

## Legislation Details (With Text)

**File #:** 19-205      **Version:** 1  
**Type:** Public Hearings      **Status:** Held  
**In control:** City Council  
**On agenda:** 5/13/2019      **Final action:**  
**Title:** Unified Development Code Update

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Area(s): Good Governance; Welcoming and Livable Community

**Sponsors:****Indexes:****Code sections:**

**Attachments:** 1. Overview of Proposed Amendments, 2. Ordinance Bill No. 6-19, 3. Ordinance Bill No. 6-19 - Exhibit A, 4. Ordinance 6-19 Exhibit B (Findings), 5. Planning Commission Recommendation (March 5, 2019), 6. Recommended Additional Revisions to Ordinance, 7. Code Graphics Recommended to be Included in SRC Chapters 800 & 806 - Attachment 5, 8. Public Comment received 5-2-19, 9. Public Comments received by 3:30 p.m. 5-13-19

Date	Ver.	Action By	Action	Result
5/13/2019	1	City Council	continued	Pass

**TO:** Mayor and City Council  
**THROUGH:** Steve Powers, City Manager  
**FROM:** Norman Wright, Community Development Director

**SUBJECT:**

Unified Development Code Update

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods  
Result Area(s): Good Governance; Welcoming and Livable Community

**ISSUE:**

Shall City Council engross Ordinance Bill No. 6-19, amending the Unified Development Code and other chapters of the Salem Revised Code, and advance it to second reading as engrossed?

**RECOMMENDATION:**

Engross Ordinance Bill No. 6-19, amending the Unified Development Code and other chapters of the Salem Revised Code, and advance it to second reading as engrossed.

## **SUMMARY AND BACKGROUND:**

Ordinance Bill No. 6-19 updates the Unified Development Code (UDC) and other identified chapters of the Salem Revised Code (SRC) to address issues that have arisen since the last major update to the UDC in 2016. It includes minor amendments as well as policy-related changes that respond to concerns from City Council, the community, changes in State law, and issues identified by staff. Examples of proposed changes include increasing public notice of potential development projects, enhancing bike parking standards, allows the keeping of bees and ducks more broadly in Salem, and improving standards for pedestrian connections to and through development sites.

The proposed code amendments include changes to the property maintenance code (SRC Chapter 50), neighborhood plan adoption process (SRC Chapter 64), definitions (SRC Chapter 111), land use procedures (SRC Chapter 300), use classifications (SRC Chapter 400), general development standards (SRC Chapter 800), off-street parking requirements (SRC Chapter 806), and various zone, overlay zone, and other chapters.

A summary identifying and describing the proposed changes is included as **Attachment 1**. The complete text of the proposed amendments is included in Ordinance Bill No. 6-19 (**Attachment 2**).

## **FACTS AND FINDINGS:**

### ***Procedural Findings***

1. Pursuant to SRC 300.1110(a)(2), legislative land use proceedings may be initiated by the Planning Commission by the adoption of a resolution referring the matter to public hearing for review and recommendation to the City Council. On September 18, 2018, the Planning Commission approved Resolution No. 18-02 initiating the amendments to the Salem Revised Code (SRC).
2. ORS 197.610 and OAR 660-018-0020 require that notice be provided to the Department of Land Conservation and Development (DLCD) on any proposed amendment to a local land use regulation at least 35 days prior to the first public hearing. Notice to DLCD was provided on January 22, 2019.
3. Public notice was mailed on February 6, 2019, and published in the Statesman Journal newspaper, as required under SRC 300.1110(e), on February 14, 2019, and February 21, 2019.
4. The Planning Commission held a public hearing on the proposed amendments on February 26, 2019, and voted to continue the hearing to March 5, 2019, after hearing testimony from the public. On March 5th, the Planning Commission voted to recommend that the City Council adopt staff's recommendation, with 13 revisions (**Attachment 3**). All of the revisions recommended by

the Planning Commission have been incorporated into the proposed amendment, except two that are explained under "Proposed Amendments" later in this report.

5. On April 22, 2019, the City Council conducted first reading of Ordinance Bill No. 6-19 and voted to hold a public hearing on the proposed amendments. The public hearing is scheduled for May 13, 2019.

### ***Public Outreach***

1. Staff presented the proposed amendments to the Planning Commission at work sessions held on October 23, 2018, November 20, 2018, and January 29, 2019. The work sessions were open to the public and the public was invited to attend and participate. The work sessions were publicized through e-mails to an interested parties list of more than 1,700 people.
2. Staff also presented the proposed changes to the public notice requirements for land use applications to the Neighborhood Association Chairs meeting on January 24, 2019.

### ***Proposed Amendments***

The proposed code amendments recommended by staff are generally summarized below. The actual text of the proposed amendments is included as **Attachment 2**.

#### **1. Increase Public Notice (SRC Chapter 300)**

The proposed amendments increase opportunities for the public to be notified of land use applications in the following ways:

- a) Notice to tenants: When public notice is required for a land use application, the City will be required to send the notice to tenants of properties within 250 feet of a proposed development. Currently, notice is sent to *owners* of properties within that same radius, but it is not sent to residents that rent their homes or business owners that lease their space. This change recognizes that both property owners and tenants could be affected by a land use project and should therefore have the opportunity to provide comments. The City started sending notices to tenants as part of a pilot project in the fall of 2018.
- b) Notice to neighborhood associations: Applicants submitting certain land use application types will be required to notify affected neighborhood associations of their land use proposal before submitting their application to the City. This includes the neighborhood association whose boundaries include, or are adjacent to, the proposed project. The notification must be sent by mail or email and must include a summary of the project, a conceptual plan if applicable, and the applicant's contact information. This requirement would apply to applications for conditional use permits, partitions, subdivisions, zone changes, variances, and several other applications where the public has the opportunity to provide comments during the City's review and approval process.

This new notice requirement addresses the concern the City has repeatedly heard from

neighborhood associations that they do not have enough time to review and respond to land use proposals. By requiring this notification, neighborhood associations will have more time to learn about and review proposals. It also encourages early dialogue between neighborhood associations and applicants of development projects.

The Planning Commission recommended clarifying that the new notice requirement would be considered to be met if an applicant provided notice to the neighborhood association chair and land use chair listed on the City's website at the time he or she provided the notice. Staff is not recommending this revision because it would be difficult to enforce. Staff does, however, update the City's website when notified that contact information for chairs and land use chairs has changed.

- c) Open house or neighborhood association meeting: Applicants submitting applications for Comprehensive Plan Map changes, Fairview Refinement Plans, major Fairview Plan and Refinement Plan changes, and historic resource demolitions will be required to either host a public open house or attend a neighborhood association meeting on their proposal before submitting their application to the City. The open house must be within the boundaries of the affected neighborhood association or at another location within two miles of the proposed development site, and the neighborhood association meeting must be at a regularly-scheduled meeting of the affected neighborhood association.

Applicants will be required to send notice of the open house or neighborhood association meeting to the Planning Administrator and all neighborhood associations whose boundaries include or are adjacent to the proposed development site. Applicants must also post notice of the open house or neighborhood association meeting on the proposed site. In addition, applicants must summarize the comments provided at the open house or neighborhood association meeting and submit this summary with their application to the City.

Similar to the notice to neighborhood associations described above, this requirement responds to community concerns by providing the public with more time to learn about, review, and respond to land use proposals. Applicants that hold an open house will not be also required to send a separate notice to neighborhood associations as described above.

This requirement applies to a limited number of application types, focusing only on land use application types that require a significant level of discretion in their review and that have the potential to have significant impacts on not only immediate neighbors but the broader neighborhood. Comprehensive Plan changes, for example, can result in a significant change in the types of uses that can be developed on a property. The approval process for all of these affected land use application types also require a public hearing before either the Planning Commission or Historic Landmarks Commission.

- d) Notice to Homeowner Associations: Applicants of projects that currently require public notice will be required to submit the contact information of the homeowner association (HOA) for the proposed development site, if one exists for the property. The City will then send public notice to that homeowner association via the contact information provided. This change was recommended by the Planning Commission to ensure homeowner associations are notified of

potential projects that could affect properties within their boundaries.

## 2. Clarify General Development Standards (SRC Chapter 800)

The proposed amendments clarify several development standards, including pedestrian access standards and setbacks.

- a) Pedestrian access: The amendments establish clear standards for developments to provide pedestrian connections to and throughout their development site. Currently, pedestrian connections are required in some zones or overlay zones but not others. The pedestrian connections are also required through the City's Class 3 Site Plan Review criteria, which calls for safe and efficient traffic circulation into and out of developments and safe and efficient pedestrian movement through parking areas. The proposed amendments remove ambiguity in pedestrian connectivity requirements and ensure that pedestrian connections are applied throughout the city. It also responds to the City Council and community's desire to increase pedestrian safety in Salem.

The proposed standards require a pedestrian connection from public sidewalks to the main entrance of buildings and through large parking lots. If there is a transit stop along the development site, at least one pedestrian connection must connect to the street within 20 feet of the stop. In addition, pedestrian connections must be established between buildings on a site and between a development site and abutting properties if a vehicular connection is provided. When an existing or planned path is identified in the Salem Transportation System Plan or Salem Comprehensive Parks System Master Plan as going through the development site, that path must be constructed, or a public access easement or dedication for future construction must be provided.

The proposed standards require pedestrian connections in parking lots to be visually distinguished through the use of elevation changes, physical separation, speed bumps, different paving materials, or other similar methods. Striping does not meet the requirement. The Planning Commission recommended allowing high visibility striping (*e.g. ladder or zebra striping*) to be used, but staff is not recommending this revision. The amendments intend to require enhanced pedestrian connections that are more visible than striping and could therefore slow vehicles traveling in parking lots where pedestrians are crossing. An elevated pedestrian connection, for example, makes a pedestrian more prominent in a driver's field of vision.

The Planning Commission also recommended requiring pedestrian connections in parking garages in addition to parking lots. Staff is recommending this change, but has clarified in the proposed amendments that high visibility striping is allowed in parking garages; this is because, unlike in parking lots, it could be challenging, for example, to establish pedestrian connections via a change in materials for a structure that is made of concrete.

- b) Setbacks: The amendments clarify several setbacks, including setbacks next to Interstate 5 (I-5), abutting railroad right-of-ways, and abutting property outside of the urban growth boundary. For example, it clarifies that the minimum setback next to I-5 is the same as other

interior setbacks, as opposed to the generally greater setbacks that are required abutting a street. This reflects how the City has been applying setbacks, recognizing that I-5 is different than a typical street from which there could be vehicular access.

The proposed amendments also remove the current limitation on how close steps can be located next to a street. Currently, steps can only project up to two feet into a front setback (*e.g., 12 or 20 feet in the Single Family Residential zone*). This forces applicants to apply for an adjustment if they need their steps - which follow a steep grade, for example - to be located closer to the street for access purposes.

### 3. Enhance Bike Parking Standards (SRC Chapter 806)

The proposed amendments update bike parking standards to ensure that the type of bike racks allowed in the UDC reflect best practices. Specific types of racks will *not* be required, but bike racks will have to meet specific standards. For example, bike racks will be required to support a bicycle in at least two places to prevent them from falling over. There will also be distinct standards for bike lockers, recognizing that dimensional standards for them should be different than those for bike racks. Currently, the City does not specify standards for bike racks beyond allowing them to be floor, wall, or ceiling racks and requiring them to accommodate a bicycle's own locking device. This has led to the installation of bike racks that do not adequately support and secure bicycles.

### 4. Allow Ducks and Bees (SRC Chapter 50)

The amendments allow the keeping of ducks and the keeping of bees more broadly in Salem.

- a) Ducks: The City Council voted on December 11, 2017, to direct staff to include amendments to allow ducks in urban environments in upcoming proposed code revisions (*e.g., this code update*). Under this code amendment, ducks can be kept in Salem in a similar manner as the City currently allows for the keeping of chickens.

Currently, the City allows chickens to be kept at any residence, community garden, or any lot owned by a school or religious organization. Each site is limited to a maximum of six hens, and roosters are prohibited. A chicken facility must be located in the rear yard, at least 25 feet away from a residence on an adjacent unit of land. Under the proposed amendments, the keeping of ducks must follow these same standards. A site can have both chickens and ducks, but in combination there can only be a total of six. In addition, ducks must be provided an adequate water source; ducks need water to clean themselves.

- b) Bees: Under this code amendment, bees can be kept at any residence, community garden, or lot owned by a school, government agency, or religious organization. Currently, the keeping of bees is only allowed in the Residential Agriculture (RA) zone. There has been interest from the community, however, in expanding where beekeeping can occur in Salem. To ensure that the allowance of bee hives elsewhere in the city does not create nuisances, particularly in residential neighborhoods, the proposed amendments establish several standards for beekeeping.

For example, the number of hives allowed on a property is limited to five, with the ability to temporarily increase to seven during bee season (April through August). In addition, hives must be located in the side or rear yard of properties, and a water supply must be provided for the bees. Bees use water to dilute stored honey and cool their hives. A hive must also be elevated at least 10 feet above the ground or a flyaway barrier must be maintained if a hive is located within 25 feet of a property line. This helps prevent bees from flying into a neighboring property when they leave the hive.

5. Expand allowance of growing of recreational marijuana (SRC Chapter 523)

The code amendment allows the growing of recreational marijuana in the General Commercial (CG) zone with a conditional use permit. Currently, growing recreational marijuana is prohibited in all zones except the Exclusive Farm Use (EFU), Intensive Industrial (II), Industrial Park (IP), Industrial General (IG), and Industrial Commercial (IC) zones. Recreational grows must meet special use standards in the II and IG zones (e.g., only indoors with an air filtration system), and they are only allowed with a conditional use permit in the IC and IP zones.

This code amendment responds to a request from the community by expanding where recreational grows are allowed to the CG zone. The CG zone is similar to the IC zone in that it is often located near industrial areas, but it is different in that it is more likely to abut residential zones.

The Planning Commission recommended a revision to allow recreational grows in the CG zone as a conditional use *only* if the grow is conducted indoors with an air filtration system to minimize potential odor impacts on neighboring properties. Staff has incorporated this recommended revision into the proposed amendments. The requirement for recreational grows to be conducted indoors with an air filtration system is already a special use standard that applies to recreational grows in the IG and II zones; it is also staff's practice to include this requirement on conditional use applications for recreational grows in the IC and IP zones.

Allowing indoor recreational grows with a conditional use permit in the CG zone would expand the opportunities for recreational grows in Salem, while providing a public hearing process through which the community can raise concerns. Conditions of approval can be established to help address community concerns and mitigate potential negative impacts.

6. Streamline Neighborhood Plan Adoption Process (SRC Chapter 64)

A neighborhood plan is adopted as a major amendment to the Salem Area Comprehensive Plan (Comprehensive Plan). However, SRC Chapter 64 requires an adoption process for neighborhood plans that is separate and unique from that of other major amendments to the Comprehensive Plan. Specifically, the neighborhood plan process requires additional steps within specific timeframes that constrain the ability of the City and neighborhood associations to efficiently and effectively review and revise neighborhood plans during the adoption process. It also is outdated.

For example, Chapter 64 requires the Planning Commission and representatives of the

neighborhood association to hold a joint work session within four weeks of the draft neighborhood plan being filed with the Planning Administrator. Draft plans are no longer filed with the Planning Administrator because staff now takes the lead in writing the plan with input and guidance from the neighborhood association. The joint work session, which stems back to the 1970s, has also evolved to essentially be the same as a public hearing before the Planning Commission. It is therefore not an efficient use of limited time and resources both on the part of the City and the neighborhood association(s).

Overall, the separate neighborhood plan process creates confusion and challenges because the City must essentially follow two adoption processes: the unique neighborhood plan process and the legislative process for major amendments to the Comprehensive Plan. The amendments clarify and streamline the adoption process for neighborhood plans to conform with the existing legislative process for major changes to the Comprehensive Plan. This is not expected to limit input from the public or Planning Commission.

## 7. Clarify Land Use Procedures (SRC Chapter 300)

This code amendment clarifies several land use procedures as outlined below:

- a) Post decision modification: The amendments establish a clear process for applicants who want to make a change to a previous land use approval or who want to remove or change a condition of approval. The process will provide the public with an opportunity to comment on the proposed modification. While there is a modification process today for subdivisions, for example, it is so limited in scope that applicants have been unable to meet the criteria to use the process. For most applications, the current process also does not provide the public with an opportunity to comment on a proposed modification unless the applicant elects to have their application processed under a higher land use application review procedure type (e.g. a Type II procedure rather than a Type I procedure).
- b) Withdrawal of applications and appeals: The amendments clarify when applicants can withdraw their applications and appeals. Specifically, if there is no public hearing, an application can be withdrawn before a written decision is issued. If there is a hearing (including one on appeal), applications can be withdrawn up until the written decision of the hearing body, such as the City Council, is issued. This can be after an appeal hearing is held as long as the final written decision of the hearing body has not been issued. Appeals can be withdrawn any time before the City issues its final written decision on the appeal.

## 8. Comply with State Law Changes related to Affordable Housing (various chapters)

The code amendment implements Senate Bill 1051, which was signed into law in 2017. In part, Senate Bill 1051 expedites the state-mandated land use review process for certain affordable housing projects. Specifically, the review period for proposed residential buildings 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 the state's, whichever is greater, median family income - is shortened from 120 days to 100 days. The affordable units must remain affordable for at least 60 years.



Further implementing the senate bill, the code amendment restricts the City's ability to reduce the height and density of certain multifamily housing projects below the maximum heights and densities allowed in the City's code. To qualify, at least 75 percent of the project's floor area must be reserved for housing, and the requested height and density cannot already be above what is allowed in the City's code. The code amendment allows for exceptions if a reduction in height or density is necessary to resolve health, safety, or habitability issues. (The related portion of Senate Bill 1051 became effective July 1, 2018.)

9. Other Changes including Additional Revisions Identified by Staff (*various chapters*)

The proposed amendments will make the following minor changes:

a) Uses and definitions:

- Allow post-secondary and adult education in the CO zone;
- Allow retail sales of cannabidiol (CBD) products in the Central Business (CB) zone;
- Add massage therapy to the list of examples of Outpatient Medical Services and Laboratories;
- Clarify the definition of "subject property" for the purposes of mailed notification; and
- Clarify the definition of "development site" for off-street parking purposes.

b) Development standards:

- Clarify the zone-to-zone setback in the IC zone for parking and vehicle use areas; and
- Allow the use of electric fencing around outdoor storage areas in the CG zone.

c) Land use procedures:

- Require grading plans to be submitted with applications for partitions, subdivisions, planned unit developments, and class 2 and class 2 site plan review;
- Require applicants to submit zoning information from the county when validating a unit of land that was created in the county;
- Allow applicants to use a property line adjustment to incorporate excess right-of-way into a legal unit of land;
- Require applicants to prepare public notice signs when such notices are required as part of a land use application process;
- Remove the prohibition on zone changes to the Duplex Residential (RD) zone; and
- Clarify that developments subject to historic design review are not subject to other design standards in zones and overlay zones.

d) Additional revisions identified by staff:

- *Clarify the definition of mixed-use building (SRC Chapter 111):* The proposed amendments clarify that a mixed-use building is a single building two or more stories in height that has more than one type of land use and that has 75 percent of its ground floor devoted to a non-residential use and at least one floor devoted to residential uses.

Currently, the term mixed-use building is not defined, particularly as it applies to Salem's multifamily housing design review process. Multifamily development in a mixed-use building is exempt from multifamily design review, but without a clear definition, it is unclear when a multifamily building with other non-residential uses is exempt. The proposed definition of a mixed-use building clarifies that.

- *Clarify when site plan review is required for parking lots (SRC Chapter 220):* The proposed amendments clarify that site plan review is required for development of new parking lots and the expansion, alteration, re-paving, or re-striping (*only when parking lot layout will be reconfigured*) of existing parking lots. Currently, site plan review is generally required for any development that needs a building permit. Improvements or alterations of parking lots by themselves, however, do not always require a building permit. As such, site plan review would not be required but review of parking lot changes is needed to ensure compliance with UDC standards regardless of whether a building permit is required.
- *Clarify that the Salem Transportation System Plan (TSP) was amended by the State Street Corridor Plan (SRC Chapter 64):* City Council amended the TSP last year by creating new street designs for State Street between 12<sup>th</sup> and 25<sup>th</sup> streets as part of the State Street Corridor Plan. Ordinance No. 4-18, enacted August 13, 2018, made the amendments, and this code amendment adds the ordinance to the definition of TSP in SRC 64.
- *Revisions to Urban Growth Management Chapter (SRC Chapter 200):* The proposed amendments include a number of revisions to SRC Chapter 200 (Urban Growth Management) concerning the nature and effect of Urban Growth Preliminary Declaration applications; a process by which the City can accept property subject to easements held by federal, state, or other local governmental entities; temporary facilities access agreements; development districts; and reimbursement districts.

### **Recommended Additional Revisions**

#### **1. Home Association Notice (SRC Chapter 300)**

Subsequent to first reading of the ordinance, comments were received from the Home Builders Association of Marion & Polk Counties expressing concern relating to the proposed new requirement to provide notice to Homeowner's Associations (HOAs). This new requirement was recommended by the Planning Commission and would apply when a land use application requiring public notice (e.g. Type II, Type III, and applicant initiated Type IV applications) involve property subject to an HOA. The Home Builders Association indicates, in summary, that they don't necessarily object to the HOA notice requirement, but have concerns involving HOAs that are no longer valid, were never properly formed, or for which the contact person can't be determined.

Staff agrees with the concerns identified by the Home Builders Association and doesn't intend that notice be provided to HOAs which were improperly formed, are no longer valid, or for which contact information can't be identified. In order to address these concerns staff recommends

that the proposed HOA notice requirements under SRC Chapter 300 be further revised as identified in **Attachment 4**. The proposed amendments (“engrossments”) to the ordinance bill are to sections 300.210, 300.520, 300.620, and 300.720, and appear at pages 2, 3, 5, 7, 12, 13, and 14 of Attachment 4.

The proposed revisions limit the notice requirement to only those HOAs that are active, duly incorporated, registered with the Oregon Secretary of State, and which include an identified registered agent. If such an HOA exists involving a property subject to a Type II, Type III, or applicant initiated Type IV application, the applicant will be required to provide the name of the HOA and the mailing address of the registered agent.

## 2. Code Graphics (SRC Chapters 800 and 806)

In addition to the further recommended revisions concerning HOA notice, there are four figures referenced in the ordinance that don’t include their corresponding graphics. The graphics for these four figures are intended to provide illustrative examples of how the proposed new pedestrian access standards included under SRC 800.065 apply to building entrances and through parking lots; as well as examples of bike racks that do, and do not, meet the updated bicycle parking standards included under SRC 806.060 (**Attachment 5**).

Because the proposed revised language concerning HOA notice and the four identified code graphics aren’t currently included in the ordinance, staff recommends that the City Council engross the ordinance to include these additional revisions.

### ***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 is 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.

### ***Alternatives***

City Council may:

- A. Advance Ordinance Bill No. 6-19 to second reading for enactment;
- B. Direct staff to engross Ordinance Bill No. 6-19, as recommended in this report, and advance it to second reading for enactment;
- C. Refer the proposed amendments back to the Planning Commission for further deliberation; or
- D. Decline to advance Ordinance Bill No. 6-19 to second reading.

### **BACKGROUND:**

In 2014, the Unified Development Code (UDC) was completed and adopted as part of the Salem Revised Code (SRC Title X). The UDC was a complete reorganization and update of Salem's development codes. The UDC was adopted with the expectation that periodic updates and amendments would be made to ensure that any unanticipated concerns with the provisions of the UDC were regularly reviewed and addressed.

Bryce Bishop  
Planner II  
&  
Eunice Kim  
Planner III

### **Attachments:**

- 1. Summary of proposed changes,
- 2. Ordinance Bill No. 6-19,
- 3. Planning Commission Recommendation (March 5, 2019),
- 4. Recommended additional revisions to ordinance bill,
- 5. Recommended additional figures to be added to the ordinance bill.