

1. 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.

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 allow greater flexibility for future development and redevelopment along Commercial Street SE, where City Council and the community have prioritized pedestrian-friendly, mixed-use development served by frequent transit service. (This section of Commercial Street SE is part of Cherriots' Core Network, which is a network of primary transit lines that Cherriots has committed to maintaining and improving in the future.)

Currently, the areas subject to the proposed legislative zone change have primarily mixed-use zoning: Mixed Use II (MU-II), and Mixed Use III (MU-III). Some properties within the Oxford-Hoyt Overlay Zone are zoned Single-Family Residential (RS). These mixed-use zones generally allow a mix of compatible commercial and residential uses, including retail sales and services, offices, eating and drinking establishments, commercial entertainment, three and four family residential uses, and multifamily residential. The overlay zones that are proposed to be removed were originally created to minimize the impacts of nonresidential development on existing residential uses. They generally limit building height and provide

development standards related to setbacks, landscaping, screening, and access intended to provide a buffer between residential and commercial uses.

Where overlay zones are proposed to be eliminated, the proposed zone change will continue to allow the same uses on the subject properties and remove the development regulations that are currently applied by the overlays. The proposed zone change will allow new development and redevelopment to be taller and denser and will reduce regulatory barriers, which can make development more feasible. In turn, this potentially creates opportunities for more 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.

Therefore, 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.***

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 responds to a motion made by City Council on November 14, 2022 and a substitute motion made by City Council on September 25, 2023. In the original motion, Council directed staff to work with the neighborhood in which the proposed zone change is taking place to address their concerns and ensure that they understand the impacts of the proposed zone change.

In response, staff prepared a document outlining key impacts of removing the overlays and shared it with the South Central Association of Neighbors (SCAN). Staff also met with the SCAN Land Use Committee and attended a general SCAN neighborhood association meeting to answer questions and explain the impacts of the proposed zone change.

Additionally, staff mailed a flyer to property owners whose properties are impacted by the proposed change. Recipients were encouraged to contact staff to learn more about the proposal.

The process to adopt the 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 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 proposed zone change would allow taller development on subject properties, providing the opportunity for denser housing either through mixed-use development or standalone multifamily development, in line with 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 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 promoting denser development along a major transportation corridor. This provides the opportunity for a more walkable mix of housing, services, jobs, and shops if properties develop or redevelop. In addition, the properties subject to the proposed zone change are located along the Cherriots Core Network. The proposed zone change, therefore, 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. Removing the overlay zones, as proposed, does not preclude the siting of any facilities identified in the Parks Master Plan. The underlying mixed-use zones allow 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 where overlay zones are proposed to be removed have mixed use zoning. 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 allows denser development in mixed-use zones to encourage mixed-use redevelopment.

Oxford-West Nob Hill Overlay Zone

The Oxford-West Nob Hill Overlay Zone allows the same uses as the underlying base zoning, which is MU-II. The MU-II zone 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 would eliminate the Oxford-West Nob Hill Overlay Zone and continue to allow the same commercial uses on the affected properties.

The Oxford-West Nob Hill Overlay Zone provides development standards, including a standard that limits the height of buildings to 35 feet. Eliminating this overlay zone would remove this restriction, providing more flexibility for future development. The MU-II zone allows a maximum building height of 55 feet. This helps to facilitate future mixed-use development or redevelopment as recommended in the EOA. Therefore, the proposed zone change conforms with this goal.

Oxford-Hoyt Overlay Zone

The Oxford-Hoyt Overlay Zone allows the same uses as the underlying base zoning, which includes MU-II and RS. The RS zone allows primarily residential uses and very few commercial uses. If the Oxford-Hoyt Overlay Zone is eliminated by the proposed zone change, the uses allowed on RS-zoned properties would not change. The MU-II zone 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 would eliminate the Oxford-Hoyt Overlay Zone and continue to allow the same commercial uses on the affected properties.

The Oxford-Hoyt Overlay Zone provides development standards, including a standard that limits the height of buildings to 35 feet. Eliminating this overlay zone would remove this restriction on MU-II properties, providing more flexibility for future development. The MU-II zone allows a maximum building height of 55 feet. This helps to facilitate future mixed-use development or redevelopment as recommended in the EOA. Therefore, the proposed zone change conforms with this goal.

Hoyt-McGilchrist Overlay Zone

The Hoyt-McGilchrist Overlay Zone allows the same uses as the underlying base zonings, which are MU-II and MU-III. Both the MU-II and MU-III zones 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 would eliminate the Hoyt-McGilchrist Overlay Zone and continue to allow the same commercial uses on the affected properties.

The Hoyt-McGilchrist Overlay Zone provides development standards, including a standard that limits the height of buildings to 35 feet. Eliminating this overlay zone would remove this restriction, providing more flexibility for future development. The MU-II zone allows a maximum building height of 55 feet, and the MU-III zone allows a maximum building height of 70 feet. This helps to facilitate future mixed-use development or redevelopment as recommended in the EOA. Therefore, the proposed zone change conforms with this goal.

Overall, the proposed zone change facilitates future mixed-use development, implementing the 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 more multifamily housing is needed within Salem's portion of the Urban Growth Boundary (UGB) through 2035. While Salem has met its projected need for residential land through 2035, the development of multifamily housing units is still needed.

Currently, the properties where overlay zones are proposed to be removed have mixed use zoning. The proposed zone change, which is described below in detail, allows denser mixed use and multifamily development, which would allow more housing to be built on these properties if they develop or redevelop.

Oxford-West Nob Hill Overlay Zone

The Oxford-West Nob Hill Overlay Zone allows the same uses as the underlying base zoning, which is MU-II. The MU-II zone allows middle housing and multiple family housing. The proposed zone change would eliminate the Oxford-West Nob Hill Overlay Zone and continue to allow the same residential uses on the affected properties.

The Oxford-West Nob Hill Overlay Zone provides development standards, including a standard that limits the height of buildings to 35 feet. Eliminating this overlay zone would remove this restriction, providing more flexibility for future development. The MU-II zone allows a maximum building height of 55 feet. This helps to facilitate future development of multifamily housing or mixed-use development that could include more housing than is currently allowed under the overlay zone. Therefore, the proposed zone change conforms with this goal.

Oxford-Hoyt Overlay Zone

The Oxford-Hoyt Overlay Zone allows the same uses as the underlying base zoning, which includes MU-II and RS. The RS zone allows single-family and middle housing uses, and the MU-II zone allows middle housing and multiple family housing. If the Oxford-Hoyt Overlay Zone is eliminated by the proposed zone change, the uses allowed on these properties would not change. The proposed zone change would eliminate the Oxford-Hoyt Overlay Zone and continue to allow the same residential uses on the affected properties.

The Oxford-Hoyt Overlay Zone provides development standards, including a standard that limits the height of buildings to 35 feet. Eliminating this overlay zone would remove this restriction on MU-II properties, providing more flexibility for future development. The MU-II zone allows a maximum building height of 55 feet. This helps to facilitate future development of multifamily housing or mixed-use development that could include more

housing than is currently allowed under the overlay zone. Therefore, the proposed zone change conforms with this goal.

Hoyt-McGilchrist Overlay Zone

The Hoyt-McGilchrist Overlay Zone allows the same uses as the underlying base zones, which are MU-II and MU-III. Both the MU-II and MU-III zones allow middle housing and multiple family housing. The proposed zone change would eliminate the Hoyt-McGilchrist Overlay Zone and continue to allow the same residential uses on the affected properties.

The Hoyt-McGilchrist Overlay Zone provides development standards, including a standard that limits the height of buildings to 35 feet. Eliminating this overlay zone would remove this restriction, providing more flexibility for future development. The MU-II zone allows a maximum building height of 55 feet, and the MU-III zone allows a maximum building height of 70 feet. This helps to facilitate future development of multifamily housing or mixed-use development that could include more housing than is currently allowed under the overlay zone. Therefore, the proposed zone change conforms with this goal.

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 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. 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 local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and the area subject to the proposed zone change was not previously exempted from this rule at the time of an urban growth boundary amendment.

The proposed zone change will eliminate overlay zones on the subject properties and will not change the existing zoning or Comprehensive Plan map designation of these properties. The existing Comprehensive Plan map designation on the majority of the subject properties is Mixed Use. These properties are zoned either MU-II or MU-III. The Salem Area Comprehensive Plan identifies that the MU-II and MU-III zones implement and are consistent with the Mixed Use designation. The remaining properties subject to the proposed zone change are designated Single Family on the Comprehensive Plan map and are zoned RS. The Salem Area Comprehensive Plan identifies that the RS zone implements and is consistent with the Single Family designation.

The Salem TSP was updated and acknowledged in 2020. The TSP is an implementing component of the Comprehensive Plan and is consistent with it. Therefore, because the

mixed-use zoning on these properties is consistent with the Comprehensive Plan Map designation, it is also consistent with the TSP.

Additionally, the corridor where the proposed zone change is located, Commercial Street SE, currently has primarily mixed-use zoning, including MU-I, MU-II, and MU-III zoning. The majority of properties along this corridor are not within overlay zones, and they were previously determined to be consistent with the TSP. Therefore, amending or removing the overlay zones, as proposed in the current amendment, without changing the existing mixed-use zoning on the subject properties will maintain consistency with the TSP.

The area subject to the proposed zone change has not previously been exempted from OAR 660-012-0060(9) at the time of a UGB amendment. Therefore, the proposed zone change does not significantly affect a transportation facility.

The proposed zone change 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 change conforms with this goal.

Goal 13: Energy Conservation

To conserve energy.

The proposed zone change promotes energy conservation by increasing the potential density of development that is possible on properties close to Core Network frequent transit service. The existing overlay zones limit the height of development, but the proposed code amendment would allow future development or redevelopment on these mixed-use-zoned properties to be denser by allowing taller buildings. The mixed-use base zones allow and encourage a mix of housing, shopping, services, and jobs in close proximity to each other, which reduces the need to drive. Additionally, allowing denser development 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 denser multifamily housing and commercial uses than would be allowed with the current overlay zones (see Goal 9 and 10 findings above). The proposed zone change does not expand the 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 denser mixed-use development on the subject properties. Specifically, the proposed zone changes would allow taller buildings on these mixed-use-zoned properties. The existing

mixed-use base zones allow and encourage a variety of housing opportunities – including multifamily housing – as well as retail, offices, and other commercial uses. Removing the existing overlay zones will allow taller buildings, which 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.*

CE 1.2 Neighborhood associations: *The City shall support and foster the growth of neighborhood associations and encourage their continued participation in land use matters.*

The proposed zone change is in response to a motion made by Council on November 14, 2022. That motion also directed staff to engage with the South Central Association of Neighbors (SCAN) neighborhood association to understand their concerns and answer their questions. Prior to meeting with SCAN, staff prepared an analysis to outline key impacts of the proposed zone change, which was shared with the neighborhood association. Staff then met with the SCAN Land Use Committee as well as attending a general membership meeting to provide an opportunity for members to ask questions and share input on the proposal. Staff also answered questions from the neighborhood association via email. This outreach encouraged the neighborhood association to participate in the process. 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 removing existing overlay zones would allow new buildings to be taller, thereby increasing the possible density of residential development on these properties. The underlying mixed-use zones allow middle housing, multifamily housing, and mixed-use development, which provide the possibility for a variety of housing types. 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 encourages housing and mixed-use development in an area that is largely developed with commercial uses by allowing taller buildings and denser development. The existing overlay zones that are proposed to be removed limit building height, which limits the feasibility of mixed-use development that includes housing in these areas. Removing the overlay zones would help to encourage more housing in these mixed-use areas and increase access to jobs, services, and amenities. The mixed-use zoning in these areas 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 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 where the overlays are proposed to be removed currently have mixed use zoning and are located along a Core Network frequent transit route. These mixed-use zones allow a variety of residential and commercial uses, and development standards encourage pedestrian-oriented development. However, the existing overlays limit building height and provide other requirements, which could be a barrier to future development or redevelopment on these properties. By amending or removing the overlay zones, buildings can be taller and restrictions are relaxed, providing flexibility for future development and incentivizing new mixed-use development near frequent transit. The proposed zone change also helps provide more opportunities for people to live near jobs, goods, and services, reducing the need for 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 allowing denser development along the Cherriots Core Network. The existing overlay zones limit building height to 35 feet, whereas the mixed-use base zones allow taller development. By removing the overlay zones, new development or redevelopment on these properties can accommodate a denser mix of uses. This reduces the need to drive and also allows more

people to live in close proximity to frequent transit service. This reduces the need for single-occupancy vehicle trips and helps reduce greenhouse gas emissions from transportation. 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 proposed zone change will eliminate overlay zones on the subject properties and will not change the existing zoning or Comprehensive Plan map designation of these properties. The existing Comprehensive Plan map designation on the majority of the subject properties is Mixed Use. These properties are zoned either MU-II or MU-III. The Salem Area Comprehensive Plan identifies that the MU-II and MU-III zones implement and are consistent with the Mixed Use designation. The remaining properties subject to the proposed zone change are designated Single Family on the Comprehensive Plan map and are zoned RS. The Salem Area Comprehensive Plan identifies that the RS zone implements and is consistent with the Single Family designation. Therefore, the proposed zone change does not significantly affect a transportation facility, and this criterion is met.

2. Amend the Unified Development Code (UDC)

Substantive Findings

Legislative Amendment to the UDC

Salem Revised Code (SRC) 110.085(b) establishes the following approval criteria for a legislative amendment to the UDC to be approved:

- 1) The amendment is in the best interest of the public health, safety, and welfare of the City; and
- 2) The amendment conforms with the Salem Area Comprehensive Plan, applicable statewide planning goals, and applicable administrative rules adopted by the Department of Land Conservation and Development.

Findings are provided below.

3. *The amendment is in the best interest of the public health, safety, and welfare of the City.*

Finding: The proposed code amendment is in the best interest of the public health, safety, and welfare of the City because it will allow greater flexibility for future development and redevelopment along Commercial Street SE, where City Council and the community have prioritized pedestrian-friendly, mixed-use development served by frequent transit service. (This section of Commercial Street SE is part of Cherriots' Core Network, which is a network of primary transit lines that Cherriots has committed to maintaining and improving in the future.)

Currently, the areas subject to the proposed code amendment have primarily mixed-use zoning: Mixed Use I (MU-I), Mixed Use II (MU-II), and Mixed Use III (MU-III). Some properties within the Oxford-Hoyt Overlay Zone are zoned Single-Family Residential (RS). These mixed-use zones generally allow a mix of compatible commercial and residential uses, including retail sales and services, offices, eating and drinking establishments, commercial entertainment, three and four family residential uses, and multifamily residential. The overlay zones that are proposed to be either amended or eliminated through the proposed code amendment were originally created to minimize the impacts of nonresidential development on existing residential uses. They generally limit building height and provide development standards related to setbacks, landscaping, screening, and access intended to provide a buffer between residential and commercial uses.

Where overlay zones are proposed to be eliminated, the proposed zone change will continue to allow the same uses on the subject properties and remove the development regulations that are currently applied by the overlays. Where overlay zones are proposed to be amended, the proposed zone change will also continue to allow the same uses on the subject properties. The development standards will be changed in the amended overlay zones to allow building heights up to 45 feet, and all other development standards provided by these overlay zones will be eliminated. Whether the overlay zones are eliminated or amended, the proposed zone change will allow new development and redevelopment to be taller and denser and will reduce regulatory barriers, which can make development more feasible. In turn, this potentially creates opportunities for more 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.

In addition, the base zoning includes development standards that help buffer adjacent residential zoning from nonresidential uses by requiring greater setbacks for taller development. This means a buffer between adjacent mixed-use zones and residential zoning will be maintained even if the overlay zones are eliminated or amended to allow taller buildings.

Therefore, the code amendment is in the best interest of the public health, safety, and welfare of the City.

- 4. The amendment conforms 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 code amendment responds to a motion made by City Council on November 14, 2022. In this motion, Council directed staff to work with the neighborhood in which the overlay zones are proposed to be amended or eliminated to address their concerns and ensure that they understand the impacts of the proposed change.

In response, staff prepared a document outlining key impacts of removing the overlays and shared it with the South Central Association of Neighbors (SCAN). Staff also met with the SCAN Land Use Committee and attended a general SCAN neighborhood association meeting to answer questions and explain the impacts of the proposed code amendment.

Additionally, staff mailed a flyer to property owners whose properties are impacted by the proposed change. Recipients were encouraged to contact staff to learn more about the proposal.

The process to adopt the proposed code amendment 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 code amendment 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 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 proposed code amendment would allow taller development on properties where existing overlay zones have been either amended or eliminated, providing the opportunity for denser housing either through mixed-use development or standalone multifamily development, in line with the SACP. The proposed code amendment 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 code amendment does not eliminate the requirement for future development 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 amendment 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 code amendment 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 code amendment helps improve the quality of air by promoting denser development along a major transportation corridor. This provides the opportunity for a more walkable mix of housing, services, jobs, and shops if properties develop or redevelop. In addition, the proposed code amendment will affect properties located along the Cherriots Core Network. The proposed code amendment, therefore, 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 code amendment 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 code amendment therefore conforms with this goal.

Goal 7: Areas Subject to Natural Disasters and Hazards

To protect life and property from natural disasters.

The proposed code amendment 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 code amendment 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. The proposed code amendment would either amend or eliminate overlay zones and would not preclude the siting of any facilities identified in the Parks Master Plan. Existing mixed-use zoning in the areas where the overlays currently exist, would continue to allow parks, open space, and recreation services such as museums, community centers, nature centers, youth clubs, and zoological gardens. The proposed code amendment 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 where overlay zones are proposed to be removed have mixed use zoning. The proposed code amendment, 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 code amendment allows denser development in mixed-use zones to encourage mixed-use redevelopment.

Saginaw Street Overlay Zone

The Saginaw Street Overlay Zone allows the same uses as the underlying base zoning, which is MU-I. The MU-I zone 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 code amendment would amend the Saginaw Street Overlay Zone to allow taller buildings, remove other development standards currently provided by the overlay zone, and continue to allow the same commercial uses on the affected properties.

The Saginaw Street Overlay Zone provides development standards, including a standard that currently limits the height of buildings to 35 feet. Amending this overlay zone to allow 45-foot tall buildings would provide more flexibility for future development. This helps to facilitate future mixed-use development or redevelopment as recommended in the EOA. Therefore, the proposed code amendment conforms with this goal.

Superior-Rural Overlay Zone

The Superior-Rural Overlay Zone allows the same uses as the underlying base zoning, which is MU-II. The MU-II zone 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 code amendment would amend the Superior-Rural Overlay Zone to allow taller buildings, remove other development standards currently provided by the overlay zone, and continue to allow the same commercial uses on the affected properties.

The Superior-Rural Overlay Zone provides development standards, including a standard that currently limits the height of buildings to 35 feet. Amending this overlay zone to allow 45-foot tall buildings would provide more flexibility for future development. This helps to facilitate future mixed-use development or redevelopment as recommended in the EOA. Therefore, the proposed code amendment conforms with this goal.

Oxford-West Nob Hill Overlay Zone

The Oxford-West Nob Hill Overlay Zone allows the same uses as the underlying base zoning, which is MU-II. The MU-II zone 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 code amendment would eliminate the Oxford-West Nob Hill Overlay Zone and continue to allow the same commercial uses on the affected properties.

The Oxford-West Nob Hill Overlay Zone provides development standards, including a standard that limits the height of buildings to 35 feet. Eliminating this overlay zone would remove this restriction, providing more flexibility for future development. The MU-II zone allows a maximum building height of 55 feet. This helps to facilitate future mixed-use development or redevelopment as recommended in the EOA. Therefore, the proposed code amendment conforms with this goal.

Oxford-Hoyt Overlay Zone

The Oxford-Hoyt Overlay Zone allows the same uses as the underlying base zoning, which includes MU-II and RS. The RS zone allows primarily residential uses and very few commercial uses. If the Oxford-Hoyt Overlay Zone is eliminated by the proposed code amendment, the uses allowed on RS-zoned properties would not change. The MU-II zone 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 code amendment would eliminate the Oxford-Hoyt Overlay Zone and continue to allow the same commercial uses on the affected properties.

The Oxford-Hoyt Overlay Zone provides development standards, including a standard that limits the height of buildings to 35 feet. Eliminating this overlay zone would remove this restriction on MU-II properties, providing more flexibility for future development. The MU-II zone allows a maximum building height of 55 feet. This helps to facilitate future mixed-use development or redevelopment as recommended in the EOA. Therefore, the proposed code amendment conforms with this goal.

Hoyt-McGilchrist Overlay Zone

The Hoyt-McGilchrist Overlay Zone allows the same uses as the underlying base zonings, which are MU-II and MU-III. Both the MU-II and MU-III zones allow 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 code amendment would eliminate the Hoyt-McGilchrist Overlay Zone and continue to allow the same commercial uses on the affected properties.

The Hoyt-McGilchrist Overlay Zone provides development standards, including a standard that limits the height of buildings to 35 feet. Eliminating this overlay zone would remove this restriction, providing more flexibility for future development. The MU-II zone allows a maximum building height of 55 feet, and the MU-III zone allows a maximum building height of 70 feet. This helps to facilitate future mixed-use development or redevelopment as recommended in the EOA. Therefore, the proposed code amendment conforms with this goal.

Overall, the proposed code amendment facilitates future mixed-use development, implementing the recommendations from the EOA. Therefore, the proposed code amendment 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 more multifamily housing is needed within Salem's portion of the Urban Growth Boundary (UGB) through 2035. While Salem has met its projected need for residential land through 2035, the development of multifamily housing units is still needed.

Currently, the properties where overlay zones are proposed to be removed have mixed use zoning. The proposed code amendment, which is described below in detail, allows denser mixed use and multifamily development, which would allow more housing to be built on these properties if they develop or redevelop in the future.

Saginaw Street Overlay Zone

The Saginaw Street Overlay Zone allows the same uses as the underlying base zoning, which is MU-I. The MU-I zone allows middle housing and multiple family housing uses. The

proposed code amendment would amend the Saginaw Street Overlay Zone to allow taller buildings, remove other development standards currently provided by the overlay zone, and continue to allow the same residential uses on the affected properties.

The Saginaw Street Overlay Zone provides development standards, including a standard that limits the height of buildings to 35 feet. Amending this overlay zone to allow 45-foot tall buildings would provide more flexibility for future development. This helps to facilitate future development of multifamily housing or mixed-use development that could include more housing than is currently allowed under the overlay zone. Therefore, the proposed code amendment conforms with this goal.

Superior-Rural Overlay Zone

The Superior-Rural Overlay Zone allows the same uses as the underlying base zoning, which is MU-II. The MU-II zone allows middle housing and multiple family housing uses. The proposed code amendment would amend the Superior-Rural Overlay Zone to allow taller buildings, remove other development standards currently provided by the overlay zone, and continue to allow the same residential uses on the affected properties.

The Superior-Rural Overlay Zone provides development standards, including a standard that limits the height of buildings to 35 feet. Amending this overlay zone to allow 45-foot tall buildings would provide more flexibility for future development. This helps to facilitate future development of multifamily housing or mixed-use development that could include more housing than is currently allowed under the overlay zone. Therefore, the proposed code amendment conforms with this goal.

Oxford-West Nob Hill Overlay Zone

The Oxford-West Nob Hill Overlay Zone allows the same uses as the underlying base zoning, which is MU-II. The MU-II zone allows middle housing and multiple family housing. The proposed code amendment would eliminate the Oxford-West Nob Hill Overlay Zone and continue to allow the same residential uses on the affected properties.

The Oxford-West Nob Hill Overlay Zone provides development standards, including a standard that limits the height of buildings to 35 feet. Eliminating this overlay zone would remove this restriction, providing more flexibility for future development. The MU-II zone allows a maximum building height of 55 feet. This helps to facilitate future development of multifamily housing or mixed-use development that could include more housing than is currently allowed under the overlay zone. Therefore, the proposed code amendment conforms with this goal.

Oxford-Hoyt Overlay Zone

The Oxford-Hoyt Overlay Zone allows the same uses as the underlying base zoning, which includes MU-II and RS. The RS zone allows single-family and middle housing uses, and the MU-II zone allows middle housing and multiple family housing. If the Oxford-Hoyt Overlay Zone is eliminated by the proposed code amendment, the uses allowed on these properties would not change. The proposed code amendment would eliminate the Oxford-Hoyt Overlay Zone and continue to allow the same residential uses on the affected properties.

The Oxford-Hoyt Overlay Zone provides development standards, including a standard that limits the height of buildings to 35 feet. Eliminating this overlay zone would remove this restriction on MU-II properties, providing more flexibility for future development. The MU-II zone allows a maximum building height of 55 feet. This helps to facilitate future development of multifamily housing or mixed-use development that could include more housing than is currently allowed under the overlay zone. Therefore, the proposed code amendment conforms with this goal.

Hoyt-McGilchrist Overlay Zone

The Hoyt-McGilchrist Overlay Zone allows the same uses as the underlying base zonings, which are MU-II and MU-III. Both the MU-II and MU-III zones allow middle housing and multiple family housing. The proposed code amendment would eliminate the Hoyt-McGilchrist Overlay Zone and continue to allow the same residential uses on the affected properties.

The Hoyt-McGilchrist Overlay Zone provides development standards, including a standard that limits the height of buildings to 35 feet. Eliminating this overlay zone would remove this restriction, providing more flexibility for future development. The MU-II zone allows a maximum building height of 55 feet, and the MU-III zone allows a maximum building height of 70 feet. This helps to facilitate future development of multifamily housing or mixed-use development that could include more housing than is currently allowed under the overlay zone. Therefore, the proposed code amendment conforms with this goal.

Overall, the proposed code amendment reduces barriers to multifamily development on the subject properties and encourages more dwelling units to be built in future development. Therefore, the proposed code amendment 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. OAR 660-012-0060(9) allows that local governments may find that any code amendment does not significantly affect an existing or planned transportation facility if the proposed zoning is consistent with the existing Comprehensive Plan map designation. The proposed code amendment will either amend or eliminate overlay zones and will not change the existing zoning or Comprehensive Plan map designation of the properties where these overlay zones apply today. The existing Comprehensive Plan map designation on the majority of the subject properties is Mixed Use. These properties are zoned either MU-I, MU-II, or MU-III. The Salem Area Comprehensive Plan identifies that the MU-I, MU-II, and MU-III zones implement and are consistent with the Mixed Use designation. The remaining subject properties are designated Single Family on the Comprehensive Plan map and are zoned RS. The Salem Area Comprehensive Plan identifies that the RS zone implements and is consistent with the Single Family designation. Therefore, the proposed code amendment does not significantly affect a transportation facility.

The proposed code amendment will also require pedestrian-friendly development on properties adjacent to or near 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 code amendment conforms with this goal.

Goal 13: Energy Conservation

To conserve energy.

The proposed code amendment promotes energy conservation by increasing the potential density of development that is possible on properties close to Core Network frequent transit service. The existing overlay zones limit the height of development, but the proposed code amendment would allow future development or redevelopment on these mixed-use-zoned properties to be denser by allowing taller buildings. The mixed-use base zones allow and encourage a mix of housing, shopping, services, and jobs in close proximity to each other, which reduces the need to drive. Additionally, allowing denser development 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 code amendment 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 code amendment helps accommodate Salem's urban population and employment by allowing denser multifamily housing and commercial uses than would be allowed with the current overlay zones (see Goal 9 and 10 findings above). The proposed code amendment does not expand the UGB or change the boundary of the UGB. Instead, the proposed code amendment promotes the efficient use of land within the existing UGB by allowing and facilitating denser mixed-use development on the subject properties. Specifically, the proposed code amendment would allow taller buildings on these mixed-use-zoned properties. The existing mixed-use base zones allow and encourage a variety of housing opportunities – including multifamily housing – as well as retail, offices, and other commercial uses. Amending or removing the existing overlay zones will allow taller buildings, which 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 code amendment 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 code amendment.

Salem Area Comprehensive Plan

The proposed code amendment 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.

CE 1.2 Neighborhood associations: The City shall support and foster the growth of neighborhood associations and encourage their continued participation in land use matters.

The proposed code amendment is in response to a motion made by Council on November 14, 2022. That motion directed staff to engage with the South Central Association of Neighbors (SCAN) neighborhood association to understand their concerns and answer their questions. Prior to meeting with SCAN, staff prepared an analysis to outline key impacts of the proposed code amendment, which was shared with the neighborhood association. Staff then met with the SCAN Land Use Committee as well as attending a general membership meeting to provide an opportunity for members to ask questions and share input on the proposal. Staff also answered questions from the neighborhood association via email. This outreach encouraged the neighborhood association to participate in the process. Therefore, the proposed code amendment 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 code amendment promotes a variety of housing options because amending or removing the existing overlay zones would allow new buildings to be taller, thereby increasing the possible density of residential development on these properties. The underlying mixed-use zones allow middle housing, multifamily housing, and mixed-use development, which provide the possibility for a variety of housing types. Therefore, the proposed code amendment 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 code amendment encourages housing and mixed-use development in an area that is largely developed with commercial uses by allowing taller buildings and denser development. The existing overlay zones that are proposed for removal, limit building height to 35 feet, which limits the feasibility of mixed-use development with housing in these areas. Amending or removing the overlays would allow taller buildings, which would help to encourage more housing in these mixed-use areas and increase access to jobs, services, and amenities. The mixed-use zoning in these areas also includes design standards to encourage pedestrian-friendly development, which helps to ensure that future development and redevelopment of these properties will promote a walkable, complete neighborhood. The proposed code amendment, therefore, conforms with this goal and policy.

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 code amendment promotes pedestrian-friendly, mixed-use development near Cherriots' Core Network. The properties where the overlays are proposed to be either amended or removed currently have mixed use zoning and are located along a Core Network frequent transit route. These mixed-use zones allow a variety of residential and commercial uses, and development standards encourage pedestrian-oriented development. However, the existing overlays limit building height to 35 feet and provide other requirements, which could be a barrier to future development or redevelopment on these properties. By amending or removing the overlay zones, buildings can be taller, providing flexibility for future development and incentivizing new mixed-use development near frequent transit. The proposed code amendment also helps provide more opportunities for people to live near jobs, goods, and services, reducing the need for single-occupancy vehicle trips. The proposed code amendment 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 code amendment helps reduce greenhouse gas emissions from transportation by allowing denser development along the Cherriots Core Network. The existing overlay zones limit building height to 35 feet. By amending or removing the overlay zones, new development or redevelopment on these properties can be taller and accommodate a denser mix of uses. This reduces the need to drive and allows more people to live in close proximity to frequent transit service, thereby helping to reduce greenhouse gas emissions from transportation. Therefore, the proposed code amendment conforms with this goal and policy.

3. Public Testimony

1. Comments were received in support of eliminating the overlay zones because it would support mixed-use development near frequent transit, it would support equitable outcomes in the community, and it would help to promote housing affordability.
2. Comments were received in opposition to the proposal that expressed concerns that allowing taller buildings in areas that are currently subject to overlay zones would

negatively affect the quality of life of neighbors, the culture and livability of the neighborhood, and the character of the built environment.

Staff Response:

By removing the overlay zones as proposed, the subject properties would continue to allow the same uses, and they would be subject to the same development standards as other nearby properties with the same zoning that do not have overlay zones. These nearby properties were rezoned to mixed-use zoning during the Our Salem project, at which time the neighborhood, City Council, and the community supported the zoning and types of development it allows. The proposed change would align the subject properties with the surrounding zoning that was previously deemed compatible with the neighborhood and its livability. Where overlay zones are proposed to be amended rather than removed, the proposed changes would also bring the development standards on the subject properties into closer alignment with the surrounding mixed-use zones.

3. Comments were received in opposition to the proposal that expressed concerns that allowing taller buildings in areas that are currently subject to overlay zones would increase traffic, make it more difficult to find on-street parking, and result in unsafe conditions for people who choose to walk or bike in the area.

Staff Response:

The Public Works Department evaluates development proposals for their impacts on the transportation system and may require street improvements, when necessary, in line with the scope of development to address capacity and safety for various modes of travel. Developers may also choose to provide off-street parking for residents and visitors, which would reduce the impact on availability of on-street parking. Furthermore, by allowing denser mixed-use development, residents will be able to meet more of their daily needs without driving, thereby helping to mitigate impacts on traffic.

4. Comments were received in opposition to the proposal that expressed concerns about the potential height of buildings relative to nearby residences that are located downhill from properties that are currently subject to the overlay zones.

Staff Response:

The mixed-use base zones in areas where overlay zones are proposed to be eliminated include provisions to increase the required setback from adjacent residentially zoned properties as buildings increase in height. Specifically, buildings must be set back a minimum of 10 feet plus 1.5 feet for each foot of building height above 15 feet. This provision, which did not exist when the overlay zones were implemented, helps to minimize the impact of taller buildings on adjacent residential uses.

5. Comments were received in opposition to the proposal that expressed concerns that allowing taller buildings in areas that are currently subject to overlay zones would limit sun exposure for neighboring properties and adversely affect nearby gardens.

Staff Response:

The mixed-use base zones in areas where overlay zones are proposed to be removed include provisions to increase the required setback from adjacent residentially zoned properties as buildings increase in height. This provision, which did not exist when the overlay zones were implemented, helps to minimize the impact of taller buildings on adjacent residential uses. The increased minimum setback for taller buildings helps to ensure adjacent residential uses still receive sunlight.

6. Comments were received in opposition to the proposal that expressed concerns that allowing taller buildings in areas that are currently subject to overlay zones would negatively affect the property values of nearby landowners.

Staff Response:

The proposed zone change and code amendment will not have an immediate effect on property values in the surrounding area because it is not a development proposal, and the types of development that would be allowed in the future on the subject properties are already allowed on nearby mixed-use properties that aren't subject to an overlay zone.

Additionally, the approval criteria for legislative zone changes and code amendments do not address anticipated changes in property value, and no evidence has been provided to support the speculation that future development on the subject properties would decrease property values in the surrounding area.

7. Comments were received in opposition to the proposal that expressed concerns that allowing taller buildings in areas that are currently subject to overlay zones would result in a loss of trees, decrease in landscaped area, and loss of wildlife habitat.

Staff Response:

The subject properties are located within the Urban Growth Boundary and within Salem City Limits and are designated on the Salem Comprehensive Plan Map as Mixed Use, which anticipates future commercial and/or residential development or redevelopment. Although the proposed code amendment would remove some provisions related to landscaping in the subject overlay zones, it would not change existing requirements for the preservation of existing trees, planting of new trees, and landscaping requirements if these properties develop or redevelop in the future.

8. Comments were received in opposition to the proposal that expressed concerns that allowing taller buildings in areas that are currently subject to overlay zones would increase noise in the area and decrease privacy for nearby residents.

Staff Response:

The types of development that would be allowed in the future on properties subject to the proposed zone change and code amendment are already allowed on nearby mixed-use properties not subject to an overlay zone. Therefore, future development on the subject properties would not result in an outsized impact on noise and privacy relative to what is already possible today. Additionally, the approval criteria for legislative zone changes and code amendments do not address noise levels or privacy, and no evidence has been

provided that would indicate that future development on the subject properties would interfere with the safe and healthful use of neighboring properties.

SRC Chapters 51 and 93 regulate noise levels, and any future development on the subject properties would be subject to these regulations. Future development on the subject properties would also be subject to development standards governing height, setbacks, landscaping, and lot coverage that are intended to ensure that development on private property or use of public rights-of-way does not adversely impact the privacy of adjacent properties.

9. Comments were received in opposition to the proposal that asserted that high-rise buildings are a problem because they are not inclusive for larger families and the elderly.

Staff Response:

The proposed changes to zoning do not require buildings to be taller. Instead, they allow for a wider range of building types to allow flexibility in determining what type of development is best for the subject properties. This may include apartments, which are a needed housing type in Salem, including apartments of various sizes to accommodate residents with various needs. New development is required to meet all ADA standards, making it accessible for people of all ages.

10. Comments were received in opposition to the proposal that asserted that high-rise buildings are a problem because they often have higher rents relative to existing housing stock.

Staff Response:

New development may command a higher rent relative to existing housing of the same type if it is not designated affordable housing. However, adding to the overall housing stock helps to keep existing housing more affordable.

11. Comments were received in opposition to the proposal that asserted that high-rise buildings are a problem because they reduce connectedness to the outside world for those living in them.

Staff Response:

No evidence has been provided to support the speculation that future residents would be disconnected from their neighborhood if apartments are developed on the subject properties in the future.

12. Comments were received in opposition to the proposal asserting that high-rise buildings are less sustainable than other types of buildings because they are made of concrete and glass, which are a more carbon-intensive building materials than timber.

Staff Response:

The building heights allowed by the proposed zone change would allow buildings up to 55 feet tall in the MU-II zone and up to 70 feet tall in the MU-III zone. This would allow buildings up to four-story in the MU-II zone and up to six-stories in the MU-III zone, which

do not require all-concrete construction methods. Rather, timber-frame construction with a concrete first story is adequate to develop up to six-story buildings, making this type of construction relatively sustainable compared to high-rise concrete and glass construction. Additionally, denser development requires less energy per unit for ongoing daily usage than low-density, single-family housing.

13. Comments were received in opposition to the proposal expressing concerns that allowing taller buildings in areas that are currently subject to overlay zones would have adverse effects on nearby historic buildings.

Staff Response:

The proposed zone change would not require any historic resources to be redeveloped. Existing requirements for historically designated buildings, found in SRC Chapter 230, would still apply on the subject properties and those nearby.

14. Comments were received in opposition to the proposal expressing concerns that allowing taller buildings on properties that are currently subject to overlay zones would result in more crime in the area.

Staff Response:

The types of development that would be allowed in the future on properties subject to the proposed zone change and code amendment are already allowed on nearby mixed-use properties. The approval criteria for legislative zone changes and code amendments do not address anticipated changes in crime levels, and no evidence has been provided to support the speculation that any crime perpetrated by future residents of the subject properties would exceed what would otherwise occur from any other legal development of property within the City.

Theft or illegal activity is a police matter and should be addressed by the Salem Police Department, which has law enforcement jurisdiction over the subject properties and vicinity.

15. A comment was received expressing concerns about how the proposed zone change and code amendment align with other planning efforts.

Staff Response:

Salem is in the process of implementing its Climate Action Plan and updating its Transportation Systems Plan. The proposed zone change aligns with that work, as well as the community's input during the Our Salem project, which updated the Salem Area Comprehensive Plan.

16. A comment was received inquiring whether a build-out model had been developed to show the scale of a six-story building adjacent to single-family residences.

Staff Response:

A general build-out model was not developed. The development or redevelopment potential of individual properties subject to the proposed zone change and code amendment varies

depending on the site. There is enough variability between individual sites that a build-out model would not be able to provide general representation of future development.