



MEMORANDUM

To: Bryce Bishop, Salem Planning
From: Ben Schonberger, AICP
Date: November 10, 2022
Re: **Public Comment Response Memo**
(case file SPR-ADJ-DAP-DR-TRP 22-44)

The following memo is a response to neighbor comments received by Salem Planning for the above referenced case, the second phase of a new housing development at 5205 Battle Creek Road SE. The comments address issues related to all the land use actions associated with the development: site plan review, adjustments, design review, and tree variance.

Responses

In all, five individuals and two public entities responded with written comment on a variety of topics. It is not surprising to hear concerns from neighbors, given the two phases of the project represent more than 300 new housing units on a previously vacant site. Listed in the order they were received, individuals commenting were:

- Swiderski
- Wood
- Hamilton
- Avery
- Wilkes

Two public entities also sent letters: Salem Keizer Public Schools and the Oregon Department of Aviation.

The applicant appreciates comments in support of the proposal within some of the letters. Because some of the comments are repeated, this response is organized by issue, rather than by commenter.

1. Traffic/Parking Impacts

Concern was expressed in some letters about parking and traffic impacts. Parking regulations for new development were modified by Salem in revisions to the city code that were approved earlier this year. Therefore, the first phase of development was approved under the old code, this phase is reviewed under the new code. It should also be noted that state law requires cities to eliminate parking mandates entirely for affordable housing (OAR 660-12-0430[3][e]) as of

the end of 2022. That is, if this project were submitted after December 31 the parking requirement would be zero.

The number of spaces provided in this phase of the development complies with the applicable rules and exceeds minimum city requirements. No parking variance or adjustment was requested or needed. The mix of housing on site results in a city minimum requirement for 73 spaces on the two lots. The layout shows 75 spaces provided. There are 43 spaces on Lot 3 and 32 spaces on Lot 4. As permitted, the applicant has calculated requirements using allowable reductions for low-income multiple family and “low-income elderly” housing. The city’s minimum standard is met.

The quantity of off-street spaces is anticipated to be sufficient to absorb demand. Any spillover of parked cars is likely to occur on public streets internal to the subdivision, not on neighborhood streets farther away from the development. The site is well served by transit, which runs on Battle Creek Road SE near the site. Building more parking means building less housing, which is not an acceptable trade-off.

Electric vehicle charging stations were suggested as a potential amenity. This could occur in the future depending on demand and the mix of resident vehicles. However, it is not a city zoning requirement, and therefore not directly relevant to the approval of this land use application.

Regarding traffic impacts, new housing creates more traffic than the vacant existing site, but the layout of the streets and intersections are sufficient to mitigate any impacts. The city has reviewed and approved the street layout in the previous subdivision application and determined that it met city requirements. Pre-existing multi-family residential zoning on the site anticipated medium-density residential development, and the amount of activity and traffic that goes with it. A transportation analysis from DKS is included with application materials. It concludes that the transportation system is adequate to support proposed development.

2. Drainage

A concern was raised about managing ground water on the site. The proposed site design will accommodate runoff both from new impervious surface and existing surface flows by creating several on-site stormwater facilities that are shown on project drawings. These are engineered to accommodate stormwater flows generated by site development. A stormwater report from HHPR and stamped by a registered professional engineer is included with the application materials.

3. Tree Removal

One of the comment letters (Wood) incorrectly indicates that the three significant Oregon white oaks preserved in the Phase 1 development are proposed for removal. Those trees are

still preserved and will not be affected by Phase 2 development. Trees on adjacent private property, outside the boundaries of the site, are not necessarily shown on the tree plan where they are not affected by proposed development.

4. Rear Property Line

Concerns were raised about the proximity of new development to the west property line. The closest of any building to this property line is H.2, which is 30 feet from the boundary. This setback distance is the minimum allowed and therefore within city regulations. Other buildings are located farther from this property line. Along this property boundary, as shown on site plans, an eight-foot fence will be installed for privacy and a row of incense cedars planted on the east side of the fence. This buffers aesthetic impacts from the new buildings. Consistent with city regulations, the west side of the site contains pedestrian paths, stormwater management areas, trash collection enclosures, and generous new landscape areas. Placement of these features strikes the right balance between the efficient and pleasant use of the property by the new residents and accommodating neighbors.

5. Natural Resources

One letter expresses a sense of loss for the habitat and open space on the current site. The site is zoned by the City of Salem for multi-family housing, and is private property, not public open space. There are no inventoried natural resources on or near the site that are protected by city regulations. Proposed development is a change from the site's current status, but housing and open space as designed is well-designed, fits with the context of surrounding residential development, and complies with all city standards.

6. Aviation

The letter from the Oregon Department of Aviation mentions evaluations by the FAA and ODAV to determine safety in relation to the Salem Municipal Airport. The applicant received a "determination of no hazard" letter from the FAA which was submitted as part of the application information for an airport overlay zone height variance, Salem Planning case file 22-119343.

7. Rocks

One of the comments expresses concern about rock crushing. This is not a zoning issue and does not relate to any relevant standard. Nevertheless, the applicant will work with neighbors during the construction process to reduce impacts, to the extent possible.

Thank you for this opportunity to respond. We look forward to a decision.