

Adopt the Salem Housing Needs Analysis

Adoption of the Salem Housing Needs Analysis (HNA) involves adopting the document as a support document to the Salem Area Comprehensive Plan. This revision is a major Comprehensive Plan amendment.

Substantive Findings

Major Comprehensive Plan Amendment

SRC 64.020(f)(1) establishes the following approval criteria for major Comprehensive Plan amendment 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.*

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

The updated Salem Area Comprehensive Plan (Comprehensive Plan) is intended to guide future growth and development in line with the community's vision while aiming to ensure orderly and efficient development meets the community's needs. Part of meeting the community's needs is ensuring there is enough land designated for housing on Salem's Comprehensive Plan Map to meet future population and housing needs. The HNA provided the analysis needed to determine if Salem's portion of the urban growth boundary it shares with Keizer (Salem area) does indeed meet future housing needs. The HNA, completed at the end of 2014, determined that the Salem area 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).

The City of Salem used the HNA as a factual basis to propose changes to the Salem Comprehensive Plan Map – and the implementing Salem zoning map – to redesignate and rezone land to accommodate the amount of multifamily housing needed through 2035 (see discussion below). Salem's projected need for housing through 2035 is therefore met within the Salem area, and this allows the City to adopt the HNA as a support document to the updated Comprehensive Plan. (The redesignating and rezoning of land is being proposed concurrently with the adoption of the HNA. The Comprehensive Plan is also being proposed to be amended concurrently.)

SRC 64 defines a support document as “a policy guide for a comprehensive plan function or area.” Adopting the HNA as a support document allows the City to rely on it and use it to help inform future policy and land use decisions related to housing. For example, the HNA outlines the mix of different housing types needed to accommodate the growing population, including the different levels of affordability needed through 2035. The City will use this information to continue to support and encourage development of the types of housing needed in Salem. Adopting the HNA as a support document – and amending the code to reflect that in SRC 64 – is therefore in the best interest of the public health, safety, and welfare of the city.

In addition, if adopted as a support document, the City will use the HNA to develop a Housing Production Strategy as required by HB 2003. Using the HNA as a framework, the Housing Production Strategy will outline what actions the City will take to promote the development of needed housing. All of this work stems from the HNA, so adopting it as a support document is in the best interest of the city.

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

The proposed amendment to adopt the HNA as a support document to the Comprehensive Plan – and amending the code to reflect that in SRC Chapter 64 – is consistent with and conforms to the Statewide Planning Goals and applicable administrative rules as described below. In addition, the Oregon Department of Land Conservation and Development (DLCD) has reviewed the changes proposed through the Our Salem project and has submitted a letter of support dated March 8, 2022. The letter specifically notes that the “proposal documents have resulted in addressing all identified housing needs...”

Goal 1: Citizen Involvement

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

Finding

Staff conducted a variety of public engagement activities to ensure the public had the opportunity to be involved in the preparation of the HNA. A 21-member Advisory Committee – comprised of two City Councilors, two Planning Commission members, neighborhood association board members, community organization representatives, and representatives from the development, finance, and affordable housing industries – was formed to review project materials and advise City staff throughout the course of the project. The committee met seven times, and the public was invited to attend the meetings and provide input.

The City also created a project website that was regularly updated with project materials and sent emails about project updates and upcoming meetings to more than 1,500 interested parties. Other public engagement activities included staff presentations about the project to community organizations, a survey on potential housing strategies, social media, and articles in City newsletters. In addition, the process to adopt the HNA as a support document to the Comprehensive Plan requires public notice and affords the public an opportunity to review, comment, and take part in the approval process. The proposed amendment to the Comprehensive Plan therefore conforms with this goal.

Goal 2: Land Use Planning

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

Finding

The HNA, with its findings on Salem’s long-term housing needs, provides the City with a factual basis for policy decisions and land use decisions related to housing and residential land. The City used the HNA to update the Salem Area Comprehensive Plan, including the Housing goals and policies. For example, there is a goal that calls for providing a supply of residential land that accommodates the amounts and types of housing needed to meet the population forecast for the Salem Urban Area. There is also a goal that calls for providing opportunities for housing that are affordable to current and future residents of all income levels. Supportive policies include promoting low-income and workforce housing and encouraging housing that lowers the combined housing/transportation cost burden for people in Salem. These policies directly advance the recommendations in the HNA, which found that Salem has a substantial need for affordable housing. The HNA specifically recommended increasing opportunities for development of affordable housing

The City’s update to the Comprehensive Plan Map is also based on the HNA and its findings. The HNA determined that Salem’s portion of the Urban Growth Boundary (UGB) has a demand for 7,299 dwelling units on land designated Multi-Family Residential between 2015 and 2035. The HNA also determined, based on the Buildable Lands Inventory (BLI), that there was a projected deficit of 207 acres of land designated as Multi-Family Residential (or 2,897 dwelling units). To help address this projected deficit, the HNA recommended redesignating or rezoning land to multifamily. The City implemented this recommendation, using data in the HNA, and redesignated land to Multi-Family Residential to meet the projected housing needs in Salem’s portion of the UGB (see Goal 10 finding below). Adopting the HNA therefore supports the City’s land use planning framework and complies 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.

Finding

The HNA recommends evaluating tools to increase redevelopment activity and mixed-use development. It specifically calls out commercial areas and redeveloping industrial areas as Salem’s primary redevelopment opportunities for mixed-use development that includes multifamily housing. The City has implemented this recommendation by redesignating and rezoning land for mixed use development and revising regulations – such as parking requirements – to encourage redevelopment and mixed-use development. Promoting mixed-use development and redevelopment not only expands opportunities for more housing but also promotes the integration of commercial uses in mixed-use areas. This supports and is consistent with this goal to provide adequate opportunities for a variety of economic activities in the State, including in Salem.

Goal 10: Housing

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

OAR 660-008-000 Purpose

This chapter states in part that “the purpose of this division is to ensure opportunity for the provision of adequate numbers of needed housing units, the efficient use of buildable

land within urban growth boundaries, and to provide greater certainty in the development process so as to reduce housing costs.”

OAR 660-008-0010 Allocation of Buildable Land

This section states in part: “The mix and density of needed housing is determined in the housing needs projection. Sufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection.”

Finding

The proposed amendment adopts the HNA as a support document to the Salem Area Comprehensive Plan. The HNA was prepared for the City of Salem by EcoNorthwest in compliance with Goal 10, ORS 197.296, and OAR 660-008, as they existed when the City’s Post Acknowledgement Plan Amendment (PAPA) was filed the State for the adoption to the HNA. Completed in December 2014, the HNA included a Residential Buildable Lands Inventory (BLI) and analysis of Salem’s housing needs between 2015 and 2035.

The HNA used a population forecast that was based on Marion County’s adopted population forecast and Keizer’s adopted population forecast for 2032 (see HNA for details). The population forecast in the HNA showed that Salem’s portion of the urban growth boundary (UGB) was expected to grow from 210,035 people in 2015 to 269,274 people in 2035, adding 59,239 people over the 20-year period. That was the population forecast at the time the City submitted its PAPA to DLCD to adopt the HNA on October 22, 2015, and the City adopted that population forecast into the Salem Area Comprehensive Plan in 2015 as part of the adoption of the Salem Economic Opportunities Analysis.

The HNA determined that Salem’s portion of the UGB has a projected 1,975-acre surplus of land for single-family detached housing (9,131 dwelling units) and a projected 207-acre deficit of land for multifamily housing (2,897 dwelling units). That projected deficit was specific to land designated as Multi-Family Residential on the Comprehensive Plan Map.

ORS 197.296(2) states that local governments must demonstrate that its comprehensive plan provides “sufficient buildable lands within the urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years...” If an HNA determines that there is a projected deficit of buildable land, a local government must amend its urban growth boundary to include sufficient buildable land and/or amend its comprehensive plan, regional framework plan, functional plan, or land use regulations to include new measures to remedy the identified deficit. As mentioned above, Salem’s HNA identified a projected deficit of land in the Multi-Family Residential designation.

In a letter dated November 4, 2014, DLCD stated that LUBA – in DLCD v. City of McMinnville, 41 Or LUBA 210 (2001) – has “affirmed the position that cities with population greater than 25,000 that are subject to the provisions of ORS 197.296 must not only conduct a housing needs analysis pursuant to ORS 197.296(3), but must also simultaneously address a significant deficit in the supply of buildable residential land within the UGB by adopting one or more of the actions described in ORS 197.296(6) and (7) to remedy the identified deficit.” The City, therefore, could

not adopt the HNA without meeting the projected need for housing. In the same letter, DLCD strongly urged “the council to adopt both the analysis and recommended implementation measures concurrently to be in compliance with Goal 10, and ORS 197.296.”

Since the HNA was completed and conceptually accepted by the Council in 2015, the City has been working to address Salem’s housing needs through a variety of ways. For example, the City began allowing accessory dwelling units (ADUs) in 2017, and then in 2019, the City waived system development charges for ADUs for five years – through June 30, 2024.

The City also updated Salem’s design regulations for multifamily housing in 2020 as a follow-up to the HNA and the projected need for more multifamily housing. The code update specifically removed barriers to the development of multifamily housing by providing greater flexibility in how multifamily design standards can be met, reducing the number of design standards that apply to small multifamily housing projects, simplifying regulations for three- and four-unit projects, and reducing parking requirements for multifamily projects of all sizes. Earlier this year, the City adopted code changes to implement HB 2001.

To further ensure compliance with Goal 10 and the associated administrative rules, the City has tracked building permit data and redesignated land to Multi-Family Residential to accommodate its projected housing needs as outlined in the HNA.

Specifically, the City reviewed the BLI, which relies on building permit data through the end of 2013. Then the City applied building permits issued since the beginning of 2014 through June 30, 2021 to that BLI data. Any property that was previously considered buildable in the HNA – either as vacant or partially vacant – but had since had a building permit issued on it (through June 30, 2021) was no longer considered buildable.

In addition, the City is redesignating more than 300 acres of land to Multi-Family Residential concurrently with the adoption of the HNA. That resulted in a total of 341.8 acres of buildable land designated as Multi-Family Residential. The HNA determined that land designated Multi-Family Residential has a capacity of 14 units per gross acre. (That is a conservative assumption, given that the City is increasing the minimum required density in the Multiple Family Residential-II zone to 15 units per acre concurrently with the adoption of the HNA, and recent multifamily projects have been approved at higher densities.) Using the 14 units per gross acre assumption, the 341.8 acres of buildable Multi-Family Residential designated land has a capacity of 4,785 multifamily units.

The City also examined the number of dwelling units needed in the Multi-Family Residential designation by 2035. That need, determined in the HNA, was 7,299 units for the 20-year period between 2015 and 2035. Based on building permit data, the City approved permits for 3,192 multifamily dwelling units between the beginning of 2015 and June 30, 2021. That reduces the amount of multifamily dwelling units needed in the Multi-Family Residential designation to 4,107 units.

The result of this analysis is that the City has met its projected need for multifamily dwelling units on land designated as Multi-Family Residential on the Salem Area Comprehensive Plan

Map. Specifically, Salem’s portion of the UGB has a capacity for 5,101 multifamily units on Multi-Family Residential designated land, which can accommodate the remaining 4,107 needed multifamily housing units on Multi-Family Residential designated land (see table below). *(This analysis has been updated to reflect map revisions approved by the City Council on July 11, 2022.)*

Multi-Family Residential Designated Land

	Multifamily Units	Source
Demand in HNA	7,299	HNA
Multifamily units approved between 2015 and June 30, 2021	3,192	Building permits
Remaining demand through 2035	4,107	
Capacity on buildable land designated Multi-Family Residential	4,785	GIS analysis
Surplus	678	

In addition, the City’s reviewed the BLI data related to buildable land designated as Single-Family Residential and Development Residential on the Comprehensive Plan Map. This was done to ensure there is enough land in Salem’s portion of the BLI to meet the projected demand for single-family housing despite the HNA showing a surplus of single-family land.

Specifically, the HNA found that Salem’s portion of the UGB has a projected surplus of 1,975 acres of land designated Single Family Residential (SF) and Developing Residential (DR), which can accommodate 9,131 more units than are projected to be needed through 2035. (The projected demand from 2015 to 2035 was 13,792 units, and the capacity in the SF and DR designations was 22,923 units, according to the HNA.)

The City’s analysis – which included looking at building permits issued between the beginning of 2015 and June 30, 2021 and considering changes to the Comprehensive Plan Map designations that are proposed concurrently with the adoption of the HNA – showed that there are 1,176 buildable acres on land designated as SF and 2,434 buildable acres on land designated as DR (or split-designated SF and DR). The HNA determined that the land designated SF has a capacity of 5.6 units per gross acre and land designated DR has a capacity of 4.3 units per gross acre.

Based on those density assumptions, the buildable land designated SF and DR has the capacity 17,054 units. This capacity exceeds the projected demand in the HNA of 13,792 units. Between 2015 and June 30, 2021, building permits were issued for 2,603 single-family units, so part of that projected demand has already been met. The capacity on land designated SF and DR can also accommodate the 903 single-family detached units that the HNA assumed would be accommodated in areas designated for mixed-use uses (e.g., land designated Mixed Use and zoned either Fairview Mixed-Use or Neighborhood Center Mixed Use). The City is therefore continuing to meet its needs for single-family dwellings.

Adopting the HNA as a support document to the Comprehensive Plan is therefore consistent with Goal 10 and the associated administrative rules cited above.

The City of Keizer completed a draft of its own separate Housing Needs Analysis in August of 2021, and that analysis determined that in Keizer's portion of the UGB, there is a projected deficit of 177 dwelling units in the Low Density Residential (LDR) Comprehensive Plan designation and a projected deficit of 219 dwelling units in the Medium Density Residential (MDR) Comprehensive Plan Designation.

According to Keizer's draft HNA, the assumed density in the LDR designation (outside of the River Cherry Overlay District) was 5 units per gross acre, and the assumed density in the MDR designation (outside of the River Cherry Overlay District) was 4.2 units per gross acre. Those density assumptions are similar to those assumed for the capacity in the DR and SF designations in Salem's HNA: 5.6 units per gross acre in the SF designation and 4.3 units per acre in the DR designation.

As mentioned earlier, the DR and SF designations have a capacity for 3,262 dwelling units in addition to those needed to meet the projected demand in Salem's portion of the UGB. (That additional capacity for 3,262 units is conservative because it assumes no building permits were issued for single-family units between 2015 and June 30, 2021 to reduce the overall demand since the HNA was completed.) That additional capacity can accommodate the projected deficit in dwelling units in the LDR and MDR designations in Keizer's HNA: 396 dwelling units. Therefore, Keizer's projected deficit of land for dwelling units in the LDR and MDR designations can be met in Salem's portion of the UGB.

Goal 14: Urbanization

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

OAR 660-024-0050 Land Inventory and Response to Deficiency

This section state in part: "If the inventory demonstrates that the development capacity of land inside the UGB is inadequate to accommodate the estimated 20-year needs determined under OAR 660-024-0040, the local government must amend the plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the city or by expanding the UGB, or both, and in accordance with ORS 197.296 where applicable."

Finding

The HNA seeks to ensure that there is sufficient land within Salem's portion of the UGB to meet housing needs over the next 20 years. Together with the Salem Economic Opportunities Analysis, the HNA establishes the fact that the existing amount of land within Salem's portion of the UGB is sufficient to meet housing needs over the 2015-2035 planning period, and therefore a UGB expansion is not needed. The HNA also specifies, however, that there is a projected deficit of Multi-Family Residential land and a projected surplus of single-family land, so it recommends strategies to meet that multifamily housing need within Salem's portion of the UGB.

The recommendations, as mentioned above, include redesignating or rezoning land for multifamily housing, evaluating tools to increase redevelopment, increasing land for multifamily housing in single-family designations, lowering barriers to multifamily development, and increasing opportunities for affordable housing development. The City has implemented many of the recommendations, including redesignating and rezoning land to satisfy the projected deficiency, consistent with OAR 660-024. Specifically, this largely included redesignating buildable land from Developing Residential or Single Family Residential to Multi-Family Residential; the City also redesignated land to Mixed Use. These redesignations – and associated rezonings – increased the development capacity for housing within Salem’s portion of the UGB. The projected population in Salem’s portion of the UGB through 2035 can therefore be accommodated within Salem’s portion of the UGB. Adopting the HNA as a support document to the Comprehensive Plan is therefore consistent with this goal and the administrative rule cited above.

Goals 3, 4, 5, 6, 7, 8, 11, 12, 13, 15, 16, 17, 18 and 19
Not applicable to this proposed amendment

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 public hearing. **Exhibit 1** summarizes and addresses those public comments.

Public Testimony

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

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

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

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

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

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

shops.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As mentioned earlier, the City worked with the MWCOC 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 commentor 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.