

Aaron Panko

From: Shelley Blakely <shell7199@msn.com>
Sent: Tuesday, May 28, 2024 10:06 PM
To: Aaron Panko
Subject: CASE #SUB-ADJ24-04

My wife and I reside at 1833 Park Ave. Here are concerns we would like addressed regarding the tentative subdivision of the 1800 block of Park Ave.

*Class 2 adjustment to increase the maximum flag lots allowed from 15% to 66% is excessive. Please explain why this increase would be allowed.

- We are concerned about the alternative street standards the applicant is requesting. It does not provide adequate parking or access for ambulance, police, or fire trucks. Park AVE has no on street parking. The pedestrian path close to Market st. is often full of cars due to those who reside in the apartments in that area. This forces pedestrians in the street with zooming cars flying by which is not safe. The No Parking on the pedestrian path is already not enforced - even with the multiple NO PARKING signs posted. Every day cars park directly in front of those signs. This pedestrian path is also heavily used.
- Storm water and water run off is a major concern to us. We already have heavy water accumulation in our front yard/driveway due to no storm drains nearby. Due to the high water table in this area, our backyard can flood with heavy rains. Adding 5 homes directly next to mine causes great concern. We believe that the proposed rain garden could become difficult to maintain regularly and a breeding ground for mosquitoes and other unwanted pests. We also find it to be a safety concern for children due to its open nature.
- We don't find that the proposed plan would improve the livability or appearance of the neighborhood. This neighborhood is divided up in large urban lots which attracted us to this area and it creates a good amount of green space in the city. Building 5 houses on the lot proposed will not improve the appearance of this neighborhood. The proposed plan would require more asphalt, more vehicles, and more traffic to an already busy road where the speed limit is not enforced.
- Will a fire hydrant be installed? If so, where? I did not see that addressed on the plan.

Thank you for your time,

Brian Blakely
1833 Park AVE NE
Salem OR 97301
503-510-4462
Date: 5-28-24

Aaron Panko

From: Bruce Hansen <bruceallenhansen@gmail.com>
Sent: Friday, May 24, 2024 4:36 PM
To: Aaron Panko
Subject: Proposed Development in 1800 Block of Park Ave.
Attachments: 1800 Block Park Avenue Proposal.doc

Hello Mr. Panko,

Attached, you should find my comments concerning the proposed development at 1861 Park Avenue. Would you do me a favor and respond, so that I know you have received it.
Thank you.

Bruce Hansen

CONCERNS INVOLVING THE PROPOSED DEVELOPMENT AT 1861 PARK AVENUE

I have reviewed the proposal and have the following comments:

The proposed development will not improve the **livability** or **appearance** of the surrounding neighborhood, and will, in fact, detract from it.

Storm water runoff is one major concern, as the groundwater table is rather high in our neighborhood, and the ground is "bog-like" through most of the winter and early spring. Unless there is a storm sewer hookup, **5 additional houses** will cause problems for the adjacent neighbors.

(Even if there is storm sewer hookup, I would anticipate problems based on the experience of our neighbor across the street from us at 1895 Evergreen. In the early/mid 1990s, when the Jimmy Court development went in adjacent to his backyard, the water runoff from the new development began turning a portion of his back yard into a swamp, and sometimes a lake, every winter. This occurred even though the development was hooked into the storm sewer.)

The proposed "**rain garden**" is a related cause of concern for the following reasons:

1. It covers a very large area (at least 30' by 80') and is **located very close to** (and only a few feet away from) **two of the bordering properties**, one of which has a large storage building located just a few feet from the property line adjacent to the rain garden. This means that a) as it reaches capacity, it will **raise the groundwater table** in the surrounding area, and b) when (not if) it overflows, it will **overflow** onto the neighboring properties.
2. When the weather is mild and the ground is wet, the rain garden will be a breeding ground for **mosquitoes**.
3. During the dry months of the year, it will become a large and difficult-to-maintain, **overgrown weed patch**.
4. Those responsible for **maintenance** of the rain garden will find it very difficult and inconvenient to do so consistently. As a consequence, we would anticipate very poor and irregular maintenance.
5. It's not clear from the diagram what the depth of the rain garden will be, but it would not need to be very deep for there to be **safety concerns**, especially if there are young children in the area. There is no mention in the proposal as to whether this area will be gated or fenced off.

Another livability issue concerns **parking** and **public safety**. Considering 1) the small lot sizes of the proposal, 2) the narrow driveway serving the 4 flag lots, 3) no turnaround at the end of the driveway, and 4) no available street parking on Park Avenue, it appears that ...

1. There will be **insufficient room for parking**, and as a consequence ...
2. Residents or their guests will be tempted to park in the flag lot driveway, or in the pedestrian/bicycle path on Park Avenue, as is frequently done now, **illegally**.
3. Easy **access for emergency vehicles** could be greatly hindered, especially if multiple vehicles are parked in the driveway.
4. **Turnaround room** for an emergency vehicle, such as a fire truck, seems nonexistent.

The proposed development will also make a very pronounced change to the **appearance** of this neighborhood, and not in a positive way.

Having 6 houses on less than one acre seems excessive, especially since 4 of them will be on flag lots. It means **more blacktop, more vehicles** and much **less green space**.

The proposed lot sizes are extremely small, with 5 of them barely the size of the infield on a softball diamond (about 65' x 65'), which is unusual in this area, and also very out of character with the livability standards valued in this neighborhood. No house within at least a 500-foot radius is on a lot this small. The 3 bordering properties, in fact, are lots of at least 0.45-acre, 0.8 acre, and 0.8 acre.

Finally, having 4 of the proposed 6 lots (66%) be flag lots is significantly above the 15% maximum allowed for per **SRC 800.25(e)**. An **adjustment to allow a total of 3 houses** on the development property (only one of which would be a flag lot) would increase the percentage of flag lots to 33%, and **this seems reasonable**. It would also eliminate or mitigate the previously expressed concerns.

When considering the livability issues of **storm water runoff**, the **rain garden, parking, public safety**, plus the impact on the character and **appearance of the neighborhood**, a total of **3 houses** in this development would seem to be more than enough, especially since **no exceptional circumstances exist** that make it necessary to ask for an adjustment to allow for 6.

Bruce Hansen
1884 Evergreen Ave. N.E.
Salem, Or 97301

Phone Number: 503-581-0359
Email: bruceallenhansen@gmail.com
Date: May 24, 2024

Aaron Panko

From: Dan Lowrie <danlowrie8@gmail.com>
Sent: Monday, May 27, 2024 8:12 AM
To: Aaron Panko
Subject: 1800 Block Park Avenue NE Salem,Oregon 97301 Case Number SUB-ADJ24-04

Mr Panko:

I strongly object to granting the applicants request for multiple variances to the cities development code to facilitate developer profits while degrading neighborhood liveability and safety.

Increasing flag lots from the allowable 15% to 66% and eliminating street connectivity requirements on a heavily used street such as Park Avenue will reduce access for emergency vehicles and dramatically increase traffic accident probability.

Also, allowing use of a "Rain Garden " , which is more accurately a "Sewer Garden " , rather than connecting to the cities' storm water system will create overflow runoff onto neighboring properties and become an insect and vermin breeding ground.

Our residence is located at 1895 Evergreen Ave NE, less than one block from subject property. We have personal experience with seasonal runoff issues from an adjoining infill development project known as "Jimmy Court ". In our case the developer was allowed by the city to haul in hundreds of yards of fill to improve the grade for drainage runoff away from the home sites. As I knew, water was directed to our property creating ponding for much of the winter. This did not occur prior to the city's approval of this project.

I have no confidence in the city's ability to monitor and require necessary maintenance to the proposed "Rain Garden ". No HOA would exist to provide ongoing maintenance.

While infill development, done right, can be a community asset, Salem is too often taking the cheap and easy route of approving multiple variances to code. This has resulted in continuous degradation of liveability in established neighborhoods and encouraged developers to attempt to subvert code requirements to maximize profits.

Please consider my comments and personal experience in your decision criteria.

Thank You

Dan Lowrie
1895 Evergreen Ave NE
Salem,Oregon 97301
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Sent from my iPad

Aaron Panko

From: Dave Steiner <davebeta@gmail.com>
Sent: Wednesday, May 29, 2024 2:50 PM
To: Aaron Panko
Subject: Subdivision 1800 Block of Park Ave NE, Salem OR 97301-case# SUB-ADJ24-04

Hello Mr. Panko

This letter is in reference to the development proposal - case# SUB-ADJ24-04 in the 1800 block of Park Ave NE. My wife and I live in the property on Evergreen Ave NE that connects to the southwest corner of the development.

We are worried that It seems like a lot of houses for that small area and that the runoff from them in the proposed rain garden might be a concern for mine and the other two properties that are adjacent to the rain garden.

If there is standing water for any period of time, insects can be a problem. We are also concerned that runoff may raise the water level in ours and the other adjacent yards.

Dave Steiner

1870 Evergreen Ave NE, Salem Oregon 97301

503-428-8300

davebeta@gmail.com

Aaron Panko

From: earthyessentials.life@yahoo.com
Sent: Tuesday, May 21, 2024 1:43 PM
To: Aaron Panko
Subject: Land Use Request Questions

Follow Up Flag: Follow up
Flag Status: Completed

Hello,

I received a letter in the mail about the land use request for the 1800 block of Park Ave NE and have some questions.

1. Is it a 55+ community or what is the criteria to live there?
2. How many buildings will actually be on each of the 6 lots?
3. Will the buildings be one story or two story?
4. How many people per lot maximum?
5. What does the alternative street standards mean?
6. Is it long term or short term rentals?
7. Will they be building a fence on the side of the tree line on 1887 Park Ave NE?
8. Will each lot be individually fenced?
9. When does construction begin?

Please get back to me as soon as possible so I can turn in my comments by the deadline of 5/29.

Thanks so much!

Aaron Panko

From: hansenlindar@gmail.com
Sent: Tuesday, May 21, 2024 8:53 PM
To: Laurel Christian
Cc: Aaron Panko; Bruce Hansen; elephant2@comcast.net
Subject: 1800 Block of Park Ave NE Subdivision Tentative Plan/Class 2 Adjustment Case # SUB-ADJ24-04
Attachments: Scanned Doc -20240519154309.pdf

Hello Laurel,

Aaron Panko gave me your email address and suggested that I contact you regarding a land use proposal that we recently received for a proposed subdivision on the land directly abutting our property. I explained to Aaron on the phone today that I was very concerned that the proposal we were given does not show the six unit subdivision tying into any city stormwater system at all. Rather, they seem to be channeling it into a rain garden just feet from our property and our neighbor's property where it will likely overflow, as the water table there is extremely high and the ground is already bog like during the winter months. Aaron stated that they would need to tie that into a stormwater system after it filters but we can't see any evidence on the drawings that have been shared with us. Would you be able to help clarify the stormwater situation for us?

We feel at a big disadvantage. We have less than two weeks to comment on a proposal that could have huge impact on our property and we don't have a strong knowledge base regarding the topic and are struggling to read the information and criteria and respond appropriately. Might you be able to help us out?

What connection to stormwater is required for a 6 unit subdivision? Is that connection shown anywhere on the documents that we have access to? I've attached a scan of what we were provided. Might you be able to reference the section of the code that pertains to stormwater requirements for a six lot subdivision?

What does the City code state about maintenance for a rain garden such as this? Without proper maintenance, it will likely become a weed field and mosquito breeding ground near our back yard.

We can't help but be concerned about this proposal, as a four unit subdivision, behind existing lots, was built about 30 years ago. The ground was excavated for the foundations and spread out, building up the land around the new subdivision and existing homeowners abutting the property had standing water in their back yard afterwards and are dealing with that situation to this day with no help from the City. This situation exists despite the fact that those homes did tie into the City's stormwater system. I can only imagine the impacts that we are going to experience if the developer is allowed to move forward with this plan and not tie into City stormwater at all. We are not opposed to additional homes being built, we are opposed to bearing the negative impacts this proposal appears to be putting onto our property.

We would like to respond appropriately to the criteria given and currently, it appears that the applicant is ignoring tying into the stormwater system. What is proposed looks inadequate for onsite storage of stormwater for six units. Might you be able to comment how this proposal looks relative to Salem's code on stormwater?

Thank you for your help,

Linda

PS. I realize that you are likely very busy, but due to the short notice that we were given about this project taking place next to our home, we are on a very tight timeframe. We just received this notice and need to turn in comments next week. If there is any way you can respond in the next day or two we would be immensely grateful.

Cell phone: 503-302-6760

Aaron Panko

From: hansenlindar@gmail.com
Sent: Monday, May 27, 2024 8:17 PM
To: Aaron Panko
Subject: Subdivision Tentative Plan/Class 2 Adjustment Case No. SUB-ADJ24-04
Attachments: 2024.05.27 Comments on proposed subdivision.docx

Hello Aaron,

Please see my attached comments regarding the proposed subdivision on Park Ave NE. When do you expect a decision to be made by the hearings officer?

Thanks,

Linda

Hello,

I have reviewed the proposal for the subdivision on Park Ave NE and have the following comments:

We understand the developer not wanting to create a new mid-block east-west street connection and are in support of not having a new connector street. However, we feel that the adjustment request is far greater than is warranted. Understandably, a small subdivision will need some sort of an adjustment to the 15% allowance of flag lots from the SRC and we would like to propose a compromise of 33%, more than double what the code allows, yet not the full requested 66% adjustment which seems unbelievably huge, basically ignoring the intent of the city's code, and onerous to the neighborhood. An adjustment of 33% would allow for building a home on a flag lot while still preserving the livability of the neighborhood, alleviating some of the parking, traffic and safety concerns and also reducing the amount of stormwater to deal with as there will be fewer impervious surfaces.

The proposal that we're seeing only has a 25' wide driveway and with the heavy density and small lots proposed, very out of character for this part of town, this also presents both a parking and public safety problem. The drawings aren't showing the size of the proposed driveways for the homes, just a 20' vehicle access setback. We have a set of 3 habitat for humanity homes on Evergreen across from us and the residents don't have enough parking and regularly need to park in front of our property and this is just the residents, not the guests. It would appear that this proposal offers even less parking space for the homeowners, and this will block up the driveway or have people parking on the bike path on Park, which is already happening and the city doesn't have the resources to enforce no parking on bike lanes in the residential neighborhood. The developers make their money and leave while the long-term residents are forced to endure the negative impacts.

In looking at the 214' long proposed driveway into the flag lots, we're not seeing the location of a fire hydrant on the utility plan. We would be interested in seeing the comments from the fire marshal on the proposed subdivision, length and narrow width of the driveway in and ability to handle a fire on one of the proposed homes on the flag lot. The greater the density of the homes the more risk there is of a fire traveling to other properties and going in 214 feet without the ability to bring in a fire truck or paramedic unit seems to be unsafe. There is no turnaround or cul-de-sac proposed for this subdivision.

We're also concerned about the tree plan. The developer has already removed many trees and when I called the City about the tree removal, I was told because it was two separate lots, not one lot, that he had the right to remove the trees according to code. If the lots had been one lot, the removal of all of the trees wouldn't have been allowed. Yet, one subdivision is being proposed so it appears to us that the developer is allowed to play games with the city code to suit his purposes. There are many offsite trees which will likely be disturbed by the construction process, causing them to die off. I appreciate the plan to erect fencing around existing trees yet I can't help but be skeptical that those fences will be respected by the contractors and that the trees will survive the planned development. I'm not seeing a plan to plant any trees or replace even a fraction of the ones that the developer has removed.

Our other comments are relative to the proposed stormwater plan. The proposed retention basin aka "rain garden" at the back of the property seems inadequate for the number of houses being proposed and I don't think that this topic has been adequately addressed to satisfy the criteria in the code. The water table back there is very high. With the addition of a huge amount of impervious surfaces to the lot with the proposed addition of 5 homes and all of the stormwater being directed to the back of the lot, any overflow will affect the existing property owners and affect their future ability to develop their lots. We're quite concerned about the maintenance taking place back there so it doesn't become a weed infested swampy mosquito breeding ground. While it won't be visible from the street, we will be forced to view it and experience its impacts day in and day out. The city has seemed unable or unwilling to enforce the intent of the existing codes on the developer to this point. The developer has also stated that he is NOT planning to build fences as part of the subdivision, which might give us a bit of a barrier from the impacts of the retention basin. We've also been told that there isn't an overflow to the retention basin to cause any excess water to go into a city storm facility. Instead, it will flood the neighboring properties when it isn't adequate for the high water table and heavy rains that do come from time to time. It seems to me that it would be a better plan to build the rain garden at the front of the property and then have the overflow directed to the nearest city stormwater facility instead of impacting the existing neighbors and their opportunity to potentially develop their lots in the future.

I thank you for the opportunity to comment and strongly urge you to give the developer an adjustment, but a scaled down percentage of 33%. That should help to alleviate many of the other concerns mentioned above.

Thank you,

Linda Hansen, Trustee
John E Hansen IRR TR
Helen M Hansen RLT
1904 Evergreen Ave NE
Salem, OR 97301
hansenlindar@gmail.com
503-302-6760

Aaron Panko

From: Deanna Garcia <dg.boardstuff@gmail.com>
Sent: Wednesday, May 29, 2024 2:35 PM
To: Aaron Panko
Cc: DENNIS WILL
Subject: Request for Comments - Case No. SUB-ADJ24-04 for 1800 Block of Park Ave NE

Good afternoon Aaron,

I am writing to express concerns and ask questions regarding the subdivision planned for the 1800 block of Park Avenue in NE Salem.

First, I want to make it clear that the construction of new homes in our NE communities is appreciated and very much needed. Housing is scarce and we welcome homes for families to reside in.

The developer proactively reached out to the North Lancaster Neighborhood Association prior to filing with the city. Our Board began discussion back in April 2023 when we received contact from the developer. Our chief concerns were trees, parking and emergency egress. We expressed those concerns to the developer in an email on June 6, 2023 and never received a reply.

Trees

We had asked if any environmental assessment had been done regarding the existing trees as many were old growth and likely were habitat to wildlife. After speaking with you on the phone, I understand the trees were assessed and some of them will remain along the shared fence line. This is the tree plan in place with the developer. Once the homes are constructed and occupied by the owners (or their tenants), can the trees be subject to removal at their request? Or will there be something referenced in the community CC&R's relating to the plan and required upkeep for the trees?

Parking

We also expressed concerns for parking in our response to the developer. Lots 1 and 6 will be facing and have driveway access off of Park Avenue. The remaining 4 lots will be accessed via a flag access driveway. We assumed the shared access driveway will be marked as a fire lane. The home design wasn't provided, but we can see there appears to be parking area for each of the interior lots 2- 5. Our hope is these are driveways leading to a garage. We are aware the city has eliminated the parking minimum requirements, but our hope is that developers take reality into consideration when constructing single family homes. The reality is that a majority of single family homes does not mean they are single vehicle homes. Many homes are occupied by multi-generational families that may require accommodation of 2 or more vehicles. If the homes constructed on lots 1 - 5 have 2-car garages with driveways, this would be meet the basic need for typical families in NE Salem. Lot 6 has a longer driveway already existing, so we assumed it would remain unchanged.

The other concerns would be: where do service vehicles go? Service vehicles like delivery drivers, contractors or garbage pickup. Are they expected to park temporarily in the fire lane of the access driveway? For garbage pickup, will cans be pulled out into the fire lane of the access driveway or pulled all the way down to Park Avenue? Where will they receive their USPS mail? Is a cluster box planned as an addition to an existing location or will a new box be added near 1800 Park Avenue?

And lastly, if any of the occupants of these future homes were to have multiple guests visit. Where would they park? There is no parking along the west side of Park Avenue. Signs are posted and several neighbors have expressed concerns that the existing signs will not be obeyed. This same concern about parking obedience can be expressed for the access driveway to lots 2 - 5. Will the residents of these homes have recourse for this type of behavior? Who would they call? The city? A tow company? Will there be CC&R's specific to this sub-division relating to parking?

Storm water / Retention Field

Another concern was recently brought to my attention. The concern is regarding storm water runoff. Some neighboring properties have basement foundations and established landscaping, some of which have been present for nearly 90 years. The development of a sub-divided parcel back in the late 1970's and 1980's resulted in some significant drainage issues. Rather than remove dirt that was excavated for foundations, the excess dirt was graded onto the parcel. This resulted in the parcel sitting higher than the parcels surrounding it. The storm water runoff has had negative impact on the surrounding parcels leaving some with standing water during the wet season. This is not acceptable and the city should have been more proactive about addressing this issue back then. Looking forward at this development, the original plans have been adjusted to make a retention field in part of Lot 4 to accommodate storm water run off. Has the city had a consultant review the water table to ensure the drainage from the lots will actually flow to this retention field? Will the dirt excavated to form foundations be graded back onto the property or will it be removed to ensure run off flows into the retention field rather than onto the adjacent properties? Will the owner of lot 4 on this parcel be responsible for upkeep and maintenance of this retention field? Or is it the responsibility of all the lot owners in this subdivision? Will this responsibility be outlined in the CC&R's for this subdivision? If the maintenance and upkeep of this retention field will not be the responsibility of any lot owner, will there be clear instruction on who at the city will be responsible and how they can be contacted?

Covenants, Conditions & Restrictions (CC&R's)

Lastly, I have referenced CC&R's. Will this sub-division have CC&R's? I understand some subdivisions have a general document like CC&R's that are part of the community guideline and are unique to the specific subdivision. It would be appreciated if something like this was available for review by the greater community as it would answer a lot of the questions or concerns many people have. I understand the CC&R's wouldn't be in their final format until the subdivision is complete, but it would be nice to have a look at what the developer is including and possibly be a part of weighing in on the final document prior to it being recorded.

Thank you for taking the time to review this message.

Best,
Deanna Garcia, Chair
NOorth LAncaster NA