

## REQUEST FOR COMMENTS

*Si necesita ayuda para comprender esta información, por favor llame 503-588-6173*

**REGARDING:** Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit / Class 1 Design Review Case No. SPR-ADJ-DAP-DR22-45

**PROJECT ADDRESS:** 4345 Sunnyside Rd SE, Salem OR 97302

**AMANDA Application No.:** 22-107215-RP, 22-107216-ZO, 22-108312-ZO, 22-107217-DR

**COMMENT PERIOD ENDS:** November 18, 2022

**SUMMARY:** A proposal for a new 24-unit multi-family housing development.

**REQUEST:** A consolidated application for a Class 3 Site Plan Review, Class 2 Adjustments, Class 2 Driveway Approach Permit, and Class 1 Design Review for development of a multi-family apartment building consisting of 24 units, parking, and associated site improvements. The Class 2 adjustments requested are to:

- (1) Reduce the 12-foot setback abutting a street to 6 feet from the special setback line (SRC 521.010(b));
- (2) Reduce the 10-foot landscaped setback along the south property line to 6 feet (SRC 521.010(b));
- (3) Reduce the 20-foot setback for a vehicle use area abutting the RS zone to 15 feet (SRC 702.020(d)(3));
- (4) Reduce the minimum required tree canopy spacing along the perimeter of the parking area (SRC 702.020(b)(7)); and
- (5) Reduce the required driveway spacing standard of 370 feet for a driveway approach along Sunnyside Rd SE, a Minor Arterial street (SRC 804.035(d)).

The subject property is approximately 1 acre in size, zoned CO (Commercial Office), and located at 4345 Sunnyside Road SE - 97302 (Marion County Assessors Map and Tax Lot number: 083W10AC / 600).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a Decision that includes consideration of comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

**Comments received by 5:00 p.m. Friday, November 18, 2022,** will be considered in the decision process. Comments received after this date will be not considered. *Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.*

**CASE MANAGER:** Jamie Donaldson, Planner II, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2328; E-Mail: [jdonaldson@cityofsalem.net](mailto:jdonaldson@cityofsalem.net).

For information about Planning in Salem, please visit: <http://www.cityofsalem.net/planning>

### PLEASE CHECK THE FOLLOWING THAT APPLY:

☐ 1. I have reviewed the proposal and have no objections to it.

☒ 2. I have reviewed the proposal and have the following comments:

Please see  
Enclosed letters and documents

Name/Agency: \_\_\_\_\_

Address: \_\_\_\_\_

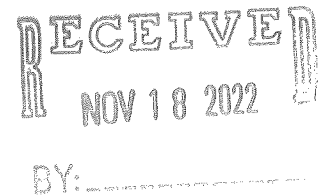
Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Date: \_\_\_\_\_

**IMPORTANT: IF YOU MAIL COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM**

November 15, 2022



Jamie Donaldson, Planner II  
City of Salem Planning Division  
555 Liberty Street SE, Room 305  
Salem, OR 97301

4345 Sunnyside Rd SE, Salem OR 97302  
Proposal for 24 Unit Housing Complex  
Case No: SPR-ADJ-DAP-DR22-45  
Application: 22-107215-RP, 22107216-ZO, 22-108312-ZO, 22-107217-DR

Dear Mr. Donaldson & City of Salem:

My wife and I have resided for over 30 years at 4343 Sunnyside RD SE, directly adjacent to the property which is seeking to build a three story multi-family housing along the South side of our property on the upward slope. I am retired, and my wife is looking to retire in the next year.

In October of 2019, Mr. Buckendorf, the new owner of this lot, conducted a required public meeting to discuss his planned use of the land and seeking approval to rezone the Westerly side of his property from residential to commercial use. In this meeting he made several statements that he felt needed to be said and which influenced our response to the rezoning request. These statements included:

1. His initial desire was to develop or build a Commercial Office building and that if this proved unattainable he would develop it into several single family homes.
2. He would **NOT** build apartments here as it would not be fair to the neighbors as it would affect their homes and quality of life.
3. That he wanted to be a good neighbor and that we could contact him if we had questions, concerns, or problems.

Yet, we find ourselves exactly where we didn't want to be. Facing a development of 24 apartments directly against the South side of our home and receiving no response from the owner to our calls over the last three years concerning property damage, utility damage, and etc. As such we offer the following concerns, including those presented back in November 2019 (copies of letters, **Pictures**, and city responses enclosed).

These are the major concerns that we have yet to see addressed.

1. The West side of this property includes Wetlands, Flood Plain, Floodway, and a natural bioswale, all of which protect our property and the properties downstream from flooding. The initial report from the **City of Salem made an error** by not indicating there

were in fact water issues here. After making the City aware of this, and after their own research, they acknowledge that the property did include flood plain, wetland, and streams. The City said they that they would correct their error in their findings and would include the correction in their final report. They failed to reflect this correction in their final report as well, but then indicated it was in the minutes from their meetings. However, we have yet to see any written reports or documents indicating this correction. (see letters and emails dated November 13, 2019, November 12, 2019, and November 20, 2019).

At minimum, there should be a Wetlands inventory and study completed by the city and the Division of State Lands to determine the impact of a development of this size which seeks to make over 80% of the exposed land into impervious surface affected by rain and run off. The development should also be required to adequately provide a retention basin or bioswale to insure that water does not flow into the creek at such a rate as to change water levels higher and quicker than it currently does. We have already seen a dramatic change and increase in flood risk from the development of flag lots upstream. It is yet to be seen how the creek will be affected from apartments being developed at the corner of Idylwood and Sunnyside, as it appears this development didn't include a retention system.

2. There are several year round springs on this property. The largest is along the Northly 20 feet of the property in question and runs year round from Sunnyside before feeding into the West Fork of Pringle Creek. In addition, there is one that runs from the South West corner parallel to the creek and then dumps into the natural bioswale and then into Pringle Creek.  
This natural spring along the Northern line is significant. It caused structural damage to the home that was originally built on this lot prior, to it being demolished. When this Spring wasn't maintained in its natural flow the water threatened to run under our home until it was corrected back to it's natural state. Any set backs for apartments should be far enough back to not impede this year round spring. In addition, this spring and the creek it feeds provides habitat for native Crawfish, the Giant Pacific Salamander (Newt) that inhabit this wetland and creek. Not to mention the Blue Heron, Ducks, Cutthroat trout, Barred Owl, Deer, etc.. that rely on this wetland and tributaries.
3. That any structures built should not impede our current and future use of Solar Power. We are on the downhill side of the property being proposed for development and suspect that a 41+ foot structure on the South East side of our property ( N.E. of adjacent lot) will significantly diminish access to sunlight which we use for gardens and solar power. Additional setbacks and shorter buildings should be considered.
4. That any external lighting installed should not add to the current light pollution problem of this area. That the lighting on buildings, parking lots, and proposed common area be established so that it does not trespass onto our property along the Southern side of our

home. Similar to what you see in your Sec. 800-060 rules regarding exterior lighting. This is where we sleep.

5. That the proposed structures do no interfere with current cell or satellite service. This service is needed for life and safety and impeding the quality or reliability of access is of concern.

It is our understanding that the developer is requesting several variances, including reducing setbacks for buildings and parking. In addition he seeks a reduction in amount of tree canopy and driveway spacing.

We oppose all of these requests. Setbacks are needed to insure adequate line of sight of ingress and egress of not only our property, but the property of the developer and those entering from Idylwood to Sunnyside ( Traffic routinely travels at and in excess of 40 MPH and this is a very busy intersection.. Maybe a traffic study is in order. I understand Hilfiker St at Commercial may see changes as well).

Trees and shrubs are needed to keep the West Fork of Pringle Creek cool in support of aquatic and wildlife dependent on cold water, shade, and protective habitat.

Trees and shrubs are needed help keep temperatures down during the summer and warmer during the winter. We have direct experience to this change in climate and temperature when the commercial building to the North of us was developed. While there isn't a variance requested here, the plan seems to show only 36 parking spaces for a 24 unit complex. Our observation, and personal experience is that this will be substantially insufficient parking for residents with no real viable on street parking in or around this area.

We ask that the Developer, the City, and the State help establish a good use of this land to meet not just the need for housing, but the need for a good quality of life for existing residents, wildlife, and community. This is a small parcel that supports natural springs, that feed a natural stream, that protects our home from flooding, that provides habitat for both common and unique wildlife. When it's gone, its' gone.

Sincerely,



Russ & Lisa Kittrell

4343 Sunnyside Rd SE

Salem OR 97302

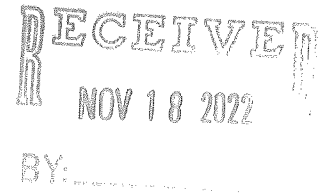
503-370-7272

Cell: 503-779-8270

CC: Faye Wright Neighborhood Association

November 13, 2019

City of Salem Planning Division  
Community Development Department  
555 Liberty Street SE, Room 305  
Salem, OR 97301



Subject: Plan Change to Commercial and Zone Change  
4345 Sunnyside Road SE, Salem, OR 97302

Zone Change Case No: CPC-ZC19-11

Dear Planning Commission:

My name is Russell Kittrell. My wife, Lisa and I have resided at 4343 Sunnyside Rd SE , Salem OR 97302 since May 1990. Our property is directly adjacent to the North side of the property being considered for a zoning change. At the time we moved into our home, the property in question was actually comprised of three (3) lots. Two of which had frontage to Sunnyside Road and one of which was part of a lot that faced Idylwood. There was a residence directly next to ours at that time, which was a single story home. Overtime, these three parcels were purchased, house torn down, and adjustments done to the lots to create the 1+ Acre being discussed.

The lower part of this one acre currently zoned as Residential and being asked to be rezoned to commercial was originally part of the lot that faced Idylwood, which is residential as well. Our property is zoned both commercial and residential.

On October 10, 2019 we attended the Open House offered by the developer/owner to share information regarding the proposed zoning change. While many things were discussed, we came away with these initial understandings.

1. The Developer had not yet decided on how to develop the property, either Commercial or Residential, however there was a desire to develop commercially.
2. That the zoning request was being made by the developer as the City would not let the parcel be developed with its current split zoning.
3. That the Developer was willing to work with neighbors to address any development concerns.

In this open house, there was good discussion about concerns surrounding the use or development of the property and its potential impact to not only our property but to those of neighbors adjacent to and downstream of the creek (West Fork of Pringle Creek) running through this property.

It was and is unclear to us as to what a zoning change from residential to commercial will allow the developer to do that can't be done under its current zoning, given consideration to the fact that a good portion of the residential portion is directly adjacent to and includes a portion of the creek, which acts as a floodway, flood plain, and wetland to this area. The retention of this area without development is critical to maintaining and managing the water that flows through the creek, which is also considered part of the City's Storm Management system, and to prevent flooding or damage to our home.

It is unclear to us as to how the City's staff report (page 9, statewide planning goal number 7) found that there was no water issue given what I've described. It is also clearly contrary to a copy of an old flood plain, flood way map that was given to me by the City back in the early 1990's as well as the numerous letters I've received from the City over the past 10 years advising me that our property is adjacent to flood plains and flood ways.

It has already been our observation that the creek now rises faster and higher in normal rainfalls than in years past. A good portion of the parcel in question acts as a bio-swale or retention basin for the increase in water flow. We believe this change in water levels is due to the numerous number of flag lots that have been allowed to be built above stream without consideration to where and how the water runoff will be managed for the increase in impervious land. In addition, there is a proposed subdivision on Idylwood which will utilize the creek for its storm runoff as well as huge new construction at Judson Middle School which also uses the creek for its runoff. These past and future developments, if not managed correctly with regards to storm water, will jeopardize our property and potentially those around us.

In addition, there are numerous springs on this property which flow from the Sunnyside Frontage down to the creek. These springs if not managed correctly, pose a problem for our home in that water has in the past flowed underneath our house when the neighbor failed to managed or maintain the drainage system. While it may not be of interest or importance, these springs, wetlands, and creek support some very diverse wildlife, including Blue Herons, Baird Owls, Black Tail Deer, Crawfish, Cutthroat trout, Raccoons, Wide range of Song Birds, Red Tail and Coopers Hawks, Nesting Mallard Ducks, and maybe less desirable Opossum and Nutria..

Enclosed with this letter are a few pictures that show how the property considered for rezoning handles water from the creek during periods of rain.

To be clear, we are not opposed to the rezoning of this small portion of the parcel provided that the rezoning from residential to commercial does not allow for development of the land that could create a greater risk to our property than the current zoning affords. In either case, we hope that the City of Salem will work with the developer and us to insure that any development that transpires does not have a negative effect on the use, value, and enjoyment of our property. With that said, I wish to share the following concerns as well.

1. That Development does not jeopardize our home with regards to the flow of all water from all sources as it travels down the creek and the City's Storm Water system.
2. That Development doesn't change current floodplain and wetland maps.
3. That Development Does not impede Sunlight to our property, which is essential to the enjoyment of our home given how it is situated on a down slope.
4. That Development doesn't interfere with use of Solar Power, which we use to support use of our home.
5. That Development doesn't interfere with Cell or Satellite service. Please note that we loss Aerial Television service when the property to the North of us was developed into commercial offices. This caused us to incur additional expenses to secure television service.
6. That Development give consideration to how parking and traffic noise and lights might affect our home. The underground or below ground parking in the development of commercial office to the North of us created a significant increase in noise and caused headlight to shine directly into the windows of our home.

I apologize if our questions, concerns, and information are outside the scope of this hearing. I also want to thank the Developer/Owner and City for the opportunity to share information, concerns, and ask questions.

Sincerely,

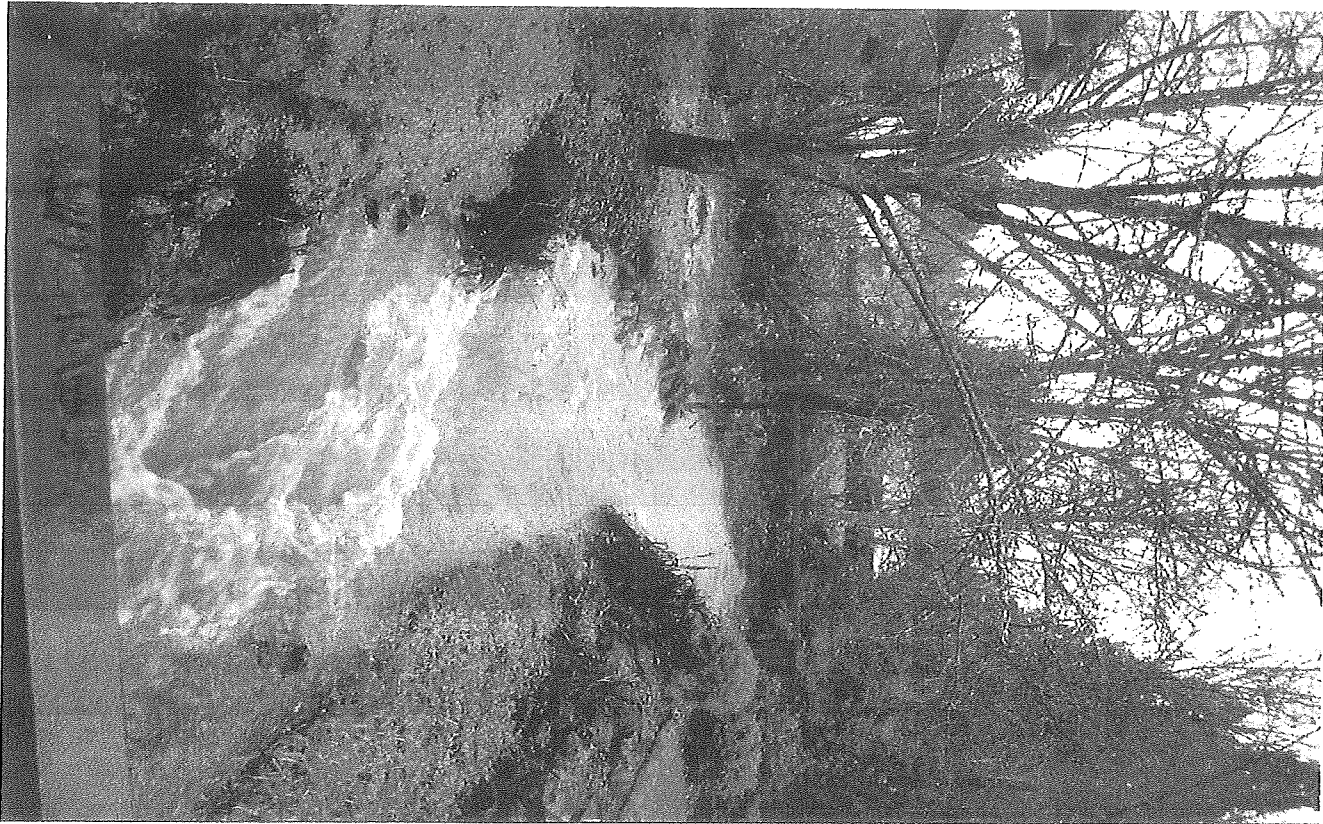
Russ and Lisa Kittrell  
4343 Sunnyside Rd SE  
Salem, OR 97302

Telephone: 503-370-7272

Enclosures

CC: Fay Wright Neighborhood Association



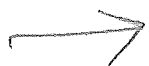


Subject  
property





Subject  
property



Subject  
Property



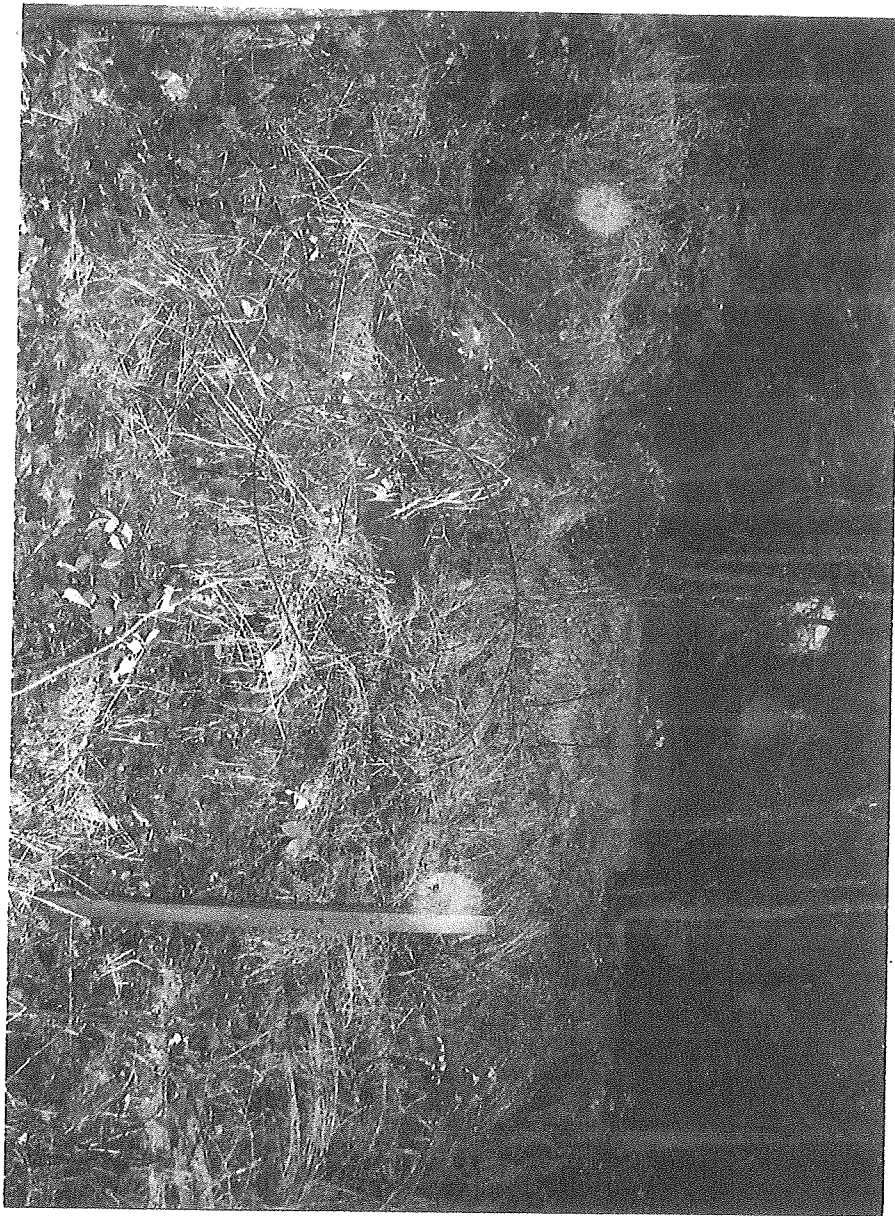


Looking  
South to  
Subject  
Property  
past tree  
on left

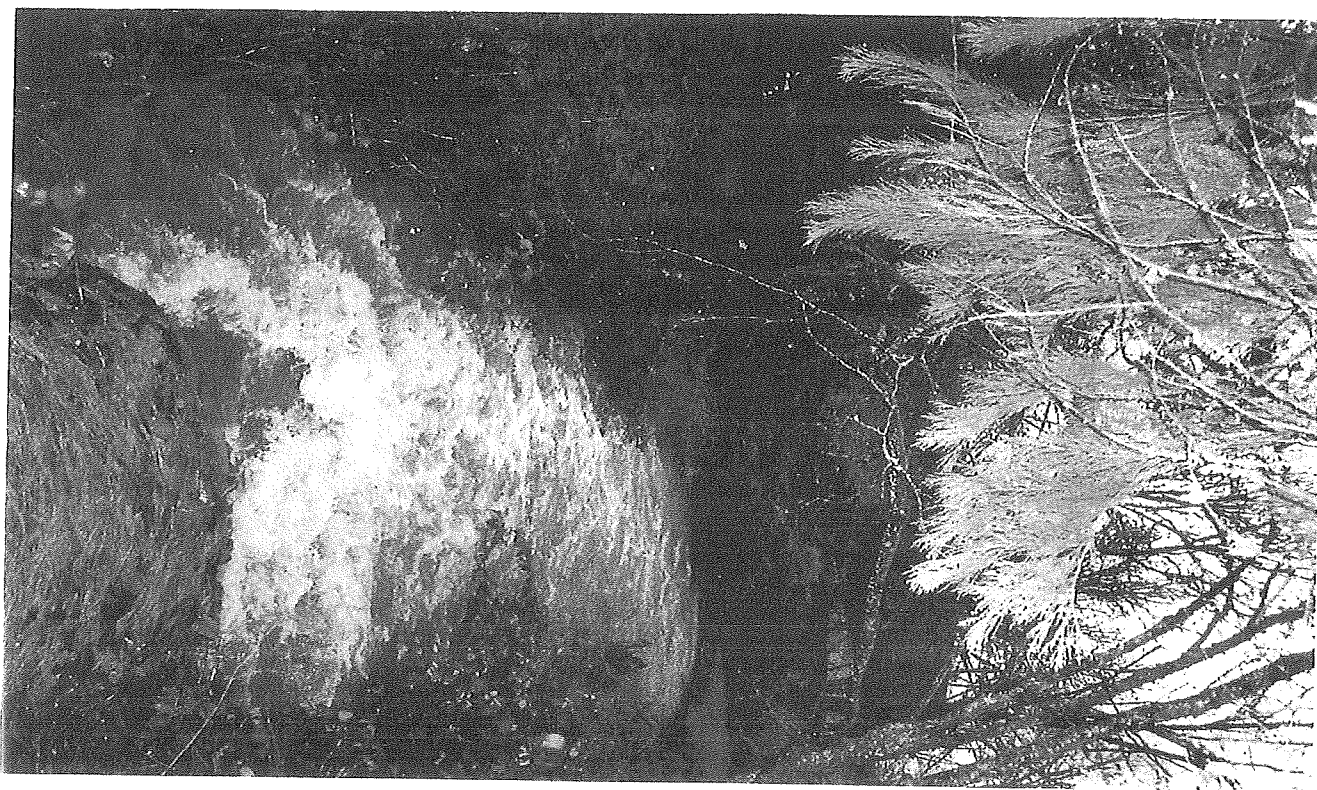


Flooded Area is subject property ↓





Scrub  
Coastal  
↓





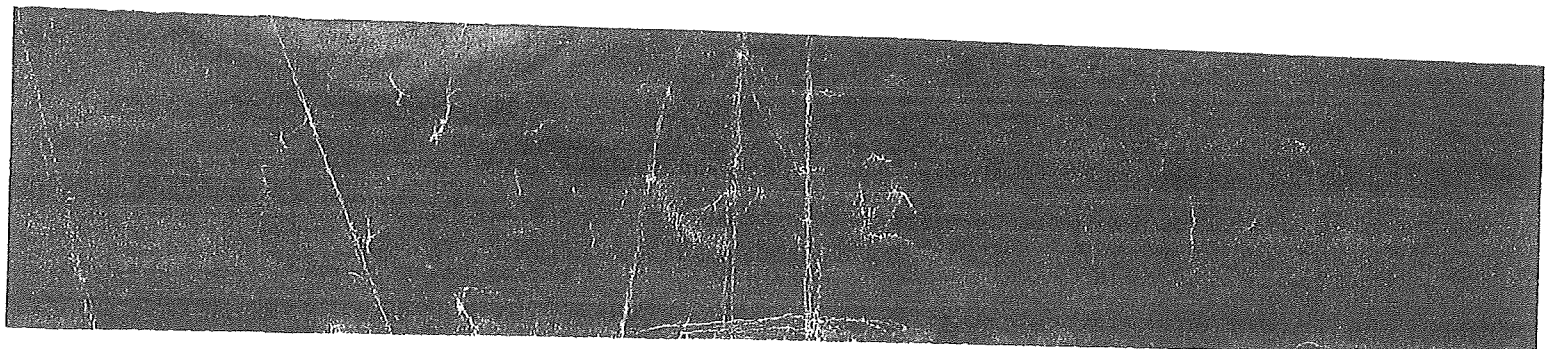


4

50' From

Floodway

Floodplain



Floodway, Floodplain, Waterway map received from City of Salem in early 1990's. Dotted and greyed areas represent floodways; flood plains.

**Russ**

**From:** Olivia Glantz <OGlantz@cityofsalem.net>  
**Sent:** Wednesday, November 13, 2019 10:33 AM  
**To:** Russ Kittrell  
**Cc:** Jennifer Scott; Glenn Davis  
**Subject:** RE: Staff Report for Comprehensive Plan Change / Zone Change Case No. VUL19-11 for 4345 Sunnyside Rd SE - 97302

RECEIVED  
NOV 18 2022  
BY: \_\_\_\_\_

Good Morning,

After some research, you are correct portions of the subject property are designated on the Federal Emergency Management Agency floodplain maps as floodplain. Development within the floodplain area requires a floodplain development permit and is subject to the requirements of SRC Chapter 601. Staff will be making this correction to the record at the public hearing next week. The zone change does not propose any development at this time, which would not require review of the Floodplain chapter. Any future development would need to address the Salem Revised code for Floodplain (SRC 601). If a land use application is received in the future that requires notice, you will receive that notice in the future.

Hope this helps, if you any other questions please feel free to contact me.

**Olivia Glantz**

*Planner III*

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem OR 97301

[oglantz@cityofsalem.net](mailto:oglantz@cityofsalem.net) | 503-540-2343

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**From:** Russ Kittrell <[russkittrell@comcast.net](mailto:russkittrell@comcast.net)>  
**Sent:** Tuesday, November 12, 2019 2:41 PM  
**To:** Olivia Glantz <[OGlantz@cityofsalem.net](mailto:OGlantz@cityofsalem.net)>  
**Subject:** Staff Report for Comprehensive Plan Change / Zone Change Case No. VUL19-11 for 4345 Sunnyside Rd SE - 97302

Dear Olivia Glantz. It is my intention to submit some written testimony or comments regarding this proposal. It is unclear if I will be able to attend the hearing in person. As such, would it be proper to include pictures of the property in question in support of my concerns. Of particular note is the staff report which appears to find that there is no concerns with natural hazards such as flooding as there wasn't found to be a floodway or floodplain in the subject property. This raises questions for me and is of serious concern as a good percentage of the 1/4 acre in question handles many springs as well as back flow from the creek during times of rain, all of which help protect my property from flooding. Sincerely, Russell Kittrell, 4343 Sunnyside Rd SE, Salem OR 97302. 503-779-8270

Su

Russ

RECEIVED  
NOV 18 2019

**From:** Olivia Glantz <OGlantz@cityofsalem.net>  
**Sent:** Wednesday, November 20, 2019 11:45 AM  
**To:** Janiel Rae-Ryan; Russ Kittrell  
**Subject:** RE: Decision for Minor Comprehensive Plan Map Amendment / Zone Change Case No. CPC-ZC19-11 - 4345 Sunnyside Rd SE

Sorry, I did miss that but it is addressed in response to you comments near the top.

**Olivia Glantz**

*Planner III*

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem OR 97301

[oglantz@cityofsalem.net](mailto:oglantz@cityofsalem.net) | 503-540-2343

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**From:** Janiel Rae-Ryan <JRae-Ryan@cityofsalem.net>  
**Sent:** Wednesday, November 20, 2019 11:08 AM  
**To:** Olivia Glantz <OGlantz@cityofsalem.net>  
**Subject:** FW: Decision for Minor Comprehensive Plan Map Amendment / Zone Change Case No. CPC-ZC19-11 - 4345 Sunnyside Rd SE

I'm not sure what he is referring to.

**From:** RUSSELL KITTRELL <[russkittrell@comcast.net](mailto:russkittrell@comcast.net)>  
**Sent:** Wednesday, November 20, 2019 11:01 AM  
**To:** Janiel Rae-Ryan <JRae-Ryan@cityofsalem.net>  
**Subject:** Re: Decision for Minor Comprehensive Plan Map Amendment / Zone Change Case No. CPC-ZC19-11 - 4345 Sunnyside Rd SE

Thankyou, but this final report still didn't include a fix to the error for item 7.

Sent from Xfinity Connect Application

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

**From:** JRae-Ryan@cityofsalem.net  
**To:** JRae-Ryan@cityofsalem.net  
**Cc:** OGlantz@cityofsalem.net  
**Sent:** 2019-11-20 10:41:59 AM  
**Subject:** Decision for Minor Comprehensive Plan Map Amendment / Zone Change Case No. CPC-ZC19-11 - 4345 Sunnyside Rd SE

Good morning,

The Notice of Decision for the Minor Comprehensive Plan Map Amendment / Zone Change Case No. CPC-ZC19-11 - 4345 Sunnyside Rd SE is attached for your information. Hard Copies go out in the mail today for those of you who are to receive one.

Application Summary: A comprehensive plan change to Commercial and Zone change to CO (Commercial Office).

Please direct questions or comments to the CASE MANAGER:

Olivia Glantz

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

503-540-2343

**J.R Ryan**

*Staff Assistant*

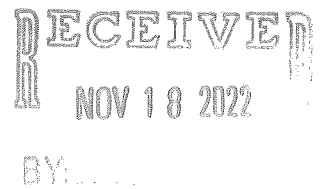
City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem OR 97301

[jrae-ryan@cityofsalem.net](mailto:jrae-ryan@cityofsalem.net) | 503-540-2313

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March 12, 2022

To: Eunice Kim, Case Manager City of Salem Planning Division

Re: Case File, Code Amendment Case No. CA21-04

Subject: Propose Zoning Changes to 4343 and 4345 Sunnyside Rd SE, Salem OR 97302

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

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

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

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

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

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

I oppose zoning to Mixed Use.

Sincerely,

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