

FINDINGS FOR ORDINANCE BILL NO. 6-19
AMENDMENTS UPDATING THE UNIFIED DEVELOPMENT CODE (UDC) AND
OTHER CHAPTERS OF THE SALEM REVISED CODE (SRC)

(CODE AMENDMENT CASE NO. 19-01)

SUBSTANTIVE FINDINGS

SRC 110.085 establishes the following approval criteria which must be met in order for a code amendment to be approved:

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

Finding: The code amendment is in the best interest of the public health, safety, and welfare of the City because it clarifies land use procedures and development standards, creating greater certainty for applicants, stakeholders, and the broader community. It also increases opportunities for public involvement in Salem’s land use process by establishing new requirements for notifying neighborhood associations of proposed projects and holding or attending public meetings.

The code amendment allows more uses in Salem (e.g., keeping of bees and ducks) in response to community desires, and it establishes standards and regulations to ensure those new uses are compatible with surrounding neighborhoods. It also implements Senate Bill 1051, which expedites the review process for certain affordable housing projects. This, in turn, helps Salem meet its housing needs.

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.*

Finding: The Salem Area Comprehensive Plan (SACP) is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meet the needs of present and future residents of the Salem urban area.

The proposed code amendment was reviewed for conformance with the applicable goals and policies of the SACP. The following SACP residential development goal and policies relate to the proposed code amendment:

- ***General Development Goal:*** *To ensure that future decisions concerning the use of land within the Salem urban area are consistent with State Land Use Goals.*

Policy 1: Citizen Involvement

Opportunities for broad-based citizen involvement in the development, revision, monitoring and implementation of the Salem Area Comprehensive Plan shall be provided by the City of Salem and Marion and Polk Counties. Where neighborhood groups have been officially recognized by the governing body, they shall be included in the planning process. To help assure citizen participation and information, public hearings shall be

held prior to adoption of all land use ordinances.

The proposed code amendment is consistent with the above SACP general development goal and policy because it increases opportunities for public involvement in Salem's land use process by establishing new requirements for notifying neighborhood associations of proposed projects and hold or attending public meetings. Specifically, land use applicants will be required to notify affected neighborhood associations of their proposal before submitting their application to the City. Applicants for Comprehensive Plan Map changes, Fairview Refinement Plans, major Fairview Plan and Refinement Plan changes, and historic resource demolitions will also be required to host a public open house, or alternatively attend a neighborhood association meeting, on their proposal prior to applying. These changes provide community members with more time to review and possibly comment on land use proposals.

This code amendment also requires the City to send notice to tenants in addition to property owners when notice is required for a land use application. This expands the opportunities for the public to be involved in the planning process.

- ***Residential Development Goal:*** *To promote a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing.*

Policy 5: Subsidized Housing

Subsidized housing shall be provided at a variety of locations within the urban area.

The proposed code amendment is consistent with the above SACP residential development goal and policy because it implements Senate Bill 1051, which expedites the review process for certain affordable housing projects. Specifically, the state mandated review period for housing projects that have at least five units – at least half of which are affordable to households that make up to 60 percent of the county's or state's, whichever is greater, median family income – is shortened from 120 days to 100 days. The code amendment also restricts the City's ability to reduce the height and density of certain multifamily projects.

These changes help Salem meet its housing needs, which includes lower-income housing. According to the Salem Housing Needs Analysis (HNA), there is expected to be a 207-acre deficit of land for multifamily housing in Salem's portion of the urban growth boundary (UGB) over the next 20 years. One way the HNA recommends meeting that need is to lower barriers to multifamily development, which this proposed code amendment does.

Policy 3: Infill Development

City codes and ordinances shall encourage the development of passed-over or underutilized land to promote the efficient use of residential land and encourage the stability of neighborhoods.

This code amendment encourages infill development by allowing the RD zone to expand to other places in Salem. The RD zone allows two family homes, including duplexes, as an outright permitted use. Allowing zone changes to RD therefore provides more potential opportunities for this type of development to occur in Salem, including in developed areas where land has been underutilized.

- ***Transportation Goal:*** *To provide a balanced, multimodal transportation system for the Salem Urban Area that supports the safe and efficient movement of goods and people.*

Policy 14: Transportation Safety

Local governments within the Salem Urban Area shall make as a high priority the planning, design, construction, and operation of a safe transportation system for all modes of travel including minimizing conflicts between different travel modes.

The proposed code amendment is consistent with the above SACP transportation goal and policy because it helps ensure that pedestrian connectivity standards are applied throughout Salem. It specifically establishes a clear and objective standard for pedestrian connections where such standards do not currently apply. For example, pedestrian connections will be required from public sidewalks to the main entrance of buildings as well as through parking lots. Pedestrian connections between buildings on a site will also be required. These standards promote safety by providing dedicated facilities for pedestrians and minimizing potential conflicts between pedestrians and other modes of travel.

The amendments also update the City's bike rack standards and establish new bike locker standards to ensure that the racks and lockers can adequately accommodate and support bicycles. This supports a multimodal transportation network in Salem.

- **Mixed-Use Development Goal:** *To provide a mixture of complementary land uses that may include housing, retail, offices, services, industrial and civic uses, to create economic and social vitality.*

Policy 3: Priorities for Mobility and Access

Facilitate development (land use mix, density, connectivity, design, and orientation) that reduces the need for, and frequency of, SOV trips and supports public transit, where applicable.

Policy 6: Design

Develop commercial and mixed-use areas that are safe, comfortable and attractive to pedestrians.

The proposed code amendment is consistent with the above SACP mixed-use development goal and policies because it facilitates development that reduces the need for single-occupancy vehicle trips. It does so by ensuring the infrastructure – pedestrian connections – is in place to accommodate people who want to walk to and through properties. Requiring such connections also helps ensure development is safe and comfortable for pedestrians.

The proposed code amendment was also reviewed for conformance with the applicable Statewide Planning Goals and administrative rules adopted by the Department of Land Conservation and Development. The following goals are applicable to the proposed code amendment:

- **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 conforms to this goal because it increases opportunities for public involvement in Salem's land use process by establishing new requirements for applicants to notify neighborhood associations of proposed projects and hold or attend public meetings. Specifically, land use applicants will be required to notify affected neighborhood associations of their proposal before submitting their application to the City. Applicants of Comprehensive Plan Map changes, major Fairview Plan and Refinement Plan changes, and historic resource demolitions will also be required to attend a neighborhood association meeting or host a public open house to explain their proposal

prior to applying. These changes provide community members with more time to review and possibly comment on land use proposals.

In addition, this code amendment requires the City to send notice to tenants on properties within 250 feet of a proposed project in addition to sending notice to property owners, as is currently done. This expands the opportunities for the public to be involved in the planning process.

The process to adopt this proposed code amendment also requires public notice and affords the public an opportunity to review, comment, and take part in the approval process. In addition to the formal adoption process, the City held three work sessions to provide the public an opportunity to review the code amendments prior to the official adoption process.

- **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 the use of land and to assure an adequate factual base for such decisions and actions. The 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.

This proposed code amendment clarifies and streamlines the adoption process for neighborhood plans to conform with the existing legislative process for major changes to the Comprehensive Plan. It also clarifies the land use procedures for modifying land use decisions and withdrawing applications and appeals. These changes improve the City's land use planning process. The proposed code amendment therefore conforms with this goal.

- **Goal 10 – Housing:** *To provide for the housing needs of citizens of the state.*

The proposed code amendment conforms to this goal because it helps Salem meet its housing needs by expediting the land use process for certain affordable housing projects. It also promotes multifamily development by restricting the City's ability to reduce the height and density of certain multifamily housing projects. According to the HNA, there is expected to be a 207-acre deficit of land for multifamily housing in Salem's portion of the urban growth boundary (UGB) over the next 20 years. One way the HNA recommends meeting that need is to lower barriers to multifamily development, which this proposed code amendment does.

This code amendment also allows the RD zone to expand to other places in Salem by removing the current prohibition on zone changes to RD. The RD zone allows two family homes, including duplexes, as an outright permitted use. Allowing zone changes to RD therefore provides more potential opportunities for this type of development to occur in Salem, increasing housing choices in the community.

- **Goal 12 – Transportation:** *To provide and encourage a safe, convenient and economic transportation system.*

The proposed code amendment conforms to this goal because it establishes a clear and objective standard for pedestrian connections that will be applied consistently in Salem. Specifically, pedestrian connections will be required from public sidewalks to the main

entrance of buildings as well as through parking lots. Pedestrian connections will also be required between buildings on a site. These requirements help ensure the infrastructure is in place to accommodate people who want to walk to and through developments, making walking more convenient in Salem. It also promotes pedestrian safety by minimizing potential conflicts between pedestrians and other modes of travel.

In addition, this code amendment establishes bike rack standards to ensure that the racks can adequately accommodate and support bicycles. This makes bike parking – and bicycling – more convenient in Salem.

- ***Goal 14 – Urbanization:*** *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

The proposed code amendment conforms to this goal because it helps Salem accommodate its population via housing by expediting the land use process for certain affordable housing projects. It also promotes multifamily development by restricting the City’s ability to reduce the height and density of certain multifamily housing projects. According to the HNA, there is expected to be a 207-acre deficit of land for multifamily housing in Salem’s portion of the urban growth boundary (UGB) over the next 20 years. One way the HNA recommends meeting that need is to lower barriers to multifamily development, which this proposed code amendment does.