

Amend the Zoning Map

Substantive Findings

Legislative Zone Change

Salem Revised Code (SRC) 265.010(d) establishes the following approval criteria for a legislative zone change to be approved:

- 1) The zone change is in the best interest of the public health, safety, and welfare of the City.
- 2) The zone change complies with the Salem Area Comprehensive Plan, applicable statewide planning goals, and applicable administrative rules adopted by the Department of Land Conservation and Development.
- 3) If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or a comprehensive plan change from a commercial or employment designation to any other designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the comprehensive plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the comprehensive plan to address the proposed zone change; or include both the demonstration and an amendment to the comprehensive plan.
- 4) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.

Findings are provided below. A map showing the properties subject to the zone change is Exhibit A of Ordinance Bill No. 18-22.

1. The zone change is in the best interest of the public health, safety, and welfare of the City.

Finding: The proposed legislative zone change is in the best interest of the public health, safety, and welfare of the City because it will facilitate and encourage pedestrian-friendly, mixed-use development and redevelopment of vacant and underutilized properties along Commercial Street SE, which is served by frequent transit service and is part of Cherriots' Core Network. (This is a network of primary transit lines that Cherriots has committed to maintaining and improving in the future.)

Currently, the area proposed to be rezoned to Mixed Use-II (MU-II) has a mix of commercial zones: Commercial Office (CO) and Retail Commercial (CR). The CO zone generally allows office uses, as well as residential uses and limited retail sales and services uses. The CR zone generally allows a range of commercial uses including retail sales and services, offices, and commercial entertainment, as well as limited residential uses; multifamily housing is only allowed through a conditional use permit. The proposed zone change to the MU-II zone will enable a broad range of uses to be developed on the properties on the Commercial Street SE corridor where it is applied, including multifamily housing, offices, retail uses, and other

complementary uses. These uses, including multifamily housing, will be allowed outright, which promotes this type of housing – as well as mixed-use development with housing – on Commercial Street by removing regulatory barriers.

This proposed zone changes therefore increases opportunities for people to live close to shops, services, jobs, frequent transit service, and amenities. This helps reduce greenhouse gas emissions from single-occupancy vehicle trips, which is a priority in Salem. Increasing opportunities for a mix of uses will also enable more people to walk to their daily destinations, which promotes positive health outcomes.

The proposed zone change will also ensure that development on this portion of Commercial Street SE is oriented toward pedestrians and compatible with surrounding neighborhoods. This change responds to the motion made by the City Council on July 11, 2022, as requested by SCAN, in this area.

2. ***The zone change complies with the Salem Area Comprehensive Plan, applicable statewide planning goals, and applicable administrative rules adopted by the Department of Land Conservation and Development.***

Statewide Planning Goals and Applicable Administrative Rules

The proposed amendment is consistent with and conforms to the Statewide Planning Goals and applicable administrative rules as described below.

Goal 1: Citizen Involvement

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

The proposed zone change is related to a multi-year planning process, the Our Salem Project, that included extensive public outreach. During that project, staff solicited community input in a variety of ways, including in-person and virtual meetings, surveys, maps, public workshops, property owner meetings, community events, and stakeholder interviews. Information about the project was also provided via mail, the project website, social media, informational meetings, flyers, television, radio, newspapers, and more.

Through the Our Salem project process, the community expressed a desire for mixed-use zoning along the Commercial Street SE corridor. During the Our Salem adoption process, the SCAN neighborhood association requested MU-II zoning along the portion of Commercial Street SE that is subject to the current zone change proposal. The proposed zone change implements the request made by SCAN and the City Council's motion to implement this request.

The City conducted additional outreach specifically related to this proposed zone change to MU-II. Informational flyers were mailed to owners of the subject properties, and a webpage provided additional context and information. City staff responded to phone calls and emails from those who wished to discuss the potential impacts of the proposed zone change.

The process to adopt these proposed zone change requires public notice and affords the public an opportunity to review, comment, and take part in the approval process. These requirements were met. Therefore, the proposed zone change 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.

The City has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The recently updated Salem Area Comprehensive Plan (SACP) has been adopted by the City and acknowledged by the Land Conservation and Development Commission as being in compliance with the statewide goals, state statutes, and state administrative rules.

The SACP identifies allowing mixed-use development more broadly in Salem as a priority in order to improve access to jobs and services and promote flexibility in the use of properties. It also states that the development of housing should be encouraged in mix-use areas. The Salem Comprehensive Plan Map designates the properties subject to the proposed zone change as Mixed Use. Therefore, the proposed zone change to MU-II will align the zoning with the Comprehensive Plan Map designation. It will also facilitate future mixed-use development and reduce barriers to developing housing on these properties in the future, consistent with the policy framework set forth in the SACP. The proposed zone change therefore conforms with this goal.

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

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

The proposed zone change 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 230 (Historic Preservation). For example, the proposed change does not remove or alter the development and design standards and requirements for historic resources as they are identified in SRC Chapter 230. All protections afforded to historic resources under that chapter will remain. The proposed change also does not remove or alter any overlay zones that have been applied to the subject properties, which help to preserve additional open space on properties where they are applied adjacent to residential zones. The proposed zone change therefore conforms with this goal.

Goal 6: Air, Water and Land Resources Quality

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

The proposed zone change helps improve the quality of air by rezoning properties along a major transportation corridor to a mixed-use zone, MU-II. On properties that are already developed, this promotes infill and redevelopment, including the creation of mixed-use

properties. On properties that are currently vacant, this provides the opportunity for a dense mix of housing, services, jobs, and shops to be developed in close proximity to each other. In addition, the properties subject to the proposed zone change are located along the Cherriots Core Network. Rezoning this land to MU-II creates the opportunity for more people to live near jobs, services, shops, and transit service. This reduces the need for automobile travel, which reduces air pollution and greenhouse gas emissions from transportation.

Additionally, the proposed zone change does not eliminate the requirement for future development on the subject properties to meet the conditions of SRC Chapter 808 (Preservation of Trees and Vegetation), SRC Chapter 809 (Wetlands), SRC Chapter 601 (Floodplain Overlay Zone), and SRC Chapter 810 (Landslide Hazards). The proposed zone change therefore conforms with this goal.

Goal 7: Areas Subject to Natural Disasters and Hazards

To protect life and property from natural disasters.

The proposed zone change does not eliminate the requirement for future development on the subject properties to meet the conditions of SRC Chapter 808 (Preservation of Trees and Vegetation), SRC Chapter 809 (Wetlands), SRC Chapter 601 (Floodplain Overlay Zone), and SRC Chapter 810 (Landslide Hazards). These existing regulations aim to avoid or minimize risks to people and property from natural hazards. The proposed zone change therefore conforms with this goal.

Goal 8: Recreational Needs

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

The Salem Comprehensive Parks System Master Plan (Parks Master Plan) was adopted on May 13, 2013. Changing the zoning of the subject properties to MU-II does not preclude the siting of any facilities identified in the Parks Master Plan. The MU-II zone allows parks, open space, and recreation services such as museums, community centers, nature centers, youth clubs, and zoological gardens. The proposed zone change therefore conforms with this goal.

Goal 9: Economic Development

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

The Salem Economic Opportunities Analysis (EOA), adopted in 2015, was developed consistent with the requirements of Goal 9 and associated administrative rules. It projected a 271-acre deficit of commercial land in Salem's portion of the UGB over the next 20 years. The EOA recommends meeting this need in several ways, including redeveloping existing commercial areas and allowing or encouraging mixed-use development in downtown or other employment areas.

Currently, the properties proposed to be rezoned to MU-II are zoned CO or CR. The proposed zone change, which is described below in detail, implements the recommendations in the EOA to help meet the identified need to accommodate more commercial uses. For example, the proposed zone change rezones developed land from commercial zones to mixed-use zones to encourage mixed-use redevelopment.

CO to MU-II

The CO zone allows offices but very limited retail sales, restaurants, and personal services uses. The MU-II zone, on the other hand, allows a wide a range of commercial uses, including retail sales, personal services, offices, and indoor commercial entertainment. As identified in the EOA, there is a projected deficit of land for commercial uses in Salem. The proposed zone change from CO to MU-II helps address this deficit by increasing the range of commercial uses allowed on the subject properties while maintaining the amount of land available for commercial uses.

CR to MU-II

The CR zone allows a variety of commercial uses, including retail sales and services and offices. The MU-II zone also allows a range of commercial uses, including retail sales and services uses, offices, and indoor commercial entertainment. As identified in the EOA, there is a projected deficit of land for commercial uses in Salem. The proposed zone change from CR to MU-II on the subject properties does not decrease the amount of land available for commercial uses. Because the MU-II allows multiple family residential uses outright, the proposed change also reduces a barrier to mixed-used redevelopment on these properties in the future because the CR zone requires a conditional use permit for multiple family residential uses.

Overall, the proposed zone change facilitates future mixed-use development, implementing these recommendations from the EOA. Therefore, the proposed zone change conforms with this goal.

Goal 10: Housing

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

The Salem Housing Needs Analysis (HNA), adopted in August of 2022, was developed consistent with the requirements of Goal 10 and the associated administrative rules that were in place when it was prepared and completed. The HNA determined that there would be a projected 207-acre deficit of land for multifamily housing (2,876 units) in Salem's portion of the Urban Growth Boundary (UGB) over the next 20 years. The HNA recommended meeting that need in several ways, including lowering barriers to multifamily development, redesignating and rezoning land for multifamily housing, and increasing redevelopment activity and mixed-use development. Salem has met its projected housing needs, having redesignated and rezoned land for multifamily housing.

Currently, the properties proposed to be rezoned to MU-II are zoned CO or CR. The proposed zone change, which is described below in detail, helps to implement the recommendations in the adopted HNA. For example, the MU-II zone allows multifamily

housing outright without lot size requirements, which lowers barriers to multifamily housing development relative to the requirements of the CO and CR zones.

CO to MU-II

The CO zone allows single-family, middle housing, and multiple family uses subject to increasing minimum lot size requirements. The MU-II zone allows three, four, and multiple family uses, as well as townhouses, and does not include lot size requirements. As a result of the proposed zone change from CO to MU-II, the subject properties thus continue to accommodate multifamily housing, which was a projected need in the adopted HNA. Under MU-II zoning, denser multifamily development is also required. Specifically, exclusively residential development in the MU-II zone requires a minimum density of 15 dwelling units per acre. The CO zone, on the other hand, does not include a minimum density. In addition, the CO zone requires multifamily development to go through a design review land use process. Under the proposed zone change to MU-II, design review would not be required for multifamily development. Therefore, the proposed zone change lowers barriers to multifamily development as recommended in the HNA and encourages more housing units to be built.

CR to MU-II

The CR zone allows three and four family development and multiple family development as a conditional use, which includes a public hearing process. The MU-II zone, on the other hand, allows three, four, and multiple family uses, as well as townhouses outright. This reduces a barrier to multifamily development, as recommended in the HNA. Additionally, the MU-II zone has a minimum dwelling unit density of 15 dwelling units per acre for exclusively residential development. The CR zone has no minimum density, so more units would be required to be built in exclusively residential developments after the proposed zone change than would otherwise be required in the CR zone.

Overall, the proposed zone change reduces barriers to multifamily development on the subject properties and encourage more dwelling units to be built in future development. Therefore, the proposed zone change therefore conforms with this goal.

Goal 12: Transportation

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

Goal 12 is implemented through Oregon Administrative Rules 660-012. Oregon Administrative Rule 660-012-0060(1) defines when a plan or land use regulation amendment significantly impacts a transportation facility. The proposed zone change to the MU-II zone is not projected to have a significant impact on the transportation system because the trip generation is similar between the existing and proposed zones, and the existing Comprehensive Plan Map designation of these properties is Mixed Use. The uses allowed in the MU-II zone are consistent with the functional classification of Commercial Street SE as a major arterial.

The proposed zone change to MU-II will also require pedestrian-friendly development on properties adjacent to Commercial Street SE in this corridor with connections to pedestrian

systems. In addition, lowering barriers to developing a mix of uses is intended to promote trips by modes other than the single-occupant vehicle. This assures that the proposed zone changes conform with this goal.

Goal 13: Energy Conservation

To conserve energy.

The proposed zone change promotes energy conservation by expanding the amount of land that is zoned MU-II close to Core Network frequent transit service. The MU-II zone allows and encourages a mix of housing, shopping, services, and jobs in close proximity to each other, which reduces the need to drive. Additionally, locating mixed-use zoning along Cherriots' Core Network encourages the use of public transportation – the bus – as an alternative to the automobile, and buses are a more energy efficient mode of transportation than cars. The proposed zone change therefore conforms with this goal.

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.

The proposed zone change helps accommodate Salem's urban population and employment by allowing multifamily housing and commercial uses (see Goal 9 and 10 findings above). The proposed zone change does not expand the urban growth boundary (UGB) or change the boundary of the UGB. Instead, the proposed zone change promotes the efficient use of land within the existing UGB by allowing and facilitating more mixed-use development on the subject properties. Specifically, the proposed zone changes would increase the amount of land zoned MU-II. The MU-II zone allows and encourages a variety of housing opportunities – including multifamily housing – as well as retail, offices, and other commercial uses. Rezoning the subject properties to the MU-II zone therefore creates more flexibility in how those properties are developed or redeveloped, allowing them to accommodate multifamily housing or commercial uses – or a mix of uses – as is needed to meet future housing and employment demands. The proposed zone change therefore conforms with this goal.

Goals 3, 4, 11, 15, 16, 17, 18, and 19

Goals 3, 4, 11, 15, 16, 17, 18, and 19 are not applicable to the proposed zone change.

Salem Area Comprehensive Plan

The proposed legislative zone change is consistent with and conforms to the Salem Area Comprehensive Plan as described below.

CE 1 Community Engagement Goal: Engage the public in planning, investment, and policy decisions and in the implementation of this Comprehensive Plan through inclusive, equitable, transparent, and collaborative processes that foster meaningful involvement from all members of the community.

The proposed zone change is related to a multi-year planning process, the Our Salem Project, that included extensive public outreach. During that project, staff solicited community input in a variety of ways, including in-person and virtual meetings, surveys, maps, public workshops, property owner meetings, community events, and stakeholder interviews. Information about the project was also provided via mail, the project website, social media, informational meetings, flyers, television, radio, newspapers, and more.

Through the Our Salem project process, the community expressed a desire for mixed-use zoning along the Commercial Street SE corridor. During the Our Salem adoption process, the SCAN neighborhood association requested MU-II zoning along the portion of Commercial Street SE that is subject to the current zone change. The proposed zone change responds to the motion made by the City Council on July 11, 2022 and the request made by SCAN.

The City conducted additional outreach specifically related to this proposed zone change to MU-II. Informational flyers were mailed to owners of the subject properties, and a webpage provided additional context and information. City staff responded to phone calls and emails from those who wished to discuss the potential impacts of the proposed zone change.

The process to adopt these proposed zone change requires public notice and affords the public an opportunity to review, comment, and take part in the approval process. These requirements were met. Therefore, the proposed zone change conforms with this goal.

H1 Housing Choice Goal: *Promote a variety of housing options to meet the needs, abilities, and preferences of all current and future residents.*

The proposed zone change promotes a variety of housing options because the MU-II zone would allow multifamily housing outright on the subject properties instead of requiring a conditional use permit or minimum lot sizes for multifamily development. The proposed zone change therefore encourages multifamily housing by removing potential regulatory barriers. The MU-II zone also allows middle housing and mixed-use developments, development types which add to the variety of housing options available in Salem. Therefore, the proposed zone change conforms with this goal.

H 3 Land Supply Goal: *Provide a supply of residential land that accommodates the amounts and types of housing needed to meet the population forecast for the Salem Urban Area.*

The proposed zone change increases the amount of land available for multifamily housing by rezoning the subject properties to MU-II, which allows multifamily housing outright. This helps meet Salem's housing need and lowers barriers to multifamily housing. By rezoning land to MU-II, the proposed zone change also advances the recommendation in the adopted HNA to increase redevelopment activity and mixed-use development. The HNA states that another "important way to address the deficit of multifamily land is through increasing redevelopment activity or mixed-use development." It further states that Salem's "primary redevelopment opportunities are in commercial areas or redeveloping industrial areas, with opportunities for mixed-use development that includes multifamily developing." The proposed zone change rezones existing commercial areas to mixed-use zones, increasing the

opportunity for redevelopment and mixed-use development. Therefore, the proposed zone change conforms with this goal.

H 4 Complete Neighborhood Goal: *Encourage housing that provides convenient access to jobs, services, and amenities the meets residents' daily needs.*

H 4.1 Mixed use: *The development of housing should be encouraged in mixed-use areas to increase access to jobs and services and promote walkable, complete neighborhoods.*

The proposed zone change to MU-II encourages housing and mixed-use development in an area that is largely developed with commercial uses by allowing multifamily housing outright. This helps to increase access to jobs, services, and amenities. The MU-II zone also includes design standards to encourage pedestrian-friendly development, which helps to ensure that future development and redevelopment of the properties subject to this zone change will promote a walkable, complete neighborhood. The proposed zone change, therefore, conforms with this goal and policy.

E 1 Economic Development Goal: *Strengthen and diversify the economy to enhance Salem's economic prosperity and resiliency.*

The proposed zone change encourages a diverse range of businesses in Salem because it increases the amount of land that is zoned for mixed use development. The MU-II zone allows a broad array of commercial uses outright, including retail sales, offices, and services. This provides flexibility in how properties can be used, reused, or redeveloped, allowing property owners to better respond to changing market conditions. The proposed zone change, therefore, conforms with this goal.

E 2 Land Supply Goal: *Maintain an adequate supply of land to meet Salem's economic and employment needs.*

The EOA determined that there is projected deficit of commercial land in Salem's portion of the UGB, and it recommends meeting this need in several ways, including encouraging redevelopment of existing industrial and commercial areas and allowing or encouraging mixed-use development in downtown or other employment areas. The proposed zone change implements these recommendations and helps meet Salem's employment needs because it rezones an existing commercial area to a mixed-use zone, specifically the MU-II zone. The MU-II zone allows mixed-use development and facilitates the redevelopment of existing commercial development by allowing a broad mix of uses outright. The proposed zone change therefore conforms with this goal.

E 3 Access and Livability Goal: *Promote a vibrant economy that increases access to jobs, goods, and services.*

E 3.2 Transit-oriented development: *Pedestrian-friendly, mixed-use development and redevelopment should be encouraged along corridors with frequent transit access and near Cherriots' Core Network to increase access to jobs and services, reduce the need for single-occupancy vehicle trips, and support public transit.*

The proposed zone change promotes pedestrian-friendly, mixed-use development near Cherriots' Core Network. The properties subject to the proposed zone change are located along a Core Network frequent transit route and are proposed to be rezoned from CR or CO to MU-II. The MU-II zone allows residential and commercial uses, encouraging mixed-use development or redevelopment. The zone also includes design standards that promote pedestrian-friendly development, such as a requirement that new parking lots to be located behind or beside buildings.

The proposed zone change explicitly allows multifamily housing outright in an area that is currently zoned primarily for commercial uses. By removing barriers to multifamily housing on these properties (e.g., a conditional use is no longer required), the proposed zone change provides more opportunities for people to live near jobs, goods, and services. This reduces the need for single-occupancy vehicle trips. The proposed zone change therefore conforms with this goal and policy.

E 4 Design Goal: Encourage commercial, mixed-use, and industrial development that creates safe, sustainable, attractive urban environments.

E 4.1 Pedestrian-friendly design: New or retrofitted commercial and mixed-use development should be encouraged to incorporate pedestrian-friendly design elements and site designs that promote pedestrian activity, economic vitality, and a sense of place.

The proposed zone change promotes pedestrian-friendly site design and development by changing the zoning of properties from CR or CO zoning, which allow auto-oriented development, to MU-II, which requires new development to meet pedestrian-oriented design standards. The MU-II zone requires, for example, that parking lots be located behind or beside buildings and new buildings provide large windows for retail uses on ground-floor street-facing facades. This encourages pedestrian activity and a sense of place, as well as contributing to a sustainable urban environment because this type of development encourages walking, which helps reduce single-occupancy vehicle trips. The proposed zone change therefore conforms with this goal and policy.

CC 1 Greenhouse Gas Emissions Goal: Reduce Salem's greenhouse gas emissions to 50 percent of the citywide emissions from the baseline year of 2016 by 2035 and be carbon neutral by 2050.

CC 1.1 Land use and transportation: The City shall facilitate and support changes in land use patterns and the transportation system to reduce single-occupancy vehicle trips and mobile emissions, which are the largest source of greenhouse gas emissions produced in Salem. Progress toward this objective shall be monitored through benchmarks sets forth in Table 1 on p.77.

The proposed zone change helps reduce greenhouse gas emissions from transportation by rezoning land along the Cherriots Core Network to MU-II. This zone requires a minimum density of 15 dwelling units per acre for exclusively residential development. This would require more housing units in future development that is exclusively residential along the Core Network than would be required under the current CR or CO zoning. The CR zone has no minimum density. The CO zone requires additional lot area for additional density, which

limits how many units can be built. Allowing additional residential density along a frequent transit line helps reduce the need for single-occupancy vehicle trips and supports transit use. This, in turn, helps reduce greenhouse gas emissions from transportation.

The MU-II zone also allows a mix of uses in close proximity, which means residents can live, work, and shop close to where they live. The MU-II zone also requires pedestrian-oriented site and design, which helps to encourage walking as a way to get around. This further reduces reliance on single-occupancy vehicles as a mode of transportation. Reducing single-occupancy vehicle trips helps reduce greenhouse gas emissions. Therefore, the proposed zone change conforms with this goal and policy.

3. *If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or a comprehensive plan change from a commercial or employment designation to any other designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the comprehensive plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the comprehensive plan to address the proposed zone change; or include both the demonstration and an amendment to the comprehensive plan.*

Finding: The proposed zone change does not require a comprehensive plan change. Therefore, this criterion does not apply.

4. *The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.*

OAR 660-012-0060(9) allows that local governments may find that any amendment to a zoning map does not significantly affect an existing or planned transportation facility if the proposed zoning is consistent with the existing Comprehensive Plan map designation. The existing Comprehensive Plan map designation on the subject properties is Mixed Use. The Salem Area Comprehensive Plan identifies that the MU-II zone implements and is consistent with the Mixed Use designation. Therefore, the proposed zone change does not significantly affect a transportation facility, and this criterion is met.