacts of concentrated poverty on schools. Comments also emphasized the importance of supporting the development of low-income and subsidized housing across Salem, and especially in South and West Salem.

Staff Response: Throughout the Our Salem Project, staff partnered with community organizations to ensure that diverse perspectives are included in the plan and those who have historically been underrepresented in planning processes are able to contribute. This includes groups representing communities of color, refugees, people with disabilities, low-income residents, and more.

Input from these groups helped shape goals and policies in the proposed Comprehensive Plan that was adopted by the City Council, including those specific to equity and inclusion (“Community Engagement and Equity” chapter), food deserts (CS 2.1 Fresh food), gentrification (H 2.8 Anti-displacement), and environmental justice (CE 2.1 Environmental and social justice). These goals will help ensure that City processes and plans provide for more equitable outcomes in the future.

The proposed Comprehensive Plan Map and zoning map changes that were adopted by the Council reflect these priorities by distributing multifamily housing across Salem, changing land uses to expand access to services in underserved areas, and concentrating denser housing, jobs, and services close to transit. As mentioned earlier, the map changes increase the amount of land available for multifamily housing, including in South and West Salem, while seeking to distribute land designated Multiple Family Residential more equitably across Salem. Staff also suggested revisions to proposed policies (see staff response below), and those changes were adopted by the City Council.

55. A comment was received in support of neighborhood hubs generally, stating that they would lower greenhouse gas emissions, incentivize people to walk more, and help people who do not have a car.
56. A comment was received from a property owner inquiring about the status of three existing businesses that are located on properties with proposed zone changes. The businesses are located at 1685 Lancaster Dr. NE, 3455 Commercial St. SE, and 3863 Commercial St. SE.

Staff Response: All three of these properties are currently zoned Retail Commercial (CR), and they are all proposed to be rezoned – and were ultimately rezoned by the City Council – to MU-III. The uses allowed in these two zones are the same, except the proposed MU-III zone allows multiple family residential development outright. Therefore, the zone changes will not impact the status of the existing uses on the properties.

57. A comment was received from a representative of the West Salem Foursquare Church, which owns property located at 3094 Gehlar Rd. NW. The comment stated that the church is open to the property being rezoned to MU-II, as the zone’s allowance for future commercial development could be advantageous to the community and possibly the church.

Staff Response: This property is currently zoned RA, which allows single-family and middle housing development, as well as uses that support residential development, like religious assembly. Staff initially proposed rezoning this property to MU-II zone, which allows three-family, four-family, and multiple family development as well as a variety of commercial uses, like eating and drinking establishments, retail sales, personal services, and offices. It also allows religious assembly uses. The MU-II zone encourages pedestrian-oriented design to promote walkable development patterns. This zoning was proposed in this location because there are many residents in this area – which includes adjacent multifamily and single-family housing – and there is currently very limited access to nearby commercial services and amenities.

During the Our Salem project, the community voiced a desire for more convenient access to goods and services as well as concerns about traffic on many of the primary roads in West Salem. The MU-II zone would allow for the possibility for commercial uses to be developed on the church property, which could enable nearby residents to walk to meet some of their daily needs as opposed to driving. This would in turn help to increase residents’ access to goods and services and could help reduce the number of vehicle miles traveled.

During the Planning Commission public hearing, the land use chair of the West Salem Neighborhood Association voiced opposition to the proposed rezoning. The Planning Commission subsequently voted to recommend removing the proposal from the Our Salem project, which means the existing RA zoning would remain. Staff incorporated the Planning Commission’s recommendation into the proposal before the City Council, so the property was no longer proposed to be rezoned to MU-II. The property was not rezoned by the City Council.

58. A comment from the Housing Land Advocates and the Fair Housing Council of Oregon was received in support of adopting the Our Salem project, stating that it meets Salem’s diverse housing needs.
59. A comment was received asking if a property is rezoned to RM-II, could the property owner still develop single-family homes.

Staff response: The RM-II zone allows a range of housing types, including some single-family uses (e.g., townhouses), middle housing, and multifamily housing. A new single-family detached home is not allowed unless it is on a nonconforming lot of record less than 6,000 square feet in area or is replacing an existing single-family detached dwelling. Development would also have to meet other code requirements, including development standards.

60. A comment was received in favor of the proposed rezoning of 800 Highland Avenue NE to the proposed Neighborhood Hub zone to allow the existing building to be restored to house a market or coffee shop.

61. A comment was received from the West Salem Neighborhood Association requesting that the Council: 1) acknowledge that Wallace Road NW is congested and that the proposed map changes will further degrade it in the future, 2) direct staff to amend the Our Salem findings to acknowledge the impacts to the road, and 3) direct staff to address the traffic volumes during the pending update to the Salem Transportation System Plan (TSP). The testimony is attached in full.

Staff Response: Staff, working with the Salem-Keizer Area Transportation Study staff and a consultant team, conducted a transportation analysis of the changes to the Comprehensive Plan and zoning maps proposed as part of the Our Salem project. This analysis compared traffic generation projected to 2035 under two future growth scenarios: the base scenario that forecasts growth under current Comprehensive Plan designations and zoning, and the proposed scenario that forecasts growth under proposed Comprehensive Plan designations and zoning. This approach was confirmed by the Oregon Department of Land Conservation and Development.

Note that this differs from the approach used for quasi-judicial amendments to the Comprehensive Plan and zoning maps. In the latter case, trip generation is tied to a reasonable worst-case scenario. Using reasonable worst-case development is not appropriate for the scope and scale of the legislative amendments proposed by the Our Salem project as it would result in levels of development that exceed population and employment forecasts for the horizon year of 2035.

More details about the transportation analysis and its results can be found in Exhibit C of Ordinance 10-22, Goal 12 finding.

Staff acknowledges that Wallace Road NW is congested and is expected to continue to be in the future with or without the proposed map changes resulting from the Our Salem project. In its adoption of the proposed map changes and other amendments related to the Our Salem project, the City Council voted to direct staff to address traffic issues on Wallace Road NW—including the Congestion Relief Task Force recommendations—in the upcoming update to the Salem Transportation System Plan.

62. A comment was received from the owners of property along Fairview Industrial Drive in support of the proposed rezoning to Industrial Commercial. The comment described how the Morningside Neighborhood Plan supports the zone change.
63. A comment was received from the owner and manager of the Willamette Town Center, requesting changes to the proposed design standards in the proposed MU-III zone. Specifically, the comments requested: reducing the requirement for ground-floor windows, changing the requirement for primary entrances to face the street from applying to each building as opposed to each tenant space, adding a provision to allow large lots and corner lots to have interior buildings, and reducing the weather protection requirement.

Staff Response: The design standards in the new MU-III zone are intended to promote pedestrian-oriented design as infill development, redevelopment, and new development

occurs. The standards were developed with input from the community, including the owner and manager of the Willamette Town Center. For example, the requirement for a primary entrance to face the street applies to each building façade, not each tenant space as suggested in the comment. Based on input, the MU-III zone was revised to include provisions that make exceptions for interior buildings and existing parking lots (e.g., interior buildings are allowed). In addition, the design standard related to ground-floor windows facing the street is proposed to only apply to buildings close to the street. The MU-III zone does not require weather protection such as awnings and canopies.

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

65. A comment was received by 350 Salem in support of the Our Salem project, citing alignment with the Climate Action Plan and its likelihood of reducing greenhouse gas emissions.

66. A comment was received referring to the Our Salem Report Card, describing and commenting on the results related to the variety of indicators such as “Affordability” and “Proximity to Parks.” The comment provides suggestions for how planning can address the results.

Staff Response: The Our Salem Report Card is the result of the first phase of the Our Salem project. During that phase of the project, the City worked with the community and a consultant team to examine the existing conditions of Salem. Specifically, staff and the community looked at how Salem was doing today in 20 key “indicators” and compared it to how Salem would be doing if the community continued to grow as it has traditionally grown. The results helped inform the visioning phase of the Our Salem project and ultimately the proposed update to the Comprehensive Plan and proposed map and code changes that were adopted by the City Council.

67. A comment was received in support of the Our Salem project, stating that if adopted and implemented, the project would result in desirable outcomes for the city such as a reduction in greenhouse gas emissions and more housing units and increased housing options. The comment also included support for SCAN’s recommended revisions to the map changes.

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

69. Several comments were received in support of the Our Salem project, with requests that multifamily housing, including low-income housing, be allowed and built everywhere in Salem, including West and South Salem. The comments pointed to systematic and environmental racism as it relates to existing land use patterns and requested that it not be allowed to continue.

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

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

Staff Response: City staff coordinated with staff from the Oregon Department of Land Conservation and Development (DLCD) and Oregon Department of Transportation (ODOT) on the methodology used to analyze transportation impacts from the proposed Our Salem comprehensive plan and zone changes. ODOT supported the findings included in Ordinance Bill No. 10-22 as they pertained to impacts to State highways.

Volume to capacity ratios that are within 0.03 of the adopted target are considered to comply with the Oregon Highway Plan target. Per Oregon Highway Plan, Action 1F.5, “For purposes of evaluating amendments to transportation system plans, acknowledged comprehensive plans and land use regulations subject to OAR 660- 12-0060, in situations where the volume to capacity ratio or alternative mobility target for a highway segment, intersection or interchange is currently above the mobility targets in Table 6 or Table 7 or those otherwise approved by the Oregon Transportation Commission, or is projected to be above the mobility targets at the planning horizon, and transportation improvements are not planned within the planning horizon to bring performance to the established target, the mobility target is to avoid further degradation.”

Regarding the mobility targets for Wallace Road, the commenter references both ODOT and Salem mobility targets. ODOT mobility targets apply to Wallace Road; Salem targets do not apply to the state highway.

For the Our Salem transportation analysis, volume to capacity ratios for segments of Wallace Road were projected using existing zoning in the year 2035. Most of these projected volume to capacity ratios exceed the targets contained in the Oregon Highway Plan tables. As indicated above, when the volume to capacity ratio for a highway segment is projected to be above the mobility target at the planning horizon, then the mobility target is to avoid further degradation. To identify where significant impacts might exist from the proposed Our Salem comprehensive plan and zone changes, volume to capacity ratios were projected using the proposed zoning. These were then compared to what was projected under existing zoning. As indicated in the proposed findings, only two segments (Link 772 and 328) were identified as having a significant effect following the guidelines established in the Oregon Highway Plan.

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

The transportation analysis was informed by the proposed Comprehensive Plan Map and

zone changes. Those proposed map changes were the result of the extensive public engagement that occurred throughout the Our Salem project.

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