



Staff Report

File #: 23-128
Version: 1

Date: 6/26/2023
Item #:

TO: Mayor and City Council
THROUGH: Keith Stahley, City Manager
FROM: Kristin Retherford, Community and Urban Development Director

SUBJECT:

Public Hearing for a Legislative Zone Change and Code Amendment to Repeal Overlay Zones in the SCAN Neighborhood.

Ward(s): 2
Councilor(s): Nishioka
Neighborhood(s): SCAN
Result Area(s): Welcoming and Livable Community.

SUMMARY:

Proposal to eliminate five overlay zones: The Saginaw Street, Superior-Rural, Oxford-West Nob Hill, Oxford-Hoyt, and Hoyt-McGilchrist Overlay Zones. The proposal responds to a motion from City Council during their November 14, 2022 meeting.

ISSUE:

Shall City Council advance Ordinance Bill No. 5-23 for the purpose of eliminating the Saginaw Street, Superior-Rural, Oxford-West Nob Hill, Oxford-Hoyt, and Hoyt-McGilchrist Overlay Zones to second reading?

RECOMMENDATION:

Advance Ordinance Bill No. 5-23 for the purpose of eliminating the Saginaw Street, Superior-Rural, Oxford-West Nob Hill, Oxford-Hoyt, and Hoyt-McGilchrist Overlay Zones to second reading.

FACTS AND FINDINGS:

Procedural Findings

1. On November 14, 2022, the City Council voted to direct staff to create an ordinance and schedule a public hearing to consider eliminating the Saginaw Street Overlay Zone, Superior-Rural Overlay Zone, Oxford-West Nob Hill Overlay Zone, Oxford-Hoyt Overlay Zone, and Hoyt-McGilchrist Overlay Zone.
2. Staff met with the SCAN Land Use Committee on January 12, 2023 and attended the SCAN Neighborhood Association meeting on February 8, 2023 to explain the proposed zone change, answer questions, and listen to the neighborhood's input.
3. Staff mailed out flyers to owners of affected properties on January 19, 2023, describing the proposed zone change and providing opportunities to discuss the proposal with staff.
4. The proposed zone change is a legislative zone change, which may be initiated by the City Council under SRC 265.010(c). The proposed code amendment is an amendment to the Unified Development Code (UDC), which is a legislative land use decision under SRC 110.085.
5. The City Council adopted Resolution No. 2023-9 on March 13, 2023 to initiate the proposed zone change and code amendment.
6. On March 13, 2023, the City Council voted to hold a public hearing of Ordinance Bill No. 5-23.
7. On June 5, 2023, notice of the public hearing was provided as required by Oregon Revised Statutes and Salem Revised Code.

Project Overview

During the November 14, 2022 City Council meeting, Council voted to direct staff to create an ordinance and schedule a public hearing to consider eliminating the Saginaw Street, Superior-Rural, Oxford-West Nob Hill, Oxford-Hoyt, and Hoyt-McGilchrist Overlay Zones.

The proposed changes to the zoning map and the UDC are described below.

Proposed Amendments

1) Amending the Zoning Map

The proposed changes to the zoning map are included as Exhibit A of Ordinance Bill No. 5-23 (**Attachment 2**). The overlay zones shown on the map are proposed to be eliminated. The existing base zoning of the affected properties is not proposed to change. All the properties impacted by the proposed zone change are listed in **Attachment 5**.

The proposed changes to the zoning map aim to advance the goals and policies in the Salem Area Comprehensive Plan by encouraging housing and mixed-use development or redevelopment near frequent transit service. Specifically, removing these overlay zones will allow taller buildings on these properties, which are located near Cherriots Core Network. (This is a network of primary transit lines that Cherriots has committed to maintaining and improving in the future.) The MU-I, MU-II, and MU-III zones allow buildings up to a maximum height of 65 feet, 55 feet, and 70 feet, respectively. However, the overlay zones limit the maximum height of buildings to 35 feet. Existing buildings within these overlay zones comply with this height maximum as measured per the standards of Salem Revised Code. Removing the overlay zones will, therefore, allow more housing and denser development or redevelopment in the future, which promotes a compact mix of uses.

Development standards found in the base zoning also encourage pedestrian-oriented building and site design. This combination of factors supports walkability and transit use and reduces the need to drive, thereby helping Salem reduce greenhouse gas emissions from transportation.

The elimination of these overlay zones will also remove additional restrictions, including standards related to setbacks, screening, site access, and landscaping. These topics are generally addressed elsewhere in the UDC, though the standards may differ from those provided by the overlay zones. For example, the Saginaw Street Overlay Zone requires a minimum 30-foot setback abutting a street and a minimum six-foot high hedge adjacent to Saginaw Street. However, the MU-I zone, the base zone in this area, requires a zero to 10-foot setback abutting a street and screening is not required adjacent to Saginaw Street. By removing restrictions, future development or redevelopment may be more feasible, helping to promote more needed housing development in Salem.

The standards contained in the overlay zones reflect the priorities at the time they were created. These overlay zones were implemented in the 1980s as part of a planning effort to prepare for the widening of Commercial Street SE. At the time, some portions of the land abutting Commercial Street SE were zoned for residential development, but as the street was widened, the City recognized the importance of rezoning this land for commercial uses. These overlays were established to mitigate any new adverse effects on residential land near this corridor that might result as land converted from residential to commercial uses abutting Commercial Street SE.

The context of this neighborhood has changed over the ensuing three and a half decades, as have the community's priorities. During the recent update to the Salem Area Comprehensive Plan - the Our Salem project - the community and City Council prioritized creating walkable, mixed-use areas to support livability, increase residential density near services and frequent transit, and reduce dependence on automobiles. To accomplish this goal, many of Salem's commercial corridors with frequent transit service, including Commercial Street SE, were rezoned to mixed-use zones that allow multifamily housing outright in addition to commercial uses.

Many of these recently rezoned mixed-use corridors are adjacent to residential areas. Recognizing this, the mixed-use zones applied in these areas incorporate additional buffers between new development or redevelopment and adjacent residential areas: a minimum setback of ten feet plus 1.5 feet of setback for each foot of building height above 15 feet. The existing overlays in the SCAN neighborhood, however, are unique in that they go further to limit development potential along Commercial Street SE by limiting height and requiring additional setbacks adjacent to certain streets. Similar overlays do not exist elsewhere in Salem along mixed-use corridors that also abut residential areas.

Most of Salem's overlay zones were previously eliminated through the Our Salem project. Some of these overlay zones were eliminated because the standards they applied were incorporated into the base zones to which they were applied. Others were eliminated because they were no longer necessary due to changes made to base zoning through the Our Salem project.

Overall, although the standards implemented by the overlay zones may differ from the requirements of the base zoning, the proposed zone change would align the future development potential of these properties with the goals and policies in the recently updated Salem Area Comprehensive Plan

while still providing regulations that encourage context sensitive development between zones.

2) *Eliminating Overlay Zones*

The proposed code changes are included as Exhibit B of Ordinance Bill No. 5-23 (**Attachment 3**). The proposed code amendment would eliminate the Saginaw Street, Superior-Rural, Oxford-West Nob Hill, Oxford-Hoyt, and Hoyt-McGilchrist Overlay Zones from the UDC. These overlay zones are location-specific and are only intended in the locations on or near Commercial Street SE where they are currently applied. The proposed zone change would remove these overlay zones from all the properties to which they currently apply, and the proposed code amendment would concurrently remove them from the UDC.

Outreach

Staff met with SCAN to explain the proposed zone change, answer questions, and listen to the neighborhood's input. The neighborhood expressed opposition to the proposal due to concerns about privacy, parking, and other compatibility issues. Staff also mailed a flyer to affected property owners to provide information about the proposed zone change and provide opportunities to discuss the proposal with staff. Information about the proposal can also be found on the City's Legislative Land Use Proposals webpage:

<https://www.cityofsalem.net/business/land-use-zoning/land-use-projects/legislative-land-use-proposals>. This includes a comparison of the development standards in the existing base zoning - Mixed Use-I (MU-I), Mixed Use-II (MU-II), Mixed Use-III (MU-III) and Single Family Residential (RS) - and the overlay zones. Recipients of the flyer were encouraged to visit the webpage and contact staff for more information and to provide input. This comparison was also shared with the SCAN Neighborhood Association.

Notice of the public hearing was provided as required by Oregon Revised Statutes and Salem Revised Code.

Public Comment

1. One comment was received prior to June 5, 2023, when this staff report was completed, expressing opposition to the proposed zone change. The commentor expressed the belief that the change would result in more traffic in the neighborhood without providing infrastructure upgrades for those walking and biking. The comment also expressed concerns about this change aligning with other planning efforts, and the commentor had compatibility concerns about new buildings if they are allowed to be taller.

Staff Response:

New, denser development could result in additional residents in this area. However, the new development would be required to provide pedestrian facilities and bicycle racks if none exist, as required by Salem Revised Code. The potential for denser development could result in more services and amenities within close proximity to people's homes. Additionally, the proposed zone changes are located along a frequent transit line, which provides access to jobs and services. These factors would help reduce the need for driving, which could help offset the potential traffic that may otherwise result from additional households living in the

area.

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

The existing base zoning of the subject properties includes requirements that promote compatibility between new development and existing residential development on adjacent properties. These provisions did not exist when the overlay zones were created, but they will help to promote compatibility if the overlay zones are removed.

2. One comment inquired whether a build-out model had been developed to show the scale of a six-story building adjacent to single-family residences.

Staff Response:

A general build-out model has not been developed. The development or redevelopment potential for individual properties subject to this proposal varies depending on the site purpose of development. There is enough variability that a build-out model would not be unlikely to be representative of future development.

Substantive Findings

The proposal includes amendments to the zoning map and the Unified Development Code (UDC).

1. SRC 265.010 establishes the following approval criteria for a legislative zone change:
 - a. The zone change is in the best interest of the public health, safety, and welfare of the City.
 - b. 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.
 - c. If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or a comprehensive plan change from a commercial or employment designation to any other designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the comprehensive plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the comprehensive plan to address the proposed zone change; or include both the demonstration and an amendment to the comprehensive plan.
 - d. The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.
2. SRC 110.085(b) establishes the following approval criteria for a legislative amendment to

the UDC:

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

Findings demonstrating the proposal's conformance with the applicable approval criteria are included in Exhibit C to Ordinance Bill No. 18-22 (**Attachment 4**).

BACKGROUND:

The City Council passed a motion on November 14, 2022 directing staff to bring forward a new ordinance to eliminate the overlay zones near Commercial Street SE in the SCAN neighborhood. The proposed legislative zone change and code amendment responds to this motion from Council.

Austin Ross
Planner II

Attachments:

1. Ordinance Bill No. 5-23
2. Exhibit A to Ordinance Bill 5-23 - Map of Overlays Proposed to be Eliminated
3. Exhibit B to Ordinance Bill 5-23 - Proposed Code Changes
4. Exhibit C to Ordinance Bill 5-23 - Findings
5. Properties within Overlays
6. Comments Received

ORDINANCE BILL NO. 5-23

1 AN ORDINANCE RELATING TO OVERLAY ZONES; AMENDING THE SALEM
2 ZONING MAP BY REPEALING THE SUPERIOR-RURAL OVERLAY ZONE,
3 OXFORD-WEST NOB HILL OVERLAY ZONE, OXFORD-HOYT OVERLAY ZONE,
4 HOYT MCGILCHIRST OVERLAY ZONE, AND SAGINAW STREET OVERLAY
5 ZONE; AMENDING SRC 110.030; AND REPEALING SRC 621, SRC 622, SRC 623,
6 SRC 624, SRC 625, SRC 900.220, AND SRC 900.225.

6 *The City of Salem ordains as follows:*

7 **Section 1.** The following Salem Revised Code (SRC) chapters are hereby amended as
8 set forth in Exhibit B, attached hereto and by reference incorporated herein: SRC 110,
9 SRC 621, SRC 622, SRC 623, SRC 624, SRC 625, and SRC 900.

9 **Section 2.** The overlay zones identified in Exhibit A are eliminated from the Salem
10 Zoning Map as shown in that exhibit.

10 **Section 3. Findings.** This is a legislative land use amendment. Findings demonstrating
11 compliance with the applicable criteria are set forth in Exhibit C, which are attached
12 hereto and incorporated herein by reference.

12 **Section 4. Codification.** In preparing this ordinance for publication and distribution, the
13 City Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but
14 within such limitations, may:

- 15 (a) Renumber sections and parts of sections of the ordinance;
16 (b) Rearrange sections;
17 (c) Change reference numbers to agree with renumbered chapters, sections or other
18 parts;
19 (d) Delete references to repealed sections;
20 (e) Substitute the proper subsection, section or chapter, or other division numbers;
21 (f) Change capitalization and spelling for the purpose of uniformity;
22 (g) Add headings for purposes of grouping like sections together for ease of
reference; and
(h) Correct manifest clerical, grammatical or typographical errors.

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Section 5. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

Section 6. Emergency Clause. This act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance shall be in full force and effect from and after the date of its passage.

PASSED by the City Council this _____ day of _____, 2023.

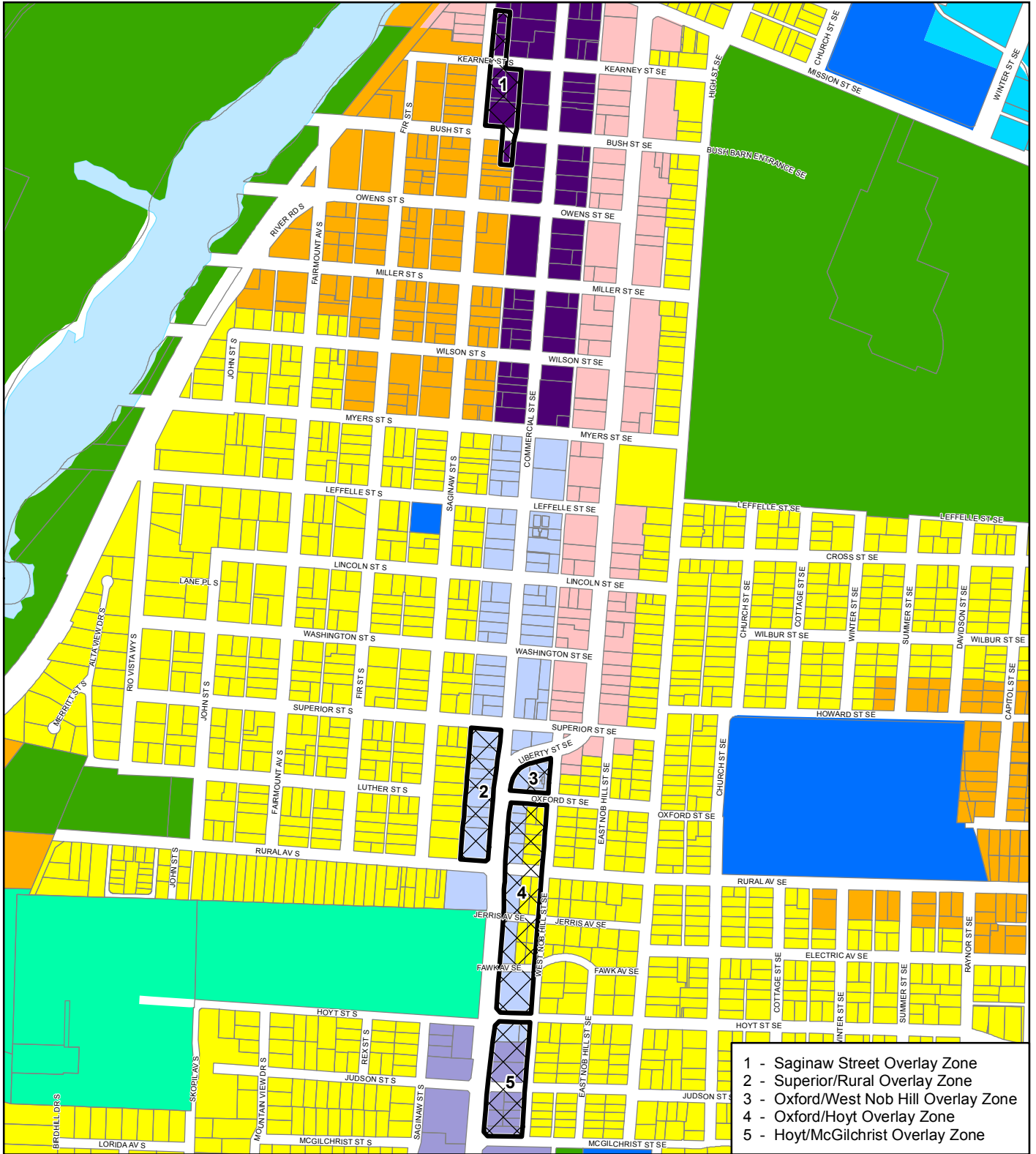
ATTEST:

City Recorder

Approved by City Attorney: _____

Checked by: Austin Ross

Ordinance 5-23 Overlay Zones Proposed to be Eliminated ★



- 1 - Saginaw Street Overlay Zone
- 2 - Superior/Rural Overlay Zone
- 3 - Oxford/West Nob Hill Overlay Zone
- 4 - Oxford/Hoyt Overlay Zone
- 5 - Hoyt/McGilchrist Overlay Zone

Legend

- Overlay Zones Areas To Be Eliminated
- Taxlots
- Urban Growth Boundary
- Outside Salem City Limits

- ★ Existing Zoning
- CB
 - CG
 - CO
 - CR
 - EFU
 - ESMU
 - FMU
 - IBC
 - EC
 - IC
 - IG
 - IP
 - MU-I
 - MU-II
 - MU-III
 - MU-R
 - NH
 - PA
 - PC
 - PE
 - PH
 - PM
 - PS
 - RA
 - RM1
 - RM2
 - RM3
 - RS
 - SWMU
 - WSCB

★ Note:
Only the Overlay Zone **WITHIN** the "Overlay Zones Areas To Be Eliminated" would be impacted by these changes

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0 175 350 700 Feet

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

Sec. 110.030. - Overlay zones.

The overlay zones applicable to land within the City are listed in Table 110-2:

TABLE 110-2. OVERLAY ZONES	
Overlay Zone	SRC chapter
Willamette Greenway Overlay Zone	600
Floodplain Overlay Zone	601
Airport Overlay Zone	602
Portland/Fairgrounds Road Overlay Zone	603
Chemawa/I-5 Northeast Quadrant Gateway Overlay Zone	618
Superior/Rural Overlay Zone	621
Oxford/West Nob Hill Overlay Zone	622
Oxford/Hoyt Overlay Zone	623
Hoyt/McGilchrist Overlay Zone	624
Saginaw Street Overlay Zone	625

~~Sec. 900.220. - Commercial/Rural Urban Development Overlay Zone.~~

~~(a) **General.** Subject to the limitations in this section, signs permitted in the underlying zones are allowed in the Commercial/Rural Urban Development Overlay Zone.~~

~~(b) **Area I.**~~

~~(1) Freestanding signs shall be limited to a display surface of three feet by five feet and to a height not to exceed five feet.~~

~~(2) Wall signs shall not be visible from the residential areas to the west.~~

~~(c) **Area II.**~~

~~(1) Freestanding signs shall be limited to a display surface of three feet by five feet and to a height not to exceed five feet.~~

~~(2) Wall signs shall not be visible from the residential areas to the east.~~

~~(d) Areas III and IV.~~

~~(1) Wall signs shall not be visible from the residential areas to the east.~~

~~(2) Freestanding signs on the Commercial Street frontage shall not cause glare to adjacent residential uses.~~

~~Sec. 900.225. Saginaw Street Urban Development Overlay Zone.~~

~~Subject to the limitations in this section, signs permitted within the underlying zone are allowed in the Saginaw Street Urban Development Overlay Zone, except no signs shall be permitted along the Saginaw Street frontage.~~

Amend the Zoning Map

Substantive Findings

Legislative Zone Change

Salem Revised Code (SRC) 265.010(d) establishes the following approval criteria for a legislative zone change to be approved:

- 1) The zone change is in the best interest of the public health, safety, and welfare of the City.
- 2) The zone change complies with the Salem Area Comprehensive Plan, applicable statewide planning goals, and applicable administrative rules adopted by the Department of Land Conservation and Development.
- 3) If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or a comprehensive plan change from a commercial or employment designation to any other designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the comprehensive plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the comprehensive plan to address the proposed zone change; or include both the demonstration and an amendment to the comprehensive plan.
- 4) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.

Findings are provided below.

1. The zone change is in the best interest of the public health, safety, and welfare of the City.

Finding: The proposed legislative zone change, which responds to the motion made by the City Council on November 14, 2022, is in the best interest of the public health, safety, and welfare of the City because it will allow greater flexibility for future development and redevelopment along Commercial Street SE, where City Council and the community have prioritized pedestrian-friendly, mixed-use development served by frequent transit service. (This section of Commercial Street SE is part of Cherriots' Core Network, which is a network of primary transit lines that Cherriots has committed to maintaining and improving in the future.)

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

nonresidential development on existing residential uses. They generally limit building height and provide development standards related to setbacks, landscaping, screening, and access intended to provide a buffer between residential and commercial uses.

The proposed zone change will continue to allow the same uses on the subject properties and remove the development regulations that are currently applied by the overlays. This will allow new development and redevelopment to be taller and denser and will reduce regulatory barriers, which can make development more feasible. In turn, this potentially creates opportunities for more people to live close to shops, services, jobs, frequent transit service, and amenities. This helps reduce greenhouse gas emissions from single-occupancy vehicle trips, which is a priority in Salem. Increasing opportunities for a mix of uses will also enable more people to walk to their daily destinations, which promotes positive health outcomes.

Therefore, the zone change is in the best interest of the public health, safety, and welfare of the City.

- 2. The zone change complies with the Salem Area Comprehensive Plan, applicable statewide planning goals, and applicable administrative rules adopted by the Department of Land Conservation and Development.***

Statewide Planning Goals and Applicable Administrative Rules

The proposed amendment is consistent with and conforms to the Statewide Planning Goals and applicable administrative rules as described below.

Goal 1: Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

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

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

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

The process to adopt the proposed zone change requires public notice and affords the public an opportunity to review, comment, and take part in the approval process. These requirements were met. Therefore, the proposed zone change conforms with this goal.

Goal 2: Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The City has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The recently updated Salem Area Comprehensive Plan (SACP) has been adopted by the City and acknowledged by the Land Conservation and Development Commission as being in compliance with the statewide goals, state statutes, and state administrative rules.

The SACP identifies allowing mixed-use development more broadly in Salem as a priority to improve access to jobs and services and promote flexibility in the use of properties. It also states that the development of housing should be encouraged in mix-use areas. The proposed zone change would allow taller development on subject properties, providing the opportunity for denser housing either through mixed-use development or standalone multifamily development, in line with the SACP. The proposed zone change therefore conforms with this goal.

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

To protect natural resources and conserve scenic and historical areas and open spaces.

The proposed zone change does not eliminate the requirement for future development on these properties to meet the conditions of SRC Chapter 809 (Wetlands), SRC Chapter 601 (Floodplain Overlay Zone), SRC Chapter 808 (Preservation of Trees and Vegetation), SRC Chapter 809 (Wetlands), and SRC Chapter 230 (Historic Preservation). For example, the proposed change does not remove or alter the development and design standards and requirements for historic resources as they are identified in SRC Chapter 230. All protections afforded to historic resources under that chapter will remain. The proposed zone change therefore conforms with this goal.

Goal 6: Air, Water and Land Resources Quality

To maintain and improve the quality of air, water, and land resources of the state.

The proposed zone change helps improve the quality of air by promoting denser development along a major transportation corridor. This provides the opportunity for a more walkable mix of housing, services, jobs, and shops if properties develop or redevelop. In addition, the properties subject to the proposed zone change are located along the Cherriots Core Network. The proposed zone change, therefore, creates the opportunity for more people to live near jobs, services, shops, and transit service. This reduces the need for automobile travel, which reduces air pollution and greenhouse gas emissions from transportation.

Additionally, the proposed zone change does not eliminate the requirement for future development on the subject properties to meet the conditions of SRC Chapter 808 (Preservation of Trees and Vegetation), SRC Chapter 809 (Wetlands), SRC Chapter 601

(Floodplain Overlay Zone), and SRC Chapter 810 (Landslide Hazards). The proposed zone change therefore conforms with this goal.

Goal 7: Areas Subject to Natural Disasters and Hazards

To protect life and property from natural disasters.

The proposed zone change does not eliminate the requirement for future development on the subject properties to meet the conditions of SRC Chapter 808 (Preservation of Trees and Vegetation), SRC Chapter 809 (Wetlands), SRC Chapter 601 (Floodplain Overlay Zone), and SRC Chapter 810 (Landslide Hazards). These existing regulations aim to avoid or minimize risks to people and property from natural hazards. The proposed zone change therefore conforms with this goal.

Goal 8: Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destinations resorts.

The Salem Comprehensive Parks System Master Plan (Parks Master Plan) was adopted on May 13, 2013. Removing the overlay zones on the subject properties does not preclude the siting of any facilities identified in the Parks Master Plan. The underlying mixed use zones allow parks, open space, and recreation services such as museums, community centers, nature centers, youth clubs, and zoological gardens. The proposed zone change therefore conforms with this goal.

Goal 9: Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The Salem Economic Opportunities Analysis (EOA), adopted in 2015, was developed consistent with the requirements of Goal 9 and associated administrative rules. It projected a 271-acre deficit of commercial land in Salem's portion of the UGB over the next 20 years. The EOA recommends meeting this need in several ways, including redeveloping existing commercial areas and allowing or encouraging mixed-use development in downtown or other employment areas.

Currently, the properties where overlay zones are proposed to be removed have mixed use zoning. The proposed zone change, which is described below in detail, implements the recommendations in the EOA to help meet the identified need to accommodate more commercial uses. For example, the proposed zone change allows denser development in mixed-use zones to encourage mixed-use redevelopment.

Saginaw Street Overlay Zone

The Saginaw Street Overlay Zone allows the same uses as the underlying base zoning, which is MU-I. The MU-I zone allows a wide a range of commercial uses, including retail sales, personal services, offices, and indoor commercial entertainment. As identified in the EOA,

there is a projected deficit of land for commercial uses in Salem. The proposed zone change would eliminate the Saginaw Street Overlay Zone and continue to allow the same commercial uses on the affected properties.

The Saginaw Street Overlay Zone provides development standards, including a standard that limits the height of buildings to 35 feet. Eliminating this overlay zone would remove this restriction, providing more flexibility for future development. The MU-I zone allows a maximum building height of 65 feet. This helps to facilitate future mixed-use development or redevelopment as recommended in the EOA. Therefore, the proposed zone change conforms with this goal.

Superior-Rural Overlay Zone

The Superior-Rural Overlay Zone allows the same uses as the underlying base zoning, which is MU-II. The MU-II zone allows a wide a range of commercial uses, including retail sales, personal services, offices, and indoor commercial entertainment. As identified in the EOA, there is a projected deficit of land for commercial uses in Salem. The proposed zone change would eliminate the Superior-Rural Overlay Zone and continue to allow the same commercial uses on the affected properties.

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

Oxford-West Nob Hill Overlay Zone

The Oxford-West Nob Hill Overlay Zone allows the same uses as the underlying base zoning, which is MU-II. The MU-II zone allows a wide a range of commercial uses, including retail sales, personal services, offices, and indoor commercial entertainment. As identified in the EOA, there is a projected deficit of land for commercial uses in Salem. The proposed zone change would eliminate the Oxford-West Nob Hill Overlay Zone and continue to allow the same commercial uses on the affected properties.

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

Oxford-Hoyt Overlay Zone

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

a wide a range of commercial uses, including retail sales, personal services, offices, and indoor commercial entertainment. As identified in the EOA, there is a projected deficit of land for commercial uses in Salem. The proposed zone change would eliminate the Oxford-Hoyt Overlay Zone and continue to allow the same commercial uses on the affected properties.

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

Hoyt-McGilchrist Overlay Zone

The Hoyt-McGilchrist Overlay Zone allows the same uses as the underlying base zonings, which are MU-II and MU-III. Both the MU-II and MU-III zones allows a wide a range of commercial uses, including retail sales, personal services, offices, and indoor commercial entertainment. As identified in the EOA, there is a projected deficit of land for commercial uses in Salem. The proposed zone change would eliminate the Hoyt-McGilchrist Overlay Zone and continue to allow the same commercial uses on the affected properties.

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

Overall, the proposed zone change facilitates future mixed-use development, implementing the recommendations from the EOA. Therefore, the proposed zone change conforms with this goal.

Goal 10: Housing

To provide for the housing needs of citizens of the state.

The Salem Housing Needs Analysis (HNA), adopted in August of 2022, was developed consistent with the requirements of Goal 10 and the associated administrative rules that were in place when it was prepared and completed. The HNA determined that more multifamily housing is needed within Salem's portion of the Urban Growth Boundary (UGB) through 2035. While Salem has met its projected need for residential land through 2035, the development of multifamily housing units is still needed.

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

Saginaw Street Overlay Zone

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

The Saginaw Street Overlay Zone provides development standards, including a standard that limits the height of buildings to 35 feet. Eliminating this overlay zone would remove this restriction, providing more flexibility for future development. The MU-I zone allows a maximum building height of 65 feet. This helps to facilitate future development of multifamily housing or mixed-use development that could include more housing than is currently allowed under the overlay zone. Therefore, the proposed zone change conforms with this goal.

Superior-Rural Overlay Zone

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

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

Oxford-West Nob Hill Overlay Zone

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

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

Oxford-Hoyt Overlay Zone

The Oxford-Hoyt Overlay Zone allows the same uses as the underlying base zoning, which includes MU-II and RS. The RS zone allows single-family and middle housing uses, and the

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

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

Hoyt-McGilchrist Overlay Zone

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

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

Overall, the proposed zone change reduces barriers to multifamily development on the subject properties and encourage more dwelling units to be built in future development. Therefore, the proposed zone change conforms with this goal.

Goal 12: Transportation

To provide and encourage a safe, convenient, and economic transportation system.

Goal 12 is implemented through Oregon Administrative Rules 660-012. Oregon Administrative Rule 660-012-0060(1) defines when a plan or land use regulation amendment significantly impacts a transportation facility. OAR 660-012-0060(9) allows that local governments may find that any amendment to a zoning map does not significantly affect an existing or planned transportation facility if the proposed zoning is consistent with the existing Comprehensive Plan map designation; the local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and the area subject to the proposed zone change was not previously exempted from this rule at the time of an urban growth boundary amendment.

The proposed zone change will eliminate overlay zones on the subject properties and will not change the existing zoning or Comprehensive Plan map designation of these properties. The

existing Comprehensive Plan map designation on the majority of the subject properties is Mixed Use. These properties are zoned either MU-I, MU-II, or MU-III. The Salem Area Comprehensive Plan identifies that the MU-I, MU-II, and MU-III zones implement and are consistent with the Mixed Use designation. The remaining properties subject to the proposed zone change are designated Single Family on the Comprehensive Plan map and are zoned RS. The Salem Area Comprehensive Plan identifies that the RS zone implements and is consistent with the Single Family designation.

The Salem TSP was updated and acknowledged in 2020. The TSP is an implementing component of the Comprehensive Plan and is consistent with it. Therefore, because the mixed-use zoning on these properties is consistent with the Comprehensive Plan Map designation, it is also consistent with the TSP.

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

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

The proposed zone change will also require pedestrian-friendly development on properties adjacent to Commercial Street SE in this corridor with connections to pedestrian systems. In addition, lowering barriers to developing a mix of uses is intended to promote trips by modes other than the single-occupant vehicle. This assures that the proposed zone change conforms with this goal.

Goal 13: Energy Conservation

To conserve energy.

The proposed zone change promotes energy conservation by increasing the potential density of development that is possible on properties close to Core Network frequent transit service. The existing overlay zones limit the height of development, and without these overlays, future development or redevelopment on these mixed-use-zoned properties could be denser. The mixed-use base zones allow and encourage a mix of housing, shopping, services, and jobs in close proximity to each other, which reduces the need to drive. Additionally, allowing denser development along Cherriots' Core Network encourages the use of public transportation – the bus – as an alternative to the automobile, and buses are a more energy efficient mode of transportation than cars. The proposed zone change therefore conforms with this goal.

Goal 14: Urbanization

To provide an orderly and efficient transition from rural to urban land use, to accommodate

urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The proposed zone change helps accommodate Salem’s urban population and employment by allowing denser multifamily housing and commercial uses than would be allowed with the current overlay zones (see Goal 9 and 10 findings above). The proposed zone change does not expand the UGB or change the boundary of the UGB. Instead, the proposed zone change promotes the efficient use of land within the existing UGB by allowing and facilitating denser mixed-use development on the subject properties. Specifically, the proposed zone changes would allow taller buildings on these mixed-use-zoned properties. The existing mixed-use base zones allow and encourage a variety of housing opportunities – including multifamily housing – as well as retail, offices, and other commercial uses. Removing the existing overlay zones therefore creates more flexibility in how those properties are developed or redeveloped, allowing them to accommodate multifamily housing or commercial uses – or a mix of uses – as is needed to meet future housing and employment demands. The proposed zone change therefore conforms with this goal.

Goals 3, 4, 11, 15, 16, 17, 18, and 19

Goals 3, 4, 11, 15, 16, 17, 18, and 19 are not applicable to the proposed zone change.

Salem Area Comprehensive Plan

The proposed legislative zone change is consistent with and conforms to the Salem Area Comprehensive Plan as described below.

CE 1 Community Engagement Goal: *Engage the public in planning, investment, and policy decisions and in the implementation of this Comprehensive Plan through inclusive, equitable, transparent, and collaborative processes that foster meaningful involvement from all members of the community.*

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

The proposed zone change is in response to a motion made by Council on November 14, 2022. That motion also directed staff to engage with the South Central Association of Neighbors (SCAN) neighborhood association to understand their concerns and answer their questions. Prior to meeting with SCAN, staff prepared an analysis to outline key impacts of the proposed zone change, which was shared with the neighborhood association. Staff then met with the SCAN Land Use Committee as well as attending a general membership meeting to provide an opportunity for members to ask questions and share input on the proposal. Staff also answered questions from the neighborhood association via email. This outreach encouraged the neighborhood association to participate in the process. Therefore, the proposed zone change conforms with this goal.

H1 Housing Choice Goal: *Promote a variety of housing options to meet the needs, abilities, and preferences of all current and future residents.*

The proposed zone change promotes a variety of housing options because removing the existing overlay zones would allow new buildings to be taller, thereby increasing the possible density of residential development on these properties. The underlying mixed-use zones allow middle housing, multifamily housing, and mixed-use development, which provide the possibility for a variety of housing types. Therefore, the proposed zone change conforms with this goal.

H 4 Complete Neighborhood Goal: Encourage housing that provides convenient access to jobs, services, and amenities the meets residents' daily needs.

H 4.1 Mixed use: The development of housing should be encouraged in mixed-use areas to increase access to jobs and services and promote walkable, complete neighborhoods.

The proposed zone change encourages housing and mixed-use development in an area that is largely developed with commercial uses by allowing taller buildings and denser development. The existing overlay zones that are proposed for removal, limit building height, which limits the feasibility of mixed-use development that includes housing in these areas. Removing the overlays would help to encourage more housing in these mixed-use areas and increase access to jobs, services, and amenities. The mixed-use zoning in these areas also includes design standards to encourage pedestrian-friendly development, which helps to ensure that future development and redevelopment of the properties subject to this zone change will promote a walkable, complete neighborhood. The proposed zone change, therefore, conforms with this goal and policy.

E 3 Access and Livability Goal: Promote a vibrant economy that increases access to jobs, goods, and services.

E 3.2 Transit-oriented development: Pedestrian-friendly, mixed-use development and redevelopment should be encouraged along corridors with frequent transit access and near Cherriot's Core Network to increase access to jobs and services, reduce the need for single-occupancy vehicle trips, and support public transit.

The proposed zone change promotes pedestrian-friendly, mixed-use development near Cherriot's Core Network. The properties where the overlays are proposed to be removed currently have mixed use zoning and are located along a Core Network frequent transit route. These mixed-use zones allow a variety of residential and commercial uses, and development standards encourage pedestrian-oriented development. However, the existing overlays limit building height and provide other requirements, which could be a barrier to future development or redevelopment on these properties. By removing the overlay zones, buildings can be taller and restrictions are relaxed, providing flexibility for future development and incentivizing new mixed-use development near frequent transit. The proposed zone change also helps provide more opportunities for people to live near jobs, goods, and services, reducing the need for single-occupancy vehicle trips. The proposed zone change therefore conforms with this goal and policy.

CC 1 Greenhouse Gas Emissions Goal: Reduce Salem's greenhouse gas emissions to 50 percent of the citywide emissions from the baseline year of 2016 by 2035 and be carbon neutral by 2050.

CC 1.1 Land use and transportation: *The City shall facilitate and support changes in land use patterns and the transportation system to reduce single-occupancy vehicle trips and mobile emissions, which are the largest source of greenhouse gas emissions produced in Salem. Progress toward this objective shall be monitored through benchmarks sets forth in Table 1 on p.77.*

The proposed zone change helps reduce greenhouse gas emissions from transportation by allowing denser development along the Cherriot's Core Network. The existing overlay zones limit building height to 35 feet, whereas the mixed-use base zones allow taller development. By removing the overlay zones, new development or redevelopment on these properties can accommodate a dense mix of uses. This reduces the need to drive and also allows more people to live in close proximity to frequent transit service. This reduces the need for single-occupancy vehicle trips and helps reduce greenhouse gas emissions from transportation. Therefore, the proposed zone change conforms with this goal and policy.

3. ***If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or a comprehensive plan change from a commercial or employment designation to any other designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the comprehensive plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the comprehensive plan to address the proposed zone change; or include both the demonstration and an amendment to the comprehensive plan.***

Finding: The proposed zone change does not require a comprehensive plan change. Therefore, this criterion does not apply.

4. ***The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.***

OAR 660-012-0060(9) allows that local governments may find that any amendment to a zoning map does not significantly affect an existing or planned transportation facility if the proposed zoning is consistent with the existing Comprehensive Plan map designation. The proposed zone change will eliminate overlay zones on the subject properties and will not change the existing zoning or Comprehensive Plan map designation of these properties. The existing Comprehensive Plan map designation on the majority of the subject properties is Mixed Use. These properties are zoned either MU-I, MU-II, or MU-III. The Salem Area Comprehensive Plan identifies that the MU-I, MU-II, and MU-III zones implement and are consistent with the Mixed Use designation. The remaining properties subject to the proposed zone change are designated Single Family on the Comprehensive Plan map and are zoned RS. The Salem Area Comprehensive Plan identifies that the RS zone implements and is consistent with the Single Family designation. Therefore, the proposed zone change does not significantly affect a transportation facility, and this criterion is met.

Amend the Unified Development Code (UDC)

Substantive Findings

Legislative Amendment to the UDC

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

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

Findings are provided below.

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

Finding: The proposed code amendment, which responds to the motion made by the City Council on November 14, 2022, is in the best interest of the public health, safety, and welfare of the City because eliminating the overlay zones, as proposed, will allow greater flexibility for future development and redevelopment along Commercial Street SE, where City Council and the community have prioritized pedestrian-friendly, mixed-use development served by frequent transit service. (This section of Commercial Street SE is part of Cherriots' Core Network, which is a network of primary transit lines that Cherriots has committed to maintaining and improving in the future.)

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

The proposed code amendment will continue to allow the same uses on the subject properties and remove the development regulations that are currently applied by the overlays. This will allow new development and redevelopment to be taller and denser and will reduce regulatory barriers, which can make development more feasible. In turn, this potentially creates

opportunities for more people to live close to shops, services, jobs, frequent transit service, and amenities. This helps reduce greenhouse gas emissions from single-occupancy vehicle trips, which is a priority in Salem. Increasing opportunities for a mix of uses will also enable more people to walk to their daily destinations, which promotes positive health outcomes.

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

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

- 6. The amendment conforms with the Salem Area Comprehensive Plan, applicable statewide planning goals, and applicable administrative rules adopted by the Department of Land Conservation and Development.***

Statewide Planning Goals and Applicable Administrative Rules

The proposed amendment is consistent with and conforms to the Statewide Planning Goals and applicable administrative rules as described below.

Goal 1: Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

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

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

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

The process to adopt the proposed code amendment requires public notice and affords the public an opportunity to review, comment, and take part in the approval process. These requirements were met. Therefore, the proposed code amendment conforms with this goal.

Goal 2: Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The City has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The recently updated Salem Area Comprehensive Plan (SACP) has been adopted by the City and acknowledged by the Land Conservation and Development Commission as being in compliance with the statewide goals, state statutes, and state administrative rules.

The SACP identifies allowing mixed-use development more broadly in Salem as a priority to improve access to jobs and services and promote flexibility in the use of properties. It also states that the development of housing should be encouraged in mix-use areas. The proposed code amendment would allow taller development on properties where existing overlay zones have been eliminated, providing the opportunity for denser housing either through mixed-use development or standalone multifamily development, in line with the SACP. The proposed code amendment therefore conforms with this goal.

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

To protect natural resources and conserve scenic and historical areas and open spaces.

The proposed code amendment does not eliminate the requirement for future development to meet the conditions of SRC Chapter 809 (Wetlands), SRC Chapter 601 (Floodplain Overlay Zone), SRC Chapter 808 (Preservation of Trees and Vegetation), SRC Chapter 809 (Wetlands), and SRC Chapter 230 (Historic Preservation). For example, the proposed amendment does not remove or alter the development and design standards and requirements for historic resources as they are identified in SRC Chapter 230. All protections afforded to historic resources under that chapter will remain. The proposed code amendment therefore conforms with this goal.

Goal 6: Air, Water and Land Resources Quality

To maintain and improve the quality of air, water, and land resources of the state.

The proposed code amendment helps improve the quality of air by promoting denser development along a major transportation corridor. This provides the opportunity for a more walkable mix of housing, services, jobs, and shops if properties develop or redevelop. In addition, the proposed code amendment will affect properties located along the Cherrits Core Network. The proposed code amendment, therefore, creates the opportunity for more people to live near jobs, services, shops, and transit service. This reduces the need for automobile travel, which reduces air pollution and greenhouse gas emissions from transportation.

Additionally, the proposed code amendment does not eliminate the requirement for future development on the subject properties to meet the conditions of SRC Chapter 808 (Preservation of Trees and Vegetation), SRC Chapter 809 (Wetlands), SRC Chapter 601

(Floodplain Overlay Zone), and SRC Chapter 810 (Landslide Hazards). The proposed code amendment therefore conforms with this goal.

Goal 7: Areas Subject to Natural Disasters and Hazards

To protect life and property from natural disasters.

The proposed code amendment does not eliminate the requirement for future development on the subject properties to meet the conditions of SRC Chapter 808 (Preservation of Trees and Vegetation), SRC Chapter 809 (Wetlands), SRC Chapter 601 (Floodplain Overlay Zone), and SRC Chapter 810 (Landslide Hazards). These existing regulations aim to avoid or minimize risks to people and property from natural hazards. The proposed code amendment therefore conforms with this goal.

Goal 8: Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destinations resorts.

The Salem Comprehensive Parks System Master Plan (Parks Master Plan) was adopted on May 13, 2013. The proposed code amendment would eliminate overlay zones and would not preclude the siting of any facilities identified in the Parks Master Plan. Existing mixed-use zoning in the areas where the overlays currently exist, would continue to allow parks, open space, and recreation services such as museums, community centers, nature centers, youth clubs, and zoological gardens. The proposed code amendment therefore conforms with this goal.

Goal 9: Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The Salem Economic Opportunities Analysis (EOA), adopted in 2015, was developed consistent with the requirements of Goal 9 and associated administrative rules. It projected a 271-acre deficit of commercial land in Salem's portion of the UGB over the next 20 years. The EOA recommends meeting this need in several ways, including redeveloping existing commercial areas and allowing or encouraging mixed-use development in downtown or other employment areas.

Currently, the properties where overlay zones are proposed to be removed have mixed use zoning. The proposed code amendment, which is described below in detail, implements the recommendations in the EOA to help meet the identified need to accommodate more commercial uses. For example, the proposed code amendment allows denser development in mixed-use zones to encourage mixed-use redevelopment.

Saginaw Street Overlay Zone

The Saginaw Street Overlay Zone allows the same uses as the underlying base zoning, which is MU-I. The MU-I zone allows a wide a range of commercial uses, including retail sales,

personal services, offices, and indoor commercial entertainment. As identified in the EOA, there is a projected deficit of land for commercial uses in Salem. The proposed code amendment would eliminate the Saginaw Street Overlay Zone and continue to allow the same commercial uses on the affected properties.

The Saginaw Street Overlay Zone provides development standards, including a standard that limits the height of buildings to 35 feet. Eliminating this overlay zone would remove this restriction, providing more flexibility for future development. The MU-I zone allows a maximum building height of 65 feet. This helps to facilitate future mixed-use development or redevelopment as recommended in the EOA. Therefore, the proposed code amendment conforms with this goal.

Superior-Rural Overlay Zone

The Superior-Rural Overlay Zone allows the same uses as the underlying base zoning, which is MU-II. The MU-II zone allows a wide a range of commercial uses, including retail sales, personal services, offices, and indoor commercial entertainment. As identified in the EOA, there is a projected deficit of land for commercial uses in Salem. The proposed code amendment would eliminate the Superior-Rural Overlay Zone and continue to allow the same commercial uses on the affected properties.

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

Oxford-West Nob Hill Overlay Zone

The Oxford-West Nob Hill Overlay Zone allows the same uses as the underlying base zoning, which is MU-II. The MU-II zone allows a wide a range of commercial uses, including retail sales, personal services, offices, and indoor commercial entertainment. As identified in the EOA, there is a projected deficit of land for commercial uses in Salem. The proposed code amendment would eliminate the Oxford-West Nob Hill Overlay Zone and continue to allow the same commercial uses on the affected properties.

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

Oxford-Hoyt Overlay Zone

The Oxford-Hoyt Overlay Zone allows the same uses as the underlying base zoning, which includes MU-II and RS. The RS zone allows primarily residential uses and very few commercial uses. If the Oxford-Hoyt Overlay Zone is eliminated by the proposed code

amendment, the uses allowed on RS-zoned properties would not change. The MU-II zone allows a wide a range of commercial uses, including retail sales, personal services, offices, and indoor commercial entertainment. As identified in the EOA, there is a projected deficit of land for commercial uses in Salem. The proposed code amendment would eliminate the Oxford-Hoyt Overlay Zone and continue to allow the same commercial uses on the affected properties.

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

Hoyt-McGilchrist Overlay Zone

The Hoyt-McGilchrist Overlay Zone allows the same uses as the underlying base zonings, which are MU-II and MU-III. Both the MU-II and MU-III zones allow a wide a range of commercial uses, including retail sales, personal services, offices, and indoor commercial entertainment. As identified in the EOA, there is a projected deficit of land for commercial uses in Salem. The proposed code amendment would eliminate the Hoyt-McGilchrist Overlay Zone and continue to allow the same commercial uses on the affected properties.

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

Overall, the proposed code amendment facilitates future mixed-use development, implementing the recommendations from the EOA. Therefore, the proposed code amendment conforms with this goal.

Goal 10: Housing

To provide for the housing needs of citizens of the state.

The Salem Housing Needs Analysis (HNA), adopted in August of 2022, was developed consistent with the requirements of Goal 10 and the associated administrative rules that were in place when it was prepared and completed. The HNA determined that more multifamily housing is needed within Salem's portion of the Urban Growth Boundary (UGB) through 2035. While Salem has met its projected need for residential land through 2035, the development of multifamily housing units is still needed.

Currently, the properties where overlay zones are proposed to be removed have mixed use zoning. The proposed code amendment, which is described below in detail, allows denser

mixed use and multifamily development, which would allow more housing to be built on these properties if they develop or redevelop in the future.

Saginaw Street Overlay Zone

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

The Saginaw Street Overlay Zone provides development standards, including a standard that limits the height of buildings to 35 feet. Eliminating this overlay zone would remove this restriction, providing more flexibility for future development. The MU-I zone allows a maximum building height of 65 feet. This helps to facilitate future development of multifamily housing or mixed-use development that could include more housing than is currently allowed under the overlay zone. Therefore, the proposed code amendment conforms with this goal.

Superior-Rural Overlay Zone

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

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

Oxford-West Nob Hill Overlay Zone

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

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

Oxford-Hoyt Overlay Zone

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

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

Hoyt-McGilchrist Overlay Zone

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

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

Overall, the proposed code amendment reduces barriers to multifamily development on the subject properties and encourages more dwelling units to be built in future development. Therefore, the proposed code amendment therefore conforms with this goal.

Goal 12: Transportation

To provide and encourage a safe, convenient, and economic transportation system.

Goal 12 is implemented through Oregon Administrative Rules 660-012. OAR 660-012-0060(9) allows that local governments may find that any code amendment does not significantly affect an existing or planned transportation facility if the proposed zoning is consistent with the existing Comprehensive Plan map designation. The proposed code amendment will eliminate overlay zones and will not change the existing zoning or Comprehensive Plan map designation of the properties where these overlay zones apply today. The existing Comprehensive Plan map designation on the majority of the subject properties is Mixed Use. These properties are zoned either MU-I, MU-II, or MU-III. The

Salem Area Comprehensive Plan identifies that the MU-I, MU-II, and MU-III zones implement and are consistent with the Mixed Use designation. The remaining subject properties are designated Single Family on the Comprehensive Plan map and are zoned RS. The Salem Area Comprehensive Plan identifies that the RS zone implements and is consistent with the Single Family designation. Therefore, the proposed code amendment does not significantly affect a transportation facility.

The proposed code amendment will also require pedestrian-friendly development on properties adjacent to or near Commercial Street SE in this corridor with connections to pedestrian systems. In addition, lowering barriers to developing a mix of uses is intended to promote trips by modes other than the single-occupant vehicle. This assures that the proposed code amendment conforms with this goal.

Goal 13: Energy Conservation

To conserve energy.

The proposed code amendment promotes energy conservation by increasing the potential density of development that is possible on properties close to Core Network frequent transit service. The existing overlay zones limit the height of development, and without these overlays, future development or redevelopment on these mixed-use-zoned properties could be denser. The mixed-use base zones allow and encourage a mix of housing, shopping, services, and jobs in close proximity to each other, which reduces the need to drive. Additionally, allowing denser development along Cherriot's Core Network encourages the use of public transportation – the bus – as an alternative to the automobile, and buses are a more energy efficient mode of transportation than cars. The proposed code amendment therefore conforms with this goal.

Goal 14: Urbanization

To provide an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The proposed code amendment helps accommodate Salem's urban population and employment by allowing denser multifamily housing and commercial uses than would be allowed with the current overlay zones (see Goal 9 and 10 findings above). The proposed code amendment does not expand the UGB or change the boundary of the UGB. Instead, the proposed code amendment promotes the efficient use of land within the existing UGB by allowing and facilitating denser mixed-use development on the subject properties. Specifically, the proposed code amendment would allow taller buildings on these mixed-use-zoned properties. The existing mixed-use base zones allow and encourage a variety of housing opportunities – including multifamily housing – as well as retail, offices, and other commercial uses. Removing the existing overlay zones therefore creates more flexibility in how those properties are developed or redeveloped, allowing them to accommodate multifamily housing or commercial uses – or a mix of uses – as is needed to meet future housing and employment demands. The proposed code amendment therefore conforms with this goal.

Goals 3, 4, 11, 15, 16, 17, 18, and 19

Goals 3, 4, 11, 15, 16, 17, 18, and 19 are not applicable to the proposed code amendment.

Salem Area Comprehensive Plan

The proposed code amendment is consistent with and conforms to the Salem Area Comprehensive Plan as described below.

CE 1 Community Engagement Goal: Engage the public in planning, investment, and policy decisions and in the implementation of this Comprehensive Plan through inclusive, equitable, transparent, and collaborative processes that foster meaningful involvement from all members of the community.

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

The proposed code amendment is in response to a motion made by Council on November 14, 2022. That motion directed staff to engage with the South Central Association of Neighbors (SCAN) neighborhood association to understand their concerns and answer their questions. Prior to meeting with SCAN, staff prepared an analysis to outline key impacts of the proposed code amendment, which was shared with the neighborhood association. Staff then met with the SCAN Land Use Committee as well as attending a general membership meeting to provide an opportunity for members to ask questions and share input on the proposal. Staff also answered questions from the neighborhood association via email. This outreach encouraged the neighborhood association to participate in the process. Therefore, the proposed code amendment conforms with this goal.

H1 Housing Choice Goal: Promote a variety of housing options to meet the needs, abilities, and preferences of all current and future residents.

The proposed code amendment promotes a variety of housing options because removing the existing overlay zones would allow new buildings to be taller, thereby increasing the possible density of residential development on these properties. The underlying mixed-use zones allow middle housing, multifamily housing, and mixed-use development, which provide the possibility for a variety of housing types. Therefore, the proposed code amendment conforms with this goal.

H 4 Complete Neighborhood Goal: Encourage housing that provides convenient access to jobs, services, and amenities the meets residents' daily needs.

H 4.1 Mixed use: The development of housing should be encouraged in mixed-use areas to increase access to jobs and services and promote walkable, complete neighborhoods.

The proposed code amendment encourages housing and mixed-use development in an area that is largely developed with commercial uses by allowing taller buildings and denser development. The existing overlay zones that are proposed for removal, limit building height, which limits the feasibility of mixed-use development with housing in these areas. Removing

the overlays would help to encourage more housing in these mixed-use areas and increase access to jobs, services, and amenities. The mixed-use zoning in these areas also includes design standards to encourage pedestrian-friendly development, which helps to ensure that future development and redevelopment of these properties will promote a walkable, complete neighborhood. The proposed code amendment, therefore, conforms with this goal and policy.

E 3 Access and Livability Goal: *Promote a vibrant economy that increases access to jobs, goods, and services.*

E 3.2 Transit-oriented development: *Pedestrian-friendly, mixed-use development and redevelopment should be encouraged along corridors with frequent transit access and near Cherriots' Core Network to increase access to jobs and services, reduce the need for single-occupancy vehicle trips, and support public transit.*

The proposed code amendment promotes pedestrian-friendly, mixed-use development near Cherriots' Core Network. The properties where the overlays are proposed to be removed currently have mixed use zoning and are located along a Core Network frequent transit route. These mixed-use zones allow a variety of residential and commercial uses, and development standards encourage pedestrian-oriented development. However, the existing overlays limit building height and provide other requirements, which could be a barrier to future development or redevelopment on these properties. By removing the overlay zones, buildings can be taller, providing flexibility for future development and incentivizing new mixed-use development near frequent transit. The proposed code amendment also helps provide more opportunities for people to live near jobs, goods, and services, reducing the need for single-occupancy vehicle trips. The proposed code amendment therefore conforms with this goal and policy.

CC 1 Greenhouse Gas Emissions Goal: *Reduce Salem's greenhouse gas emissions to 50 percent of the citywide emissions from the baseline year of 2016 by 2035 and be carbon neutral by 2050.*

CC 1.1 Land use and transportation: *The City shall facilitate and support changes in land use patterns and the transportation system to reduce single-occupancy vehicle trips and mobile emissions, which are the largest source of greenhouse gas emissions produced in Salem. Progress toward this objective shall be monitored through benchmarks sets forth in Table 1 on p.77.*

The proposed code amendment helps reduce greenhouse gas emissions from transportation by allowing denser development along the Cherriots Core Network. The existing overlay zones limit building height to 35 feet, whereas the mixed-use base zones allow taller development. By removing the overlay zones, new development or redevelopment on these properties can accommodate a dense mix of uses. This reduces the need to drive and allows more people to live in close proximity to frequent transit service, thereby helping to reduce greenhouse gas emissions from transportation. Therefore, the proposed code amendment conforms with this goal and policy.

Property Information		Zoning	Comprehensive Plan Designation	Overlay Zone	
Tax Lot Number	Street Address	Existing Zoning	Existing Comp Plan	Overlay Zone Change	Name of Overlay Zone
073W34BD90003	1855 WEST NOB HILL ST SE 3	MU-II	MU	YES	Oxford-West Nob Hill Overlay Zone
073W34BD10200	328 RURAL AVE SE	RS	SF	YES	Oxford-Hoyt Overlay Zone
073W27CA11400	850 SAGINAW ST S	MU-I	MU	YES	Saginaw Street Overlay Zone
073W34BD90000	1855 WEST NOB HILL ST SE 200	MU-II	MU	YES	Oxford-West Nob Hill Overlay Zone
073W34BD06300	<no value>	MU-II	MU	YES	Oxford-Hoyt Overlay Zone
073W34BD06700	1945 WEST NOB HILL ST SE	RS	SF	YES	Oxford-Hoyt Overlay Zone
073W34BD06900	1975 WEST NOB HILL ST SE	RS	SF	YES	Oxford-Hoyt Overlay Zone
073W27CA10800	934 SAGINAW ST S	MU-I	MU	YES	Saginaw Street Overlay Zone
073W27CA10900	920 SAGINAW ST S	MU-I	MU	YES	Saginaw Street Overlay Zone
073W34BD14200	2290 COMMERCIAL ST SE	MU-II	MU	YES	Oxford-Hoyt Overlay Zone
073W34BD06600	1905 WEST NOB HILL ST SE	RS	SF	YES	Oxford-Hoyt Overlay Zone
073W34BD06800	1965 WEST NOB HILL ST SE	RS	SF	YES	Oxford-Hoyt Overlay Zone
073W34BD03000	315 OXFORD ST SE	MU-II	MU	YES	Oxford-West Nob Hill Overlay Zone
073W34BD03300	1815 COMMERCIAL ST SE	MU-II	MU	YES	Superior-Rural Overlay Zone
073W34CA03900	2390 COMMERCIAL ST SE	MU-III	MU	YES	Hoyt-McGilchrist Overlay Zone
073W34CA04600	2465 WEST NOB HILL ST SE	MU-III	MU	YES	Hoyt-McGilchrist Overlay Zone
073W34BD90002	1855 WEST NOB HILL ST SE 2	MU-II	MU	YES	Oxford-Hoyt Overlay Zone
073W34BD06000	1980 COMMERCIAL ST SE	MU-II	MU	YES	Oxford-Hoyt Overlay Zone
073W34BD06100	1960 COMMERCIAL ST SE	MU-II	MU	YES	Oxford-Hoyt Overlay Zone
073W34BD06200	1930 COMMERCIAL ST SE	MU-II	MU	YES	Oxford-Hoyt Overlay Zone
073W34BD03800	1885 COMMERCIAL ST SE	MU-II	MU	YES	Superior-Rural Overlay Zone
073W34BD04100	1925 COMMERCIAL ST SE	MU-II	MU	YES	Superior-Rural Overlay Zone
073W34BD12000	340 JERRIS AVE SE	RS	SF	YES	Oxford-Hoyt Overlay Zone
073W34BD12400	2150 COMMERCIAL ST SE	MU-II	MU	YES	Oxford-Hoyt Overlay Zone
073W27CA10400	160 BUSH ST S	MU-I	MU	YES	Saginaw Street Overlay Zone
073W27CA10700	185 BUSH ST S	MU-I	MU	YES	Saginaw Street Overlay Zone
073W34CA04300	2460 COMMERCIAL ST SE	MU-III	MU	YES	Hoyt-McGilchrist Overlay Zone
073W34CA04400	2480 COMMERCIAL ST SE	MU-III	MU	YES	Hoyt-McGilchrist Overlay Zone
073W34CA04700	2415 WEST NOB HILL ST SE	MU-III	MU	YES	Hoyt-McGilchrist Overlay Zone
073W34CA04900	328 JUDSON ST SE	MU-III	MU	YES	Hoyt-McGilchrist Overlay Zone

073W34BD90001	1855 WEST NOB HILL ST SE 1	MU-II	MU	YES	Oxford-West Nob Hill Overlay Zone
073W34BD10800	345 JERRIS AVE SE	RS	SF	YES	Oxford-Hoyt Overlay Zone
073W34BD12500	335 FAWK AVE SE	RS	SF	YES	Oxford-Hoyt Overlay Zone
073W34BD06500	330 OXFORD ST SE	RS	SF	YES	Oxford-Hoyt Overlay Zone
073W34BD03500	1845 COMMERCIAL ST SE	MU-II	MU	YES	Superior-Rural Overlay Zone
073W34BD03700	1865 COMMERCIAL ST SE	MU-II	MU	YES	Superior-Rural Overlay Zone
073W34BD04200	1955 COMMERCIAL ST SE	MU-II	MU	YES	Superior-Rural Overlay Zone
073W34BD04300	1995 COMMERCIAL ST SE	MU-II	MU	YES	Superior-Rural Overlay Zone
073W27CA11000	914 SAGINAW ST S	MU-I	MU	YES	Saginaw Street Overlay Zone
073W27CA11300	890 SAGINAW ST S	MU-I	MU	YES	Saginaw Street Overlay Zone
073W34CA03600	2310 COMMERCIAL ST SE	MU-II	MU	YES	Hoyt-McGilchrist Overlay Zone
073W34BD10300	2020 COMMERCIAL ST SE	MU-II	MU	YES	Oxford-Hoyt Overlay Zone
073W34BD12100	336 JERRIS AVE SE	RS	SF	YES	Oxford-Hoyt Overlay Zone
073W34BD12600	345 FAWK AVE SE	RS	SF	YES	Oxford-Hoyt Overlay Zone
073W34BD02600	1855 WEST NOB HILL ST SE	MU-II	MU	YES	Oxford-West Nob Hill Overlay Zone
073W34BD03600	1855 COMMERCIAL ST SE	MU-II	MU	YES	Superior-Rural Overlay Zone
073W34BD04000	1915 COMMERCIAL ST SE	MU-II	MU	YES	Superior-Rural Overlay Zone
073W27CA11500	840 SAGINAW ST S	MU-I	MU	YES	Saginaw Street Overlay Zone
073W34CA03500	340 HOYT ST SE	MU-II	MU	YES	Hoyt-McGilchrist Overlay Zone
073W34CA04001	2350 COMMERCIAL ST SE	MU-III	MU	YES	Hoyt-McGilchrist Overlay Zone
073W34CA04200	2410 COMMERCIAL ST SE	MU-III	MU	YES	Hoyt-McGilchrist Overlay Zone
073W34CA04800	2415 WEST NOB HILL ST SE	MU-III	MU	YES	Hoyt-McGilchrist Overlay Zone
073W34BD10700	335 JERRIS AVE SE	RS	SF	YES	Oxford-Hoyt Overlay Zone
073W34BD10100	340 RURAL AVE SE	RS	SF	YES	Oxford-Hoyt Overlay Zone
073W34BD06400	1910 COMMERCIAL ST SE	MU-II	MU	YES	Oxford-Hoyt Overlay Zone
073W34BD07000	1999 WEST NOB HILL ST SE	RS	SF	YES	Oxford-Hoyt Overlay Zone
073W27CA11100	945 KEARNEY ST SE	MU-I	MU	YES	Saginaw Street Overlay Zone

From: [Linda Nishioka](#)
To: [Amy Johnson](#)
Subject: FW: Concerns re: eliminating the Superior-Rural Overlay Zoning
Date: Thursday, May 11, 2023 8:11:37 AM

Amy,

This email is regarding the overlay zones that will be in the June 26 meeting. Please add this as public testimony.

Thank you,

Linda Nishioka (She/Her)

City Councilor - Ward 2

lnishioka@cityofsalem.net | 971-707-2112

From: Katja Meyer <katja.meyer@gmail.com>
Date: Wednesday, May 10, 2023 at 11:26 PM
To: Linda Nishioka <LNishioka@cityofsalem.net>, Vanessa Nordyke <VNordyke@cityofsalem.net>
Subject: Concerns re: eliminating the Superior-Rural Overlay Zoning

Dear Linda,

I am a resident of the 1800 block of Saginaw Street (east side) and a resident of Ward 2. I am writing regarding the proposed elimination of the Superior-Rural Overlay Zone, which is a change that would directly impact my household.

My understanding is that this proposal has moved forward, and the change suggested by SCAN of removing the overlay zone but keeping the building heights to 35 ft was not considered. This is disappointing to me, and I wonder why there hasn't been any direct engagement with our neighborhood on this topic? The Fairmount Hill neighborhood has many active and engaged citizens who strongly support building a more equitable, climate-resilient, and public transit-oriented city. If the development of this mini-hub was done effectively, I think you would find that our neighborhood would support the businesses that move into that space.

I have several concerns regarding this zoning change:

- 1. This proposed change in zoning will bring more traffic into our neighborhood without any commitments to make the streets safer for pedestrians and bicyclists.** Saginaw Street already has many speeding cars running through it during rush hour, when drivers are too impatient with traffic slowdowns on Commercial. Without additions like signage, speed bumps, lighted pedestrian crossings, sidewalks, and/or bike lanes, the combination of increased street parking and increased traffic on Saginaw St will greatly impact the walkability and safety of the area. There are many young

children who play with one another in this area, and it concerns me that it will become more dangerous for my children to cross the street or walk our dog.

2. The proposed change in zoning neglects the opportunity to make coordinated improvements in transportation infrastructure in alignment with Salem's Climate Action Plan. I am in general very supportive of eliminating the parking minimums, because shifting to public transportation and reducing Vehicle Miles Traveled is an essential and central component of meeting our CAP goals. I am concerned that the overlay zone elimination is not being done in coordination with improvements to infrastructure that would support alternative modes of transportation. In line with the CAP, this should include increased frequency of bus routes on Commercial, the addition of sidewalks within a specified distance of the bus stations, and enhancement of bike lanes. None of these things have been proposed in coordination with the zoning overlay changes. Why not?

3. The proposed change in zoning has not been done in consultation with residents of the area. It would be helpful to get residents "on board" with the zoning change by listening to our concerns and ideas for thoughtful development of the area. Why has this one block been selected for the zoning change? Without any coordinated improvements to the area, the change feels driven by the interests of developers, neglecting the needs and interests of neighbors who will be living adjacent to this mini-hub. It seems to me that there are several other isolated blocks in the vicinity that would be less impacted by a change in building heights and land use, such as the several blocks north of us that are between Commercial and Liberty. Those blocks include houses that hold small businesses and areas that could undergo an increase in building height without impacting the view of houses in the Fairmount Hill neighborhood.

4. The topography of the Fairmount Hill neighborhood is unique and should be considered when thoughtfully developing the area. Many houses on the 1800 block of Saginaw St have peekaboo views of the Cascades, private backyards, and significant issues with stormwater management and flooding. Adding buildings up to 55 feet tall on Commercial will block our views, decrease our privacy, and will likely further exacerbate existing stormwater management concerns. For example, if cars park too close to the curb on the east side of Saginaw, rain cannot drain into the stormwater drains and instead spills over the curb and floods basements. During rainstorms, the alleyway between Commercial and Saginaw is often full of deep puddles because the stormwater system cannot handle that volume of rain. Adding impervious surface in the area and increased street parking will only increase flooding risks to residents of the area.

For these reasons, I hope you will support our neighborhood in supporting keeping the building height at 35 feet and promote enhanced infrastructure (on sidewalks, speedbumps, bike lanes, and signage) that supports CAP goals and helps keep our pedestrians, bicyclists, and children safe on neighborhood streets.

Sincerely,
Katja Meyer

Austin Ross

From: Shelby Guizar
Sent: Monday, June 5, 2023 2:45 PM
To: Austin Ross
Subject: FW: Council Hearing Notice - Case No. CA23-02 for Eliminating Five Overlay Zones

Follow Up Flag: Follow up
Flag Status: Flagged

Please see the comment below:

From: HPPG <scanparks2023@gmail.com>
Sent: Monday, June 5, 2023 2:20 PM
To: Shelby Guizar <SGuizar@cityofsalem.net>
Subject: Re: Council Hearing Notice - Case No. CA23-02 for Eliminating Five Overlay Zones

Ms. Guizar, in January at the SCAN Board meeting, I asked Austin Ross if a build out model had been made -- to show the scale of a 5-6 story building next to residences has been made. Has a build out model been made for the hearing?

Jon Christenson

On Mon, Jun 5, 2023 at 9:56 AM Shelby Guizar <SGuizar@cityofsalem.net> wrote:

Hello,

The Hearing Notice for Code Amendment Case No. CA23-02 for Eliminating five Overlay Zones is attached for your information. This case will be heard digitally before the City Council on Monday, June 26, 2023.

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

Austin Ross

ARoss@cityofsalem.net

503-540-2431

Thank you,

Shelby Guizar (she/her)

Administrative Analyst

City of Salem | Community Development Department

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

SGuizar@cityofsalem.net | 503-540-2315

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Due to limited staffing, the Planner's Desk has temporary hours: 10-4 Monday-Friday

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