

FOR MEETING OF: April 5, 2022  
AGENDA ITEM NO.: 5.1

**TO: PLANNING COMMISSION**  
**FROM: LISA ANDERSON-OGILVIE, AICP**  
**COMMUNITY DEVELOPMENT DEPUTY DIRECTOR**  
**SUBJECT: SUPPLEMENTAL REPORT FOR THE CONTINUED PUBLIC HEARING ON**  
**THE OUR SALEM PROJECT**

**ISSUE:**

Should the Planning Commission recommend that the City Council update the Salem Area Comprehensive Plan, adopt the Housing Needs Analysis, and amend the Comprehensive Plan Map, Neighborhood Plan maps, zoning map, and Salem Revised Code?

**RECOMMENDATION:**

Adopt the facts and findings of this staff report and recommend that the City Council accept first reading of ordinance bills for the purpose of updating the Salem Area Comprehensive Plan, adopting the Housing Needs Analysis, and amending the Comprehensive Plan Map, Neighborhood Plan maps, zoning map, and Salem Revised Code.

**SUMMARY:**

This staff report summarizes and addresses comments that the public has provided about the proposed amendments related to the Our Salem project between noon on Thursday, March 10 and noon, Monday, March 28. Also included are responses to issues raised by Planning Commissioners and the public at the March 15 public hearing.

***Testimony Received***

The comments have been summarized below and are included in full as **Attachments 1 and 2**.

1. A comment was received questioning how the proposed Comprehensive Plan would affect existing multifamily development on 17<sup>th</sup> St. SE.

**Staff Response:** The properties in question are zoned Residential Duplex (RD) and are proposed to be rezoned Single Family Residential (RS). The proposed rezoning is due to HB 2001. That is a recent state law that requires cities like Salem to allow middle housing (townhouses, duplexes, triplexes, quadplexes, and cottage clusters)

in single-family zones/areas. The City Council recently adopted code changes that implement HB 2001, which means middle housing is now allowed in the RS zone. The RD zone, which allows single-family and two family uses, is no longer necessary. Staff is therefore proposing to eliminate the RD zone as part of the Our Salem proposed code amendment and rezone RD properties to RS. In the RS zone, existing, legally established uses would be “continued uses.” That means, existing multifamily buildings could be altered, enlarged, or rebuilt. They would not become nonconforming uses.

2. A comment was received in support of the proposed zone change from Public and Private Educational Services (PE) to Multiple Family Residential I (RM-I) at 255 and 375 College Dr. NW because it would allow the current nonconforming use on the property as a permitted use. Other comments were received in opposition, citing inadequate transportation options, stormwater impacts, and concerns that multifamily would not be compatible with the surrounding development. One comment was received expressing that multifamily development would only be appropriate on the lower portion of the lot. (See [proposed zoning map](#) 170)

**Staff Response:** This change is proposed at the request of the property owner, Life Church; specifically, the owner seeks the RM-I zone to allow the existing church on the property as a special use. The PE zoning only allows religious assembly uses when they are accessory to an educational use, and since Salem Academy left this site, the church has not been a permitted use.. The church also has stated that it has no intention of developing multifamily housing on the property. Instead, it has a long-term vision of developing assisted living on the property, and the RM-I zone would allow this use. However, if the RM-I zoning is applied, the site could be used for any of the uses permitted in the RM-I zone.

Infrastructure improvements would be required by the developer at the time of development to ensure that public facilities can accommodate the new households, including roadway improvements. A developer would also be required to design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Street Design Standards. Stormwater quality facilities would be required to reduce the risk of impacts to the adjacent properties.

3. A comment was received expressing support for affordable housing and housing development in Salem to support the growing community.
4. A comment was received requesting clarification on the purpose of proposed zoning changes to specific properties in the South Central Association of Neighbors (SCAN) neighborhood.

**Staff Response:** Some of the changes to zoning and the Comprehensive Plan Map are proposed to resolve conflicts between the existing Comprehensive Plan Map designation and existing zoning. As part of the Our Salem project, staff has

proposed to resolve the mapping conflicts across Salem. The property, for example, on Waldo Ave SE is designated Multiple Family (MF) on the Comprehensive Plan Map today, but it is split zoned Single-Family Residential (RS) and Multiple Family Residential II (RM-II). The proposal is to rezone the RS portion to RM-II to align the zoning with the existing Comprehensive Plan Map designation and apply one consistent zoning to the property, which is already developed with multifamily housing. Changes that resolve conflicts between zoning and Comprehensive Plan Map designation help to eliminate the need for future land use actions that could increase the costs of development or negatively affect property owners.

5. A comment was received questioning whether this case is related to a parks and recreation bond.

**Staff Response:** The proposed Comprehensive Plan is not directly related to the potential future bond measure.

6. A comment was received from the owner of the property at 1325 Hilfiker Ln. SE and the adjacent properties to the north and west in opposition to rezoning this land to a multifamily zone, expressing concerns about loss of habitat and recreational opportunities if the property is developed. (See proposed zoning map 137)

**Staff Response:** These properties are currently zoned Residential Agricultural (RA), which allows for development of housing and limited other uses. Rezoning the properties does not require that they be developed. Specifically, the properties are proposed to be rezoned to RM-II to help Salem meet its projected housing needs. The Salem Housing Needs Analysis (HNA), which is proposed for adoption with the proposed changes to the Comprehensive Plan Map and zoning map, identified a need for more land for multifamily housing. The properties on Hilfiker Lane SE are located near services, Cherriots Core Network, and parks. This aligns with where the community, during the Our Salem project, has stated it would like to see multifamily housing in the future.

Requirements for preservation of trees and vegetation in SRC Chapter 808 would continue to apply to these properties if they are rezoned to RM-II. The City Council recently adopted a code amendment that increases the number and types of trees that are required to be preserved in Salem.

7. Comments were received expressing the opinion that the property near Lone Oak Rd. SE and Holder Ln. SE is not suitable for any type of development, due to the presence of wetlands and mature trees. Comments suggested that this land would be better suited for a park or natural area. One of these comments also asked for clarification on two staff responses in the supplemental staff report for the March 15, 2022 Planning Commission hearing regarding setbacks in the Mixed Use II

(MU-II) zone. Another comment referred to the City's tree protection regulations. (See proposed zoning map 150)

**Staff Response:** These properties are currently zoned RA, which allows for development of housing and limited other uses. Rezoning the properties does not require that they be developed.

The local wetlands inventory does not indicate wetlands on the properties. Also, the proposed zone change does not eliminate the requirement for future development to meet the conditions of SRC Chapter 809 (Wetlands), which aims to avoid or minimize risks to people and property from natural hazards. In addition, requirements for preservation of trees and vegetation in SRC Chapter 808 would continue to apply to these properties if they were rezoned to MU-II. The City Council recently adopted a code amendment that increases the number and types of trees that are required to be preserved in Salem.

In addition, side and rear setbacks in the MU-II zone are intended to provide a buffer to adjacent residential development. Specifically, side and rear setbacks adjacent to residential zones are based on building height, so taller buildings that are developed are required to be set back farther from residential zones. Buildings must be set back from adjacent residential zones a minimum of 10 feet plus 1.5 feet for each foot of building height above 15 feet.

As mentioned earlier, the City has requirements for the preservation of trees and vegetation in SRC Chapter 808. Those requirements would continue to apply to these properties if they are rezoned to MU-II. The City Council recently adopted a code amendment that increases the number and types of trees that are required to be preserved in Salem

8. Comments were received from SCAN expressing general support for the proposed Comprehensive Plan and Comprehensive Plan Map and suggesting that the MU-II zone would be most appropriate for properties located along Commercial St. SE between Mission St. SE and Vista Ave. SE. SCAN's request was specifically to extend the MU-II zone on the east side of Commercial Street SE to Vista Ave. SE. (See proposed zoning maps 119, 122, and 124) SCAN's comments also responded to the recommendations of the Our Salem zoning subcommittee. Specifically, SCAN supports increasing the minimum density in mixed use zones to 15 dwelling units per acre; suggests a higher minimum density in large subdivisions and supports requiring at least 15% of units in large subdivisions be middle housing; opposes requiring a minimum density of 15 dwelling units per acre in single-family zones within ¼ mile of the Cherriots Core Network; suggests a 70 foot maximum setback from residential zones in the MU-III zone rather than 50 feet; and opposes eliminating parking minimums in mixed-use zones within ¼ mile of the Cherriots Core Network.

**Staff Response:** Properties adjacent to Commercial St. SE between Mission St. SE and Myers St. SE are proposed to be zoned Mixed Use-I (MU-I), as well as properties on the east side of Commercial St. SE between Mission St. SE and Leslie St. SE. These properties are currently zoned Retail Commercial (CR). Staff proposed to rezone this corridor to MU-I for several reasons. The community has voiced support for increasing density – including specifically residential density – in and around the downtown area, as it includes many jobs, services, shops, and amenities as well as having frequent transit service. The MU-I zone permits taller buildings – and therefore more potential housing – than the MU-II zone, as the maximum height in the MU-I zone is 65 feet compared to 55 feet in the MU-II zone. As noted by SCAN, the lots are relatively small on Commercial Street SE south of Mission Street SE; by allowing additional height, the MU-I zone could help make multifamily housing and/or mixed-use development more feasible.

In addition, the proposed zoning considers the existing zoning of the properties adjacent to this area, which are zoned RM-II and Commercial Office (CO); both zones allow development of up to 70 ft. Also, this portion of the Commercial Street SE is oriented toward retail, restaurants, and services, which better aligns with the MU-I zone than the MU-II zone. The MU-I zone is intended to promote a pedestrian-oriented development, with an emphasize active commercial uses on ground floors facing major streets.

South of Superior Street SE, the majority of properties adjacent to Commercial St. SE in the SCAN neighborhood are zoned CR. Some are also zoned CO and General Commercial (CG). These properties are largely developed with commercial uses, some of which have automobile-oriented development. The Mixed Use-III (MU-III zone) is proposed in these areas because staff is seeking to balance the broad mix of commercial uses currently allowed in this area with the community's vision for this area to become a more pedestrian-friendly, mixed-use corridor. The MU-III zone specifically allows very similar commercial uses to the existing CR zone, but it promotes housing and mixed-use development by allowing multifamily housing outright and incentivizing mixed-use development. The MU-III zone specifically encourages infill development, particularly if it includes housing, and redevelopment in existing auto-oriented commercial areas without restricting the range of uses currently allowed. It also promotes pedestrian-oriented development through simple design standards without requiring full-scale redevelopment. Existing overlay zones in this area will continue to ensure that development is sensitive to adjacent residential uses where they are applied.

Nonetheless, staff has no objection to SCAN's request to rezone this southern portion of Commercial Street SE to MU-II. Staff, however, would have to notify affected property owners because the MU-II zone is not what was proposed during the Our Salem project or when they were specifically given notice.

The zoning subcommittee of four Planning Commissioners and four City

Councilors made several recommendations on code changes to help reduce greenhouse gas emissions from transportation. Many of the code changes aimed at increasing the amount of housing that can be developed near frequent transit service (e.g., Core Network). These recommendations resulted from extensive research and discussion about the feasibility of proposed changes, the potential impacts, and desired outcomes. The public, including developers and builders, were included in the discussions with the subcommittee. Staff does not support the changes suggested by SCAN. The recommendations that SCAN opposes or suggests changes to are described below.

*Parking:* The subcommittee recommended eliminating minimum parking requirements for mixed-use developments in mixed-use zones within ¼ mile of the Cherriots Core Network. This is intended to encourage infill development with housing in areas that are already developed with commercial uses. Specifically, multifamily housing could be developed in place of existing parking lots, as parking would no longer be required for commercial uses. Developers could still choose to provide parking, but it would not be required.

*Density:* The subcommittee recommended requiring a minimum density of 15 units per acre in single-family zones within ¼ mile of Cherriots Core Network. The intent is to increase housing density – through the development of middle housing – on the remaining vacant lots near frequent transit service. There would be exemptions, including vacant lots in recently-approved subdivisions.

*Setback:* The subcommittee recommended setbacks in the MU-III zone to be based on height when adjacent to residential zones; this is similar to setbacks in the MU-I and MU-II zones. The subcommittee, however, also recommended capping that setback to a maximum of 50 feet, which would balance the provision of a buffer for residential homes with the development potential of properties zoned MU-III. A 50-foot setback would be greater than what is required in many other zones, including the General Industrial (IG) zone, which requires a 40-foot setback adjacent to residential zones.

*Subdivisions:* The subcommittee recommended a minimum density of 5.5 dwelling units per acre in subdivisions of 10 acres or larger. (Currently, there is no minimum density in the single-family zones.) It was paired with a recommendation that 15 percent of housing units in such subdivisions were middle housing units. The intent is to increase the amount of housing, as well as the variety of housing types and affordability levels, in large subdivisions.

9. Several comments, including one from the Northeast Neighbors (NEN) Neighborhood Association, were received expressing support for the proposed Comprehensive Plan and gratitude for the outreach staff has done. The comments also requested that portions of the NEN neighborhood be rezoned from multifamily zones to Duplex Residential (RD) in line with the NEN-SESNA Neighborhood Plan.

One comment also expressed concerns about the equity implications of locating multifamily housing near major corridors and safety near railroad tracks.

**Staff Response:** The NEN-SESNA Neighborhood Plan recommends rezoning some areas with RM-II zoning to RD. However, the RD zone is proposed to be eliminated through the proposed code amendments. This zone is no longer necessary since the HB2001 changes went into effect because the RS zone now allows duplexes. Therefore, the RD zone would not be appropriate.

The largest area that the NEN-SESNA Neighborhood Plan recommended downzoning was in south of Center Street NE along 17<sup>th</sup> Street NE. During the Our Salem project, staff proposed rezoning the properties in this area west of 17<sup>th</sup> Street to RS. However, property owners and others did not support the proposed change. In other areas identified in the NEN-SESNA Neighborhood Plan for downzoning, there are some existing multifamily developments that would not have been allowed in the RS zone. If the Planning Commission and ultimately City Council would like to see specific properties downzoned from RM-II to RS, they could direct staff to include those proposed changes in a future City-initiated rezoning project. Only properties that were included in the Our Salem proposal initiated by City Council in December 2021 can be considered for zone changes during this adoption process.

In addition, staff heard from the community during the Our Salem project that multifamily housing should be distributed around Salem; that it should be located close to services, jobs, and transit; and that considerations should be taken to mitigate potential sources of air and noise pollution near multifamily development. Staff has distributed proposed new multifamily zoning around Salem, while considering its proximity to amenities and distance from potential pollution sources, like industrial zoning. Staff has also proposed more mixed-use zoning, so multifamily housing can more easily be located in close proximity to jobs, services, and transit. In the proposed MU-III zone, exclusive residential development is required to be set back farther from major roadways, and additional landscaping is required to help mitigate the negative effects of nearby auto traffic.

Rail safety has been considered in the development of the proposed Comprehensive Plan. One of the transportation policy ideas that will be moved forward for consideration during the planned update to the Transportation System Plan is specific to rail crossing safety.

10. A comment was received in opposition to the proposed zone change at 2840 Broadway St. NE to MU-III due to concerns that the zone would prohibit an existing gas station from continuing to operate. (See proposed zoning map 60)

**Staff Response:** The property at 2840 Broadway St. NE is currently zoned CR. It is proposed to be rezoned to MU-III, which allows gasoline service stations, so the

proposed change will not affect the ability of this gas station to continue to operate (or new gas stations from being developed).

11. A comment was received requesting that a property near Lamberson St. NE that is currently zoned RM-II be rezoned due to concerns that it is adjacent to a railroad line, it would create more traffic if it were developed, and development would result in a loss of trees.

**Staff Response:** The property is currently zoned RM-II,, and a zone change on this property is not included as part of this proposal, which was initiated by City Council in December.

12. Several comments were received expressing support for having a small market at 800 Highland Ave. NE. Also included was a list of signatures in support of this concept. (See proposed zoning map 57)

**Staff Response:** The property is currently zoned RS, which does not allow retail sales and services. The proposed zoning for this property is Neighborhood Hub (NH), which allows small-scale retail sales and services uses, including markets. Therefore, the proposed zoning aligns with and supports these requests.

13. A comment was received in support the Our Salem Project and mixed use and multifamily zoning northwest of the intersection of Orchard Heights Rd. NW and Doaks Ferry Rd. NW. (See proposed zoning maps 188 and 189)

14. Several comments, including one from the North Lancaster Neighborhood Association, were received in opposition to the proposed zone change to NH at 2390 Brown Rd. NE due to concerns about traffic safety and proximity to existing commercial areas. A list of signatures was also included. (See proposed zoning map 33)

**Staff Response:** The NH zone allows small-scale shops and services in residential neighborhoods and is intended to promote complete neighborhoods where residents can walk to meet some of their daily needs. This location was proposed for the NH zone because it is relatively far from existing services (.75 miles), it is in close proximity to complementary amenities (e.g. a park and community garden), it is served by sidewalks and bike lanes that help improve access, and it is located along a bus route with 15-minute service. These were all factors the community indicated were important to consider when locating neighborhood hubs.

The NH zone will continue to allow single-family homes, and there is no requirement that a small business be developed or established if the property is rezoned to NH. The existing single-family home on the Brown Road property can remain.



Brown Road NE was recently improved to a collector street standard with sidewalks and bike lanes, including an enhanced pedestrian crossing at Brown Road NE and Maria Ave. NE. This increases the walkability of this area, which aligns with the broader intention of the NH zone. Any commercial redevelopment would need to meet City standards related to transportation safety.

15. A comment was received from the owner of Grocery Outlet expressing support for expanding the Central Business District (CB) zone on the north side of downtown and requesting flexible code requirements for older developments, like the Grocery Outlet, including requirements for signage. (See proposed zoning map 68)

**Staff Response:** The existing zoning of the Grocery Outlet property is CB, and no change to the current zoning of this property is proposed. Existing standards in Salem Revised Code address nonconforming development that allow older structures that do not meet current standards to be improved. Additionally, the City is in the process of amending the sign code (SRC Chapter 900), including updated standards for the location of signage and the process for requesting a sign adjustment. The Planning Commission is conducting work sessions in April and May 2022, and public comments and feedback on the proposed updates are currently being accepted. Public Hearings on the sign code amendments are anticipated to begin in June 2022.

16. A comment was received in support of MU-III zoning on Fisher Rd. NE. (See proposed zoning map 25)

17. A comment was received expressing concerns that the proposed Comprehensive Plan, code amendments, and maps do not comply with Oregon State Land Use Planning Goal 5.

**Staff Response:** The existing Salem Area Comprehensive Plan 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. Staff from the Oregon Department of Land Conservation and Development (DLCD) has reviewed the changes proposed through the Our Salem project and has submitted a letter of support dated March 8, 2022.

After analysis of the statewide planning goal, the Oregon Revised Statutes, and associated Oregon Administrative Rules and discussions with DLCD staff, City staff believe that the Our Salem project – including the proposed updates to the Comprehensive Plan and Comprehensive Plan Map – does not trigger a requirement to conduct Goal 5 inventories because the Our Salem project does not amend a resource list or a portion of an acknowledged plan or land use regulation adopted to protect a significant Goal 5 resource or address a specific requirements of Goal 5; it does not allow new uses that could be conflicting uses with a particular significant Goal 5 resource on an acknowledged resource list; and it does not amend the UGB.

It should be noted that the City does not have any significant Goal 5 resources (other than historic resources). The City is proposing to change the zoning of several properties in Salem to help protect natural resources on City-owned land. Specifically, the City is proposing to change the Comprehensive Plan Map designations of such properties to Parks, Open Space, and Outdoor Recreation (POS) and change the zoning to Public Amusement (PA). Such changes would provide greater protection to natural resources and would not be in conflict with Goal 5.

The cases cited in the testimony involve circumstances that clearly required Goal 5 review. In *ODOT v. City of Newport* 23 Or. Luba 408, the City sought to amend the UGB and allow multi-family residential housing on a portion of newly-included property that had previously designated as a resource site under Goal 5. Because the site was previously identified and the proposed use appeared to conflict with that use, the City was required to perform an EESE (economic, social, environmental and energy consequence analysis). Comments submitted have not identified particular properties to be affected; they only cite the fact that the City in the future plans to identify and protect Natural Resources, Habitat and Habitat connectivity. Those actions do not appear to be sufficient to trigger a Goal 5 review.

In *Doty v. Harris* 34 Or Luba 287, the County attempted to rezone a property that had previously been identified as a natural resource (Grizzly, deer and elk habitat) to zoning designation that would allow residential development. LUBA found that the change required an EESE, which the County had conducted, but found the EESE lacking. Again because the City has no significant resources (other than historic resources) and the changes provide greater protection, a Goal 5 analysis is not needed.

In conclusion, the cases cited by the testimony do not support the argument that a Goal 5 review is necessary.

18. Comments were received expressing support for dispersing low-income housing across Salem, especially in South and West Salem. One comment also suggested that multifamily housing should be located in compact, mixed-use neighborhoods. The comment asserts that challenges associated with climate change have an outsized impact on low-income residents, and quality housing for low-income residents can help build resiliency.

**Staff Response:** The proposed Comprehensive Plan includes policies related to dispersing affordable and low-income housing across Salem and encourages development of mixed-income neighborhoods. It also includes policies that encourage the development of compact, mixed-use neighborhoods. The proposed zoning and Comprehensive Plan Map changes reflect these policies by proposing land for multifamily housing and mixed-use development across Salem, including

in South and West Salem. The proposed changes help to make the distribution of multifamily land more equitable across different parts of the city. See additional responses in #31 below related to the housing policies.

19. A comment was received from the Salem Area Chamber of Commerce expressing concerns for businesses that could become continued uses as a result of proposed zone changes, citing challenges to rebuilding after a building is destroyed. The example given was the West Salem Central Business District (WSCB).

**Staff Response:** The WSCB zone is not proposed to be expanded by the proposed zone changes, and its existing provisions related to continued uses are not proposed to be changed. The City currently allows development housing continued uses to be rebuilt following damage or destruction. The proposed code amendment would expand the flexibility provided to properties through continued use and continued development provisions. For example, the proposed MU-III zone would allow buildings housing a continued use to be structurally altered and enlarged, as well as rebuilt following destruction, including the option to rebuild in the same location. Staff has worked extensively through its public engagement efforts with property owners, business owners, the Chamber of Commerce, and others to ensure the needed flexibility exists in the proposed new zones.

20. A comment was received opposing additional multifamily housing in West Salem, expressing concerns about the traffic and parking implications. The comment requests that no new multifamily housing be built until more travel lanes for cars are added and that parking requirements for multifamily be increased to 2 spaces per unit.

**Staff Response:** As part of the Our Salem project, the City worked with the Mid-Willamette Valley Council of Governments (MWVCOG) to analyze the transportation impacts of the proposed Comprehensive Plan Map changes. Based on that analysis, the proposed changes comply with the State Transportation Planning Rule. See Goal 12 findings in the March 15 staff report [Attachment 16](#) for additional detail on the transportation analysis and impacts.

The City Council recently changed the parking requirements for multifamily development to 1 space per unit. That change went into effect March 16, 2022.

21. A comment was received from the Cherriots Board of Directors supporting the Our Salem Project, the Our Salem Vision Statement, the attention to equity in the plan, the alignment of the plan with the transit system, strategies to reduce greenhouse gas emissions, and references to transportation and parking management.
22. A comment was received requesting that measures to promote wildfire safety and preparedness be included in the plan.

**Staff Response:** The proposed Comprehensive Plan includes a chapter on climate change and natural hazards, including wildfires. This chapter contains policies related to natural hazard preparedness, awareness, and the urban-wildland interface. Additionally, the State is in the process of rulemaking related to wildfire risk and mitigation (SB 762), and the City will implement any resulting rules that apply to local jurisdictions.

23. A comment was received requesting a summary of the March 15, 2022 public hearing.

**Staff Response:** The public is able to view the March 15, 2022 Planning Commission meeting online on the City's [YouTube channel](#).

24. A comment was received opposing the proposed zone change from CO to MU-I at 4343 and 4345 Sunnyside Rd. SE due to concerns that high-density development would degrade wildlife habitat, increase flood risk and pollution from stormwater runoff, and traffic safety issues. (See proposed zoning map 134)

**Staff Response:** Rezoning the properties does not require that they be developed or redeveloped. Both the existing CO zone and proposed MU-I zone allow multifamily and mixed-use development. The maximum height in the existing CO zone is 70 feet, and the maximum height in the proposed MU-I zone is 65 feet. Therefore, the proposed zone change does not affect the potential for these properties to be developed with high-density development. In addition, the MU-I zone includes setback standards that would provide a greater buffer between these properties and adjacent residential properties than would be required in the CO zone if these properties develop in the future.

The proposed zone change also 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 71 (Stormwater).

Development of these properties (whether zone CO or MU-1) would need to ensure adequate sight distance at the driveway approach. If a Traffic Impact Analysis is required with development, this would be included in the analysis prior to approval of construction plans.

25. A comment was received requesting that the properties at 4700 Battle Creek Rd. SE, 4786 Battle Creek Rd. SE, and 4826 Battle Creek Rd. SE (near the intersection of Kuebler Blvd SE) be rezoned from the existing RA zoning to MU-III rather than MU-I as proposed. The comment asserts that this will make these properties more attractive for development because the MU-III zone allows drive-throughs, while the MU-I does not. (See proposed zoning map 105)

**Staff Response:** The MU-I zone is intended to promote pedestrian-oriented mixed-use development. This type of development could improve walkability for future residents of these properties as well as for surrounding residents. The MU-I zone also allows a range of shops and services, which could serve this growing residential area.

The MU-III zone is generally proposed for areas that are already developed with commercial uses, including those that are auto-oriented. It promotes infill development – particularly housing development – through a variety of development standards and incentives. However, this area is not currently developed, so there is an opportunity to create a new pedestrian-friendly mixed-use area through the MU-I zone. Additionally, staff analysis has resulted in concerns about traffic congestion and stacking that would result from MU-III zoning in this area.

26. A comment was received requesting information about the service standards used in the development of the Comprehensive Parks System Master Plan and asking how the Community Development Department was involved in that planning effort. The commenter also inquired about how “market usage outcomes for public transit” were utilized in proposing MU-II and MU-III zoning. The commentor inquired about the level of expertise of the Community Development Department and asked about how market economic analysis contributes to long range planning processes.

**Staff Response:** Park acreage standards for Salem parks are set by [Comprehensive Park System Master Plan](#) (CPSMP) policy 4.1, which states, “The City shall provide a system of improvements to meet the needs of the current and future population with the park acreage planning goal of seven acres per 1,000 residents: 2.25 acres of neighborhood, 2.25 acres of community and 2.5 acres of urban park land. Acreage standards for linear parks/trails, special use facilities, historic sites, and natural areas are not established.” Public Works Parks Planning leads the application of these standards and follows the recommendations included in the CPSMP. Community Development staff supports and collaborates with Public Works Parks Planning staff regularly, and Parks planning staff supported and contributed to the development of the proposed Comprehensive Plan.

Numerous studies, reports and projects have recommended encouraging mixed-use development and higher-density development near transit. This is often recommended as a strategy to reduce vehicles miles traveled and thus greenhouse gas emissions related to transportation. This includes the Oregon Statewide Transportation Strategy, which encourages removing barriers to mixed-use development and pairing mixed-use development with expansion of transit, walking, and bicycle networks. Salem’s Climate Action Plan, which was accepted in February 2022, specifically includes a strategy that calls for incentivizing and

promoting “dense and vertical development (residential and commercial) within a 1/4 mile of the existing and future core transit network.”

Over the last three years, Our Salem project staff collaborated with a variety of partners, including other City departments, Cherriots, jurisdictional partners, business and property owners, neighborhood associations, community groups, and countless others to propose zone changes – including the location of different mixed-use zones – across Salem. Staff factored that input into its decision-making, which also included consideration of local context, professional expertise, and direction from policymakers. City staff do not set service standards for transit. However, City staff are supporting Cherriots’ first ever long-range transit plan to help ensure coordination between land use planning and transit planning continues.

27. A comment was received from the West Salem Foursquare Church located at the northeast corner of Doaks Ferry Road NW and Eola Road NW inquiring as to what type of future development might take place on the vacant portion of their property, which is proposed to be rezoned to MU-II. (See proposed zoning map 173)

**Staff Response:** This property is currently zoned RA, which allows single-family and middle housing development, as well as uses that support residential development, like religious assembly. The proposed MU-II zone allows three-family, four-family, and multiple family development as well as a variety of commercial uses, like eating and drinking establishments, retail sales, personal services, and offices. It also allows religious assembly uses. The MU-II zone encourages pedestrian-oriented design to promote walkable development patterns.

This zoning is proposed in this location because there are many residents in this area – which includes adjacent multifamily and single-family housing – and there is currently very limited access to nearby commercial services and amenities. During the Our Salem project, the community voiced a desire for more convenient access to goods and services as well as concerns about traffic on many of the primary roads in West Salem. By providing the possibility for commercial uses in this area, nearby residents may be able to walk to meet some of their daily needs as opposed to driving. This will help to increase residents’ access to goods and services and may help reduce the number of vehicle miles traveled.

28. A comment was received, stating that there are legal deficiencies regarding the current and proposed Comprehensive Plan Map and requesting that they be corrected as part of the Our Salem project.

**Staff Response:** The comment provides a header and key of a map that was submitted to DLCD – cited as example a in the testimony – as part of the Our Salem project. The map is not the official Comprehensive Plan Map; it was

provided to DLCD to show proposed changes to Comprehensive Plan Map designations on specific properties. The map, therefore, does not show the Willamette Greenway. The greenway is mapped on the official Salem Area Comprehensive Plan Map.

Overall, the issues raised in the comment are not related to the Our Salem project nor are they related to the proposed amendments to the Comprehensive Plan Map. Separate from the Our Salem project, staff has worked with the commenter on the issues raised.

### ***Oral Testimony Received during Public Hearing***

29. A comment was received by a property owner who would prefer that his property at 1280 Center St. NE be rezoned from CR to MU-III rather than MU-I as proposed because he wants the option to develop a drive-through in the future. (Written testimony with similar comments has also been received.) (See proposed zoning map 48)

**Staff Response:** Due to its proximity to downtown and the Capitol Mall and the walkability of the area, this property and the surrounding area are proposed to be rezoned to MU-I. The MU-I zone is intended to encourage pedestrian-friendly, mixed-use development. It includes pedestrian-oriented design standards and allows but does not require a mix of uses, including multifamily housing and commercial uses. Development of this property with a drive through would not be harmonious with the surrounding area, which is one of the most walkable neighborhoods in Salem. MU-III zoning on this vacant parcel would also not be consistent with the surrounding areas, which are zoned Central Business District (CB) and MU-I; neither of those zones permit drive through uses. The MU-III zone, on the other hand, is proposed primarily on commercial corridors that already have auto-oriented development and are located further from downtown. The existing block configuration and availability of vacant properties, including 1280 Center Street NE, further support MU-I zoning.

30. Two comments were received inquiring about how the proposed zoning changes and code amendments would affect land use cases that are currently being reviewed.

**Staff Response:** Staff is tracking recently-approved land use decisions and pending land use cases. The proposed Comprehensive Plan map and zoning map will not override any recent land use decisions, as staff intends to recommend the maps be changed to reflect any necessary changes related to land use cases that are decided prior to adoption. All land use applications are subject to the zoning and code in place at the time they are received by the City.

31. Several comments were received expressing the importance of promoting equity

and environmental justice through the proposed Comprehensive Plan. Specific areas of concern included food deserts, displacement and gentrification, and impacts of concentrated poverty on schools. Comments also emphasized the importance of supporting the development of low-income and subsidized housing across Salem, and especially in South and West Salem.

**Staff Response:** Throughout the Our Salem Project, staff has partnered with community organizations to ensure that diverse perspectives are included in the plan and those who have historically been underrepresented in planning processes are able to contribute. This includes groups representing communities of color, refugees, people with disabilities, low-income residents, and more.

Input from these groups helped shape goals and policies in the proposed Comprehensive Plan, including those specific to equity and inclusion (“Community Engagement and Equity” chapter), food deserts (CS 2.1 Fresh food), gentrification (H 2.8 Anti-displacement), and environmental justice (CE 2.1 Environmental and social justice). These goals will help ensure that City processes and plans provide for more equitable outcomes in the future.

The proposed Comprehensive Plan Map and zoning map reflect these priorities by distributing multifamily housing across Salem, changing land uses to expand access to services in underserved areas, and concentrating denser housing, jobs, and services close to transit. As mentioned earlier, the proposed map changes increase the amount of land available for multifamily housing, including in South and West Salem, while seeking to distribute land designated Multiple Family Residential more equitably across Salem. Staff has also suggested revisions to proposed policies (see staff response in #32 below).

### ***Responses to Planning Commission Questions***

32. Commissioner Michael Slater: Is it possible to add the terms “low-income housing,” “subsidized housing,” and “public housing” to more of the policies related to housing affordability?

**Staff Response:** There are several policies related to housing where one or more of these terms could be added to make the policy more inclusive. They include H 2.1 – Low-income and workforce housing, H 3.2 – Dispersal, and H 1.3 – Accessibility and aging in place. Below are suggested changes to the policies; potential additions are underlined, and deletions have a ~~strike-through line~~.

**H 2.1 Low-income and workforce housing:** The City should encourage the development of housing that is affordable to low- and moderate-income households, including public, government-assisted, subsidized, low-income, and workforce housing, through incentives and other tools.



**H 3.2 Dispersal:** Affordable housing, including low-income, subsidized, and public housing, should be located throughout the Salem Urban Area to promote mixed-income neighborhoods and reduce economic segregation and concentrations of poverty.

**H 1.3 Accessibility and aging in place:** The development of affordable, and low-income accessible housing, including homes with universal design features, should be encouraged to meet the needs of older adults and people with mental and physical disabilities, particularly in areas near services and transit.

It should be noted that affordable housing can be defined in a variety of ways. To avoid confusion, the following definitions are what is intended by City staff – including those in the Community Development and Urban Development departments– when referring to each term.

#### *Affordable Housing*

- **Salem Revised Code Chapter 111:** Affordable housing means housing that is affordable to households with incomes equal or less than 80 percent of the median family income in the county for which the development is built or for the state, whichever is greater, and in a manner so that no more than 30 percent of the household's gross income will be spent on rent, home loan or mortgage payments, and utilities.

#### *Low-Income Housing*

- **Salem Revised Code Chapter 2:** Low income means income at or below 60 percent of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development.

#### *Subsidized Housing*

- Subsidized housing is housing that is made more affordable with some type of government subsidy. This could include housing where federal housing choice vouchers (section 8) are accepted or some other type of rent assistance. It could also include housing that is required to be rented below market rate in exchange for tax exemptions or other subsidies.

#### *Public Housing*

- Public housing refers to housing that is owned by the Salem Housing Authority or another government entity

33. Commissioner Ron Eachus: Does staff have a tree inventory for Northeast Salem available?

**Staff Response:** The distribution of tree canopy cover across Salem can be found in the [2019 Urban Tree Canopy Assessment](#). Table 6 on page 16 and Figure 12 on

page 17 show the amount of tree canopy cover by neighborhood in Salem. Coverage ranges from 14 percent in Southeast Mill Creek to 41 percent in Southwest. In general, tree canopy coverage is higher in South and West Salem than in Northeast and East Salem.

34. Commissioner Daisey Goebel: How have we addressed the need for multifamily housing in Salem, including south and west Salem?

**Staff Response:** Staff has proposed redesignating and rezoning land for multifamily housing across Salem. The proposed map changes meet Salem's housing needs, as described in [Attachment 15 of the March 15 Staff Report](#). This is acknowledged in the March 8, 2022 letter from the Oregon Department of Land Conservation and Development. The proposed changes to Comprehensive Plan Map add more than 300 acres of land designated Multiple Family Residential (MF), with the vast majority of that land being located in West and South Salem.

Eunice Kim  
Long Range Planning Manager

Attachments:

1. [Testimony received between noon, March 10 and 5 p.m., March 15](#)
2. [Testimony received between 5 p.m., March 15 and noon, March 28](#)

**Shelby Guizar**

---

**From:** chris@utilityincentive.com  
**Sent:** Thursday, March 10, 2022 2:30 PM  
**To:** Planning Comments  
**Subject:** FW: CITY OF SALEM PUBLIC HEARING  
**Attachments:** CITY OF SALEM PUBLIC HEARING.pdf

Dear City of Salem,  
How will these Amendments to the City of Salem Comprehensive Plan effect my multi-family community on 17<sup>th</sup> St SE?  
Please advise.  
Thank you,  
Chris O'Malley  
858-488-3998  
[www.utilityincentive.com](http://www.utilityincentive.com)



**NOTICE OF PUBLIC HEARING  
AUDIENCIA PÚBLICA**

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**PURPOSE OF HEARING:** The Salem Planning Commission will hold a public hearing to receive testimony regarding the Our Salem project. The proposal includes amendments to the Salem Area Comprehensive Plan, Comprehensive Plan Map, Neighborhood Plan Maps, Zoning Map, and Salem Revised Code. The proposal also includes adoption of the Salem Housing Needs Analysis.

**CASE FILE NUMBER:** Code Amendment Case No. CA21-04

**DATE AND TIME OF PUBLIC HEARING:** Tuesday, March 15, 2022, at 5:30 p.m.

**LOCATION OF PUBLIC HEARING:** **DUE TO SOCIAL DISTANCING MEASURES IN PLACE TO HELP STOP THE SPREAD OF THE COVID-19 VIRUS THIS HEARING WILL BE HELD DIGITALLY**

**CASE MANAGER:** Eunice Kim, Long Range Planning Manager, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2308; E-mail: [PlanningComments@cityofsalem.net](mailto:PlanningComments@cityofsalem.net)

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**HOW TO PROVIDE TESTIMONY:**

Both written and oral testimony will be accepted on this proposal. Only those participating by submitting written testimony, or by testifying virtually at the hearing, have the right to appeal the decision.

**To Provide Written Testimony:** Direct written comments to the **case manager** listed above. Staff recommends emailing your comments to ensure receipt before the public hearing.

**Please Provide Comments by:** March 15, 2022 at 5:00 p.m.

**To Provide Testimony Digitally at the Public Hearing:** Sign up by contacting Shelby Guizar at [SGuizar@cityofsalem.net](mailto:SGuizar@cityofsalem.net) or 503-540-2315 by March 15, 2022 at 3:00 p.m. to receive instructions.

**APPROVAL CRITERIA:**

Salem Revised Code (SRC) Chapters 110.085(b) – Amendments to the Unified Development Code (UDC); 265.010(d) – Legislative Zone Changes; SRC 64.025(e) - Plan Map Amendments; and SRC 64.020(f) - Comprehensive Plan Amendments.

The Salem Revised Code (SRC) is available to view at this link: <http://bit.ly/salemorcode>. Type in the chapter number(s) listed above to view the applicable criteria.

Subsequent to the close of the hearing, the Planning Commission will forward a recommendation to the City Council. Notice of the recommendation will be mailed to all neighborhood associations, anyone who participated in the hearing, and anyone who requested to receive notice. The City Council will make the final decision on the proposal.

## Shelby Guizar

---

**From:** Eunice Kim  
**Sent:** Friday, March 11, 2022 12:09 PM  
**To:** Planning Comments  
**Subject:** FW: Life Church Justification for change to RM1  
**Attachments:** To Salem PC with justification.pdf

---

**From:** Wallace Lien <WLiен@lienlaw.com>  
**Sent:** Friday, March 11, 2022 12:07 PM  
**To:** Eunice Kim <EKim@cityofsalem.net>  
**Cc:** Wallace Lien <WLiен@lienlaw.com>; donf@lifechurchsalem.com  
**Subject:** Life Church Justification for change to RM1

Good Morning

Please see the attached letter on behalf of the Life Church supporting and justifying the change on their property to RM1. Please include this letter in the official Record of the March 15<sup>th</sup> proceedings.

### Wallace W. Lien

Attorney at Law

[wallace.lien@lienlaw.com](mailto:wallace.lien@lienlaw.com)

Virtual Office Directory:

1004 Crescent Dr NW

Salem, OR 97304

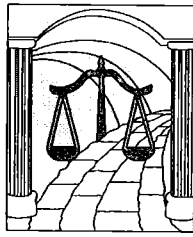
phone: 503-585-0105

<http://www.lienlaw.com>

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# WALLACE W. LIEN



Wallace W. Lien

Attorney at Law

Contact by e-mail at  
wallace.lien@lienlaw.com

March 11, 2022

Salem Planning Commission  
555 Liberty St SE  
Room 305  
Salem OR 97301

By Email to: [ekim@cityofsalem.net](mailto:ekim@cityofsalem.net)

Re: Agenda Item 5.1 - Community Wide Rezone - Life Church Inclusion

Honorable Commission Members:

I represent Life Church in its ongoing efforts to resolve conflicts in the zoning that have arisen for the church. After many discussions with staff and working through the corrective options, it was determined the Life Church should fit into the community wide rezone, and for the new plan designation to be Residential and the zoning RMI.

For sake of brevity, as I know there is a mountain of paperwork you have to sort through in this matter, I am attaching the Memo that was presented to the West Salem Neighborhood Association on July 19, 2021 which explains the situation and why the RM1 zone is needed.

Staff agrees with the RM1 fix here, and the plan and zone changes have been included in the community wide modification process. It is a simple fix to a complex problem that should be fully implemented.

A member of Life Church will be in attendance at your March 15, 2022 meeting to make a brief presentation and to answer any questions you might have.

Yours truly,

A handwritten signature in black ink that reads "Wallace W. Lien". The signature is written in a cursive, flowing style.

WALLACE W. LIEN

Enc: Life Church Memo to WSNA

cc: Life Church (w/enc)

**LIFE CHURCH**  
*255 and 375 College Drive NW*  
*Salem, OR 97304*

**REQUEST FOR SUPPORT FOR ZONE MAP CHANGE  
AS PART OF THE CITYWIDE REZONING**

WSNA Agenda Item - July 19, 2021 Virtual Meeting

**ISSUE:** Life Church and Salem Academy coexisted on the West Salem property (apx 11 acres) for over 16 years, until Life Church acquired the entire complex in 2009. Through the mid-2000's Life Church also operated a school on the property with the church being an ancillary and allowed use in the PE zone. Life Church no longer operates a full time school as defined in the SRC, and Salem Academy relocated its operation. The City of Salem now considers the property to be solely a religious assembly use, since the official school uses are no longer in place. In the PE zone which is currently applied to the church property, religious assembly is a prohibited use when it is not ancillary to an educational use. The issue is how to remedy the zoning situation for Life Church to bring it into compliance.

Life Church, by and through its attorney, Wallace W. Lien, has been working with the Planning Department on various potential remedies, including changing the text of the PE zone to remove the prohibition against churches, and various quasi-judicial applications. When the City of Salem decided to initiate a citywide rezoning effort, a perfect opportunity arose to change the map designation to one that would allow a church. The Planning Department asked Life Church to bring this matter before the WSNA to gather input on the change and to then report back to the planners for inclusion in the citywide rezoning process.

**PROPOSAL:** Amend the zone map from the Public and Private Educational Services (PE) zone to the Multiple Family Residential (RM1) zone. The zone map change would be included in the citywide rezone process that is currently underway.

**RESULT:** The unlawful zoning status of the Life Church would be corrected by removing the PE zone map designation and replacing it with the RM1 zone map designation where the Life Church would be recognized as a lawful "special" use subject to SRC 700.055 which are development standards imposed on properties with the "special" designation.

**FISCAL:** There is no fiscal impact from making this zone map amendment.

**REQUEST:** Life Church is asking the WSNA to consider and vote its approval of this zone map change, and forward that approval to the City Planning Department

**JUSTIFICATION FOR THE ZONE MAP AMENDMENT**

What the Life Church has been presented with is a problem solving exercise, with a bit of common sense thrown in. What is the best and easiest way to resolve the unlawful zoning problem facing Life Church? Obviously, it is not to require the church to abandon the site it has occupied without issue from its neighbors for nearly three decades. Some land use change is required to fix the problem, and the path of least resistance seems to be to include this proposed change with the other zone map changes being done all over the City. Life Church has worked diligently with the City Planning Department to come up with a solution. We have explore amending the text of the PE zone to allow churches, however the city process for text amendments is cumbersome, time consuming and

expensive. In addition, the planning department had some reservations about changing the text of the PE zone. Having Life Church apply for a quasi-judicial zone change is also time consuming and expensive. When it was discovered the City itself was proposing some city wide rezoning to fix problems and make way for the future, adding the Life Church solution to the process made perfect sense.

The RM1 zone resolves the illegal zoning, yet provides significant protections by way of its “special” use classification. All new development on the property is subject to siting controls governed by the planning division.

It should be noted that there is no zone in the entire city where a church is allowed outright. If there was, that would be the zone that would be requested. Since there is no church zone, Life Church selected the least impactful zone available that suits its long term vision for the property. It must be stated that Life Church has no intention of utilizing any portion of its property for multi-family housing. Life Church has a long term vision of providing some assisted living accommodations on the property, which then requires the RM1 zone. The current buildings will remain. A community center for the congregation is planned for the vacant portion of the property.

Life Church is a solid member of the West Salem Community, providing the ability to worship as well as be educated. Community benefits include child care and summer and vacation camps for kids, and group sessions for adults. Life Church is a good neighbor with a positive attitude and outlook, and should be encouraged.

Life Church seeks the approval of the WSNA for its proposed inclusion in the citywide rezoning to amend the zone map from PE to RMI, and to forward that recommendation to the City Planning Department.

Pastor Don Finley will be available at the virtual meeting to answer any questions anyone might have regarding this proposal.

Thank you for your courtesies and kind consideration of our request.



## Shelby Guizar

---

**From:** Shadya Jones <shadya@SHADYAJONES.COM>  
**Sent:** Friday, March 11, 2022 1:28 PM  
**To:** Planning Comments  
**Cc:** Shadya Jones  
**Subject:** Public Hearing-Code Amendment Case No. CA21-04  
**Attachments:** Val letter to City of Salem.jpg

Good afternoon,

On behalf of Val Allyn, owner of the properties located at 5559 Lone Oak Rd SE, Salem, OR, I am attaching her comments pertaining to Public Hearing Case No. CA21-04.

Have an Outstanding Day!

**Shadya Jones**  
Oregon Licensed Broker  
Coldwell Banker Commercial MWRE  
365 Bush Street SE | Salem OR 97302  
C 503. 884. 6281  
O 503. 566. 5702  
**Shadya@ShadyaJones.com**

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To: SALEM City Council

2-31-2022

To: Eunice Kim

From: Valerie Allyn - Trustee of 5559 home Oak Rd. SE Salem

I am Valerie (Tabetta) Allyn and just a quick note to say in written testimony that I am in favor of affordable housing and any housing in general for Salem.

I was born and raised in Salem. I went to Liberty Grade school, Jackson Jr. High, South High School, Sprague High School, Chemeketa C.C. I have personally seen South Street grow by leaps & bounds over the years.

My folks lived there on home Oak Road into their Old Age. Our daughter and grandson live in their old born house (use to be Mrs. Haddix's old Daisy barn). Housing is a huge problem in Salem and ~~we~~ must to help and growing families. Thank you for your time

Sincerely,  
Val Allyn

## Shelby Guizar

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**From:** Scott W. Cantonwine <swc@cascadewarehouse.com>  
**Sent:** Friday, March 11, 2022 1:28 PM  
**To:** Shelby Guizar  
**Cc:** Eunice Kim  
**Subject:** Re: Supplemental Staff Report - Case No. CA21-04 for Our Salem Code Amendment  
**Attachments:** 03.15.2022 SPC Agenda.pdf; CA21-04 Planning Commission Public Hearing Supplemental Staff Report.pdf

Shelby and Eunice,

I appreciate the information, particularly the clarifying information provided in the Supplemental Staff Report that was responsive to our concerns. That clarification resolves the concern, and is clearer than the information previously available on the city's description of the proposed zone.

Thanks again, much appreciated.

---

Scott Cantonwine  
Cascade Warehouse Company  
O: (503) 363-2483 x101  
C: (503) 510-7620  
E: swc@cascadewarehouse.com

On Mar 11, 2022, at 12:58 PM, Shelby Guizar <SGuizar@cityofsalem.net> wrote:

Hello,

A Supplemental Staff Report for Code Amendment and Legislative Zone Change Case No. CA21-04 is attached for your information. This case will be heard digitally before the Planning Commission on Tuesday, March 15, 2022 at 5:30 P.M.

**Please see the attached agenda for information on how to view or provide testimony for this digital public hearing.**

Please direct questions or comments to the **CASE MANAGER:**

**Eunice Kim, Long Range Planning Manager**

555 Liberty Street SE, Room 305, Salem, Oregon 97301

[PlanningComments@cityofsalem.net](mailto:PlanningComments@cityofsalem.net)

503-540-2308

Thank you,

**Shelby Guizar**

*Administrative Analyst*

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem, OR 97301

## Shelby Guizar

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**From:** Harish Patel <harish@flcnw.com>  
**Sent:** Friday, March 11, 2022 1:38 PM  
**To:** Shelby Guizar  
**Subject:** Re: Supplemental Staff Report - Case No. CA21-04 for Our Salem Code Amendment

Shelby,

I am one of the property owner and in full agreement with the proposed changes. I was planning to attend but now I have something urgent come up. How do I give my statement in favor?

On Fri, Mar 11, 2022 at 1:58 PM Shelby Guizar <[SGuizar@cityofsalem.net](mailto:SGuizar@cityofsalem.net)> wrote:

Hello,

A Supplemental Staff Report for Code Amendment and Legislative Zone Change Case No. CA21-04 is attached for your information. This case will be heard digitally before the Planning Commission on Tuesday, March 15, 2022 at 5:30 P.M.

**Please see the attached agenda for information on how to view or provide testimony for this digital public hearing.**

Please direct questions or comments to the **CASE MANAGER:**

**Eunice Kim, Long Range Planning Manager**

[555 Liberty Street SE, Room 305, Salem, Oregon 97301](https://www.cityofsalem.net/555-Liberty-Street-SE-Room-305-Salem-Oregon-97301)

[PlanningComments@cityofsalem.net](mailto:PlanningComments@cityofsalem.net)

503-540-2308

Thank you,

**Shelby Guizar**

*Administrative Analyst*

City of Salem | Community Development Department

[555 Liberty St SE, Suite 305, Salem, OR 97301](#)

[SGuizar@cityofsalem.net](mailto:SGuizar@cityofsalem.net) | 503-540-2315

[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [YouTube](#) | [CityofSalem.net](#)

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Regards,  
Harish

## Shelby Guizar

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**From:** Roz Shirack <rozshirack7@gmail.com>  
**Sent:** Friday, March 11, 2022 1:39 PM  
**To:** Eunice Kim  
**Subject:** Re: Proposed Zone Changes

Yes, thanks so much. I did later go through the findings in Attachment 18 that indicated many of the 1 or 2 lot zone changes were to bring the zone in line with comp plan designation.

Roz

On Fri, Mar 11, 2022 at 7:43 AM Eunice Kim <[EKim@cityofsalem.net](mailto:EKim@cityofsalem.net)> wrote:

Hi Roz,

Those are examples of properties that have conflicts between their existing Comprehensive Plan Map designation and existing zoning. As part of the Our Salem project, we have proposed to resolve mapping conflicts, so you will see examples of those across Salem. The property, for example, on Waldo Ave SE is designated Multiple Family (MF) on the Comprehensive Plan Map today, but it is split zoned RS and RM-II. The proposal is to rezone the RS portion to RM-II to align the zoning with the existing Comprehensive Plan Map designation and apply one consistent zoning to the property, which is developed with multifamily housing.

I hope that clarifies things.

Best,

Eunice

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**From:** Roz Shirack <[rozshirack7@gmail.com](mailto:rozshirack7@gmail.com)>  
**Sent:** Thursday, March 10, 2022 4:24 PM  
**To:** Planning Comments <[PlanningComments@cityofsalem.net](mailto:PlanningComments@cityofsalem.net)>  
**Subject:** Proposed Zone Changes

Hi Eunice,

I was looking at the maps of proposed zone changes in Attachment 19 of the staff report for the Planning Commission. I noticed there were about a dozen lots proposed for changes scattered through SCAN (not the lots along Commercial St SE) most of which were not on the interactive zone map that used to be on the Our Salem webpage. For example, on map 74 there are a few lots near the south east corner of Bush Park between Leffelle and Cross St being changed to RM2 from RS. On map 116 there are several lots east of Commercial St SE near Waldo and Fairview being changed RM2. I think a few other maps had minor changes, too. Did the owners request those changes?

Thanks,

Roz Shirack

## Shelby Guizar

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**From:** Matthew Hatler <mhatler@gmail.com>  
**Sent:** Friday, March 11, 2022 5:45 PM  
**To:** Planning Comments  
**Subject:** Public Hearing

Hello Eunice,

I received notice of a meeting on March 15 Case File number: Code Amendment Case No. CA21-04.

I received this notice after I had submitted suggestions for the parks and rec for the 2022 Bond. Does this meeting have anything to do with this or did I receive the notification for the meeting above as a homeowner and Salem Citizen? If it is related to the Parks and Rec suggestion then I have written a testimony, but if it is not I will save my testimony for the Bond meeting on the 18th.

Thank you!  
Matthew Hatler



## Shelby Guizar

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**From:** hollis hilfiker <hejahctf@yahoo.com>  
**Sent:** Saturday, March 12, 2022 11:20 AM  
**To:** Planning Comments; hollis hilfiker  
**Subject:** Code Amendment Case No. CA21-04

To:  
Eunice Kim, Long Range Planning Manager  
City of Salem Planning Division

Code Amendment Case No. CA21-04

From:  
Jacqueline A. Hilfiker  
1325 Hilfiker Ln. S.E.  
Salem, OR 97302

Concerning Code Amendment  
Case No. CA21-04

The property at 1325 Hilfiker Ln. S.E. should remain zoned as Residential/Agricultural rather than being rezoned for Multi-family residential. This property is surrounded by single family homes at present. With all these single family dwellings, and this not being a very large piece of land, I feel the Multi-housing zoning would be overwhelming to the area.

In 1907 August Hilfiker purchased 80 acres of land, extending from the old Highway 99 (now Sunnyside Rd.) to the West; Barnes Rd. to the South; what is now known as Cambridge Woods on the East, and the currently contested Meyer property to the North. Bernhard Hilfiker purchased around 35 acres of this property from his father in the 1920's, which he farmed until his passing. In the meantime, circa 1959, Hollis and Jacqueline Hilfiker purchased 16 acres from Hollis's dad, and now the last remaining land of the original property purchased by Hollis's grandfather. The city of Salem has an undeveloped park at the NE corner of our original purchase. This land we farmed until the last 10 years. Over the years we have had prune and cherry orchards, marionberries, and in preparation for his retirement, Hollis planted Douglas and Grand fir trees for a U-Cut Christmas Tree Farm which he ran for over 20 years. Now this property is a 'designated woodland'. One hundred and fifteen years of agricultural activity.

At present, this acreage provides a respite for not only the wildlife that finds refuge here, but also for the many folks who live surrounding it walking across our property to access the park; to access the shopping areas on Commercial St.; just enjoying a quiet walk through the woods to enjoy the large oak and fir trees and wild flowers, or for a good exercising walk.

Currently, our family has no intention of selling this property, and therefore, the Residential/Agricultural designation is certainly more applicable than a Multi-housing designation.

## Shelby Guizar

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**From:** Marjorie Kmetz <kmetzmarjorie@gmail.com>  
**Sent:** Sunday, March 13, 2022 3:42 PM  
**To:** Shelby Guizar  
**Cc:** Eunice Kim  
**Subject:** Re: Supplemental Staff Report - Case No. CA21-04 for Our Salem Code Amendment

Re: CA21-04

Hello Shelby and Eunice, Just a couple of questions please:

- Pg 4 #6 four lines up from the end of the paragraph
  1. "such as the Single Family Residential (RS) zone is based on the height of buildings,
  2. in other words, the taller the buildings, the further back they need to be from the adjacent residential zone. etc.
  3. This comment refers to the **new** buildings when it says the "taller the buildings, the further back they must be" not the existing buildings, correct?
  
- Pg 4 # 9 All of the Staff Response to the comment of # 9
  1. I am very glad to see the staff's very amenable response in regard to the implementing of many of the goals and policies including those around open space and wildlife habitat. Cheers! You do want to save some land and maintain some open spaces. Well, this 13.3 acres would be a great place to start.!!
  2. From my talking to most of the families who live on Wigeon St.. Their property backs up on the lower portion of the 13.3 acres. They tell me that that portion of the acreage is a wetland, often with running water if not just standing water, which continues to Holder Ln and joins with Pringle Creek.
  3. In my humble opinion, **this land is NOT compatible with being built on safely and if built on.**
  4. Any contractor who buys this land will face many costs destroying trees, and trying to shore up the wedland and somewhere not destroying the houses nearby by flooding of their property.
  5. Hollis Hilfiker some years was paid by the City for his land on Hilfiker Lane at fair market price and it has been allowed to remain as a green space.
  6. Is there any chance this could happen with the Tatchio property. I talked to Mr. Tatchio before his death and he told me that he would love to have his property saved.

Thanks for listening,  
Marjorie Kmetz

On Fri, Mar 11, 2022 at 4:25 PM Marjorie Kmetz <[kmetzmarjorie@gmail.com](mailto:kmetzmarjorie@gmail.com)> wrote:  
I plan to attend. Thank you for this additional information.

On Fri, Mar 11, 2022 at 12:58 PM Shelby Guizar <[SGuizar@cityofsalem.net](mailto:SGuizar@cityofsalem.net)> wrote:

Hello,

A Supplemental Staff Report for Code Amendment and Legislative Zone Change Case No. CA21-04 is attached for your information. This case will be heard digitally before the Planning Commission on Tuesday, March 15, 2022 at 5:30 P.M.

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Please direct questions or comments to the **CASE MANAGER**:

**Eunice Kim, Long Range Planning Manager**

555 Liberty Street SE, Room 305, Salem, Oregon 97301

[PlanningComments@cityofsalem.net](mailto:PlanningComments@cityofsalem.net)

503-540-2308

Thank you,

**Shelby Guizar**

*Administrative Analyst*

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem, OR 97301

[SGuizar@cityofsalem.net](mailto:SGuizar@cityofsalem.net) | 503-540-2315

[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [YouTube](#) | [CityofSalem.net](http://CityofSalem.net)

## Shelby Guizar

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**From:** Roz Shirack <rozshirack7@gmail.com>  
**Sent:** Sunday, March 13, 2022 4:30 PM  
**To:** Eunice Kim; Shelby Guizar  
**Cc:** Tom Andersen; Vanessa Nordyke  
**Subject:** "Our Salem" Testimony for Planning Commission Hearing 3/15, Item 5.1  
**Attachments:** SCAN Testimony to Planning Commission-Our Salem.docx

SCAN's testimony for the March 15 hearing is attached. I plan to provide oral testimony on behalf of SCAN and Shelby has sent me the link. Thank you all for your hard work on this important project.

Roz Shirack, Chair  
SCAN Land Use Committee



March 12, 2022

To: Planning Commission

From: Lorrie Walker, President  
South Central Association of Neighbors

Subject: Our Salem Testimony for Planning Commission Hearing March 15, item 5.1

**SCAN generally supports proposed revisions to the Comprehensive Plan policies and map, specifically:**

- Locate additional multi-family housing near major and minor arterials and transit routes throughout Salem.
- Keep Downtown the major commercial center in Salem, but cluster smaller commercial and mixed-use nodes on arterials around Salem; and allow small-scale commercial uses in Neighborhood Hub zones in residential areas not already served by commercial uses.
- Provide a balance of residential, employment centers, and public services (police, fire, library, parks, transit) in West Salem to allow it to be more self-sufficient to reduce vehicle miles and trips across the Willamette River. SCAN does not support a 3<sup>rd</sup> bridge across the Willamette River. Instead, SCAN supports efforts to reduce projected traffic loads and congestion on the existing bridges.
- Add the Mixed Use-Riverfront zone in the area north of Union St between Front St. and the River.

**SCAN requests the Mixed Use-II zone for Commercial St. SE from Mission St SE to Vista Ave SE.** The proposed zone map applies the MU-II zone on 4 blocks along Commercial St SE from Meyers St to Superior St. (see Map 122 in Attachment 19). We request it be extended one block south to Rural Ave, including the one lot south of Rural Ave; and then further south on the east side of Commercial St to Vista Ave *instead of MU-III* (see Map 124 in Attachment 19). We request the MU-II zone be extended north to Mission St *instead of MU-I* (see Map 119 in Attachment 19).

**Why the MU-II zone is most appropriate for Commercial St. SE from Mission St to Vista Ave.** On the west side of Commercial St SE many of the lots that front Commercial St. SE are about 8,000 square feet, relatively small for commercial and multifamily uses. A narrow alley runs parallel to Commercial St. from Bush St to Rural Ave SE and provides access to those lots. The mixed use zone on that narrow, one-lot deep strip would abut existing single-family zoned properties and multi-family zoned properties, most of which are still in single-family use.

The east side of Commercial St. SE has similar small lots and an alley that runs from Mission St to Superior St. The mixed use zone would abut existing commercial office zoned properties that also use that alley for access and parking. However, south of Superior St, the mixed use zone would directly abut the single family zone.

Mixed uses would need to use the two alleys for access, as the current small businesses and residents do now. Commercial St SE is only two lanes wide (three lanes for 3 blocks from Mission to Owens) with no room for bike lanes and limited or no curbside parking for most of the blocks between Mission and Rural. Therefore, the Mixed Use-II zone is the most appropriate for this section of Commercial St SE due to small lots, adjacent residential uses, and limited street and alley capacity.

**We strongly oppose the MU-III zone proposed on Commercial St SE from Superior St to Vista Ave** (see Map 124 in Attachment 19). The lots along Commercial St, on Cherriots' Core Network, are a good location for pedestrian friendly commercial and residential uses that can rely on transit. The MU-III zone "wastes" this potential because it includes a number of vehicle-related uses that do not need to be located on the Core Network. Also, MU-III allows too intense\* of development for the small lots and abutting residential uses.

Vehicle-related uses allowed in the MU-III zone that are **not** allowed in the MU-II zone include:

- Motor vehicle and manufactured dwelling and trailer sales
- Motor vehicle services, including gasoline stations
- Commercial standalone surface parking lots
- Parking lots for park-and-ride facilities
- Drive-throughs for any use
- Taxicabs and car services
- Truck rental and leasing
- Truck stops and tire retreading and repair shops
- Privately owned campgrounds and RV parks
- Distribution centers for online and mail order sales
- Solid waste transfer stations, recycling depots

Other uses allowed in MU-III zone that are **not** allowed in MU-II and not appropriate for this section of Commercial St SE include:

- Nursing Care
- Long-term commercial lodging
- Indoor firing ranges
- Major event entertainment
- Military installations
- Funeral and cremation services
- Landscape, lawn, garden, tree services
- General manufacturing
- Printing
- Reservoirs, water storage facilities
- Drinking water treatment facilities
- Power generation facilities
- Agricultural, forestry and related services

We are concerned that MU-III will destabilize our existing walkable neighborhood that already provides a mix of housing and daily commercial needs within ¼ mile of transit and encourages walking and biking.

**Will the MU-II zone on Commercial St SE from Mission to Vista Ave (instead of MU-I and MU-III) prevent the City from meeting its multi-family and commercial needs?**

No. The City has provided no information that lining the Core Network with five and six story buildings full of commercial and/or multi-family uses are required to meet its projected need for more multi-family housing or commercial uses. There is no information about why the proposed *allocation* of MU-I, MU-II, and MU-III zones is required to meet the projected need for more multi-family housing or commercial uses. Nothing suggests that using MU-II on this section of Commercial will prevent the City from meeting its multi-family and commercial needs.

SCAN believes the MU-II zone on Commercial St SE will allow significant progress toward meeting the City's goals and the Economic Opportunities Analysis and the Housing Needs Analysis. SCAN does not oppose the widespread use of mixed use zones, but the choice of which mixed use zone is applied to a given location needs to consider the surrounding uses and the capacity of the street system that will carry not only buses, but also increased traffic generated by the mixed uses.

**SCAN's Response to Zoning Subcommittee Recommendations:**

- Support increasing dwelling units per acre to 15 in each mixed use zone.
- Support a minimum units/acre for new subdivisions of at least 5 acres, *but a higher minimum is needed*. Otherwise, an opportunity is lost to achieve more single family and middle housing in the few remaining areas available for large subdivisions. We support requiring at least 15% of units to be middle housing.
- Oppose a minimum 15 units/acre in the single family zone on existing vacant lots within ¼ mile of Core Network. This appears to prevent someone from building their own single home on their vacant lot. It is not clear if the minimum density requirement allows existing development standards (eg, setbacks, maximum lot coverage) to be met or overrides those standards. If this minimum is required, the exemption should include lots owned as of the amendment effective date. Most lots in SCAN were platted 50 to 100 years ago, but some are vacant due to fire or never developed.
- Oppose the MU-III zone setback capped at 50 feet if next to a residential zone. This cap would be reached by a 42-foot high building and provide no more setback relief for higher buildings up to 70 feet. If a cap is approved, SCAN suggests a 70-foot cap to provide more meaningful setback protection for abutting residential uses.
- Oppose eliminating a minimum parking requirement in MU-I, MU-II, MU-III zones located within ¼ mile of the Core Network. It is unrealistic to assume mixed use zones along the Core Network will not generate increased traffic and require at least some parking. In SCAN residential zones abut the proposed mixed use zones on both sides of Commercial St SE from Mission to Vista, or are only a block away. Traffic generated by the mixed uses will go into the local residential streets looking for parking.

\*MU-III zone allows the most intense and large-scale development and is the least pedestrian friendly of all the mixed use zones, as measured by allowed height of 70 feet (versus 55 feet in MU-II); capped setback of 50 feet from residential zones; and minimum ground floor height of 20 feet (versus 10 feet in MU-II).

## Shelby Guizar

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**From:** Joan Lloyd <jello879@gmail.com>  
**Sent:** Monday, March 14, 2022 8:42 AM  
**To:** Lisa Anderson-Ogilvie; Eunice Kim  
**Subject:** Fwd: Testimony re: Our Salem/ Planning Commission hearing  
**Attachments:** Opportunities Map from joint neighborhood plan.jpg

One couldn't ask for better outreach from the community for the comprehensive plan Our Salem and many improvements were included; such as, lowering off-street parking requirements and creating neighborhood hubs.

The outreach, presentations and activities to form the NEN/SESNA Joint Neighborhood Plan were phenomenal. Omissions in Our Salem Comprehensive Plan were zoning changes for Catterlin, Thompson and 18th Streets NE recommended in the NEN/SESNA neighborhood plan (see those recommendations in red below) . I am requesting that the changes to zoning on those streets be implemented in the comp plan.

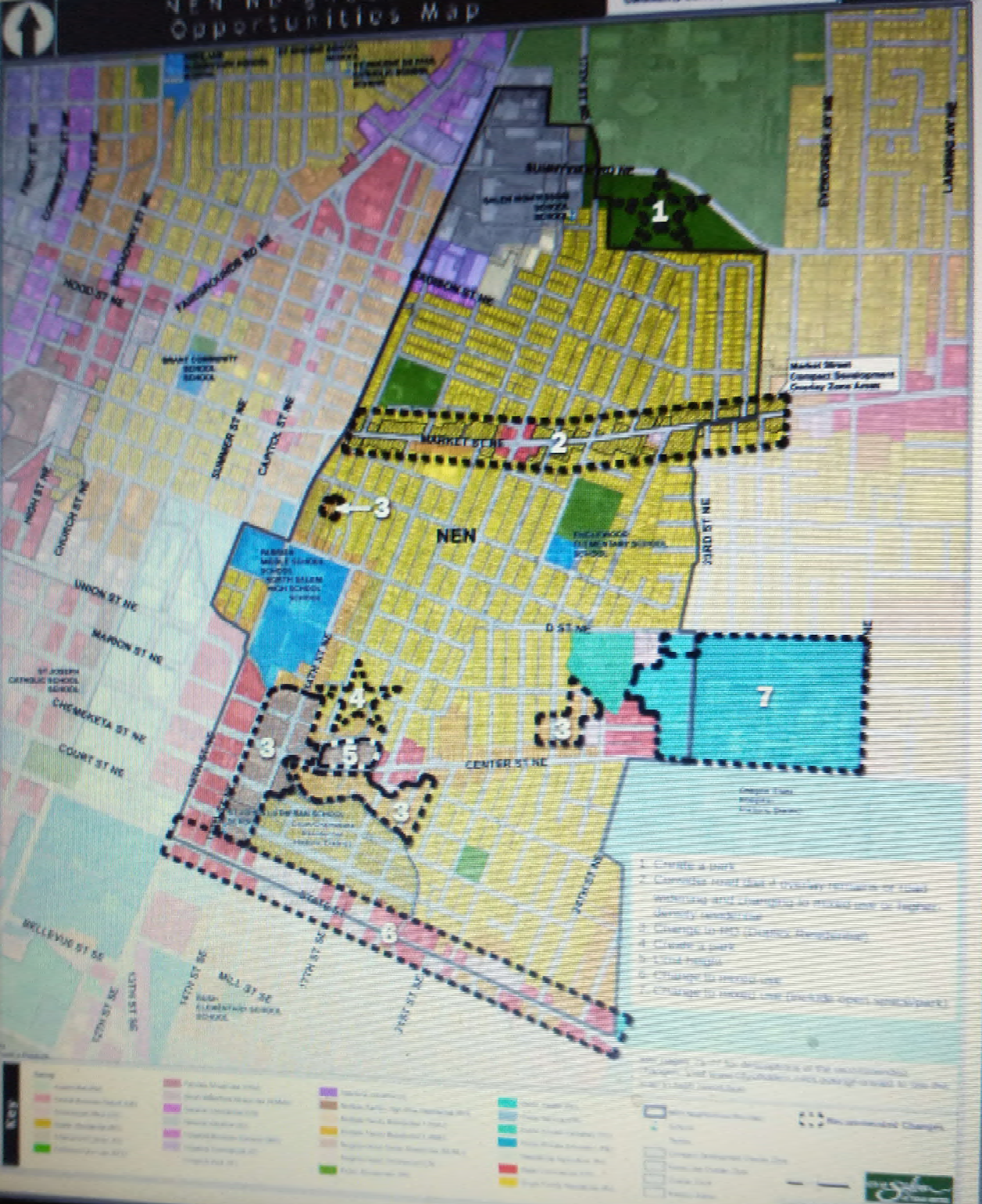
**Joan Lloyd**

Change to RD: The zoning of the identified areas (**area #3 on the Opportunities map on page 73 which is attached**) should be changed to RD (Duplex Residential) but should allow existing multifamily developments to remain. The areas are currently zoned RH (Multiple Family High-Rise Residential) or RM2 (Multiple Family Residential 2), but many of the existing uses are single family homes. Rezoning the properties to RD will help preserve and protect the existing single-family neighborhoods, while retaining existing multifamily housing and allowing higher-density housing in the form of duplexes. Existing multifamily housing could be retained by making them continued uses, which could be altered or rebuilt, or by retaining the specific properties' current RH or RM2 zoning.



Figure 41  
 NEN Neighborhood Opportunities Map

# NEN Neighborhood Opportunities Map



1. Create a park
2. Consider level that if existing remains or close sidewalk and lowering to match rest of higher density residential
3. Change to HOV (Create Residential)
4. Create a park
5. Close bridge
6. Change to mixed use
7. Change to mixed use (provide open space/park)

**Legend**

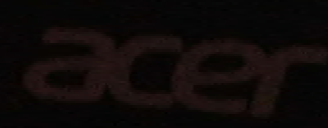
Single-Family Residential	Office/Professional	Medium-Density Residential	Community Center
Medium-Density Residential	Medium-Density Residential	Medium-Density Residential	Community Center
Single-Family Residential	Office/Professional	Medium-Density Residential	Community Center
Community Center	Medium-Density Residential	Medium-Density Residential	Community Center

**Map Symbols**

- Neighborhood Boundary
- Recommended Change
- Street
- Compact Development Courtyard Zone
- Park
- School
- Public Station

**Scale**  
 0 100 200 Feet

**City of Salem**  
 Community Development Department



## Shelby Guizar

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**From:** Nancy McDaniel <nanmcdann@yahoo.com>  
**Sent:** Monday, March 14, 2022 11:05 AM  
**To:** Planning Comments  
**Subject:** Our Salem and NEN Neighborhood Plan

To the Planning Commission,

Please accept this as my testimony for the March 15 hearing on Our Salem. I support the changes allowing more flexible and vibrant land uses, such as neighborhood hubs and wider use of mixed use zoning. However, as a participant in the development of the joint NEN-SESNA Neighborhood Plan, I'm disappointed that the proposed zoning ignores some of its recommendations.

In developing the plan, we spent a lot of time identifying where increased density made sense and where it didn't. (And NEN had the highest density of any neighborhood in Salem.) Two recommendations were for multi-family development in the North Campus of the State Hospital and rezoning to mixed use along State Street. Both were implemented in subsequent zoning changes.

But other zoning recommendations have been ignored in Our Salem. Specifically, the Neighborhood Plan recommended Duplex Residential zoning for 18<sup>th</sup> Street NE between Mill Creek and Center Street, and for Thompson and Catterlin Streets north of Center Street. These are all currently zoned Multiple Family Residential 2. (See the NEN Neighborhood Opportunities Map on document pages 73 and 75-76, areas #3, <https://www.cityofsalem.net/CityDocuments/nen-sesna-neighborhood-plan.pdf>.)

- The section of 18<sup>th</sup> Street is mostly older single family houses. It's immediately north of the Court-Chemeketa Historic District and appears very similar. In fact, it contains a historic building – the Bonesteele House. The street is narrow – parking is allowed on only one side – and the lots are small. The current zoning of RM2 is clearly inappropriate. Its implementation would require combining lots and razing houses, thus destroying a neighborhood that has existed for over 100 years.
- Thompson and Catterlin Streets are slightly newer neighborhoods. The RM2 zoning runs from Center Street to B Street along Catterlin and more than halfway up Thompson from Center. Both streets are good examples of how denser housing (“middle housing”) can be integrated into a neighborhood. There are at least 4 “cottage clusters” in the areas zoned RM2. It's doubtful that newer development would be as affordable. In addition, it doesn't seem to make sense for half of the block on Thompson to be RM2 and the other half Single Family, as currently zoned.

Finally, an overall observation about Our Salem. Equity is one of the policy goals, but it's not clear how that's supported by the proposed land use changes. For example, there's a map of income distribution but no discussion of how that relates to changes in density. It actually appears that much of the planned density will go into low-income areas or along

busy, noisy, polluted corridors, perpetuating current inequities in housing patterns and opportunities.

Thank you for considering my testimony.

Nancy McDaniel  
265 21st St. NE  
Salem OR

## Shelby Guizar

---

**From:** Susan Steele <sisteele@veracruzproperties.net>  
**Sent:** Monday, March 14, 2022 11:25 AM  
**To:** Planning Comments  
**Subject:** Proposed Code Amendment Case No CA21-04

Hello,

We are the property owner of 2840 Broadway St., NE which is the current location of a Union 76 gas station. It appears that changing the zoning of this location: Taxlot # 073W11CC05100 to MU-III will disallow operation of a gas station in this area. We would like to go on record as being against the proposed zoning change for this location.

Thank you,

Susan I Steele, Managing Member  
of F&F Management, LLC, General Partner  
of Vera Cruz Properties, LP

--

***Vera Cruz Properties, LP***

***PO Box 10326***

***Portland, OR 97296-0326***

***Phone: 503 477-7043; Fax: 503 719-5363***

***Email: [sisteele@veracruzproperties.net](mailto:sisteele@veracruzproperties.net)***

## Shelby Guizar

---

**From:** Louise Fullerton <littlefull@icloud.com>  
**Sent:** Monday, March 14, 2022 2:27 PM  
**To:** Planning Comments; Eunice Kim  
**Subject:** Resending Testimony, Public Hearing on Our Salem Project

Hi Eunice,

We are including the text of our testimony below, since our earlier transmission didn't work. Please let me know whether this transmission works.

Thank you,

Louise Fullerton

Salem Planning Commission  
City of Salem  
City Manager's Office  
555 Liberty St SE, Rm 220  
Salem OR 97301  
[PlanningComments@cityofsalem.net](mailto:PlanningComments@cityofsalem.net)

March 12, 2022

Testimony submitted to:  
Planning Commission Public Hearing on Our Salem project  
Tuesday, March 15, 2022

Greetings:

We are aware that the City of Salem is engaged in a 30-year planning process, which includes designating land for multifamily housing. We reside at 710 Stewart St. NE, and have lived at this address for nearly 40 years. Our property is on the east side of Stewart Street, and our property borders on a strip of property owned by Union Pacific Railroad. It is our understanding that this strip, which runs behind the properties on the east side of Stewart Street and Parrish Middle School, is zoned for multifamily housing. We offer this testimony to the Planning Commission, to urge that the Commission remove the multifamily zoning designation from this strip.

We recognize the compelling need for increased inexpensive multifamily housing, and we support the city's efforts to enlarge this housing stock. We believe that as a practical matter however, this strip of railroad land is inappropriately zoned. Putting multifamily or other housing in this property would have negative long term effects on the livability of the housing for its residents, on the surrounding neighborhood and on traffic. First, we question whether the strip, which is roughly 60 feet wide, would provide adequate space for structures and a road needed to serve them. Second, the only access to the strip from Capitol Street NE would be by way of Lamberson Street. Lamberson connects Capitol Street to Stewart Street, and includes a stub east of Stewart Street that terminates at the pedestrian tunnel under the railroad tracks. The tunnel provides access to the North Salem High School grounds. Lamberson is a narrow street that separates the Stewart Street neighborhood from Parrish Middle School and faculty parking lot. We are concerned that providing access to the strip along the railroad tracks by way of Lamberson would substantially increase the current daily traffic and parking related to the school, overburdening the street and negatively affecting the neighborhood.

Putting in multifamily housing and a road would also be damaging environmentally. There are six or more very old Oregon White Oak trees in the strip, as well as Douglas fir, fruit and other trees and vegetation, and most if not all would

likely have to be removed. They ought to be preserved, the oaks especially since they are a part of the diminishing remnant of the oak savanna that existed in the Salem area before European settlement.

We thank you for your consideration of our testimony.

Sincerely,

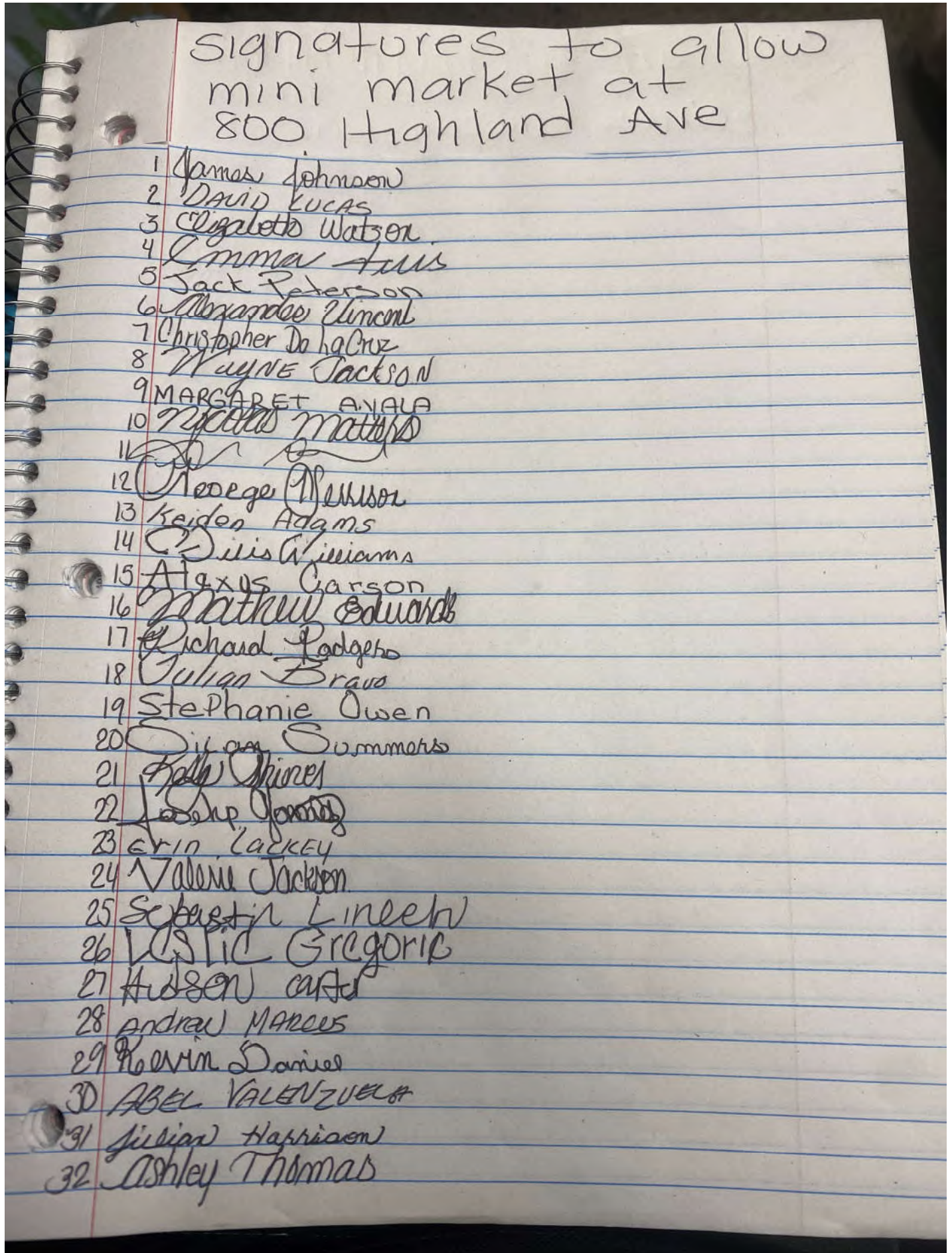
Lewis Littlehales  
and  
Louise Fullerton  
710 Stewart St NE  
Salem, Oregon 97301

503-371-7496  
[littlefull@aol.com](mailto:littlefull@aol.com)

**Shelby Guizar**

**From:** Planning Comments  
**Subject:** RE: 800 Highland Ave/ signatures

**From:** Joes Auto <joesautobodyrep@gmail.com>  
**Sent:** Monday, March 14, 2022 3:50 PM  
**To:** Eunice Kim <EKim@cityofsalem.net>  
**Subject:** Re: 800 Highland Ave/ signatures



signatures to allow  
mini market at  
800 Highland Ave

33 Albert Austino

34 ERIK WATSON

35 Sarah Adams

36 AIDEN MAEIAS

37 GIOVANNI DAVIS

38 Charles Lopez

39 Dilecia Lujan

40 Thomas Law

41 Justin Parker

42 William Cooper

43 Panda Lewis

44

45

Thank you for the clarification.

On Mon, Mar 14, 2022 at 2:35 PM Eunice Kim <[EKim@cityofsalem.net](mailto:EKim@cityofsalem.net)> wrote:

Hi Maria,

Thank you for your email and comments. They will be provided to the Planning Commission.

I wanted to clarify that the proposed zoning – Neighborhood Hub zone – would allow a small neighborhood market. The existing zoning is Single Family Residential and prohibits such a market.



Best,

Eunice

Hi Kim I forgot to send you some signatures . That we collected

---

**From:** Joes Auto <[joesautobodyrep@gmail.com](mailto:joesautobodyrep@gmail.com)>

**Sent:** Monday, March 14, 2022 2:30 PM

**To:** Eunice Kim <[EKim@cityofsalem.net](mailto:EKim@cityofsalem.net)>

**Subject:** 800 Highland Ave

Good afternoon Kim ,

I'm sending you this email because I would like you to take into consideration , that I vote for the property at [800 Highland Ave NE](#)

[Salem OR](#) to remain same zoning I Feel all the neighborhood would be happy having a convenient mini market within walking distance.

Best regards

Maria

## Shelby Guizar

---

**From:** Olivia Rameriz <oliviarameriz0@gmail.com>  
**Sent:** Monday, March 14, 2022 4:24 PM  
**To:** Eunice Kim  
**Subject:** 800 Highland Ave Ne

To Whom It May Concern,

I would greatly appreciate if the city would allow the property located at 800 Highland Ave Ne to stay a convenience store. I find it would be very beneficial to this neighborhood and all who live nearby. Thank you for your time and consideration.

Sincerely,  
Olivia

## Shelby Guizar

---

**From:** Miguel Torres <torresmiguel2187@gmail.com>  
**Sent:** Monday, March 14, 2022 4:34 PM  
**To:** Eunice Kim  
**Subject:** Planning Commission report recommendation

Good evening Kim,

I wanted to share that I think that it would be beneficial for the community if the property located at 800 Highland Ave NE Salem OR 97301 remained as a small market.  
Thank you for your time.

-Miguel

## Shelby Guizar

---

**From:** Mark Lowen <MLowen@livebsl.com>  
**Sent:** Monday, March 14, 2022 4:55 PM  
**To:** Lisa Anderson-Ogilvie; Eunice Kim  
**Cc:** John Eld  
**Subject:** Our Salem Code Amendment Case No. CA21-04  
**Attachments:** Our Salem Letter to PC 3-14-22.pdf

Good afternoon,

Please include this letter of support for the Our Salem Project in the public records

*Thank you,*

*Mark Lowen  
Project Manager*

**Bonaventure®**

[BonaventureSenior.com](https://www.bonaventuresenior.com)

3425 Boone Road SE | Salem, OR 97317

C: 503-586-4104 / W: 503 480 3151

[mlowen@livebsl.com](mailto:mlowen@livebsl.com)

[LINKEDIN](#) | [FACEBOOK](#) | [TWITTER](#) | [PINTEREST](#) | [YOUTUBE](#)



Salem Planning Commission  
555 Liberty ST SE  
Salem OR 97301

March 14, 2022

Re: Our Salem Project

Greetings,

On behalf of Titan Hill Properties, LLC, and Bonaventure, we want to express our support for the Our Salem Project and these proposed Comprehensive Plan and Zoning Revisions as shown in the updated Vision Map.

As owners of approximately 37 acres located at the northwest corner of Orchard Heights Road NW and Doaks Ferry Road, Titan Hill Properties, LLC is directly impacted by the Our Salem Project. This project proposes to change the Comprehensive Land Use designations for the northerly, 22 acres of our site from DR – Developing Residential to MF – Multi-family Residential, as well rezoning this portion from RA – Residential Agricultural to RM II – Residential Multi-family II. The southerly 15 acres would be rezoned from NCMU – Neighborhood Center Mix Use to MU II – Mixed Use II.

We understand that the Our Salem Project is a vital part of addressing the growing need for a broader range of housing types and specifically addressing the growing deficit of multi-family housing options in Salem.

We would like to express our appreciation to city staff and all those who have worked so hard on the Our Salem Project.

We would encourage Planning Commission to vote in favor of the propose Our Salem project.

Thank you for your consideration

A handwritten signature in blue ink that reads 'John Eld'.

**John Eld**  
*Director of Development*



## Shelby Guizar

---

**From:** marie porter <marieporternyc@gmail.com>  
**Sent:** Monday, March 14, 2022 5:15 PM  
**To:** Eunice Kim  
**Subject:** Property at 800 Highland Ave

Good afternoon Kim,

As a mother who lives nearby 800 Highland Ave NE Salem, OR 97301 I strongly believe that it would be of good use to remain a mini market to the neighborhood considering it really is accessible to the neighbors and people all living nearby.

Thank you for your time and consideration.

Marie Porter

## Shelby Guizar

---

**From:** Erica Randall <ery2cute5787@yahoo.com>  
**Sent:** Monday, March 14, 2022 5:40 PM  
**To:** Planning Comments  
**Subject:** Eola RM1 comment/ feedback for 3/15 meeting

> Good evening,

> I'm writing to completely oppose construction of an apartment complex next to the park on Eola (RM1) on the map. First, the concern for the safety of our children using the park will be put in jeopardy, as our children have to cross Eola to access that park, and rather than not doing something about the already excessive traffic on Eola, you want to add even more.

> The proposed entrance to this complex off of Eola is on the MOST dangerous curve on Eola, where yearly multi-car pile ups and accidents already occur. The commissioner just approved a 500-unit complex off Doaks Ferry that will add an additional 1000 plus vehicles coming over the bridge, down Eola and Wallace, and you want to add more, not including the 32 additional homes that have been approved to be built off Doaks Ferry and Eola.

>

> West Salem has a higher crime rate than the national average, and these past few months alone we have had a murder off Doaks Ferry, multiple stabbings off Kingwood , and a major drug bust on Crozer Rd of 31 pounds of meth, adding additional housing here will only further compound the safety issues we are facing without properly adding additional personal To keep the area safe.

>

> I would like to make this part of your record:

> The property next to the park, "has a water table that runs from the wetlands through the park and around the side of the property behind the homes on Mule Deer, it continues to run under those homes, on Mule Deer and down the hill". Previously the question of, "who would be held responsible for loss of life and property when a large apartment complex became part of the mudslide" was answered by basically no one. The correct answer is the city and the state would be responsible if they approve such a build. Have you determined the acceptable percentage of loss of life and property to accommodate the completion of this project? To reiterate one of many concerns, the project and the additional tax dollars from the number of residents have a higher priority than loss of life and property.

> Currently the governor has ordered that all the state buildings be retrofitted for earthquakes, at a large expense. Obviously, the concern is a valid concern. Deforestation, and the removal of a large portion of the hillside to place an apartment complex can more than likely lead to a mudslide or other significant issues.

>

> Thank you for taking the time to understand my response and strong opinion that this land should not be used for the proposed development.

>

> Erica Randall

>

> Sent from my iPhone

## Shelby Guizar

---

**From:** Cynthia Walsh <wishcynth@gmail.com>  
**Sent:** Monday, March 14, 2022 5:41 PM  
**To:** Planning Comments

Once again, I'm writing to completely oppose construction of an apartment complex next to the park on Eola (RM1) on the map. First, the concern for the safety of our children using the park will be put in jeopardy, as our children have to cross Eola to access that park, and rather than not doing something about the already excessive traffic on Eola, you want to add even more.

The proposed entrance to this complex off of Eola is on the MOST dangerous curve on Eola, where yearly multi-car pile ups and accidents already occur. The commissioner just approved a 500-unit complex off Doaks Ferry that will add an additional 1000 plus vehicles coming over the bridge, down Eola and Wallace, and you want to add more, not including the 32 additional homes that have been approved to be built off Doaks Ferry and Eola.

West Salem has a higher crime rate than the national average, and these past few months alone we have had a murder off Doaks Ferry, multiple stabbings off Kingwood , and a major drug bust on Crozer Rd of 31 pounds of meth, yet you want to keep on adding to this. There doesn't appear to be any consideration whatsoever to the tremendous impact that this will have, and already has had on the community. The emphasis seems to be on the amount of tax dollars that can be generated rather than the impact to the community.

We would like to make this part of your record. The property next to the park, "has a water table that runs from the wetlands through the park and around the side of the property behind the homes on Mule Deer, it continues to run under those homes, on Mule Deer and down the hill". Previously the question of, "who would be held responsible for loss of life and property when a large apartment complex became part of the mudslide" was answered by basically no one. The correct answer is the city and the state would be responsible if they approve such a build. Have you determined the acceptable percentage of loss of life and property to accommodate the completion of this project? To reiterate one of many concerns, the project and the additional tax dollars from the number of residents have a higher priority than loss of life and property.

Currently the governor has ordered that all the state buildings be retrofitted for earthquakes, at a large expense. Obviously, the concern is a valid concern. Deforestation, and the removal of a large portion of the hillside to place an apartment complex can more than likely lead to a mudslide or other significant issues.



## Shelby Guizar

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**From:** Sarina Hill <sarinahill14@gmail.com>  
**Sent:** Monday, March 14, 2022 5:55 PM  
**To:** Planning Comments

Once again, I'm writing to completely oppose construction of an apartment complex next to the park on Eola (RM1) on the map. First, the concern for the safety of our children using the park will be put in jeopardy, as our children have to cross Eola to access that park, and rather than not doing something about the already excessive traffic on Eola, you want to add even more.

The proposed entrance to this complex off of Eola is on the MOST dangerous curve on Eola, where yearly multi-car pile ups and accidents already occur. The commissioner just approved a 500-unit complex off Doaks Ferry that will add an additional 1000 plus vehicles coming over the bridge, down Eola and Wallace, and you want to add more, not including the 32 additional homes that have been approved to be built off Doaks Ferry and Eola.

West Salem has a higher crime rate than the national average, and these past few months alone we have had a murder off Doaks Ferry, multiple stabbings off Kingwood , and a major drug bust on Crozer Rd of 31 pounds of meth, yet you want to keep on adding to this. There doesn't appear to be any consideration whatsoever to the tremendous impact that this will have, and already has had on the community. The emphasis seems to be on the amount of tax dollars that can be generated rather than the impact to the community.

We would like to make this part of your record. The property next to the park, "has a water table that runs from the wetlands through the park and around the side of the property behind the homes on Mule Deer, it continues to run under those homes, on Mule Deer and down the hill". Previously the question of, "who would be held responsible for loss of life and property when a large apartment complex became part of the mudslide" was answered by basically no one. The correct answer is the city and the state would be responsible if they approve such a build. Have you determined the acceptable percentage of loss of life and property to accommodate the completion of this project? To reiterate one of many concerns, the project and the additional tax dollars from the number of residents have a higher priority than loss of life and property.

Currently the governor has ordered that all the state buildings be retrofitted for earthquakes, at a large expense. Obviously, the concern is a valid concern. Deforestation, and the removal of a large portion of the hillside to place an apartment complex can more than likely lead to a mudslide or other significant issues.

## Shelby Guizar

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**From:** PEDRO GONZALEZ <peteshirl@comcast.net>  
**Sent:** Monday, March 14, 2022 8:48 PM  
**To:** Planning Comments  
**Cc:** Deanna Garcia  
**Subject:** Written Testimony regarding proposed zoning  
**Attachments:** planning commission - neighbors 20220314.jpg

Please see attached.

March 14, 2022

City of Salem Planning Commission  
555 Liberty St SE, Room 305  
Salem OR 97301

RE: Proposed Zoning Change of 2390 Brown Road NE

Dear Planning Commission:

Our Salem Project proposes changing zoning of 2390 Brown Road to NH-Neighbor Hub.

The residents of this area already have their daily retail needs well met within walking distance as well as via transit service. Additionally, the recent street and sidewalk improvements to Brown Road resulted in unintended visibility issues when driving from Maria Avenue onto Brown Road. Maintaining this property as Residential Agriculture will mitigate any potential retail traffic which could increase pedestrian hazards. Maintaining the safety of our neighbors, young and old, walking to Brown Road Park is more important to us than increasing retail opportunities through a neighborhood hub.

The following request the existing zoning for 2390 Brown Road is maintained.

Shirley Douglas	4527 Maria Ave
Bob Smith	- - -
Randy Carey	4567 Maria Ave
Laura Rojas	4596 Maria Ave.
Ann [unclear]	4596 Maria Ave.
Virginia Kroger	4536 Maria Ave
Jenna Martin	4517 Maria Ave NE
Kristen Hansen	4547 Maria Ave NE
Alfred Beyer	4537 Maria Ave. N.E.
Car K	4577 Maria Ave N.E.
KK	4577 Maria Ave NE
P. Bens	4586 Maria Ave NE
BB	4586 Maria Ave NE
2030 Star note	
for Dallas Robinson	4546 Maria Ave NE

March 14, 2022

City of Salem Planning Commission  
555 Liberty St SE, Room 305  
Salem OR 97301

RE: Salem Zoning Map (March 15, 2022 Planning Meeting Agenda Item 5.1)

Please accept this letter as written testimony in request of amending the zoning map without the Neighborhood Hub next to Brown Road Park on Brown Road. (Refer to March 15, 2022 Planning Commission Meeting Agenda Item 5.1 Attachment 7: Taxlot Number 072W18DD00100, Property ID 555931, Street Address 2390 Brown Road NE)

I support the concept of neighborhood Hubs and the needs they can address - more easily in new developments. The neighbors near the proposed Brown Road Neighborhood Hub do not suffer from a deficit of commercial opportunities. Attached to my testimony is a list of nearby commercial opportunities within walking distance. Additionally, Brown Road is along Cherriot's bus route 2 - Market/Brown which expands commercial opportunities for its residents.

Pedestrian safety on Brown Road was a documented risk. The *Bike & Walk Salem, Final Memorandum #9 – Safe Routes to School Solutions* presented to Salem Bike/Ped Plan Stakeholder Advisory Committee by the CH2M Hill Salem Bike/Ped Plan Project Team on October 11, 2012 stated the following in regard to Scott Elementary School, "*The highest priority project was the sign project, while the second highest priority project was the Brown Road sidewalk project. Sidewalk infill projects on nearby City-owned streets (e.g., Brown Road south of Carolina Avenue) will also assist students walking to school.*" Brown Road was designated as a "High Priority" in the Salem Transportation System Plan amended January 13, 2020 (3-38-Street System Element). We are so grateful that project has been completed.

While documented improvement adds value from an administrative need, it does not adequately picture the risk still remaining. The street improvements were not perfectly aligned with existing properties. Across the street from Brown Road Park, the intersection with Maria Avenue remains hazardous. Please refer to Figures 1,2 and 3 for a pictorial representation of the risk and hazard.

While Neighborhood Hubs are intended to increase pedestrian access to commercial businesses, I believe it is well understood that they can and do increase vehicular traffic for the business(es) they create. Please do not sacrifice the pedestrian safety we have gained with unneeded incremental opportunities for commercial business.

Thank you for your consideration of my comments.

Respectfully submitted,

Shirlene Gonzalez  
4527 Maria Ave NE  
Salem, OR 97305  
peteshirl@comcast.net

Figure 1 - Stopped at stop sign and cross walk on Maria Ave at Brown Road, viewing north. [Source: Photo taken by Shirlene Gonzalez on December 5, 2021, 1:50 PM]

This picture portrays the visibility of a driver looking north on Brown Road from Maria Ave when stopped at the stop sign.



Figure 2

- Stopped at stop sign and cross walk on Maria Ave at Brown Road, viewing south. [Source: Photo taken by Shirlene Gonzalez on December 5, 2021, 1:50 PM]

This picture portrays the visibility of a driver looking south on Brown Road from Maria Ave when stopped at the stop sign.



Figure 3 - Stopped beyond stop sign and beyond cross walk on Maria Ave at Brown Road, viewing north. [Source: Photo taken by Shirlene Gonzalez on December 5, 2021, 1:50 PM]

This picture portrays the visibility of a driver looking north on Brown Road from Maria Ave when stopped past the stop sign and crosswalk.



Sample of commercial opportunities within walking distance of proposed Brown Road Neighborhood Hub.

\*Indicates those I have walked to and patronized.

Middle Grove Market

Momiji Sushi Restaurant

\*Morrow & Sons Produce

Plaid Pantry

Shooter's Cafe & Saloon

Magic Hands Therapeutic Massage

Hollywood Tavern

\*Fred Meyer

\*Grocery Outlet

Safeway

\*Miranda Brothers Bakery

Starbucks

Auto Zone Auto Parts

Batteries Plus Bulbs

North Salem Liquor Store

Planet Fitness

Big Lots

Bi-Mart

\*Laura & Daisy's Bakery

\*El Torito Meat Market

\*Walgreens

Les Schwab Tire Center

Bottle Drop Redemption Center

Verizon





March 12, 2022

Dear Members of the Salem Planning Commission,

Northeast Neighbors (NEN) would like to communicate its support for adoption of the Salem Area Comprehensive Plan. City staff has engaged in a lengthy and thorough planning process ("Our Salem"). We commend them for their hard work, diligence, effectiveness, and resilience while conducting much of Our Salem during the pandemic.

While NEN supports passage of the Salem Area Comprehensive Plan, we would like to recommend one small change. We ask that the proposed zoning from our adopted NEN/SESNA Neighborhood Plan (2015) be integrated into Salem's new Comprehensive Plan. (For any recommended zone that is disappearing, like RD, the City could apply the next most similar zone.) By doing this, the new Comprehensive Plan would help implement a refined neighborhood plan that was the outcome of an intensive and detailed neighborhood planning effort.

To summarize, Salem is in dire need of a new Comprehensive Plan to meet its needs and challenges. The City's outreach and engagement was extensive, equitable, and effective. We fully support adoption of the plan now and also hope that the Planning Commission will accept our recommended change.

On behalf of the NEN Board,

Laura Buhl  
Land Use Co-Chair

## Shelby Guizar

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**From:** alan mela <alanmela@hotmail.com>  
**Sent:** Tuesday, March 15, 2022 10:20 AM  
**To:** Planning Comments  
**Subject:** Comments - Code Amendment Case CA21-04, Comprehensive Plan

Hello,

Karen & I own the property including Grocery Outlet and D Street Storage.

A general comment - going forward, please consider more flexibility for older buildings/properties regarding (secondary?) code requirements, if the benefit of the overall Improvements very heavily outweigh the need to satisfy those lesser requirements.

In GO's case, signage facing southbound Commercial is severely limited and it likely comes down to that this 80+-year-old cold storage warehouse was originally oriented to Front Street and the RR - but the signage rules didn't 'keep up' with the repurposing as a grocery 40 years ago and the addition of the median strip on Commercial.

You can't just pick up a 44,000 sqft building on a 2-acre property and rotate it 180 degrees so it faces where customers now come from.

We are very excited by the prospective northward development of the CBD and what it will do for Salem - but in creating supporting code requirements creative & flexible application of that code to what's already built should be kept in mind.

thanks,  
Alan Mela

## Shelby Guizar

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**From:** Craig and Cecilia Urbani <ccurbani@comcast.net>  
**Sent:** Tuesday, March 15, 2022 10:21 AM  
**To:** Eunice Kim; Shelby Guizar  
**Subject:** Salem Planning Commission public hearing Item #5.1

To: Salem Planning Commission

Subject: March 15, 2022 Public Hearing for Agenda Item #5.1

We request to be permitted to provide live testimony at the digital public hearing; plus submit the following comments for consideration by the Planning Commission.

We own property at 370 College Drive NW. This is within the College/Stoneway Drive NW area. This is a well-established single-family neighborhood. Our street is a narrow improvement with no sidewalks, and a ditch handles stormwater drainage. These are Local designated streets.

Our comments are in reference to the proposals on Maps # 170 and 171.

### MAP #170 (property generally at the 255 College Drive NW area)

We oppose this proposed change to MF and RM1. This is not the right area to assign this multiple family designation to.

Intensification of the use of this area is not appropriate because:

1. College Drive NW is designated as a Local Street and not designed or improved to safely handle an increase in traffic. This proposed change would generate too much traffic and parking issues for this narrow, curvy street in this hilly area. Multiple family zoned area should be along major corridors
2. The surrounding area is well-established single family residential on large lots.
3. An increase in additional storm drainage would negatively impact this area. Open ditches are the current method of drainage.
4. This property is the western edge of the city limits and also the existing UGB. Additional density at the edge of the Salem urban area makes no sense.
5. There are no services, such as transit routes, neighborhood services/activities/commercial/, to support the proposed increase of multiple family.
6. There is NOT a demand for this proposed change to multiple family. Based on the staff report that "updates" the Housing Needs Analysis Report, it states that from 2015 to 2021, there have been 3,192 multiple family dwelling units permits. Therefore based on all of the proposed changes there will be a surplus of 1,059 multiple family dwelling units.

### MAP #171 (property at Stoneway Drive NW)

We support to change to RS.

This property should be Single Family to be compatible with the surrounding single family area. The vehicle access onto Stoneway would be very dangerous for an increase in density and intensity; it's a narrow local street with no sidewalks, The existing multi-family parking (across the street) backs directly onto Stoneway causing hazards. This is steep land with risk of slides and therefore the amount of grading for future development should be reduced.

Thanks to the city staff for providing information and the staff report (1,000+ pages) and answering questions during the "Our Salem" project.

Cecilia and Craig Urbani  
370 College Drive NW

## Shelby Guizar

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**From:** Harish Patel <harish@flcnw.com>  
**Sent:** Tuesday, March 15, 2022 11:07 AM  
**To:** Planning Comments; Eunice Kim; Shelby Guizar  
**Subject:** Salem Code Amendment

We own 3 parcels on Fisher Rd NE that were zoned General Commercial and for some odd reasons the zoning was changed to Industrial Park putting a stop to any development we had anticipated. It makes no sense to have a tiny parcel zoned Industrial Park in the middle of an area suitable for a variety of commercial and residential projects. It is now an island with this odd zoning that will never be developed with that zone.

We are very happy to see the proposed change of zoning to Mixed Use III, and are looking forward to seeing some thriving developments that compliment enhances the area with this new zoning.

Regards,  
Harish Patel  
SJP, LLC

## Shelby Guizar

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**From:** tworegongirl <tworegongirl@gmail.com>  
**Sent:** Tuesday, March 15, 2022 12:06 PM  
**To:** Eunice Kim  
**Subject:** Proposed changes on College dr & Stoneway dr nw

We own property at 422 College dr nw, to change it to multiple family, it would greatly impact the traffic on these streets, that have no sidewalks, are steep and narrow plus College dr nw & Stoneway dr nw has alot of accidents from people getting on & off of highway 22 now, by changing these 2 properties to multiple family units would GREATLY increase the traffic on & off of highway 22, which means MORE accidents.. we feel that our neighborhood needs to stay as single family units..Thank you .

Wesley & Tamara Wiggins

422 College dr nw

Sent from my Verizon, Samsung Galaxy tablet

## Shelby Guizar

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**From:** Liz Backer <lizmail217@gmail.com>  
**Sent:** Tuesday, March 15, 2022 1:22 PM  
**To:** Eunice Kim  
**Subject:** Testimony for Case CA21-04  
**Attachments:** Code Amendment Case CA21-04 - Backer - Public Testimony - 3.15.22.docx

Hello Eunice,

I am deeply sorry for submitting this testimony so late in the game. Will you please add this letter to the record for this case?

Thank you,  
Liz Backer

Hello Commissioners,

Thank you for reviewing testimony from the public on this issue.

City Staff have gone to great lengths to work with the public through a years-long process with the intention of updating the plans, maps, and codes in this proposal. That effort should be called out and applauded specifically for its proactivity.

I appreciate the city taking such careful time to amend the comprehensive plan, regulations and maps associated with the plan, and for the most part, I agree with the recommendations to approve the amendments. **I do however, find these amendments do not fully meet the approval criteria, as described in this letter.**

### **Additional Procedural Findings**

The statewide land use planning goals apply independently to a local government's comprehensive plan, land use regulation, zoning and zoning map amendments, where the approval criteria specifies that those changes must comply with applicable statewide planning goals and applicable administrative rules adopted by the Department of Land Conservation and Development. *Doob v. Josephine County, 32 Or LUBA 364 (1997)*

During a Major Post-Acknowledgement Plan Amendment, when the changes potentially affect the plan's compliance with a statewide planning goal, the local government is required to find and explain why (1) the proposed action does not implicate the goal, (2), the proposed action complies with the goal, or (3) the land subject to the proposed action meets the standards for a goal exception. *Doty v. Jackson County, 34 Or LUBA 287 (1998)*.

#### **OAR 660-023-0250 Applicability**

**(3)** “Local governments are not required to apply Goal 5 in consideration of a PAPA **unless** the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

**(a)** The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5.”

#### **OAR 660-023-0000 Purposes and Intent**

“This division establishes procedures and criteria for inventorying and evaluating Goal 5 resources and for developing land use programs to conserve and protect significant Goal 5 resources. **This division explains how local governments apply Goal 5** when conducting periodic review and **when amending acknowledged comprehensive plans and land use regulations.**”



**OAR 660-023-0020 Standard and Specific Rules and Safe Harbors**

- (1) The standard Goal 5 process, OAR 660-023-0030 through 660-023-0050, consists of procedures and requirements to guide local planning for all Goal 5 resources categories. This division also provides specific rules for each of the fifteen Goal 5 resource categories (see OAR 660-023-0090 through 660-023-0230). In some cases this division indicates that both the standard and the specific rules apply to Goal 5 decisions. In other cases, this division indicates that the specific rules supersede parts or all of the standard process rules (i.e., local governments must follow the specific rules rather than the standard Goal 5 process.) In case of conflict, the resource-specific rules set forth in OAR 660-023-0090 through 660-023-0230 shall supersede the standard provisions in OAR 660-023-0030 through 660-023-0050.
- (2) A “safe harbor” consists of an optional course of action that satisfies certain requirements under the standard process. Local governments may follow safe harbor requirements rather than addressing certain requirements in the standard Goal 5 process. For example, a jurisdiction may choose to identify “significant” riparian corridors using the safe harbor criteria under OAR 660-023-0090(5) rather than follow the general requirements for determining “significance” in the standard Goal 5 process under OAR 660-023-0030(4). Similarly, a jurisdiction may choose to adopt a wetlands ordinance that meets the requirements of OAR 660-023-0100(4)(b) in lieu of following the ESEE decision process in OAR 660-023-0040.

## **Update the Salem Area Comprehensive Plan**

**The proposed update does not comply with the approval criteria:** SRC 64.020(f)(1)(B) The amendment conforms to the applicable statewide planning goals and applicable administrative rules adopted by the Department of Land Conservation and Development.

As stated above, when an amendment to a comprehensive plan affects, or potentially affects, the plan's compliance with the statewide planning goals, and approval criteria require the amendment to comply with the statewide planning goals, those statewide planning goals apply directly to the amendment.

In Attachment 14, the proposed amendments to the comprehensive plan “covers a broad range of topics, including...natural resources and the environment”, and “For each topic, there are proposed goals, which are [broad] in nature and support the community’s Vision Statement: *Salem is a livable, equitable, carbon neutral city where everyone has access to affordable housing and safe mobility choices, families and local businesses are thriving, diversity and culture is celebrated, and open spaces and the environment are valued and protected*. For example, the goals highlight the community’s desire to strengthen Salem economy, promote housing affordability, provide interconnected recreational opportunities, protect natural resources, and provide an integrated multimodal transportation network.”

“The proposed amendment also includes an appendix that lays out implementation steps that the City plans to undertake after the Our Salem project is complete and the updated Comprehensive Plan is adopted. Those steps include:.... Conduct a Goal 5 inventory”.

### **The proposed comprehensive plan proposes the following goals and policies to satisfy the topic of wildlife habitat:**

(p 75) “**N 1.1 Natural Resource Protection:** The quality and function of natural resources in the Salem Urban Area shall be protected, including wetlands, waterways, floodplains, and critical habitat”;

(p 76) “**N 1.11 Habitat Protection:** Habitat areas for native and non-invasive naturalized plants and wildlife that live and move through Salem should be protected”; and

(p 76) “**N 1.12 Habitat Connectivity:** The City should identify and enhance critical connections between greenspaces and areas of natural habitat.”

The requirement to comply with the specific Goal 5 process for Wildlife Habitats typically is applied when the city goes through periodic review (OAR 660-023-0250(5)). However, because the proposed PAPA appears to amend the portion of Salem’s acknowledged plan that addresses specific requirements of the Goal 5 resource: Wildlife Habitats, **the requirement to follow the specific Goal 5 process for wildlife habitat applies directly to this amendment** (OAR 660-023-0250(3)). *Doob v. Josephine County, 32 Or LUBA 364 (1997)*

*(Also note: the requirements of OAR 660-023-0250(5) were adopted by DLCD in September, 1996, and effective September, 1997. The city of Salem has gone through periodic review since the rule was implemented but has yet to begin to conduct the required inventory process.)*

**OAR 660-023-0110 Wildlife Habitat**

- (1) For purposes of this rule, the following definitions apply:
  - (a) "Documented" means that an area is shown on a map published or issued by a state or federal agency or by a professional with demonstrated expertise in habitat identification.
  - (b) "Wildlife habitat" is an area upon which wildlife depend in order to meet their requirements for food, water, shelter, and reproduction. Examples include wildlife migration corridors, big game winter range, and nesting and roosting sites.
- (2) Local governments shall conduct the inventory process and determine significant wildlife habitat as set forth in OAR 660-023-0250(5) [in this case, OAR 660-023-0250(3)(a)] by following either the safe harbor methodology described in section (4) of this rule or the standard inventory process described in OAR 660-023-0030.
- (3) When gathering information regarding wildlife habitat under the standard inventory process in OAR 660-023-0030(2), local governments shall obtain current habitat inventory information from the Oregon Department of Fish and Wildlife (ODFW), and other state and federal agencies. These inventories shall include at least the following:
  - (a) Threatened, endangered, and sensitive wildlife species habitat information;
  - (b) Sensitive bird site inventories; and
  - (c) Wildlife species of concern and/or habitats of concern identified and mapped by ODFW (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs).
- (4) Local governments may determine wildlife habitat significance under OAR 660-023-0040 or apply the safe harbor criteria in this section. Under the safe harbor, local governments may determine that "wildlife" does not include fish, and that significant wildlife habitat is only those sites where one or more of the following conditions exist:
  - (a) The habitat has been documented to perform a life support function for a wildlife species listed by the federal government as a threatened or endangered species or by the state of Oregon as a threatened, endangered, or sensitive species;
  - (b) The habitat has documented occurrences of more than incidental use by a species described in subsection (a) of this section;
  - (c) The habitat has been documented as a sensitive bird nesting, roosting, or watering resource site for osprey or great blue herons pursuant to ORS 527.710 and OAR 629-024-0770;
  - (d) The habitat has been documented to be essential to achieving policies or population objectives specified in a wildlife species management plan adopted by the Oregon Fish and Wildlife Commission pursuant to ORS Chapter 496; or
  - (e) The area is identified and mapped by ODFW as habitat for a wildlife species of concern and/or as a habitat of concern (e.g.: big game winter range and migration corridors, golden eagle and prairie falcon nest sites, or pigeon springs).
- (5) For certain threatened or endangered species sites, publication of location information may increase the threat of habitat or species loss. Pursuant to ORS 192.501(13), local governments may limit publication, display, and availability of location information for such sites. Local governments may adopt inventory maps of these areas, with procedures to allow limited availability to property owners or other specified parties.
- (6) As set out in OAR 660-023-0250(5) [in this case, OAR 660-023-0250(3)(a)], local governments shall develop programs to protect wildlife habitat following the standard procedures and requirements of OAR 660-023-0040 and 660-023-0050. Local governments shall coordinate with appropriate state and federal agencies when adopting programs intended to protect threatened, endangered, or sensitive species habitat areas.

**In addition, Attachment 13** provides findings and an explanation as to why the City believes this PAPA complies with all Goal 5 requirements as follows:

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

*To protect natural resources and conserve scenic and historic areas and open spaces”;*

“The proposed Comprehensive Plan contains goals and policies related to natural and scenic resources and open space, which help to conserve these assets as growth and development occur. Goal N1 Environmental Protection is aimed at protecting and enhancing natural resources, ecosystems, and the environment in Salem, and policy N 1.1 Natural Resources Protection specifically promotes protections for wetlands, waterways, floodplains and critical habitat”;

“Furthermore, the proposed Comprehensive Plan calls out the specific implementation step of conducting a Goal 5 inventory of natural resources. This implementation project is expected to bring the City’s regulations in line with changes to Goal 5 that have occurred after the existing Comprehensive Plan was acknowledged by the Land Conservation and Development Commission”; and

“For the reasons described above, the proposed Comprehensive Plan conforms with this goal.”

**Summary**

- **The proposed Comprehensive Plan addresses specific requirements of Goal 5, and amends portions of the acknowledged comprehensive plan regarding Wildlife Habitats.**
- **The specific procedures and criteria within OAR 660-023-0010 apply to the proposed Comprehensive Plan.**
- **The proposal claims to fully comply with Goal 5 requirements regarding wildlife habitats.**
- **There is no inventory of the required information regarding wildlife habitats in this, nor any other version of Salem’s Comprehensive Plans.**
- **The proposed Comprehensive Plan does not comply with the required procedures and criteria within OAR 660-023-0010.**

**The proposed Comprehensive Plan does not comply with SRC 64.020(f)(1)(B).**

## **Amendments to the UDC**

**The proposed amendments do not comply with the approval criteria:**

- **SRC 110-085(b)(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.

### **Conformance to the Salem Area Comprehensive Plan**

**ORS 197.175(2)** "Pursuant to ORS chapters 195, 196, and 197, each city and county in this state shall:

- (a) Prepare, adopt, and amend and revise comprehensive plans in compliance with goals approved by the commission;
- (b) Enact land use regulations to implement their comprehensive plans"

Proposed changes to the Comprehensive Plan include the following changes and implementations of the goals and policies related to natural resources:

- (p 75) "**N 1.1 Natural Resource Protection:** The quality and function of natural resources in the Salem Urban Area shall be protected, including wetlands, waterways, floodplains, and critical habitat";
- (p 76) "**N 1.11 Habitat Protection:** Habitat areas for native and non-invasive naturalized plants and wildlife that live and move through Salem should be protected"; and
- (p 76) "**N 1.12 Habitat Connectivity:** The City should identify and enhance critical connections between greenspaces and areas of natural habitat."

The proposed amendments to the UDC create three new zones and propose additional changes to existing zones that would potentially implement new allowed uses within those zones, **however there are no proposed, nor existing, land use regulations that enact Comprehensive Plan goals and policies that would comply with the requirements of Goal 5:**

- **N 1.1:** There are no resource or site-specific lists of wildlife habitat, nor the evaluation of wildlife habitat to determine whether they are critical or significant. Subsequently, there are no policies or regulations to protect any type of wildlife habitat in the current or proposed UDC.
- **N 1.11:** There are no resource or site-specific lists of wildlife habitat, nor the evaluation of wildlife habitat to determine whether they are native, nor what wildlife live and move through Salem. Subsequently, there are no policies or regulations to protect any type of wildlife habitat in the current or proposed UDC.
- **N 1.12:** There are no resource or site-specific lists of wildlife habitat, nor the evaluation of wildlife habitat to determine whether they are natural. Subsequently, there are no policies or regulations to protect any type of wildlife habitat in the current or proposed UDC.

Conformance to Applicable Statewide Planning Goals, and Applicable Administrative Rules adopted by the Department of Land Conservation and Development

**ORS 197.646(1)** A local government shall amend its acknowledged comprehensive plan...and land use regulations by a self-initiated post-acknowledgement process under ORS 197.610 to 197.625 to comply with a new requirement in land use statutes, statewide land use planning goals or rules implementing the statutes or the goals.

**ORS 197.250** Except as otherwise provided in ORS 197.245, comprehensive plan and land use regulations adopted by a local government to carry out those comprehensive plans... shall be in compliance with the goals within one year after those goals are approved by the Land Conservation and Development Commission.

**OAR 660, Division 23, was adopted by the Department of Land Conservation and Development on September 17, 1996**

Similar to the requirements for a local government's findings for their amendments to a comprehensive plan, **when proposed changes to a local government's land use regulations affect, or potentially affect, the regulations' compliance with the statewide planning goals, and when approval criteria require the regulations to comply with the statewide planning goals, those statewide planning goals apply directly to the regulations.**

In Attachment 14, the proposed new and amended zones report "The proposed code amendment includes corresponding changes to various other parts of the UDC to reference and incorporate the new proposed changes and the repeal of several overlay zones."

Regarding conformance with the requirements of Goal 5 the proposed amendments to the UDC to not mention or enact land use regulations to implement the changes to the Comprehensive Plan that address wildlife habitat.

**Summary**

Changes to policies and goals within the Salem Comprehensive Plan cannot be implemented if there are no corresponding land use regulations enacted to implement them. For this reason, while each of the individual additions and amendments to the UDC may meet criteria specifically applicable to each change, **the changes that specifically address conformance with the requirements of applicable statewide planning Goal 5, and applicable administrative rules adopted by the Department of Land Conservation and Development that require regulations to comply with the comprehensive plan and Goal 5, are not met.**

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## **Update the Comprehensive Plan Map, the Zoning Map, and Generalized Land Use Map in 10 Neighborhood Plans**

The proposed updates do not comply with the approval criteria:

- **SRC 265.010(d)(2) Legislative Zone Changes.** 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.
- **SRC 64.025(e)(1)(B) Plan map amendments.** The amendment conforms to the applicable statewide planning goals and applicable administrative rules adopted by the Department of Land Conservation and Development.

The proposed changes to the maps listed above report “The proposed map changes reflect the community’s vision for the future growth, advancing goals and policies in the proposed updated Comprehensive Plan. Proposed changes include zoning and redesignating land to allow a mix of uses along frequent transit routes, increase the amount of multifamily land across the city to meet Salem’s housing needs, encourage small-scale businesses in single-family areas, and allow commercial uses more broadly across the city. Other proposed map changes resolve existing conflicts between properties’ current Comprehensive Plan Map designations and zoning.”

Additionally, the addendum overview for this project states “The proposed changes to the Comprehensive Plan Map, zoning map, and the generalize land use maps in [10 neighborhood plans] aim to advance the goals and policies in the Comprehensive Plan”; and

“The proposed map changes reflect four big ideas about where the community wants to see different types of land uses and development in the future. These big ideas are incorporated into several policies in the Comprehensive Plan.”

Part of the standard Goal 5 process for wildlife habitats includes the requirement to conduct an analysis of the consequences that could result from a decision to allow, limit, or prohibit a conflicting use with a significant resource site. **However, without completing the first step of taking the initial inventory, it would be impossible to adequately complete any of the subsequent steps.**

*Gonzales v. Lane County, 24 Or LUBA 251, 265-67 (1992)*

The proposed to the zoning and land use maps both amend allowed uses, and create new zones with new land uses. If the city were in compliance with Goal 5, these proposed changes would be required to comply with any programs the City had established to determine whether or not these new or amended uses conflicted with identified significant wildlife habitats (if those habitats were located within the zones.) **Because the proposed Comprehensive Plan does not include even the first step in the Goal 5 process, it is reasonable to conclude that there are no methods to determine whether or not the proposed or amended zones and their uses conflict with possible significant wildlife habitats within them.**

### **Summary**

For this, and for the reasons stated in above sections, **the proposed zone change amendments to not comply with the requirements of SRC 265-010(d)(2), and the proposed map plan amendments to con comply with the requirements of SRC 64.025(e)(1)(B).**

The amount of outreach conducted by staff for the Our Salem Project is exceptional, and has resulted in a tremendous amount of valuable information that clearly demonstrates the city's desire to ensure members of the community are involved in this process, and that their voices are heard. I do not take any of that for granted.

While I have personally been vaguely aware of the project, only recently have I taken the time to better understand the process. In doing so, I realized how terribly out of compliance Salem has been with respect to protecting the wildlife habitats within the UGB. Please know that it pains me to submit this information for review at such a late step in this process, however, I fear that if the city does not commit *now* to finally bring itself into compliance, we will continue to allow these precious resources to be lost forever.

Wildlife cannot speak for itself. There are a variety of goals which Salem must consider when planning land use. Salem has gone far too long without protecting that which cannot protect itself, and the time to stop that is now.

As I mentioned, I am also late to the game on this topic. As such, I have done my best to whip this letter up in 5 hours. I do also have a significant amount of research to submit that could help satisfy many of the initial requirements of wildlife protection rules. I am not including that data here though, as I am hours away from the deadline to submit this letter at all.

I would be grateful if I were able to submit that information at a later time. I don't feel it is immediately needed to consider the decision that is before the commission today, and it would not need to be considered for this record unless you feel otherwise.

Thank you for your time and consideration,

Liz Backer



## Shelby Guizar

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**From:** Leslie Polson <jjsy69@aol.com>  
**Sent:** Tuesday, March 15, 2022 2:05 PM  
**To:** Eunice Kim; Lisa Anderson-Ogilvie  
**Subject:** Leslie Polson Letter urging NEN-SESNA NP be used as part of Our Salem  
**Attachments:** Save the Plan3.2022.docx

Greetings:

Thank you for the incredible work that you do in provide planning for the city of Salem. I am attaching a letter with some thoughts to be submitted for the hearing. I will cut and paste the letter into the body of the email as well as attach it.

Yours in ardent vision for the city of Salem,  
Leslie Polson  
930 Garnet St. NE  
Salem, OR 97301

**930 Garnet St NE,  
Salem, OR 97301  
March 15, 2022**

**Dear Lisa Anderson-Ogilvie**, AICP Deputy Community Development Director

Our Salem is an important project that deserves approval. NEN-SESNA Neighborhood Plan represents the wishes of our community in regards to how it should look and feel. We examined zoning very intensely because of the mismatch of zones and street capacity. I live on Garnet St in an area that is zone RM. This allows for apartment complexes and rooming houses. Yet there is only parking on one side of the street. Any residence who has a party or gathering will take up all the available parking on the street. Sadly many of the houses do not have garages.

NorthEast Salem is full of many Garnet Street stories – Catterlin, Thompson, 14<sup>th</sup>, Breys, 18<sup>th</sup> St. This story is one that the neighbors discussed. There is pressure to make more housing, close in. Vacant lots are prime real estate because they are places for homes, many homes in one, apartments. Garnet is close to the railroad tracks. When Scott McKinney of Boulder Ridge Construction bought the diagonal railroad lot in between Market and Nebraska on 12<sup>th</sup> St, he built a triple story apartment complex very close to the railroad track, increasing the possibility of danger for residents if a train derails. This was allowed after a woman was swept under the tracks by a train wind waiting for the train to go by. This story should serve as a cautionary tale for city planners. The NEN-SESNA plan was developed by residents who are familiar with the geography of their area. Its Zoning Guidelines should be incorporated in Our Salem. Areas that are noted as cautionary should be respected.

Yours in the vision for what is best for Salem,

Leslie Polson

## Shelby Guizar

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**From:** ELIZABETH VEYSEY <e.veysey@comcast.net>  
**Sent:** Tuesday, March 15, 2022 2:24 PM  
**To:** Planning Comments; Virginia Stapleton; Trevor Phillips; Tom Andersen; Vanessa Nordyke; Chris Hoy; Jose Gonzalez; Jackie Leung; Chuck Bennett  
**Subject:** Brown Road Hub and Salem Zoning maps

Mayor Bennett and City Councilors

555 Liberty St SE, Room 220

Salem OR 97301

RE: Salem Zoning Maps

Please accept this letter as written testimony in request of amending the zoning map without the Neighborhood Hub next to Brown Road Park on Brown Road. I support new Urbanism concepts including neighborhood Hubs. They can improve the quality of life in neighborhoods especially those that cannot provide certain aspects like access to businesses such as groceries, pharmacies and transportation. Hubs can be constructed and included in new developments with relative ease. Many times in established neighborhoods they are not easy to create and to accomplish what you envision a Hub should be. The Brown Road location precisely falls under this category. There are still some ongoing safety issues and the commercial access goals a Hub would address and actually not much of an issue.

The neighbors near the proposed Brown Road Neighborhood Hub do not suffer from a deficit of commercial opportunities. Below is a list of nearby and easily reached commercial opportunities. Brown Road is along Cherriot's bus route 2 - Market/Brown which expands commercial opportunities for its residents. Pedestrian safety on Brown Road has been a documented risk. The Bike & Walk Salem, Final Memorandum #9 – Safe Routes to School Solutions presented to Salem Bike/Ped Plan Stakeholder Advisory Committee by the CH2M Hill Salem Bike/Ped Plan Project Team on October 11, 2012 stated the following in regard to Scott Elementary School, "The highest priority project was the sign project, while the second highest priority project was the Brown Road sidewalk project. Sidewalk infill projects on nearby City-owned streets (e.g., Brown Road south of Carolina Avenue) will also assist students walking to school." Brown Road was designated as a "High Priority" in the Salem Transportation System Plan updated and amended January 13, 2020 (3-38-Street System Element). These projects were completed but there still remains some of the same risk issues. The improvements added some safety for our residents and value to our properties.

The street improvements were not perfectly aligned with existing properties. Across the street from Brown Road Park, the intersection with Maria Avenue remains hazardous.

One major goal of Neighborhood Hubs is to increase pedestrian-oriented development. Which includes shops and businesses to increase walkable access and to reduce the need for driving. But, it is well documented that it also increases vehicular traffic as well for these businesses. Please be sensitive to the unique context of the Brown Road neighborhood and help us maintain the safety we have gained by removing the Brown Road Hub from the City planning goals. Everyone in this neighborhood has easy access to services and businesses, either by walking or taking public transit.

These are some of the many businesses readily available. I have personally walked to many of these. This is actually a small listing of what is available.

Middle Grove Market  
Momiji Sushi Restaurant  
Morrow & Sons Produce  
Plaid Pantry  
Shooter's Cafe & Saloon  
Magic Hands Therapeutic Massage  
Hollywood Tavern  
Fred Meyer  
Grocery Outlet  
Safeway  
Mirandas Brothers Bakery  
Starbucks  
Auto Zone Auto Parts  
Batteries Plus Bulbs  
North Salem Liquor Store  
Planet Fitness  
Big Lots  
Bi-Mart  
Laura & Daisy's Bakery  
El Torito Meat Market  
Walgreens  
Les Schwab Tire Center  
Bottle Drop Redemption Center  
Verizon  
Dollar Tree  
Ross Dress for Less  
5 Guys  
Bentley's Coffee

Thank-you for your time and consideration.

E.Veysey

## Shelby Guizar

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**From:** Laurie Dougherty <lauriedougherty@gmail.com>  
**Sent:** Tuesday, March 15, 2022 2:37 PM  
**To:** Eunice Kim; Lisa Anderson-Ogilvie; Shelby Guizar  
**Subject:** Comment to Planning Commission March 15, 2022 meeting

Comment to Planning Commission:  
March 15, 2022

From: Laurie Dougherty for 350 Salem OR  
Re: Need for Low Income Housing

350 Salem OR supports Latinos Unidos Siempre regarding the need for low income housing in Salem. For the sake of equity, low income housing should be widely available, situated throughout the city instead of being concentrated in one area. Justice and fairness require that all areas of Salem, including South and West Salem, welcome housing that is affordable to everyone.

For the sake of climate justice, new housing developments, including low income housing, should be energy efficient and situated in compact mixed use neighborhoods where people can safely walk, bike, and use mobility aids, and easily access public transit for work, school, errands and recreation. As well as reducing climate changing emissions, this enables healthy active lives and reduces the transportation costs that come with using a car.

Development on the auto-dependent outer fringes of the city increases household transportation costs and does not serve Salem's climate goals. Locations suitable for new housing in well-serviced neighborhoods can and should include low income housing. Unused commercial and industrial sites are resources for residential development, including low income housing.

As with many cities, Salem is faced with two emergencies. One is the lack of affordable housing, leading to increased homelessness and household financial insecurity. The other is climate change, bringing excessive heat, extreme storms, and poor air quality, especially when smoke from wildfires reaches the area. These harms fall hardest on people least economically able to afford protective measures. Quality low income housing in vibrant mixed use neighborhoods can create security and resilience in the face of these crises.

## Shelby Guizar

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**From:** Zachary Sielicky <zachary@SalemChamber.org>  
**Sent:** Tuesday, March 15, 2022 2:38 PM  
**To:** Shelby Guizar  
**Subject:** Salem Chamber of Commerce Public Testimony - Salem Planning Commission on Our Salem Project  
**Attachments:** Our Salem Testimony to Planning Commission 03-13-22.pdf

Hello Shelby,

I would like to provide written testimony on behalf of the Salem Chamber of Commerce for this evening's Planning Commission. Please see the attached testimony in this email.

Thank you.

My Best,

Zachary S.

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**Zachary S. Sielicky**

Director of Business Advocacy  
Salem Area Chamber of Commerce | 1110 Commercial St NE  
503-581-1466 ext.310

[zachary@salemchamber.org](mailto:zachary@salemchamber.org) | [www.salemchamber.org](http://www.salemchamber.org)

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 Salem Chamber



03/13/22

Dear Planning Commission President Griggs & Planning Commissioners-

At the Salem Chamber, we believe in helping businesses prosper so our entire community may thrive. As an organization, committed to a prosperous community, we wish to submit our feedback regarding two components of the *Our Salem* Project. A major component to our mission is ensuring that our community is built on a strong foundation, so as to facilitate well-thought out and equitable community growth strategies, long into the future.

We encourage the Planning Commission to closely examine the implications of a particular provision of the *Our Salem* proposal, as it relates to properties which will instantaneously transfer from an outright permitted use to a continuing, nonconforming use at the completion of this process. Historically, the code has been inconsistent and conflicting in regards to continuing, nonconforming uses. We wish to ensure that property owners have an unfettered right to restore their property to its prior condition following damage or devastation, without overreaching costly requirements to conform to a new development standard proposed by the new code changes. The proposed language has, in some cases, significant alteration/addition requirements which are difficult to interpret and will ultimately be costly to implement. One example of this is in the West Salem Central Business District zone, which has six unique definitions to interpret to a rebuild following damage or destruction. We are concerned that such properties will sit vacant, in disrepair, or become eyesores and attractors for crime. Many small property owners in our community have not had the resources to undertake conforming to an updated standard, as insurance proceeds most often only cover restoration to a prior condition.

This could serve as a dark cloud on a property with a non-conforming, continuing use and also affects future value of said property – the new owner inherits the risk which comes with complying with the new standards, should the property be damaged or totaled. We encourage the Planning Commission leadership to request City staff more deeply examine this provision in each section of the code and recommend a simplification to prevent unduly burdening property owners with compliance to requirements for events that are completely outside of their control.

We appreciate your review and consideration. On behalf of the Salem Chamber's Board of Directors,

-Tom Hoffert  
Chief Executive Officer  
Salem Area Chamber of Commerce

**Salem Area Chamber  
of Commerce**

**President**

Laura Dorn • President  
*Berkshire Hathaway HomeServices*

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Christy Witzke  
*SAIF*  
Tom Yang  
*T-Mobile*

**Chief Executive Officer**

Tom Hoffert  
*Salem Area Chamber of Commerce*

## Shelby Guizar

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**From:** noreply@cityofsalem.net on behalf of ismailme222@yahoo.com  
**Sent:** Tuesday, March 15, 2022 2:53 PM  
**To:** Shelby Guizar  
**Subject:** testimony for tonight's meeting  
**Attachments:** ATT00001.bin

Your Name	Brian Clothier
Your Email	ishmailme222@yahoo.com
Message	<p>To our elected officials, planners, managers, and all who work to benefit our city, Like many citizens of West Salem, we are concerned that the current plans do not make sense for our community. We are not opposed to multi-family housing, and we are not opposed to development near our home. Large multi-family housing units deep in West Salem do not fit our existing street system. We understand that multifamily units are disproportionately low in West Salem. However, our streets are not designed for nor sized to hold the additional traffic. We have no major thoroughfares other than Wallace Rd. which is already overcrowded. No further multi-family units should be constructed until additional lanes are added or new roads constructed to handle additional traffic. The updated Salem comprehensive plan illogically rezones existing single family homes as multifamily residences. Recent multifamily structures in West Salem do not contain enough parking for those who live there, causing vehicles to spill onto already narrow streets creating hazards for cyclists and pedestrians. Consider Gellar road as an example. Any further multifamily structures must contain enough parking to accommodate 2 vehicles per unit. Creating insufficient parking is not an effective way to encourage people to use mass transit. The major employers in Salem are Salem Hospital and the State. While telecommuting is an option in some office-based jobs, hospital employees need to be there in person. Hoping that people will no longer commute to work is not a viable answer to our transit challenges. Hospital workers also work all shifts, when public transit is not currently available. While excellent walking/biking paths are available through the parks, a safe commuting path for cyclists through most of West Salem and up to the pedestrian bridge over the Willamette do not exist. While there are disproportionately few multifamily housing units in West Salem, we also have disproportionately few streets that can handle significant traffic. Moving slowly through heavy traffic increases greenhouse gas emissions. Building homes without adding the infrastructure of streets and bike lanes will lead to increased traffic over the existing bridge. Placing corner shops on narrow streets will not obviate the need for people to buy groceries in bulk (at lower prices) at Safeway, Roth's, Walmart, and Costco. These small shops will not reduce the need to commute to Wallace, Edgewater, and over the bridge. They will not provide enough jobs to prevent the need to physically commute to jobs over the bridge with the State, Salem Hospital, and the Portland area where many of our citizens work. We plead with the council and planning to help create neighborhoods where our children are safe to play. Overloading our streets does not accomplish that objective. Thank you for not only listening but hearing us. Brian and Karen Clothier West Salem</p>

This email was generated by the dynamic web forms contact us form on 3/15/2022.

## Shelby Guizar

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**From:** Matt Wade <mw3649@gmail.com>  
**Sent:** Tuesday, March 15, 2022 3:01 PM  
**To:** Planning Comments; Shelby Guizar  
**Subject:** Public Hearing on the Our Salem Project

Salem Planning Commission,

I request to provide testimony at the virtual public hearing and am submitting the following comments for the planning commission to consider:

Our residence is at 380 College Dr. This is across the street from the upper area on College Dr. that is proposed to be re-zoned to multi-family living.

I oppose re-zoning this to multi-family. This is a narrow country like road that is not set up to handle the added congestion that would come with re-zoning to multi-family. The surrounding area on this upper hill on College Dr. are all single family housing. This area does not seem like a good spot to greatly increase the traffic demand and parking that this would bring.

Storm water run off is also of concern as this would increase greatly with this kind of added construction.

I am in favor if the College Dr. property is re-zoned, to be changed to single family. This would be in keeping with the rest of the area, and not pose a dramatic increase in traffic.

Thank you,

Matt and Loan Wade



## Shelby Guizar

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**From:** Liz Backer <lizmail217@gmail.com>  
**Sent:** Tuesday, March 15, 2022 3:15 PM  
**To:** Eunice Kim  
**Subject:** Re: Testimony for Case CA21-04  
**Attachments:** Clarification - testimony for CA21-04.Backer.docx

Thank you Eunice,  
I am further embarrassed that I forgot to include a piece of relevant information in my testimony. I hope it's not too late to submit this clarification.

Thanks again,  
Liz Backer

On Tue, Mar 15, 2022 at 1:34 PM Eunice Kim <[EKim@cityofsalem.net](mailto:EKim@cityofsalem.net)> wrote:

Hi Liz,

Yes, we will provide this to the Planning Commission.

Best,

Eunice

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**From:** Liz Backer <[lizmail217@gmail.com](mailto:lizmail217@gmail.com)>  
**Sent:** Tuesday, March 15, 2022 1:22 PM  
**To:** Eunice Kim <[EKim@cityofsalem.net](mailto:EKim@cityofsalem.net)>  
**Subject:** Testimony for Case CA21-04

Hello Eunice,

I am deeply sorry for submitting this testimony so late in the game. Will you please add this letter to the record for this case?

Thank you,

Liz Backer

Planning Commission

Public Hearing for Code Amendment Case No: CA21-04

3/15/2022

Hello,

Upon review of my testimony submitted earlier today, I realize that while I did include information regarding the proposed Comprehensive Plan's compliance with Goal 5, I did not include the following information and references as I had intended. In addition, I referred to an incorrect attachment.

The following was meant to be included/clarified in the first section regarding the Comprehensive Plan's compliance with Goal 5:

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The proposed amendments to the Comprehensive Plan amend the goals and policies regarding wildlife habitat to include:

- (p 75) "**N 1.1 Natural Resource Protection:** The quality and function of natural resources in the Salem Urban Area shall be protected, including wetlands, waterways, floodplains, and critical habitat";
- (p 76) "**N 1.11 Habitat Protection:** Habitat areas for native and non-invasive naturalized plants and wildlife that live and move through Salem should be protected"; and
- (p 76) "**N 1.12 Habitat Connectivity:** The City should identify and enhance critical connections between greenspaces and areas of natural habitat."

**Attachment 13** explains the reasons that the comprehensive plan amendments comply with Goal 5 in regard to wildlife habitat for the following reasons:

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

*To protect natural resources and conserve scenic and historic areas and open spaces";*

"The proposed Comprehensive Plan contains goals and policies related to natural and scenic resources and open space, which help to conserve these assets as growth and development occur. Goal N1 Environmental Protection is aimed at protecting and enhancing natural resources, ecosystems, and the environment in Salem, and policy N 1.1 Natural Resources Protection specifically promotes protections for wetlands, waterways, floodplains and critical habitat";

"Furthermore, the proposed Comprehensive Plan calls out the specific implementation step of conducting a Goal 5 inventory of natural resources. This implementation project is expected to bring the City's regulations in line with changes to Goal 5 that have occurred after the existing Comprehensive Plan was acknowledged by the Land Conservation and Development Commission"; and

"For the reasons described above, the proposed Comprehensive Plan conforms with this goal."

**The findings do not adequately explain how the amendments to the goals and policies regarding wildlife habitat in the proposed comprehensive plan conform to Goal 5.**

When a local government's amendment of its plan potentially affects the plan's compliance with a Statewide Planning Goal, the local government is required to find and explain why the proposed amendment complies with the goal.

*See ODOT v. City of Newport, 23 Or LUBA 408, 414-15 (1992); and Doty v. Jackson County, 34 Or LUBA 287 (1998).*

- The proposed plan requires that "critical" habitats in the Salem Urban Area "shall be protected", but does not explain what defines a "critical habitat", nor does it provide any further suggestions, general or otherwise, as to *how* they will be protected.
- The proposed plan recommends that "Habitat areas for native and non-invasive naturalized plants and wildlife that live and move through Salem should be protected", but does not explain what defines what areas within Salem are native and non-invasive, naturalized habitat, what wildlife live and move through Salem, nor how they should be protected (generally or otherwise.)
- The proposed recommends that "The City should identify and enhance critical connections between greenspaces and areas of natural habitat", but does not define what are "critical connections between greenspaces and areas of natural habitat" are, nor how they should be enhanced. (Nor are they identified, although that appears to be a recommendation, not a requirement.)

I apologize for the additional submittal.

Thank you,

Liz Backer

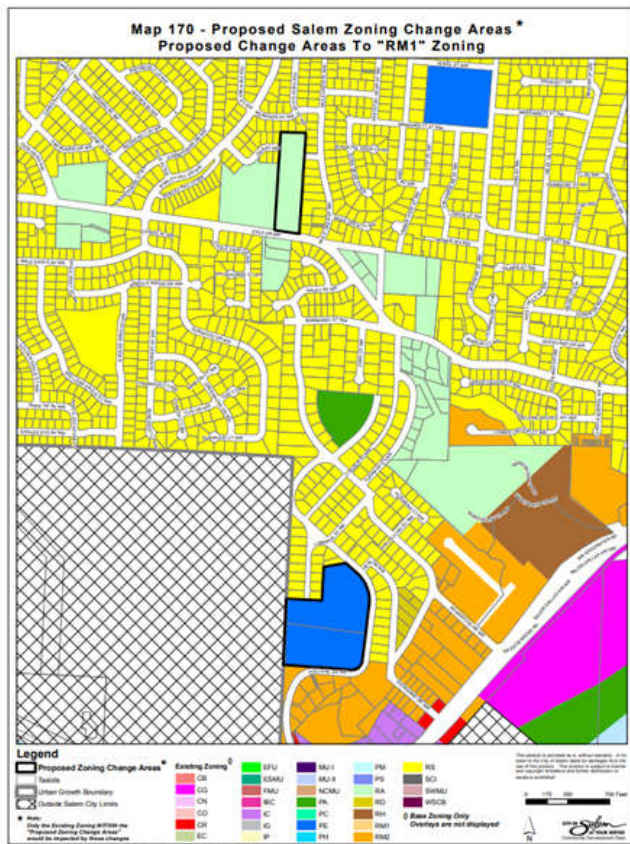
# Shelby Guizar

**From:** Nick Fortey <fortey.nick@gmail.com>  
**Sent:** Tuesday, March 15, 2022 4:08 PM  
**To:** Planningcommittee@cityofsalem.net; Lisa Anderson-Ogilvie; Shelby Guizar  
**Subject:** Planning commission written testimony

My name is Nick Fortey and I reside at 2165 Turnage Street NW in Salem; I wish to provide written comment on Our Salem adoption, specifically for the changes proposed to comprehensive plan zoning under Map 170, which seeks to change current PE zoning to RM 1 for a property on College Drive.

Thanks for the opportunity to provide comments!

The map, with changes, is shown below:



While understanding the need for more multifamily zoning in Salem I believe the proposed re-zoning of this property creates undue hardship on the surrounding, well-developed neighborhood and is incompatible with many of the stated goals. The existing property was developed as Salem Academy and now functions as a church. Providing for a zone change allowing substantially more development would be expected to create additional traffic and environmental impacts incompatible with stated goals (goal language is provided below with my comments in red):

- 3.1 Context-sensitive development: The City should encourage development to be responsive to the site and context, including the public realm, the area's cultural or historic identity, and natural features and

environment. In the case of College Drive, the existing narrow roadway and existing residential development would mean a street cross-section expansion to better accommodate vehicles, bicyclist and pedestrians would create large-scale impacts incompatible with the existing development.

- L5.1 Growth management: The construction of transportation facilities should be timed to coincide with community needs and when possible, funding opportunities, and should be implemented to minimize impacts on existing development. The issue here is that encouraging growth where there is existing infrastructure (e.g. arterials with bicycle lanes and sidewalks) minimizes costs, is more compatible with existing development, and facilitates delivery of projects. The existing cross section would not only require revision in front of the property but throughout the neighborhood until its connection with Eola at substantial expense and impact to the neighborhood.
- L 5.2 Development requirements: Improvements to the transportation system shall be required, in addition to those in or abutting a development, as a condition of approval of subdivisions and other intensifications of land use as needed. The changes needed to create a compatible network for users would be substantial and create significant impacts to a long-established neighborhood.
- L 5.3 Traffic impacts: Transportation System Development Charges shall be collected as defined by Oregon Revised Statutes and local government ordinances to mitigate traffic impacts placed on areawide transportation facilities by new development. The changes required to street cross-sections (widening existing narrow lanes and adding bicycle lanes and sidewalks) would be well in excess of normal development impacts and unlikely could be allocated to the development and would instead require substantial City investments.
- L 5.4 Alternative street designs: The City should support alternative street design standards that provide flexibility to address unique physical constraints and land use contexts. While alternative designs would be appropriate in the established neighborhood, trip increases would support changes that likely could not be accommodated through flexible design.
- N 1.7 Environmental impacts: The City shall take proactive measures to reduce the environmental impacts from City-funded programs and projects by ensuring that environmental resources are identified and evaluated for impacts early in the planning stage. Design, construction, and maintenance activities should avoid, minimize, or mitigate adverse environmental impacts. The existing narrow cross section with deep ditches would require a closed drainage system and expansion would impact existing roadways and a neighborhood with extensive tree cover.
- T 3 Neighborhood Traffic Management Goal: Preserve and enhance neighborhood livability and safety through community supported education, enforcement, and engineering measures that address vehicle speed and volume appropriate to the street's designated functional classification and land use context. The existing roadway classification (and its existing cross-section and operation) would not be compatible with accommodating the projected trips from rezoning.
- T 4 Local Connectivity Goal: Provide an interconnected local street system that allows for dispersal of traffic, encourages a mix of travel modes, reduces the length of trips, and increases opportunities for people to walk and bike. The existing network is relatively limited and would necessitate some traffic travel along local streets and would, absent a major investment, not encourage bicycling and walking.
- T 5 Bicycle System Goal: Accommodate bicyclists of all ages and abilities by providing a well-connected system of on- and off-street bicycle facilities that will encourage increased ridership, safe bicycle travel, and active transportation and will support public health. The existing system provides on-roadway cycling with hills and narrow cross-section that can function with existing low volumes but would be difficult with rezoning and traffic increases.
- T 6 Pedestrian System Goal: Accommodate pedestrians of all ages and abilities by providing a comprehensive system of connecting sidewalks, walkways, trails, and pedestrian crossings that will encourage and increase safe pedestrian travel and active transportation to support public health. To provide pedestrian accommodation, which is currently, in-the-roadway walking as there is not a shoulder on the majority of the local network, would be a major investment through the neighborhood.

- T 7 Transit System Goal: Support a public mass transit system that provides convenient, robust, and accessible transit services to residents throughout the Salem Urban Area, particularly in transportation-disadvantaged areas. **The narrow cross-section and lack of sidewalks are not supporting transit. Even with roadway upgrades it is unlikely the existing alignment would be supportive of transit connections thus requiring individuals to walk to Eola to a transit stop.**



Existing narrow cross section on College Drive (driveway to right is one providing access to subject property)

## Shelby Guizar

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**From:** Sadie Carney <sadie.carney@cherriots.org>  
**Sent:** Tuesday, March 15, 2022 4:13 PM  
**To:** Shelby Guizar; Eunice Kim  
**Cc:** Ian Davidson; Allan Pollock  
**Subject:** Letter of Support for Our Salem from Cherriots Board  
**Attachments:** 20220315\_Salem Planning Commission\_Cherriots Letter\_signed.pdf

Good afternoon,

Please find our attached letter of support for the Our Salem project directed to the Planning Commission for their consideration at this evening's meeting of Agenda item 5.1.

Many thanks,  
Sadie Carney

March 15, 2022

Salem Planning Commission  
555 Liberty St SE  
Salem, OR 97301

Re: Our Salem Project

To the Salem Planning Commission,

As the governing board for the public transportation provider for Salem, Keizer, Marion, and Polk counties, the Cherriots Board of Directors wants to express our strong support for the Our Salem Project and proposed Comprehensive Plan and Zoning Revisions shown in the updated Vision Map. We are tremendously grateful for the city staff and community participants who have invested countless hours in bringing this community focused vision to life.

We agree with the adopted Vision Statement for Our Salem: To create a future where Salem is a livable, equitable, carbon neutral city where everyone has access to affordable housing and safe mobility choices, families and local businesses are thriving, diversity and culture is celebrated, and open spaces and the environment are valued and protected.

We also applaud and support the proposed approach to increasing equitable outcomes and climate justice for residents of Salem. Our Salem proposes to address the transportation needs and safety of people of all ages, abilities, races, ethnicities, and incomes, including those who have been historically marginalized or underserved. The transportation investments of the city and MPO should respond to the needs of system users, be context sensitive, and distribute the benefits and impacts of transportation decisions in an equitable manner throughout the Salem Urban Area. Transportation investments made in the past have had negative impacts on low-income populations, communities of color, and other underserved communities. Future investments should seek to correct this injustice.

The City is aligning much of its land use planning around the Cherriots bus system, particularly its Core Network. The Core Network is a network of bus corridors where frequent service is prioritized. The City aims to encourage high-density housing and mixed-use development near the Core Network. The Cherriots Board supports this effort.

The coordination of transportation and land use planning efforts that are included in the goals of Our Salem will ensure infrastructure improvements that support transit-oriented development patterns, greater housing densities, and a sustainable future for Salem.



We also support Our Salem's goal of reducing Greenhouse Gas Emissions. We are ready to offer our support in pursuit of strategies and investments to reduce travel demand, increase transit ridership and utility, and support nonmotorized transportation to help Salem pursue its commitment to reduce greenhouse gas emissions from transportation.

Adoption of Our Salem will support a public transit system that provides convenient, robust, and accessible transit services to residents throughout the Salem Urban Area, particularly in transportation disadvantaged areas. It will also support the development of additional transit stations or hubs outside of downtown Salem to improve access to transit services, reduce the length of transit trips, and make taking transit more convenient. These commitments are aligned with the priorities of the Cherriots Board of Directors.

Finally, the Cherriots Board would like to offer our support for better parking management, a goal that is loosely defined in Our Salem. Excess parking has a significant negative impact on housing costs, business costs, the feasibility of housing development and business redevelopment, walkability, air and water pollution, climate pollution, and general community character. Current parking mandates force people who don't own or use cars to pay indirectly for other people's parking. Carless households tend to be the poorest households. Parking demand varies significantly from development to development, and about one-sixth of Oregon renter households own zero vehicles. Planning practices of the past have imposed a one-size-fits-all requirement everywhere, creating incentives to own more cars and drive more. We propose that the City of Salem take strong action and eliminate parking mandates, allowing developers the flexibility to right-size parking for new development, and allowing businesses to operate in locations with limited parking.

Eliminating parking mandates, and appropriately pricing parking in areas close to the urban core could have the dual outcome of reducing greenhouse gas emissions by encouraging trips made by walking, biking, or transit and increasing transit ridership. Both of these outcomes align with numerous future development goals set forth by the state and in the Our Salem proposal.

We encourage the Salem Planning Commission to vote in favor of the proposed Our Salem project.

Thank you for your service to Salem and for considering our comments,

Sadie K Carney

Sadie Carney,  
SAMTD Board of Directors  
Representative to the Our Salem project

Ian Davidson

Ian Davidson, President  
SAMTD Board of Directors

CC: SAMTD Board of Directors  
Allan Pollock, General Manager

Signature:   
Sadie K Carney (Mar 15, 2022 15:59 PDT)

Email: [sadie.carney@cherriots.org](mailto:sadie.carney@cherriots.org)

Signature: 

Email: [ian.davidson@cherriots.org](mailto:ian.davidson@cherriots.org)









# PDF 03-15-22 LTR Salem Plan Comm Our Salem

Final Audit Report

2022-03-15

Created:	2022-03-15
By:	Linda Galeazzi (linda.Galeazzi@cherriots.org)
Status:	Signed
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## "PDF 03-15-22 LTR Salem Plan Comm Our Salem" History

-  Document created by Linda Galeazzi (linda.Galeazzi@cherriots.org)  
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-  Agreement completed.  
2022-03-15 - 11:06:20 PM GMT

## Shelby Guizar

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**From:** Lisa Anderson-Ogilvie  
**Sent:** Tuesday, March 15, 2022 4:45 PM  
**To:** Eunice Kim; Shelby Guizar  
**Subject:** Fwd: Please consider mandating fire safety measures for areas in Salem's new Wildlands Urban Interface  
**Attachments:** WildfirePolicy1.pdf; WildfirePolicy2.pdf

- Lisa | 503-540-2381

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**From:** Kathleen Kincade <outlook\_C33A68F9D766C530@outlook.com>  
**Sent:** Tuesday, March 15, 2022 4:43:54 PM  
**To:** Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>  
**Subject:** Please consider mandating fire safety measures for areas in Salem's new Wildlands Urban Interface

Members of the Southbrook Residents Association – representing a senior citizens’ mobile home community in south Salem – urge city planners to consider including measures that promote fire safety as we expand residential areas into the neighboring wildland areas.

Please review the attached policy recommendations from the National Fire Protection Association.  
Thank you!

Sent from [Mail](#) for Windows



### A CALL TO END THE DESTRUCTION OF COMMUNITIES BY WILDFIRE

#### **Policy 1: Require all homes and businesses in the wildland/urban interface to be more resistant to ignition from wildfire embers and flames**

Over the past decade, the U.S. has witnessed a steady increase in wildfire activity. Experts predict this trend will continue. Despite billions of dollars to support wildland fire suppression efforts, the number of homes lost in wildfires per year has increased by 163 percent, and wildfires now cost the U.S. an estimated \$63 to \$285 billion per year in losses.

Today there are nearly 45 million homes in the wildland/urban interface (WUI), the term that describes the area where homes and communities encroach wildfire hazard-prone landscapes. Thus, while influencing the siting and construction of new homes is important, the bulk of the wildfire risk exists in homes already built. Research has consistently shown the role embers play in igniting homes in the WUI. It has also shown that there is an increased survival rate of homes constructed from fire-resistant materials on property that has been mitigated to remove sources of fuel for a fire. To stem the tide of loss from wildfires, millions of homes must be retrofitted to reduce the risk of ignition. This transformation can be realized through continued research and development, public education, financial incentives, and robust support from all levels of government.

When it comes to research, progress is still needed on several fronts, including the development of performance-based product test standards that better reflect how materials will perform when exposed to exterior flame exposure, radiant heat, and the impact of embers from a wildfire. Developing these referenced standards will help guide architects, builders, and homeowners alike to easily source products and materials that will perform as intended during wildfires. Also needed is continued research to support the development and validation of retrofit methods, particularly those that are most cost-effective. Finally, while there are building standards to improve wildfire safety for new construction (e.g., NFPA 1144, *Standard for Reducing Structure Ignition Hazards from Wildland Fire* and Chapter 7A of the California Building Code), there is no consensus standard yet available for the retrofit of structures, particularly those within 30 feet of one another. Given the prevalence of such development within the WUI, standards-making organizations need to fill this gap as soon as possible.

#### **To stem the tide of loss from wildfires, millions of homes must be retrofitted to reduce the risk of ignition.**

Guidance, updated with the latest knowledge, must also reach homeowners. States have a significant role to play in ensuring their citizens are informed. They can play this role not only through their own agencies and programs, but also by relying on extension services and voluntary programs such as Firewise USA® and the Fire Adapted Communities Learning Network. In addition, states need to support the development of a skilled workforce that homeowners can turn to for help assessing and mitigating wildfire risks to their home and property.

Voluntary initiatives can be successful in transforming homes and communities. For example, residents of nearly 2,000 Firewise communities have already taken steps to make their homes more resistant to ignition from wildfire. However, action from government and other parties—notably insurers—is necessary to aid in that transformation. States and localities

must have regulations or ordinances in place that require property owners to maintain defensible space, ensuring that the area immediately around the home is clear of vegetation and other sources of fuel. And, as insurers face ever-increasing losses from wildfires, working with insured homeowners to improve the ignition resistance of their properties can be another crucial mechanism for motivating behavior.

Of course, while some steps, like cleaning gutters and clearing yard debris are accessible steps for many homeowners, they may not be for others, such as the elderly and people with disabilities. Furthermore, more intensive home improvements that will reduce risk even further, like replacing combustible roofing materials or installing double-paned windows, may require incentives even for those homeowners with means. Policymakers at both the state and federal level need to therefore strongly consider creating tax incentives to support retrofitting activities. They must also ensure grants and low-cost loans are available to aid mitigation and retrofitting efforts for those who otherwise lack resources.

Given the size and scope of the U.S. wildfire challenge, reaching the goals of a comprehensive wildfire strategy, including the requirement that all homes and businesses in the WUI be more resistant to ignition from wildfire embers and flames, will take time. But making progress toward these goals will reduce the risk to American homes, businesses, and prosperity. **The key to ending the destruction of communities by wildfire is to start now.**

**Learn more about Outthink Wildfire by visiting [nfpa.org/wildfirepolicy](http://nfpa.org/wildfirepolicy).**

## CITATIONS AND REFERENCES

[www.nfpa.org/wildfirepolicy](http://www.nfpa.org/wildfirepolicy)



## RESOURCES

- NFPA: [Firewise USA® Recognition Program](#)
- NFPA: [Preparing Homes for Wildfire](#)
- Headwaters Economics: [Building a Wildfire-Resistant Home/Codes and Costs](#)
- Insurance Institute for Business & Home Safety: [Wildfire Risk Research](#)

The National Fire Protection Association® (NFPA®) outlined a comprehensive strategy that will push for the transformations that, over time, will significantly reduce risk to communities. The strategy is rooted in two realities—wildfires are going to happen, and the fire service will not be able to extinguish wildfires at a pace to save people and property in their path.

To solve the wildfire problem, these five tenets must be supported by all levels of government:

- 1. Require all homes and businesses in the wildland/urban interface (WUI) to be more resistant to ignition from wildfire embers and flames.**
- 2. Current codes and standards, as well as sound land use practices, must be in use and enforced for new development and rebuilding in wildfire-prone areas.**
- 3. Fire departments for communities in the WUI must be prepared to respond safely and effectively to wildfire.**
- 4. Government must increase resources for vegetative fuel management.**
- 5. The public must understand its role and take action in reducing wildfire risk.**



**OUTTHINK  
WILDFIRE**  
WILDFIRE ACTION POLICIES





## A CALL TO END THE DESTRUCTION OF COMMUNITIES BY WILDFIRE

***Policy 2: Current codes and standards, as well as sound land use practices, must be in use and enforced for new development and rebuilding in wildfire-prone areas***

Over the past decade, the U.S. has witnessed a steady increase in wildfire activity. Experts predict this trend will continue. Despite billions of dollars to support wildland fire suppression efforts, the number of homes lost in wildfires per year has increased by 163 percent, and wildfires now cost the U.S. an estimated \$63 to \$285 billion per year in losses.

Between 1990 and 2010, the footprint of the wildland/urban interface (WUI), the term that describes the area where homes and communities encroach wildfire hazard prone landscapes, grew by 33 percent, to over 190 million acres. The number of homes on those lands expanded by 41 percent, to at least 43.4 million units. To protect lives and property, communities must address where and how they build homes and businesses. This will require the use of comprehensive land use planning.

Land use planning tools and practices offer the means to reduce the risk wildfires pose to both future and existing development. Comprehensive, or general, plans guide the development of a community, usually on a 20-to-30-year time frame, and contain community goals as well as the policy objectives needed to reach them. But comprehensive use of these tools and practices is not widespread. Universal adoption of land use planning at the local level, supported through state and federal policies, is urgently needed to lower the danger wildfires pose to thousands of communities.

**To protect lives and property, communities must address where and how they build homes and businesses.**

States must require plan development that addresses wildfire safety, including describing the hazards and risks in the community as well as identifying policy objectives to reduce risk over time and the necessary actions to effectuate those policies. These policies need to incorporate building and zoning codes as well as other development requirements. Hazard (the likelihood and potential intensity) assessments and risk (the impact on community members and property) for wildfires are also critical to helping planners and local leaders prioritize mitigation initiatives, track risk reduction activities, and incorporate wildfire safety into planning and regulatory policies. Communities need this information at several scales, from the regional to the community, down to the subdivision and parcel level. These assessments can show where land management actions will be most effective for reducing risk, identify community members who are at the highest risk, and illustrate how individual properties might help spread wildfire. All of this information can help prioritize mitigation actions

and guide development away from areas with the highest level of hazard. The more detailed information the community has developed through hazard and risk assessments, the better tailored these regulations can be. At the federal level, incentivization of planning for wildfires and hazard mitigation through access to funding and prioritization for land management activities must also continue.

Given the size and scope of the U.S. wildfire challenge, reaching the goals of a comprehensive wildfire strategy, including the use and full enforcement of current codes and standards as well as sound land use practices for new development and rebuilding in wildfire-prone areas, will take time. But, making progress toward these will reduce the risk to American homes, businesses, and prosperity. **The key to ending the destruction of communities by wildfire is to start now.**

**Learn more about Outthink Wildfire by visiting [nfpa.org/wildfirepolicy](http://nfpa.org/wildfirepolicy).**

## CITATIONS AND REFERENCES

[www.nfpa.org/wildfirepolicy](http://www.nfpa.org/wildfirepolicy)



## RESOURCES

to assist communities in updating subdivision, zoning, building, and fire code requirements:

- NFPA 1141, Standard for Fire Protection Infrastructure for Land Development in Wildland, Rural, and Suburban Areas
- NFPA 1142, Standard for Water Supplies for Suburban and Rural Fire Fighting
- NFPA 1144, Standard for Reducing Structure Ignition Hazards from Wildland Fire
- USDA Forest Service: Wildfire Risk to Communities website

The National Fire Protection Association® (NFPA®) outlined a comprehensive strategy that will push for the transformations that, over time, will significantly reduce risk to communities. The strategy is rooted in two realities—wildfires are going to happen, and the fire service will not be able to extinguish wildfires at a pace to save people and property in their path.

To solve the wildfire problem, these five tenets must be supported by all levels of government:

- 1. Require all homes and businesses in the wildland/urban interface (WUI) to be more resistant to ignition from wildfire embers and flames.**
- 2. Current codes and standards, as well as sound land use practices, must be in use and enforced for new development and rebuilding in wildfire-prone areas.**
- 3. Fire departments for communities in the WUI must be prepared to respond safely and effectively to wildfire.**
- 4. Government must increase resources for vegetative fuel management.**
- 5. The public must understand its role and take action in reducing wildfire risk.**



**OUTTHINK  
WILDFIRE**  
WILDFIRE ACTION POLICIES



Planning Commission Hearing

Agenda Item 5.1

From: M & M Sather  
350 College Drive  
Salem, Oregon

To: Salem Planning  
Public Hearing of March 15, 2022  
Agenda Item 5.1  
255 College Drive NW

Our property is directly across the street from the northerly portion of the 4.99 acre parcel owned by Life Church with a suggested new zone designation of RM1. Our side of the street is a steep slope downward to the east. My first concern became the possibility of people trying to park on the street. It would be terribly dangerous. I was a real estate appraiser for 38 years and frequently saw that required on-site parking is insufficient for the number of units constructed in multi-family development.

As I thought about the situation other things occurred to me.

A. The property is a terraced one, the southerly area is a level, generally undeveloped field once used for sports by Salem Academy. It is currently bounded by an agricultural field outside the city limits to the West, apartments and duplexes to the south and east. The northerly area is a higher terrace with the current school and worship center of Life Church. It seems reasonable to allow development in that lower playing field area for more multi-family dwellings.





B. The middle terrace is the location of Life Church and the affiliated Mission School. I understand the property is all zoned PE and allows public and private education facilities among other uses. I thought, at least at one time that owners of PE property could expect a zoning of Single Family Residential if they discontinued the educational use. This could, of course, be followed by a petition for zone change or variance as necessary. That seems reasonable to me since nothing being discussed at the moment is reported as an action related to a planned change in use. If the church has a current need for a different zoning designation, is multi-family residential the only solution?



C. The upper playing field or northerly portion of the parcel was donated to the church by a home builder, I'm sorry but I don't remember when. He began the partition of the larger parcel with a division for four homes. It seems reasonable to me that this parcel continue to allow single family development. There is no buffer area between it and the existing single family homes. The roadway is a drainage ditch here as well.



D. The existing street is not in good condition. There is a drainage ditch on the west side of College Drive, no sidewalks in this area except for a short stretch in front of College Park Apartments, nor is there a stormwater system on either side of the street. I think this street can be described as substandard for a current residential neighborhood and that causes me to think it is assuredly substandard as a collector street or arterial. The photo immediately below is adjacent to the existing College Park Apartments. Notice the wet spot on the street while above it there is dry pavement. This running water is there all the time and becomes ice when we have cold weather. It is not there because of neglect. I have frequently seen road repair trucks, private and city owned tearing up the area, I assume to try and fix it. My conclusion is there might be a spring under the roadway in that area causing the constant water flow.



There is no room for a sidewalk on the east side of the street. The area was developed long before current street standards were imposed. While we recognize the rights of people to



maximize the benefit of ownership it seems to me to cost of developing multi-family residential in this particular part of the Life Church property is not practical on any level. The amount of land needed for redevelopment of the roadway to current standards would reduce the number of units on the site significantly.

During a neighborhood association meeting someone mentioned the church wanted a zoning specifically allowing use for Religious Assembly and Education. Why is that tied to Multi-family residential use? Isn't there a zone code that includes assembly and education without changing the character of the existing neighborhood?

I understood from discussion with the neighbors there is a surplus of multiple family dwelling units in West Salem.

I could support a partial change to Multi-family residential use but would hope the "upper field" could be developed to fit in with the existing single family neighborhood.

## Shelby Guizar

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**From:** Shelby Guizar  
**Sent:** Wednesday, March 16, 2022 8:52 AM  
**To:** Planning Comments  
**Cc:** Eunice Kim  
**Subject:** FW:

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**From:** Myla <mylas5492@gmail.com>  
**Sent:** Tuesday, March 15, 2022 9:35 PM  
**To:** Shelby Guizar <SGuizar@cityofsalem.net>  
**Subject:**

We asking for low income housing to be built in west and south Salem.

## Shelby Guizar

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**From:** Shelby Guizar  
**Sent:** Wednesday, March 16, 2022 11:53 AM  
**To:** Planning Comments  
**Subject:** FW: Code Amendment Case No. C!21-04  
**Attachments:** CODE AMENDMENT CASE NO CA21-04.docx

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**From:** Marjorie Kmetz <kmetzmarjorie@gmail.com>  
**Sent:** Wednesday, March 16, 2022 11:51 AM  
**To:** Eunice Kim <EKim@cityofsalem.net>; Shelby Guizar <SGuizar@cityofsalem.net>  
**Subject:** Code Amendment Case No. C!21-04

Hello Eunice and Shelby,  
Thank you for all your help yesterday....especially Shelby for providing me the link to the meeting!

I am attaching written testimony of my digital testimony and would be grateful if you sent this attachment to all the commissioners as well as the City Parks and Natural Resources Manager.

Is there any way that I can follow up on what the Planning Commission proposes as well as the City Parks and Natural Resources Manager in regard to the Tatchio property?

Thanks again.  
Marjorie Kmetz

## CODE AMENDMENT CASE NO.CA21-04

### 13.3 ACRES TATCHIO PROPERTY

Marjorie Kmetz  
339 Summit View Av. SE  
Salem, OR 97306

#### PLANNING COMMISSION

- Marjorie spoke to 30 residents (60 home owners) and all except 2 were very excited about saving the woods that we have come to love. (the 2 exceptions were not against the woods just ambivalent.
- Our entire neighborhood consists of new homes with NO large trees yet: that is why the woods are such a gift to us!
- I was so glad to hear at the meeting that Salem Planning Commission has many plans to redesignate and rezone properties to preserve open spaces and natural areas!
  
- The streets that I canvassed included Summit View, Gadwall and Wigeon.
- The Wigeon residents enlightened me about the Tatchio property behind their homes; it is a wetland. Regularly, streaming water flows past their property finally joining with Pringle Creek at the bottom of the hill.
- Taking down the huge cottonwood trees, and Douglas Firs will wreak havoc to the already unstable water table and probably effect the Wigeon residents' back yards or perhaps even their houses. Cottonwood trees only grow where there is a lot of water available and soak it up immeasurably.
  
- A good example of saving green spaces is the Hollis Hilfiker property for which the City of Salem paid Mr. Hilfiker fair market value for his property which is now a beautiful green space.
- Is there any chance that the City could do the same for the Tatchio property? I spoke to Mr. Tatchio before his death and he told me that he would love to have his property saved from destruction of the woods and the wildlife.
  
- I am also sure that many other residents of our entire neighborhood would appreciate this property saved from development. My personal wish would be for the area to be left as is. Bryan Johnston Park is close by with play equipment and a basketball hoop.

Thank you Eunice Kim and Shelby Guizar for your extensive help you provided me. Kind regards, Marjorie Kmetz [kmetzmarjorie@gmail.com](mailto:kmetzmarjorie@gmail.com)



March 12, 2022

To: Eunice Kim, Case Manager City of Salem Planning Division  
Re: Case File, Code Amendment Case No. CA21-04  
Subject: Propose Zoning Changes to 4343 and 4345 Sunnyside Rd SE, Salem OR 97302

We oppose the proposed re-zoning of the above addresses as the allowance of high-density housing or development would have an adverse effect on the traffic safety of this block, the livability of the neighborhood and more importantly the watershed and wildlife corridor surrounding the West Fork of Pringle Creek.

These properties include frontage on or near the West Fork of Pringle Creek. This is a wildlife corridor, which provides habit for a variety of wildlife, including but not limited to fish (cutthroat trout, bull head), blue heron, waterfowl, native crayfish, native giant newt/salamander, deer, etc.. It is a natural spring feed creek which offers cold water and habitat to support this wildlife. In addition, these properties include substantial flood plains, flood ways, and a natural bioswale which helps to reduce flooding from yearly rainfall and run off which dumps into the creek as part of the city's stormwater system.

The geography of these parcels reflects steep hillsides to the East which have a number of freshwater springs which flow downhill to the creek. These springs support the health of the stream as well as provide shelter for various animals.

Traffic concerns exist here as there very poor visibility for these parcels as Sunnyside splits from commercial here into one way traffic until reaching the cross street, Idylwood. Speed limit is currently 40 MPH until reaching Idylwood, and if surveyed would find that much of the traffic exceeds this speed. Pulling into or onto this section from these parcels poses serious safety issues. Increasing the number of vehicles that would result from Mixed Use development would be irresponsible.

Allowing Mixed Use zoning and use for these two parcels would only increase the amount of impervious area which in turn would increase the amount of direct run off into the creek thereby increasing the rise of the stream faster and higher than has been seen in the past. This is already evident by this owner who sees the creek daily and has seen a direct negative effect from upstream development of flag lots, small subdivisions, and even the expansion of Judson Middle School. The amount of water contamination would increase as well, again we have seen this increase significantly over the past two years with little ability of the City to locate and address the problem. The most recent being in late 2020 where some kind of pollutant came through making my family ill from the fumes, and killing off or displacing much of the aquatic wildlife. This last year little to no fish, crawdads, ducks, or blue heron along this section of the creek were seen, which was very different than from past years where we enjoyed seeing much of this wild life on a regular basis.

RECEIVED

MAR 16 2022

Zoning should be such that it limits building along this waterway and limits covering of soil so that water can enter system at a more natural rate. Better yet, the City should reconsider the use of this small section of land to allow for some reasonable use, like small office or single family residential along with taking steps to protect this watershed, which I believe the City has a responsibility to do. Development needs to occur, but it should not occur at the sacrifice of those who already live along this stream, both people and wildlife.

I oppose zoning to Mixed Use.

Sincerely,

Russ & Lisa Kittrell  
4343 Sunnyside Rd SE  
Salem, OR 97302

## Shelby Guizar

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**From:** Shelby Guizar  
**Sent:** Thursday, March 17, 2022 8:33 AM  
**To:** Planning Comments  
**Subject:** FW: FW: Possible New City Park?

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**From:** Marjorie Kmetz <kmetzmarjorie@gmail.com>  
**Sent:** Thursday, March 17, 2022 7:52 AM  
**To:** Eunice Kim <EKim@cityofsalem.net>; Shelby Guizar <SGuizar@cityofsalem.net>  
**Subject:** Fwd: FW: Possible New City Park?

Hello again Eunice and Shelby,

Is there any way you can help me in trying to save the beautiful woodland and wildlife from development destruction of the Tatchio property?

As I said at the March 15th Planning Meeting, I am no longer championing for a park, (that was 3 years ago before I realized that the wetland is a HUGE problem for development) the land is not suitable for that; and Bryan Johnston Park is fine as a park.

However, a green space would be perfect. Patricia is out of the office until March 28. Can both of you intercede for me in a positive way so the land is not sold until further review?

Thanks again,  
Marjorie Kmetz

----- Forwarded message -----

**From:** Patricia Farrell <[PFarrell@cityofsalem.net](mailto:PFarrell@cityofsalem.net)>  
**Date:** Wed, Mar 16, 2022 at 4:20 PM  
**Subject:** FW: Possible New City Park?  
**To:** [kmetzmarjorie@gmail.com](mailto:kmetzmarjorie@gmail.com) <[kmetzmarjorie@gmail.com](mailto:kmetzmarjorie@gmail.com)>  
**Cc:** Robert Romanek <[RRomanek@cityofsalem.net](mailto:RRomanek@cityofsalem.net)>

Hello again Ms. Kmetz. I apologize for my earlier incorrect email. I was looking at the wrong location last night. Apparently we have already corresponded about this property a couple of years ago (see below.) This area is already served by Bryan Johnston Park so we would not need another park at the Tatchio property. My apologies for mixing up this location up and not checking before I replied.

Patricia

Patricia Farrell  
Parks & Natural Resources Planning Manager  
City of Salem | Public Works Department  
555 Liberty St SE, Suite 325, Salem OR 97301-3515  
[pfarrell@cityofsalem.net](mailto:pfarrell@cityofsalem.net)

Office: 503-588-6211 ext. 7489  
Facebook | Twitter | YouTube | CityofSalem.net

-----Original Message-----

From: Patricia Farrell <[PFarrell@cityofsalem.net](mailto:PFarrell@cityofsalem.net)>  
Sent: Wednesday, August 15, 2018 3:57 PM  
To: [kmetzmarjorie@gmail.com](mailto:kmetzmarjorie@gmail.com)  
Cc: [jackie.m.leung@gmail.com](mailto:jackie.m.leung@gmail.com); Robert Romanek <[RRomanek@cityofsalem.net](mailto:RRomanek@cityofsalem.net)>; Robert Chandler <[RChandler@cityofsalem.net](mailto:RChandler@cityofsalem.net)>  
Subject: RE: Possible New City Park?

Hello Marjorie,

Rob Romanek forwarded your park acquisition request to me. Unfortunately the location of the property you mention is very close to the existing Bryan Johnston Park, hence that area is considered "served" by a park and our Comprehensive Parks System Master Plan does not show another park is needed in this area for that reason. In addition we have recently acquired new park land in NE Salem and have 2-3 other potential acquisitions in areas that do not have parks, so we have a lot of irons in the fire now and not a lot of money for other property acquisitions.

I appreciate your desire to conserve open space and habitat in your neighborhood. Would the NW Land and Conservation Trust you mention be able to purchase the land? The only other option would probably be a donation of the land to the City for a natural area.

Please feel free to call or email me if you have other questions. Again, thank you for your interest in parks and open space.

Patricia Farrell, RLA  
Parks Planning & Natural Resources Manager City of Salem | Public Works Department  
555 Liberty Street SE, Suite 325, Salem, OR 97301-3513 [pfarrell@cityofsalem.net](mailto:pfarrell@cityofsalem.net) | 503-588-6211 Facebook | Twitter | YouTube | CityofSalem.net

-----Original Message-----

From: Marjorie Kmetz [mailto:[kmetzmarjorie@gmail.com](mailto:kmetzmarjorie@gmail.com)]  
Sent: Wednesday, August 15, 2018 8:57 AM  
To: Robert Romanek <[RRomanek@cityofsalem.net](mailto:RRomanek@cityofsalem.net)>  
Cc: Jacqueline Leung <[jackie.m.leung@gmail.com](mailto:jackie.m.leung@gmail.com)>  
Subject: Possible New City Park?

Good Afternoon Rob,

Mark Wiggs of NW Land and Conservation Trust suggested that I send you information about a parcel of land in SE Salem which I and many of my neighbors would love to see saved from development.

My hope is that the city of Salem might be interested in purchasing this land as a park to save it as one of the few "wild scapes" which will remain. The parcel is located along Lone Oak between Holder LN SE and Summit View Ave SE and is somewhere between 9.7 and 13.0 acres. The address is 340 Holder LN SE Salem 97306. This parcel currently belongs to the widow of Marvin Tatchio, Marilyn Tatchio and in city records is known as Sunnyside Fruit Farms #3. The custodian of the land is Richard and Valerie Allyn (Valerie is the former Valerie Tatchio and daughter of Marvin and Marilyn Tatchio).

If the city is interested in saving this parcel, I think it would be fair of the city to ask all the developers and builders that are building extensively in this area to contribute to this "green belt" since they have not provided for any such area in all of the many acres of SE Salem which they have already built with and are continuing to build with great speed.

This wild area currently houses many types of birds including hawks and the occasional eagle, as well as marmots, raccoons, opossum, rabbits, deer, and perhaps foxes.

I could work with my neighbors to solicit opinions/petition, and ask for monetary help to purchase this land.

Jacqueline, I am copying you on this email for your information. I realize that you do not take office until Jan 2019 and do not expect you to comment on my proposal.

Thank you in advance for any advice that you can provide.

Sincerely,  
Marjorie Kmetz  
339 Summit View Ave SE Salem, OR 97306  
home phone 503 689 1114  
cell phone 210 218 5741

## Shelby Guizar

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**From:** Eunice Kim  
**Sent:** Thursday, March 17, 2022 3:56 PM  
**To:** Austin Ross; Planning Comments  
**Subject:** FW: SCAN's Request for MU-II Instead of MU-III

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**From:** Roz Shirack <rozshirack7@gmail.com>  
**Sent:** Thursday, March 17, 2022 3:53 PM  
**To:** Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>  
**Cc:** Shelby Guizar <SGuizar@cityofsalem.net>; Eunice Kim <EKim@cityofsalem.net>  
**Subject:** SCAN's Request for MU-II Instead of MU-III

Hi Lisa,

At the March 15 Planning Commission hearing President Griggs asked for staff's thoughts on whether the MU-III zone could be changed to MU-II, as SCAN requested, and still meet the City's multi-family needs. In your response you noted there could be impacts to current uses.

Our understanding is that current uses can continue, even if they are not allowed in the MU-II zone:  
SRC 534.010 Uses.

(c) *Continued uses.* Existing uses within the MU-II zone established prior to *[Insert Effective Date of Ordinance]* ~~September 12, 2018~~, but which would otherwise be made non-conforming by this chapter, are hereby deemed continued uses.

2. (1) Buildings or structures housing a continued use may be structurally altered, enlarged, or rebuilt following damage or destruction, provided:
  - (A) Such alteration, enlargement, or rebuilding of a conforming development complies with the standards in this chapter; or
  - (B) Such alteration, enlargement, or rebuilding of a continued development complies with the standards set forth in SRC 534.015(g).

(2) A continued use shall terminate if the building or structure ceases to be occupied for that continued use for any reason for a continuous period of one year.

We are not aware of other negative impact on current uses.

SCAN's request for the MU-II zone to be extended south from Rural to Vista applies to just the east side of Commercial St. SE. Our written testimony clearly states that in paragraph 2, but I did not emphasize that during my oral testimony. SCAN's southern boundary ends at Pioneer Cemetery on the west side of Commercial St SE. Our request does not include any area outside of our boundary. I want to be clear that SCAN is not requesting all the acreage proposed for MU-III on Map 124, which I referred to, be changed to MU-II.

Since the Planning Commission continued the hearing to April 5, please provide this email to the Planning Commission as part of the record, if that is allowed under the "continued hearing" process.

Thank you,

Roz Shirack, Chair  
SCAN Land Use Committee

## Shelby Guizar

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**From:** Craig S. Hobbs <chobbsbi@gmail.com>  
**Sent:** Friday, March 18, 2022 3:47 PM  
**To:** Eunice Kim; Planning Comments  
**Cc:** Pam Edwards  
**Subject:** Request for Reconsideration of Zoning from MU-I to MU-III for Hobbs/Edwards/Drager  
Parcels at NE Corner of Kuebler and Battle Creek

Eunice:

As discussed this afternoon, we request that the Planning Commission reconsider its rezone of the following parcels at the NE corner of Kuebler Blvd. and Battle Creek Rd. from MU-I to MU-III:

4700 Battle Creek Rd	Tax Account 321635	1.01 acres;
4786 Battle Creek Rd	Tax Account 532161	1.74 acres;
4826 Battle Creek Rd	Tax Account 532160	1.67 acres;
No Address (part of 4826)	Tax Account 532159	.05 acres.

While MU-I has good permissive uses for these properties to serve the neighborhood, MU-I does not permit "drive throughs"; and many high quality tenants require drive through as an alternative means of providing service to customers.

FYI, this new demand for drive through service is a result of the COVID-19 pandemic and uncertainties surrounding the future of COVID-19 infections. Many high quality retail businesses are requiring the capacity to service their customers with drive through capability and will not consider development where drive through is prohibited. Examples of such retail establishments are as follows: fast food restaurants, bank branches, drug stores, medical clinics and neighborhood grocers.

As a result, we believe the neighborhood will be best served by rezoning the four parcels described above as MU-III to permit drive through capability. While MU-I will work, many retail businesses will likely not develop on these neighborhood parcels because they don't offer drive through capability as MU-I. BTW, access to these four parcels will be via the road to the new apartment complex to the east of these parcels.

Please consider this change from MU-I to MU-III for reasons described above. We believe drive throughs will enhance the development for the entire neighborhood.



## Shelby Guizar

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**From:** Planning Comments  
**Subject:** RE: INFORMATION REQUESTS OR INFORMATION ASSISTANCE please -- Re: Public Access to Land Use Application Materials

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**From:** Howard Hall <[friendsofhistoricsalem@gmail.com](mailto:friendsofhistoricsalem@gmail.com)>  
**Sent:** Friday, March 18, 2022 9:38 AM  
**To:** Shelby Guizar <[SGuizar@cityofsalem.net](mailto:SGuizar@cityofsalem.net)>  
**Subject:** INFORMATION REQUESTS OR INFORMATION ASSISTANCE please -- Re: Public Access to Land Use Application Materials

Dear Shelby, thank you.

Where are the standards -- service standards to population -- that are used/were used in the development of the 2013-2035 Parks Plan Amendment adopted by City Council.

Was the Community Development Department involved or the lead of those standards application?

Where are the standards or assessments of market usage outcomes for public transit that were utilized by the Community Development in the proposed assignment of MU-III and MU II zoning?

What is the level of expertise that has been applied by Community Development, and are documents or documentation available to the public or public record request to review how these standards and market economic analysis were and are being applied in the Long Range Planning process.

From my work and studies in Europe, I know cities with professional staffs have this accessible material in making these decisions. Can you please send me information on those service standards and projected outcomes assigned to locations and localized areas.

Thank you.

Jon Christenson MURP

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On Fri, Mar 18, 2022 at 8:28 AM Shelby Guizar <[SGuizar@cityofsalem.net](mailto:SGuizar@cityofsalem.net)> wrote:

Hello,

Providing better access to land use applications and case files has long been a goal for the Planning Division, so I am excited to let you know that **all land use application materials for open cases are available for the public to download** on the City's online Permit Application Center at <https://permits.cityofsalem.net>. All documents in the file are available to the public, including application materials, comments received, notices and staff reports, as they become available.

You can use the search function (yellow box) without registering and enter the permit number listed in the notice or staff report. In addition to searching by the permit number, you can search by the case number, year, application type, neighborhood association and status or a combination of these search parameters. Documents are available the day after an application is received (see 22-102833 for an example of an in-progress application). Materials for completed applications (back to approximately 2005) are also available (see 20-115510 for an example of an approved application). Applications and materials from land use cases prior to 2005 can generally be provided by staff by email without an official public records request.

We will include information on accessing these files in every notice and staff report as well as in the email we send to land use chairs when applications are first received. I hope this information is helpful.

**Shelby Guizar**

*Administrative Analyst*

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem, OR 97301

[SGuizar@cityofsalem.net](mailto:SGuizar@cityofsalem.net) | 503-540-2315

[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [YouTube](#) | [CityofSalem.net](http://CityofSalem.net)

## Shelby Guizar

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**From:** Eunice Kim  
**Sent:** Wednesday, March 23, 2022 1:44 PM  
**To:** Austin Ross; Planning Comments  
**Subject:** Fwd: March 15 Hearing results

Eunice Kim, AICP, LEED GA  
Long Range Planning Manager  
City of Salem | Community Development Department  
555 Liberty St SE, Suite 305, Salem, OR 97301  
ekim@cityofsalem.net | 503-540-2308

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**From:** Richard Marshall <richinhisgrace@gmail.com>  
**Sent:** Wednesday, March 23, 2022 1:42:58 PM  
**To:** Eunice Kim <EKim@cityofsalem.net>  
**Subject:** Re: March 15 Hearing results

Eunice,

On behalf of West Salem Foursquare Church, we have just one question about a change in the designation assigned to our property in the new map.

Our question is for the Planning Commission is this: What do you envision as development of our remaining developable land that motivates the designation Mixed Use II ?

Our property is eight acres within the city limits at the intersection of Eola Road and Doaks Ferry Road. About half of our property has been developed. The remaining half is essentially field grass and a permitted & engineered roadway connecting to Eola Road, providing two points of access and egress. Across Eola is another church property of approximately the same size. Our property is to be designated "Mixed Use II", while the other property is to remain "Residential/Agricultural".

We want to be in step with the Planning Commission and City Council, while also developing our vision for the future.

Rather than taking time on your next agenda - Please submit our question to the Commission. We will appreciate their reply.

Thank you,

Richard Marshall  
Senior Associate Pastor  
West Salem Foursquare Church

On Mar 16, 2022, at 12:34 PM, Eunice Kim <[EKim@cityofsalem.net](mailto:EKim@cityofsalem.net)> wrote:

Hi Rich,

The Planning Commission voted to continue the public hearing to April 5. You can watch the hearing from last night here: <https://www.youtube.com/watch?v=daqVwZkP-bw>

Best,  
Eunice

-----Original Message-----

From: Rich Marshall <[rich.marshall@wsfc.org](mailto:rich.marshall@wsfc.org)>  
Sent: Wednesday, March 16, 2022 10:39 AM  
To: Planning Comments <[PlanningComments@cityofsalem.net](mailto:PlanningComments@cityofsalem.net)>  
Subject: March 15 Hearing results

Attn: Eunice Kim

As we were unable to attend the digital hearing held on March 15, we request a summary of the hearing and results that may bear upon our organization.

Sincere thanks,

Rev. Richard A. Marshall  
Senior Associate Pastor  
West Salem Foursquare Church

3094 Gehlar Road NW  
Salem, OR 97304

503-931-9045 (direct cell line)

[rich.marshall@wsfc.org](mailto:rich.marshall@wsfc.org)

## Shelby Guizar

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**From:** ezra rabie <ezrarabie@gmail.com>  
**Sent:** Thursday, March 24, 2022 5:20 PM  
**To:** Planning Comments  
**Cc:** ezra rabie  
**Subject:** Designation of 1280 Center St as MU III rather than MU I

Dear Planning Department  
Kindly include the following as a submission of written testimony regarding the re-zoning plans of Salem:

**Thank you for the opportunity to offer my perspective of the zoning of my property located at 1280 Center St NE (across from Safeway between 12th and 13th St).**

**My property is currently zoned CR. The proposed new zoning is MU I. I am requesting a zoning of MU III primarily to include one significant best use application of the property - namely that of permitting drive-thru development. The reasons for this I hope will come across as intuitively reasonable ones:**

- First the property is on a major arterial and also meets the MU III requirement of offering frequent transit service.**
- Second it lies outside the city center perimeter and a drive-thru would not create congestion in the downtown core nor deprive surrounding streets of city parking availability.**
- third the property already has a mixed use 3 type of ambiance with state and commercial office buildings, banking, Willamette University, a Mcdonalds drive through, a major grocery, as well as single and multi-family residential use in close proximity.**
- drive throughs require no major infrastructure change such as large utility lines.**
- this particular property has a large frontage offering easy ingress / egress off Center st NE.**

**Apart from the above, and most importantly, a drive-thru would further benefit the immediate community. When one thinks of drive throughs, they immediately associate that with fast food. But they can be of so much more benefit than that in an area that could and should accomodate it - such as a gas station combined with a late night "I-forgot-it" mini-mart, or other uses such as coffee stop, a bank, or a pharmacy, all of which allow the elderly, and mobility impaired to access services they would otherwise have to struggle to acquire in coventional locations. With regard to fast food outlets, the trend now is toward much healthier alternatives. In fact their use has increased substantially as a safe and efficient service for both motorists and pedestrians alike. Finally, drive-thrus proved to be a significant advantage during the pandemic and are still a popular**

**choice for those who remain wary of abandoning all contact precautions with the public. In fact more and more stand alone restaurants are now offering a drive-thru pick-up window for those who wish to avoid indoor dining.**

**In summary I would respectfully request that you re-consider zoning my property as MU III, as it is really an appropriate designation given the above considerations.**

**Thank you**

**Ezra Rabie**

**Parkwood Northwest LLC**

**Owner 1280 Center St NE**

**Phone number: 503-318-2070**

## Shelby Guizar

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**From:** Marjorie Kmetz <kmetzmarjorie@gmail.com>  
**Sent:** Friday, March 25, 2022 12:52 PM  
**To:** Eunice Kim  
**Cc:** Patricia Farrell; Milan Davis  
**Subject:** Re: Tatchio Property 340 Holder Ln SE and Lone Oak 5559

Yes, Eunice, I would like my email to be forwarded to the Planning Commission as testimony. Thank you for thinking of that !

Also, Mr. Milan Davis, are you able to add your expertise to the possibility that some of the older trees on the property, like the Douglas Firs and Cottonwoods could be saved, hopefully those closest to the surrounding homes? Thank you for any help that you can provide.

Kind Regards,  
Marjorie Kmetz cell 210 218 5741

On Fri, Mar 25, 2022 at 8:50 AM Eunice Kim <[EKim@cityofsalem.net](mailto:EKim@cityofsalem.net)> wrote:

Hi Margorie,

The City does indeed have tree preservation regulations ([SRC 808](#)), and the City Council recently adopted code changes that increase the protections (more types of trees protected, etc.). Here is a webpage where you can find a lot of information: <https://www.cityofsalem.net/Pages/remove-trees-on-your-property.aspx>

The City does have an urban forester, Milan Davis. I am cc:ing him here.

Do you want this email to be forwarded to the Planning Commission as testimony?

Thanks,

Eunice

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**From:** Marjorie Kmetz <[kmetzmarjorie@gmail.com](mailto:kmetzmarjorie@gmail.com)>

**Sent:** Friday, March 25, 2022 6:57 AM

**To:** Eunice Kim <[EKim@cityofsalem.net](mailto:EKim@cityofsalem.net)>; Patricia Farrell <[PFarrell@cityofsalem.net](mailto:PFarrell@cityofsalem.net)>

**Subject:** Tatchio Property 340 Holder Ln SE and Lone Oak 5559

Hello Eunice and Patricia,

Mark Wigg of NWTrust informed me that the City has tree protection ordinances and the City forester may want to visit the Tatchio property.

Could either of you send me the contact information for this person?

My hope is that if the land is not deemed a wetland or watershed possibility, the neighbors living close to this property could at least have the gift of some trees saved around the periphery of the property instead of a fence of concrete walls.

Many Thanks,

Marjorie Kmetz cell phone 210 218 5741



**Shelby Guizar**

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**From:** E Easterly <emeasterly@comcast.net>  
**Sent:** Monday, March 28, 2022 8:20 AM  
**To:** Eunice Kim  
**Subject:** Our Salem continued hearing  
**Attachments:** Proposed SACP map to DLCD in error.pdf; Zone & Comp Plan PA example.pdf

via ekim@cityofsalem.net

Planning Commissioners:

GOOD INTENTIONS DO NOT JUSTIFY INATTENTION TO THE TRUTH.

Previously I submitted a list of legal deficiencies regarding the current and proposed Salem Area Comprehensive Plan (SACP) Map. In that document I asked that you recommend to Council that the listed legal failures be corrected in conjunction with the proposed modifications to the Our Salem zoning and comp plan maps.

Planning Department staff conveniently avoids addressing the comp plan map errors I have raised over that last several years. Staff explains that the properties with errors are not being altered by the proposed Comprehensive Plan and map changes the Planning Commission is reviewing, so the city has chosen not to address them at this time as they are not impacted by the proposal.

That silo like logic created the errors in the first place. Unless and until policy bodies such as the Planning Commission recommend that comp plan mapping errors be corrected Salem's scofflaw status will remain.

I understand a list of codes not addressed by the current comp plan map is abstract. Therefore, I offer two example of errors not addressed in the proposed updates to the SACP map:  
(a) a current and proposed map content error and

(b) an example of a comp plan map revision that staff identified. Yet when I requested that staff change the comp plan designation in west Salem for a City designated linear park from WSCBD to POS, staff rejected this non-staff generated comp plan map correction.

See attached graphic examples.

Respectfully,

E.M. Easterly  
503-363-6221

EXAMPLE (a)

Header and Key of the SACP Map submitted to DLCDC February 7, 2022

# Existing Salem Comprehensive Plan

<b>City of Salem</b> Community Development Department	<b>FEBRUARY</b>
	<b>2022</b>

### Key

**Existing Salem Zoning Designation**

- CB - Central Business District
- CG - General Commercial
- CN - Neighborhood Commercial
- CO - Commercial Office
- CR - Retail Commercial
- EC - Employment Center
- EFU - Exclusive Farm Use
- ESMU - Edgewater/Second Street Mixed-Use Corridor
- FMU - Fairview Mixed-Use
- IBC - Industrial Business Campus
- IC - Industrial Commercial
- IG - General Industrial
- II - Intensive Industrial
- IP - Industrial Park
- MU-I - Mixed Use-I
- MU-II - Mixed Use-II
- NCMU - Neighborhood Center Mixed-Use

- PA - Public Amusement
- PC - Public-Private Cemetery
- PE - Public-Private Education
- PH - Public Health
- PM - Capitol Mall
- PS - Public Service
- RA - Residential Agriculture
- RD - Duplex Residential
- RH - Multiple Family High-Rise Residential
- RM1 - Multiple Family Residential 1
- RM2 - Multiple Family Residential 2
- RS - Single Family Residential
- SCI - Second Street Craft Industrial Corridor
- SWMU - South Waterfront Mixed-Use
- WSCB - West Salem Central Business District
- Proposed Zoning Change Areas
- Urban Growth Boundary
- Salem City Limits
- Outside Salem City Limits
- Taxlots
- Street Centerlines
- Willamette River

This existing version of the Salem Area Comprehensive Plan (SACP) map fails to meet the requirements of OAR 660-015-0005(E) because it does not identify the Salem Willamette Greenway Boundary.


The proposed changes to the SACP map and Salem zoning map offers the same failure to comply with OAR 660-015-0005(E).


### Example (b)

- PA - Public Amusement
- MU-R - Mixed Use - Riverfront



Taxlot Number	Property ID	Street Address	Proposed Zone Change	Existing Zoning	Proposed Zoning	Proposed Comp Plan Change	Existing Comp Plan	Proposed Comp Plan
073W22C D00700	526629	<no value>	YES	CB	PA	YES	ROM	POS
073W22C D01400	589414	FRONT ST NE 295	YES	CB	PA	YES	ROM	POS

 WSCB - West Salem Central Business District

 PA - Public Amusement



The Union Street Railroad right-of-way between Wallace Road and the bridge causeway according the Salem Parks Master Plan is a linear park.



Purple line to right identifies the linear park between the Willamette River pedestrian bridge and Wallace Road NW. Legally it should be identified as POS on the proposed SACP Map.





March 17, 2022

City of Salem Planning Commission  
555 Liberty St SE, Room 305  
Salem OR 97301

RE: Proposed Zoning Change of 2390 Brown Road NE

Dear Planning Commission:

*Our Salem Project* proposes changing zoning of 2390 Brown Road to NH-Neighbor Hub.

The residents near this property already have their daily retail needs well met within walking distance as well as via transit service by way of Cherriot's bus route 2- Market/Brown.

Pedestrian safety on Brown Road was a documented risk. The *Bike & Walk Salem, Final Memorandum #9 – Safe Routes to School Solutions* presented to Salem Bike/Ped Plan Stakeholder Advisory Committee by the CH2M Hill Salem Bike/Ped Plan Project Team on October 11, 2012 stated the following in regard to Scott Elementary School, *"The highest priority project was the sign project, while the second highest priority project was the Brown Road sidewalk project. Sidewalk infill projects on nearby City-owned streets (e.g., Brown Road south of Carolina Avenue) will also assist students walking to school."* Brown Road was designated as a "High Priority" in the Salem Transportation System Plan amended January 13, 2020 (3-38-Street System Element). We are so grateful that project has been completed.

While documented improvement adds value from an administrative need, it does not adequately picture the risk still remaining. The street improvements were not perfectly aligned with existing properties. Across the street from Brown Road Park, the intersection with Maria Avenue remains hazardous. Maintaining this property as Residential Agriculture will mitigate any potential retail traffic which could increase pedestrian hazards. Maintaining the safety of our neighbors, young and old, walking to Brown Road Park is more important to us than increasing retail opportunities through a neighborhood hub.

Please recommend the updated zoning map to City Council without the NH-Neighbor Hub at 2390 Brown Road (Taxlot Number 072W18DD00100, Property ID 555931).

A handwritten signature in black ink, appearing to read "Deanna Garcia", is written over a horizontal line.

Deanna Garcia  
NOLA Board President