

August 21, 2024 Land Use Decision Appeal 1800 Park Subdivision

Greetings planning commissioners, neighbors and developer. Thank you for hearing this appeal.

To start, I wanted to let you know that we are NOT opposed to the lot in question being developed. We understand that there is a housing shortage and that there is a need for infill. My comments are meant to encourage well thought out and planned development that doesn't penalize existing homeowners, giving developers every opportunity to make the most money possible without considering the impacts on the livability of the neighborhood.

1. I am not opposed to the developer being given a greater adjustment than the 15% allowed by the code. There is a need to create a flag lot and the 15% adjustment doesn't allow for that. We would be supportive of a 33% or 50% adjustment, a healthy adjustment allowing for one or two houses being built on flag lots. I have grave concerns about the 66% adjustment for the following reasons:
 - a. This is creating the opportunity for at least 8 households on the acre, due to ADUs being allowed on the properties on Park Ave, with one currently under construction already. Currently, ADUs aren't allowed on flag lots, but the way that the State is changing land use code and forcing it on the cities, ADUs will likely soon be allowed on the flag lots as well, creating 12 additional households on the property behind ours.
 - b. This huge variance sets an unusual precedent for the neighborhood, filled with large lots that will be changing hands over time. If this overly large adjustment is granted, there is nothing to prevent similar adjustments in every lot up and down Park and then the intent of the flag lot limitation in the code is completely circumvented.
 - c. The developer isn't required to build a street, which we understand, but he is also saving a great deal of costs relative to building in a typical subdivision by not doing so. I would urge you to require the upgrade and development of the west side of Park Ave all the way to Market Street and Sunnyview Ave to give the additional pedestrians a safe way to walk down to Market Street and Sunnyview Ave to access bus service. This is extremely important, because if the 66% adjustment is approved, there will not be adequate parking provided and people will block the existing biking lanes by parking in them, forcing pedestrians out into the travel lane. The staff report has commented that parking in the bike lanes is a code enforcement issue, however, we urge you not to set up a situation which will pit neighbor against neighbor at the expense of the safety of pedestrians. We have found code enforcement to be overworked and not able to respond to this type of report, especially since the parking issues tend to take place on weekends and in the evening. According to the staff report, part of the reason for limiting the flag lots is to create walkability. Park Avenue is currently built only to rural street standards, with no curbs, gutters or sidewalks. This subdivision is bringing urban density to Park Ave NE and should be required to provide a safe way for residents to walk to Market Street and Sunnyview as well, as part of the conditions of approval, if the Planning Commission moves forward with granting the 66% variance.
 - d. We have heard complaints from others with fewer than four houses on flag lots that people part on the "pole" portion of the lot and then a work truck comes for a

property and the people living in the back homes are unable to enter or exit. Please don't set up this situation to occur on Park!

2. I have major concerns about the stormwater plan for the adjustment of 66% that the City has approved. First of all, I would like to ask why the developer isn't expected to connect in to the stormwater system on Market Street to handle overflow and instead is being allowed to have it overflow into existing property owners property! He is bringing urban density to the neighborhood and should be held to the standards for that construction. We are told that the rain garden can handle a 100 year rain event, with only a 1% chance of that occurring each year. However, according to the City's own website, there have been three 100 year flood events in the last 60 years (1964, 1996 & 20012), which raises that probability to 5% per year over the last 60 years, forced upon the existing neighbors so that a developer can make more profit instead of connecting to the City's stormwater system. Climate change being what it is, the likelihood is that these type of rain events will occur more often in the years to come and not less. The water table varies greatly, dropping significantly in the summer months with standing water occurring on the properties in the winter months at times. If the water table is measured in a dry period and the detention basin designed based on the results of a test during the dry period, the rain garden will be even less capable of handling rain events before overflowing.

To recap, I am not opposed to development taking place on the lot. I care deeply about our neighborhood, having been the Neighborhood Watch coordinator, organizing National Night Out, with over 40 people attending this year and we want to sustain the livability in this diverse part of Salem, with people of all ages and a variety of family backgrounds enjoying the opportunity to live in this older and established part of northeast Salem. I'm here to urge the planning commission to either modify the adjustment to 33% or 50%, lessening the amount of impervious surfaces created along with other negative impacts of development on the neighborhood or to require the development to improve the west side of Park Ave from Sunnyview to Market Street to provide safe pedestrian access to bus service, additional legal parking (since parking on the bike line is prohibited but not enforced) as well as connecting to the City stormwater system on Market Street.