



LAND USE APPEAL APPLICATION

1. **GENERAL DATA REQUIRED** [to be completed by the appellant]

SUB-ADJ24-04

July 5, 2024

Case # Being Appealed

Decision Date

1800 Block of Park Ave NE, Salem OR 97301

Address of Subject Property

1884 Evergreen Ave NE, Salem, OR 97301; 1833 Park Ave NE, Salem, OR 97301

Appellants Mailing Address with zip code

hansenlindar@gmail.com; blakelyplumbing@

503.302.6760; 503.510.4462

Appellant's E-mail Address

Day-time Phone / Cell Phone

Appellant's Representative or Professional to be contacted regarding matters on this application, if other than appellant listed above:

Name

Mailing Address with ZIP Code

E-Mail Address

Day-time Phone / Cell Phone

2. **SIGNATURES OF ALL APPELLANTS**

Signature: Bruce Hansen Linda Hansen Date: 7/18/2024

Printed Name: Bruce & Linda Hansen

Signature: Shelley Blakely Date: 7-17-24

Printed Name: Brian & Shelley Blakely

3. **REASON FOR APPEAL** Attach a letter, briefly summarizing the reason for the Appeal. Describe how the proposal does not meet the applicable criteria as well as verification establishing the appellants standing to appeal the decision as provided under SRC 300.1010

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Received By: B.B.

Date: 7/19/2024

Receipt No: 24-115399-68

Appeal Deadline: 7/22/2024

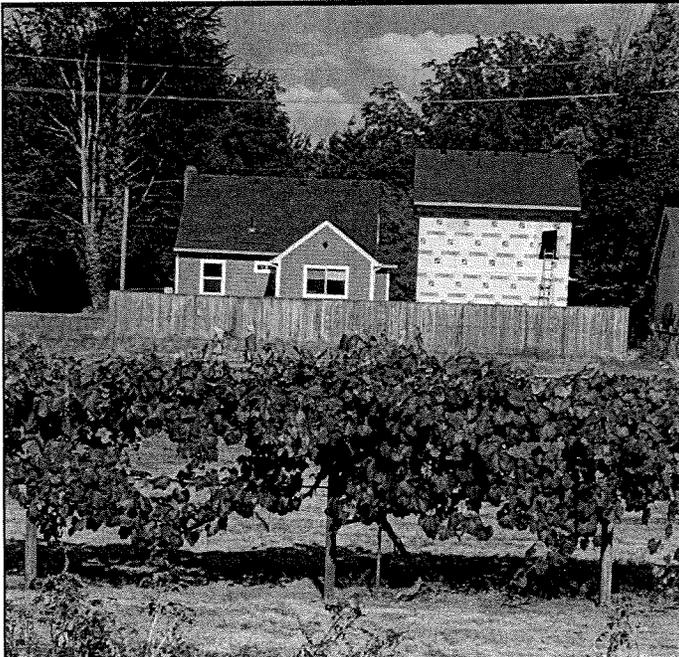
Case Manager: AARON PANKO

**Appeal of Decision on Subdivision Tentative Plan/Class 2 Adjustment
Case No: SUB-ADJ24-04**

The appellants have standing due to having submitted comments on the original application for the subdivision in the 1800 Block of Park Ave NE as well as owning properties abutting the property under discussion.

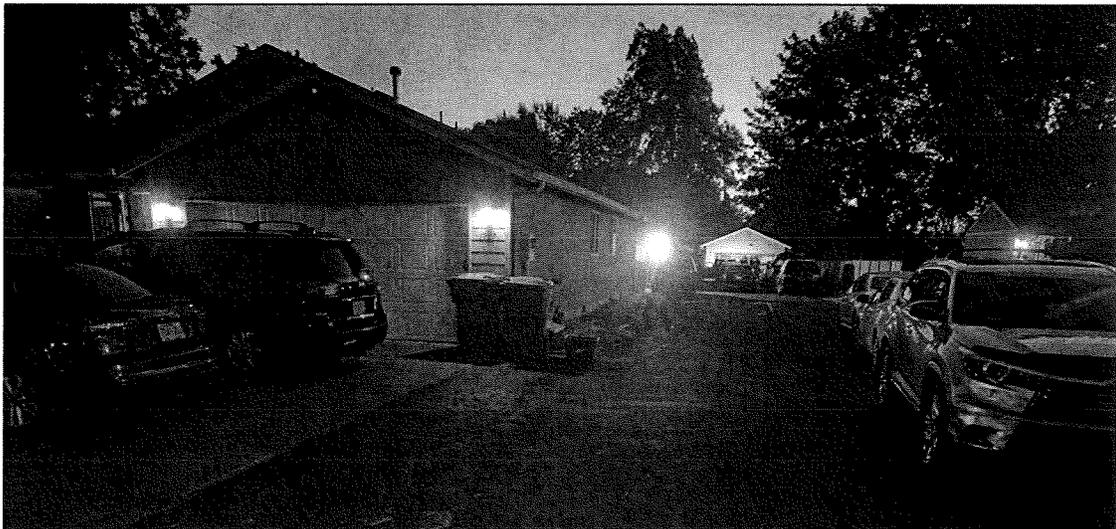
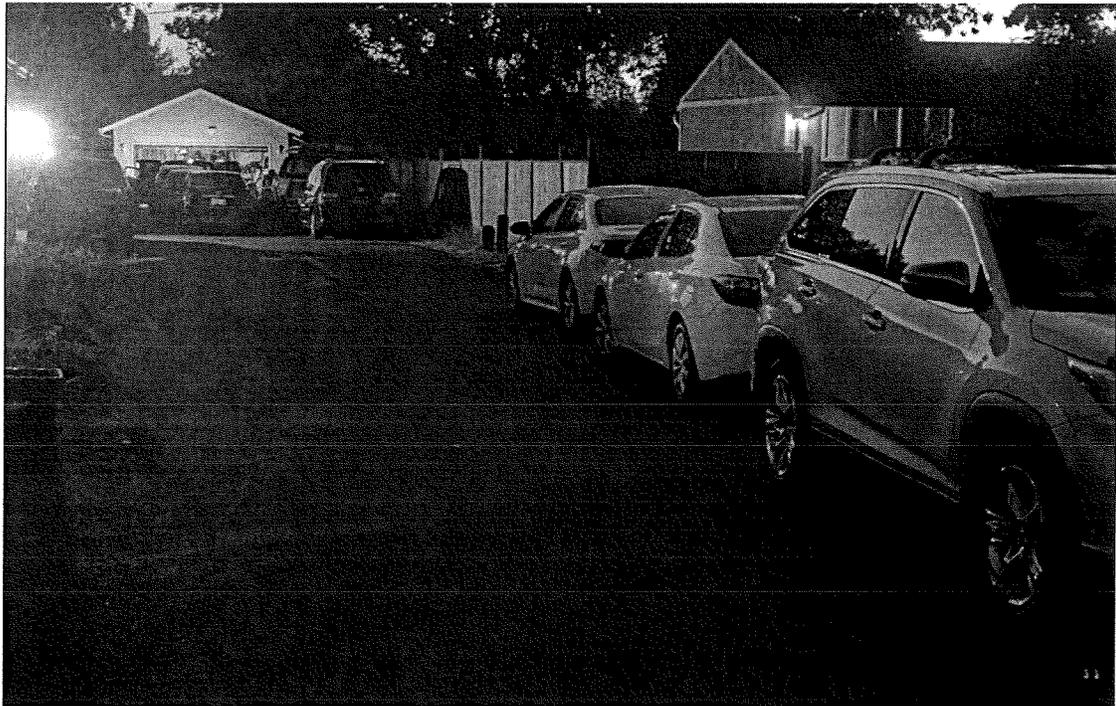
We feel that the proposed development WILL negatively impact both the livability and the appearance of the area, despite the assertion in the finding that it will not, due to the huge adjustment/variance being provided the applicant. There is no reason to jump from the code's 15% allowance for homes on a flag lot all the way to a 66% variance which is unbelievably significant. We are not against the property being developed and understand the need for infill. However, an adjustment of 33%, or even 50%, rather than the code's 15%, with a total of three or four homes total on the property instead of 6 would make much more sense for the following reasons:

1. Dividing this up into multiple lots doesn't mean that just one home will be built on each lot. The existing home already has a large 2 story structure being erected, with an ADU being built on one of the lots. When a large adjustment is given to the developer, the existing neighbors deal with all of the impacts. Six lots can easily mean 12 households will be living on the property. This will have a negative impact on both the appearance and livability for neighboring property owners. We've included a photo of the ADU that is currently being built, taken from our back yard. To give some context, in the space between the existing home and ADU and our property, the applicant wants to build two more homes plus the stormwater garden, then mirror that behind the other portion of our property.



2. Our livability will also be impacted by more noise, nighttime lighting and stormwater impacts that affect the surrounding neighbors. The more houses and impervious surfaces that are added, the more runoff the neighborhood will experience. The rain garden won't catch all of it and no plan was given for when it overflows despite neighbors' voicing concerns about the high water table and lack of stormwater connection for overflow from the rain garden.
3. The appearance of the neighborhood will be greatly altered. Most existing houses on the street have lots that are around 21,000 square feet (5 times the area of any of the 5 new proposed lots. We chose these lots because we liked the appearance of the large lots for gardening and other uses. Giving immense adjustments (formerly called a variance to the code) helps the developer to make more money and the city to get more property taxes, but it ignores the intent of the code and the protection that was intended for existing neighbors and the character of the neighborhood. These five additional small lots, each with the potential to have a duplex or home **and** ADU on it will have a significant and drastic negative impact on the appearance of the neighborhood, as there will be very little room for **green space**, other than in the proposed stormwater garden.
4. The appearance of the large stormwater garden is another concern. While the CCR's will include the requirement that all the homes help to maintain it over the years, there is no reasonable maintenance enforcement mechanism. Homes in the development that do not border the stormwater garden would have no personal interest in maintenance. We raised many concerns in our initial comments, but instead of them being addressed, they are put back on the neighboring property owners to report to code enforcement, whose priority will never be to monitor what is going on in an area not visible from the street, and whose job is not to enforce CCRs. If there isn't going to be an HOA, there won't be anyone for the neighboring homeowners to contact to request maintenance if it isn't completed on a regular basis. There isn't a requirement for the new homeowners to provide contact information to abutting properties or to hire a landscaping company or create an HOA. There seems to be little to prevent thistles and other noxious weeds from growing and going to seed in a stormwater garden, negatively impacting the abutting properties. Also, it appears that it will not be easy to maintain or mowed which will turn it into a swampy weed garden.
5. Another concern with the stormwater garden was that it would be an ideal breeding ground for **mosquitoes**. The neighbors' concerns about this issue was completely ignored in the planning staff response. Having a 2400 square foot mosquito breeding area within 10 feet of neighboring properties will impact our livability and the option to spend time outdoors in our yards.
6. With five additional homes, there will **not be adequate parking** available for residents, especially when considering the statistical likelihood of the residents being 2-car families who will also want parking space for guests and visitors. This

parking inadequacy will only be exacerbated if ADUs or duplexes are built, as is already being done on the existing property. Again, we have been told that the “solution” is to notify code enforcement. There are several problems with this. We would like to be on good terms with our neighbors, not turning them in regularly for violations when they purchased property without adequate parking. Also, code enforcement is not available 24/7 and the main problems with parking tend to happen on the evenings and weekends when people have multiple guests over. These photos were taken last week of a flag lot on Evergreen where parking is not allowed on the “pole” portion of the lots. As you can see, it is a regular occurrence for people to park in violation of the rules.



We live in the real world and are concerned about safety and adequate parking. Responding that code enforcement is the answer to all comments regarding appearance and livability come from a perspective that isn't living in a real neighborhood, where we host National Night Out and try to get to know our neighbors and work together. We don't want an adversarial relationship with neighbors. We want the city to approve a project that is reasonable to both us as the existing property owners and to the developer, which is not currently the case.

7. Lastly, having the 66% flag lot adjustment puts an unconscionable burden on the existing properties owners due to the stormwater situation. The area in question is bog like during the rainy months, with an extremely high-water table. A stormwater detention area is never designed to hold all possible rainfall and runoff and is generally connected into the city's stormwater system in case of an overflow. However, instead of putting this detention pond in the front of the property and connecting it to the city's stormwater system down toward Market Street, they have placed it at the back of the property where the overflow will threaten existing property owners and their livability. It has the potential to also negatively impact further development that could take place on our properties in the future. Despite our concerns raised in the original comments, no one has addressed the question of what will happen to the water that overflows the stormwater garden during the heavy rainfalls and what will keep that out of neighboring properties. Our understanding is that stormwater retention should take place on the existing property with overflow into the city's stormwater system, and not default to letting it overflow into the neighboring properties, which is what the proposal is allowing.

In summary, we're not opposed to development taking place on the property. We're opposed to the unreasonably significant adjustment being given to the developer without our concerns being addressed in a realistic manner. Serious consideration should be given to a substantial, but lesser adjustment to 33% (or 50%) to help preserve a bit of the character of the neighborhood, because even three additional lots would still allow for 8 households on that property.