

Planning Salem

The following is a list of issues with Salem's zoning and development codes that were identified during the Unified Development Code (UDC) process. They represent policy issues that fell outside the scope of the UDC project and were set aside in a "bucket list" to be reviewed later. With the UDC now adopted, Planning staff plans to address the outstanding policy issues as part of a long-range planning work program that is being called *Planning Salem*.

There are 51 outstanding policy issues. Policy issues that are similar or related to each other have been grouped together into categories. For example, policy issues related to different overlay zones have been grouped together into a category called Overlay Zones. There are 14 categories. These categories have been further grouped into strategies, which provide a potential framework for addressing the policy issues. Some of the categories could fit into more than one strategy, but for the purposes of discussion, Planning staff has allocated them among the three strategies. The strategies are listed and described below.

1. **Standalone Strategy** – Issues that could be addressed on their own
2. **Follow Up to HNA Strategy** – Issues that will be informed by the Housing Needs Analysis (HNA) and should therefore be addressed as part of the follow-up work to the study
3. **Comprehensive Plan Update Strategy** – Issues that should be addressed as part of a broader update to the Salem Area Comprehensive Plan

Comments received from the UDC Advisory Committee and public during the UDC project are listed below. Staff has also assigned a priority – high, medium or low – to each policy issue based on public input and staff expertise. Issues were assigned a high priority if they advanced a City Council goal, were identified by the public as a priority, and are related to other plans or recommendations. Issues that have already been addressed by the UDC have been listed at the end of this document.

1. Standalone Strategy

UDC Chapter	Policy Issue	UDC Advisory Committee and Public Comments	Staff Analysis and Priority
Category 1: Overlay Zones			
<i>Overlay Zones (generally)</i>	Too Many Overlay Zones	Consider reducing the number of overlay zones in the City.	<i>High</i> – Staff considers this a top priority. The complexity, effectiveness and sheer number of overlays has been identified by the public, staff and the City Council as a significant issue that can cause confusion in the development process. City Council specifically adopted the following goal for FY15-17: "Continue clean up of overlay and underutilized zones, including historic overlay zones to protect historic properties while allowing for changing community and development needs." Many overlay zones in Salem are similar in their intent to promote a pedestrian-oriented,
<i>Overlay Zones (generally)</i>	Sunset/Expiration Date for Overlay Zones	Consider establishing "sunset" dates or expiration dates for overlay zones that would require them to be re-evaluated after set periods of time to determine whether they are achieving their purpose. This would help to prevent overlay zones from becoming outdated.	
<i>Chapter 603: Portland/Fairgrounds Road Overlay Zone</i>	Review of Overlay	Consider whether this overlay zone should be eliminated. The development standards and scope of the overlay should be examined.	
	Establish Uniform Setbacks for Single Family and Two Family Dwellings	Consider establishing a uniform set of setback requirements for single family and two family dwellings, regardless of the zone or overlay zone within which they are located.	

<i>Chapter 603: Portland/Fairgrounds Road Overlay Zone</i>	Minimum 65 Percent Ground Floor Window Requirement	Consider eliminating the minimum 65 percent ground floor window requirement for buildings facades facing Portland/Fairgrounds Road. Alternative ways of dividing up the mass of buildings should be examined.	<p>mixed-use district, but they have different allowed uses, development standards and design standards, which have been identified by some in the community as overly complicated. The City intends to create a new mixed-use zone with simple design standards for the State Street corridor – from 12th to 25th Street – through a Transportation and Growth Management grant from the Oregon Department of Transportation and Oregon Department of Land Conservation and Development. Staff plans to use this new mixed-use zone as a template to simplify, consolidate or eliminate existing overlay zones. The State Street project began in August 2015 and is expected to be complete in the summer of 2017.</p> <p>The Urban Development Department is also planning to use West Salem Urban Renewal funds to implement zoning recommendations in the West Salem Business District Action Plan, which could clean up overlay zones in West Salem.</p> <p>In addition, some overlay zones in Salem may no longer be necessary due to changes in the UDC, or they may not be effective in achieving their original purpose. Staff plans to do a comprehensive review of overlay zones in the city following the completion of the State Street project.</p>
<i>Chapters 613, 614, & 615: Broadway/ High Street Overlay Zones</i>	Ensure Appropriate Transitions to Adjacent Single Family Dwellings	Consider ensuring that the Broadway/High Street Overlay Zones include standards to create appropriate transitions between the higher-density development on Broadway/High Street and the single family neighborhood to the east of the overlay. Consideration should be given to setbacks, building size/mass, parking lot design, maintaining adequate alley access, etc.	
	Mixed-Use Projects with 25 or More Dwelling Units	Within the Broadway/High Street Residential Overlay and the Broadway/High Street Transition Overlay, consider requiring fewer dwellings units to be included within mixed-use projects. This would allow smaller-scale mixed-use developments.	
<i>Chapter 628: State Street Overlay Zone</i>	Elimination of Overlay	Consider eliminating this overlay zone. Alternative ways to permit the uses currently allowed in the overlay zone should be explored.	
<i>Chapter 616: Riverfront High Density Housing Overlay Zone</i>	Review of Overlay Zone Needed	Consider reviewing the entire Riverfront High Density Housing Overlay Zone to determine if the high-density residential/mixed-use vision established for this area is still relevant, and if not, to determine what the most suitable land uses for this area are.	
	Location of Non-Residential Uses within Buildings	Consider eliminating the requirement that office, service, and retail uses within the overlay zone must be limited to the ground floor of buildings.	
<i>Chapter 621: Superior/Rural Overlay Zone</i>	Parking Area Setback Abutting Alley	Consider reducing the required 10-foot setback for parking areas abutting an alley in this overlay zone.	
<i>Chapter 626: Commercial/High Density Residential Overlay Zone</i>	Allowed Uses Too Restrictive	Consider allowing a greater variety of uses, such as the uses permitted within the underlying Commercial General (CG) zone, within this overlay. This would recognize the character of the existing warehouse-type buildings and allow those uses that were previously allowed before the overlay was established.	
<i>Chapter 630: South Gateway Overlay Zone</i>	Overlay Still Necessary	Consider whether the South Gateway Overlay zone is achieving its intended purpose and whether it is still needed.	
<i>Chapter 631: Compact Development Overlay Zone</i>	Review of Overlay Zone Needed	Consider reviewing and updating the Compact Development Overlay Zone to facilitate good infill development.	
	Compact Development Setbacks	Consider reviewing the setbacks for compact development to ensure that they can be met and that they do not make corner lots unbuildable. Consider exploring alternative setbacks from the street to promote compatibility between compact development and existing residential uses in the area.	
<i>Chapter 629: McNary Field Overlay Zone</i>	Establishment of Airport Zone District	Consider creating a zone district for the airport that would identify allowed uses and development standards applicable to the airport. It would eliminate the need for this overlay zone and would be consistent with other jurisdictions that have airport zoning districts.	

Category 2: Development Standards for Older Neighborhoods

<i>General</i>	Development Standards for Older Neighborhoods	Consider establishing different development standards for older residential neighborhoods to make additions and remodeling to existing older properties easier. Current code standards are suited to new patterns of development rather than traditional development patterns found in older neighborhoods.	<i>Medium</i> – This issue has been identified by the public as a priority. The HNA and NEN-SESNA Neighborhood Plan also recommend establishing development standards for older neighborhoods. Staff recommends addressing this issue after completing the HNA follow-up work. (Creating development standards will not reduce Salem's deficit of multifamily land, which is a top priority.)
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Category 3: Flag Lots

<i>Chapter 205: Land Division and Reconfiguration</i>	Flag Lots	Consider whether different standards are needed to limit the number of flag lots that can be created when parcels in a proposed partition can be further divided, resulting in a series partition.	<i>Low</i> – Staff does not expect this to be an issue in the future because the UDC now requires developers to make boundary street improvements when partitioning land. Prior to the UDC, such improvements were not required with partitions, so developers could do a series partition instead of a subdivision, which did – and still does – require boundary street improvements.
	Flag Lots in Subdivisions	Consider allowing within subdivisions a maximum number of flag lots or the current maximum of 15 percent of the total lots proposed, whichever is greater. This would allow infill development of small parcels.	<i>Low</i> – Staff does not consider this a priority or major issue. The larger issue centers on street standards (Category 12), particularly whether to establish new street standards as an alternative to flag lot accessways, which have led to maintenance and parking problems. New street standards could help facilitate infill development without flag lot accessways.

Category 4: Commercial Office Development Standards

<i>Chapter 521: Commercial Office (CO) Zone</i>	Lot Size for Two Family and Multiple Family	Consider simplifying the minimum lot size requirements for Two Family and Multiple Family uses. The current requirement is based on the number of dwelling units and the number of bedrooms within the dwelling units. This approach is overly complicated in comparison to the minimum lot size requirements of other zones.	<i>Low</i> – Staff does not consider this a priority or major issue. The issue has not been raised by the community as a priority.
	Setbacks for Accessory Structures within Yards Abutting Streets	Consider requiring the same minimum setback for all accessory structures within yards abutting a street, regardless of their height. The current code specifies a minimum 12-foot setback for accessory structures more than 4 feet in height, but no setback is required for accessory structures not more than 4 feet in height. The necessity of the latter requirement should be examined.	<i>Low</i> – Staff does not consider this a priority or major issue. The issue has not been raised by the community as a priority.

Category 5: Landslide Hazards			
<i>Chapter 810: Landslide Hazards</i>	Grading Standards	Consider establishing grading standards in the code to prevent grading and excavation in a manner that could create the potential for slide hazards. The landslide hazard chapter does not address an individual's ability to create a hazard through the excavation and grading of property, where none previously existed.	Public Works is currently addressing this issue.
Category 6: Public Notice			
<i>General</i>	Homeowner Association Notice	Consider requiring notice be sent to Homeowners Associations (HOAs) when a land use application is proposed on property governed by an HOA.	<i>Low</i> – The City does not maintain or have access to a comprehensive list of HOAs, so it would be very difficult for the City to require that HOAs be sent public notices. Public notice requirements are prescribed to minimize the possibility of error, and requiring notice to be sent to HOAs would work contrary to that.

2. Follow Up to HNA Strategy

UDC Chapter	Policy Issue	UDC Advisory Committee and Public Comments	Staff Priority
Category 7: Residential Development Standards			
<i>General</i>	Residential Infill	Consider improving infill residential development standards to promote compatibility with existing neighborhoods. Also consider requiring design review for infill development on flag lots.	<p><i>High</i> – Staff considers categories 7 and 8 top priorities. The City has completed the Salem HNA, which identified a projected deficit of 207 acres of land for multifamily development. Under state law, the City is required to address the deficit of multifamily land before it adopts the HNA. This can be accomplished by implementing strategies recommended in the HNA, including those related to this category as well as Category 8: Planned Unit Development.</p> <p>Staff plans to consider the policy issues in Category 7 and Category 8 as part of the HNA work plan, which the City Council directed staff to implement in February 2016. This will advance the following City Council goal for FY15-17: “Encourage a range of housing types and sizes at a range of affordability levels and coordinate with other agencies to ensure housing meets the needs of our community, develop more downtown housing.”</p>
<i>General</i>	Development Standards for Small Lot Multiple Family Development	Consider establishing development standards for multiple family development on small lots. Within the City, there are many smaller properties that have been zoned multiple family, but because the existing multiple family development standards are more tailored to larger multiple family developments, applying the standards to multiple family development on small lots can be difficult.	
<i>Chapter 631: Compact Development Overlay Zone</i>	Compact Development Allowed as Alternative Form of Development, Rather than an Overlay Zone	Consider allowing compact development as a use/alternative form of development, like a Planned Unit Development (PUD), within the RS Zone. Currently, a zone change is required if the overlay is not already applied to a given property. Allowing compact development as an alternative to the standards of the RS zone, like a PUD, would make it easier to do compact development and therefore promote infill residential development.	

Category 8: Planned Unit Development			
<i>Chapter 210: Planned Unit Development</i>	Common Open Space	Consider establishing a requirement whereby reductions in lot size within a PUD – below the minimums in the zone – must be made up by a corresponding amount of common open space.	<p><i>High</i> – See explanation above for Category 7: Residential Development Standards.</p> <p>The UDC Advisory Committee recommended that issues related to PUDs be addressed as a top priority.</p>
	Setbacks	Consider streamlining and potentially reducing the PUD perimeter setbacks.	
	Paving of Outdoor Storage Areas	Consider whether the requirement to pave outdoor storage space and other outdoor vehicle parking, loading, and maneuvering areas included within outdoor storage areas is appropriate considering the efforts the City is taking to encourage low impact design (LID) and a decrease in impervious surface runoff. Other paving alternatives should be considered such as grasscrete, pervious pavement, etc.	
	Parking	Consider allowing required parking for a PUD to be accommodated on public streets abutting the property, not just within the PUD.	

3. Comprehensive Plan Update Strategy

UDC Chapter	Policy Issue	UDC Advisory Committee and Public Comments	Staff Priority
Category 9: Allowed Uses			
<i>Chapter 521: Commercial Office (CO) Zone</i>	Parking Structures	Consider allowing parking structures in the CO zone. Such structures would accommodate more cars and make more efficient use of the land.	<p><i>Low</i> – Staff does not consider these major issues. They were largely identified by the UDC Advisory Committee, which began to examine the each allowed use in the CO zone. This effort was abandoned due to the enormous amount of time it would have taken to examine each use in each zone. As a result, more issues were identified in the CO zone than other zones in the city. This does not necessarily mean that there are more issues with the CO zone than other zones in Salem.</p> <p>A review of permitted or prohibited uses in the CO or other specific zones should be conducted as part of a larger review of other zones in Salem. This review should be done as part of an update to the Comprehensive Plan. This would allow the community to develop a vision for different zones in Salem, while considering citywide implications. Broad input from the community would be required.</p>
	Military Installations	Consider prohibiting military installations in the CO zone.	
	Drinking Water Treatment Facilities	Consider prohibiting Drinking Water Treatment Facilities in the CO zone.	
	Power Generation Facilities	Consider prohibiting Power Generation Facilities in the CO zone.	
	Agriculture and Forestry Services	Consider prohibiting Agriculture and Forestry Services in the CO zone.	
	Eating and Drinking Establishments in CO Zone	Consider allowing eating and drinking establishments more broadly than they are today. Currently, eating and drinking establishments are allowed as an accessory use. However, careful consideration should be given to this issue so as to not jeopardize the ability of the CO zone to fit well next to residential areas.	
	Allow More Retail Services in CO Zone	Consider allowing more retail sales uses in the CO zone that provide convenience or services to people working in the offices (such as coffee kiosks, etc).	

Chapter 521: Commercial Office (CO) Zone	Reservoirs and Water Storage Areas	Consider how these activities are addressed and whether they should be a permitted use along with other Basic Utilities. In the proposed CO zone, they are identified as a conditional use; however, the siting of such activities is based on topography.	See comment above.
Chapter 524: Central Business District (CB) Zone	Heavy Wholesaling	Consider allowing all Heavy Wholesaling as a conditional use in the CB zone if it occurs within an enclosed building. This would allow existing industrial-type buildings in the downtown located close to rail to be utilized instead of sitting vacant. Currently, only a limited variety of Heavy Wholesaling activities are allowed in the CB zone.	
Chapter 531: South Waterfront Mixed-Use (SWMU) Zone	Room and Board Facilities/Alternative Forms of Long Term Residential Housing	Consider allowing Room and Board Facilities in the SWMU zone.	
Chapter 550: Employment Center (EC) Zone	EC Retail-Service Center Subzones	Consider establishing standards prescribing when EC Retail-Service Center subzones can be established, the process for establishing them, and whether they must be shown on the official zoning map.	
Category 10: Zone Changes			
Chapter 265: Zone Changes	Zone Changes by Operation of Law in the RA Zone	Consider whether land zoned RA should be allowed to automatically change to RS upon the recording of a subdivision plat or the issuance of an occupancy permit for a manufactured dwelling park. If multiple family land is needed throughout the City, allowing an automatic zone change to RS bypasses the ability of the City to evaluate the need for more single family development.	Low – The City has completed the Salem HNA, which identified a need for more multifamily land and recommended strategies to address this need. Staff recommends focusing on these HNA strategies, as they have been developed with input from a stakeholder committee, consultants, staff and the public.
Category 11: Natural Resources			
Chapter 205: Land Division and Reconfiguration	Protection of Riparian Areas	Consider affording riparian zones/areas in subdivisions greater protection and buffers.	Low – Staff does not consider this a priority or major issue. Trees or native vegetation in riparian corridors cannot be removed as part of a subdivision or PUD (with single or two family lots) unless there are no reasonable design alternatives to preserve them.
Chapter 210: Planned Unit Development	Protection of Riparian Areas	Consider affording riparian zones/areas in PUDs greater protection and buffers.	
Chapter 808: Preservation of Trees and Vegetation	Tree Preservation Requirements Based on a Greater Variety of Tree Diameters	Consider establishing tree preservation requirements based on minimum tree diameters that better reflect the value of the types of trees desired for protection. Current tree preservation requirements, except for the preservation requirements for significant trees (Oregon White Oaks of 24-inches or more dbh), are based on a uniform 10-inch diameter at breast height (dbh). This approach does not take into account the importance/value of different species of trees. Under the current approach, a 10-inch oak would be given the same protection as a 10-inch cottonwood, but the oak is a more significant species of tree.	Medium – The City’s tree preservation requirements have raised concern among community members who want to see more trees preserved in Salem. Staff recommends reviewing the tree preservation requirements – including the issues of protecting different types of trees and clarifying tree removal criteria – as part of a broader update to the Comprehensive Plan.

<i>Chapter 808: Preservation of Trees and Vegetation</i>	Tree Conservation Plan Approval Criteria	Consider clarifying the approval criteria for tree conservation plans relating to the removal of significant trees. The code currently allows significant trees to be removed under a tree conservation plan when there are “no reasonable design alternatives that would enable preservation of such trees.” The use of the word “reasonable” makes this standard subjective and more of a challenge to evaluate. What is reasonable to one person might not be reasonable to another.	See comment above.
<i>Chapter 205: Land Division and Reconfiguration</i>	Open Space in Subdivisions	Consider adding open space requirements for new subdivisions.	<i>Low</i> – Staff does not consider this a priority or major issue. Requiring open space in subdivisions has not been raised by the community as a priority.
Category 12: Street Standards			
<i>General</i>	Street Standards	Consider establishing new street standards that would be an alternative to flag lot accessways, would be specifically tailored to infill development that would allow for smaller and more creative designs, would be maintained by the public, and would provide for vehicular and pedestrian connectivity throughout the development and to the surrounding neighborhood.	<i>Medium</i> – Flag lot accessways have led to maintenance and parking problems. For example, people park on accessways despite it being prohibited. New street standards could help facilitate infill development and provide improved connectivity. The following is also a City Council goal for FY15-17: “Pursue opportunities to improve overall bicycle and pedestrian connectivity, and plan for and develop bicycle boulevards or other bikeways”
<i>General</i>	Street Connectivity	Consider options for street connectivity in lieu of pedestrian walkways.	<i>Low</i> – Staff does not consider this a priority or major issue. Pedestrian walkways have been developed less frequently in recent years as cul-de-sacs have been created less often. Community members have also voiced support for walkways. The main issue has been their design (e.g., lack of lighting).
Category 13: Parking Requirements			
<i>Chapter 806: Off-Street Parking Loading and Driveways</i>	Medical Office Parking	Consider increasing parking requirements for medical offices, which are some of the most impactful uses in the CO zone because of parking. Requiring more off-street parking spaces could help reduce the impact of people parking in the neighborhood.	<i>Medium</i> – Staff recommends examining this issue as part of a comprehensive review of all of the City’s parking requirements. The public as well as several studies and plans (e.g., HNA and NEN-SESNA Neighborhood Plan) have questioned and recommended changes to the City’s parking requirements.
Category 14: Design Review			
<i>Chapter 225: Design Review</i>	Greater Applicability	Consider requiring design review for more types of development than currently required.	<i>Medium</i> – Several planning-related projects such as the West Salem Business District Action Plan recommend applying design standards for different types of development.

Issues Already Addressed by UDC

UDC Chapter	Policy Issue	UDC Advisory Committee and Public Comments
<i>Chapter 210: Planned Unit Development</i>	Common Open Space	Common open space should be able to be provided within a PUD as an amenity within itself, without needing to be "improved."
	Parking	The minimum parking requirement for PUDs within RA and RS zones should be the same as is required for a typical single family subdivision, a minimum of 2 spaces per dwelling unit.
<i>Chapter 521: Commercial Office (CO) Zone</i>	Movie Production and Allied Services/Audio Media Production	Movie production and allied services is somewhat anachronistic. The use is not as impactful as it was in the past and could fit in with other uses in the CO zone. Consideration should be given to allowing it. Other Audio/Visual Media Production Activities likely would fit well in the CO zone. Consider allowing it.
	Basic Education	Consider allowing Basic Education in the CO zone if the impact is small.
	Motion Picture Distribution	Consideration should be given to eliminating motion picture distribution as a limitation and qualification under the Office use category.
	Orthopedic and Artificial Limb Service	Orthopedic and artificial limb services are specifically identified as a Limited Use. It is recommended this limitation and qualification should be eliminated.
	Personal Services	Consideration should be given to whether limitations should be placed on the allowance of Personal Services in the CO zone. There are different levels of traffic and activity associated with different types of Personal Services. Not all personal services may be appropriate in the CO zone.
	Recreation and Cultural Community Services	Consider eliminating museums and zoological gardens as specific prohibited activities under Recreation and Cultural Community Services.
	Data Center Facilities	Consideration should be given to the difference between a data center facility, such as a Google server farm or the State of Oregon data center facility, versus a data center facility that functions like an office. Server farm versus office use. A server farm should not be allowed in the CO zone, but the office use should be allowed.
	Keeping of Miniature Swine	Consideration should be given to prohibiting the keeping of miniature swine to be consistent with other Keeping of Livestock and Other Animals activities in the zone. Currently it is allowed as a limited use.
	Interior Front Setback	Consideration should be given to making the minimum interior front setback based on the height of building only. The current code requires the setback to be based on the height of the building or the applicable bufferyard, whichever is greater.

<i>Chapter 522: Commercial Retail (CR) Zone</i>	Keeping of Miniature Swine	Consideration should be given to prohibiting the keeping of miniature swine to be consistent with other Keeping of Livestock and Other Animals activities in the zone. Currently it is allowed as a limited use.
<i>Chapter 523: General Commercial (CG) Zone</i>	Keeping of Miniature Swine	Consideration should be given to allowing the keeping of miniature swine as a conditional use to be consistent with other Keeping of Livestock and Other Animals activities in the zone. Currently it is allowed as a limited use.
<i>Chapter 524: Central Business District (CB) Zone</i>	Keeping of Miniature Swine	Consideration should be given to prohibiting the keeping of miniature swine to be consistent with other Keeping of Livestock and Other Animals activities in the zone. Currently it is allowed as a limited use.
<i>Chapter 552: Industrial Business Campus (IBC) Zone</i>	Allowance of Government Offices	In addition to commercial offices, consideration should be given to allowing government offices in the IBC zone.