

## Bryce Bishop

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**From:** Tom Cowan Jr. <tcowanjr@mac.com>  
**Sent:** Tuesday, September 24, 2024 2:05 PM  
**To:** Bryce Bishop  
**Cc:** Audrey Konold; Jim West; Bill Amos; Maria Mokrai  
**Subject:** Fwd: Creekside Appeal  
**Attachments:** 6246p-502-TREE.pdf

Bruce,

The comments in italics represents the opinion of the Creekside Board. We've been working with Don et al on the correct approach which Margaret covered very well. I'm away from my computer so forwarding the response to you directly.

Please make this a part of the official record and note our support for what has been proposed.

Tom Cowan Jr., President  
Creekside HOA  
Sent from my iPhone

Begin forwarded message:

**From:** Margaret Gander-Vo <Margaret@sglaw.com>  
**Date:** September 24, 2024 at 1:47:25 PM PDT  
**To:** "Tom Cowan Jr." <tcowanjr@mac.com>  
**Cc:** Don Lulay <don@thelulaygroup.com>  
**Subject:** RE: Creekside Appeal

Hello Tom:

Thank you for the call earlier today clarifying that the HOA is happy with the sidewalks that we are showing on the attached version of the Site Plan. As we discussed, it we're hoping that you can provide the following email to Bryce for inclusion into the record. We appreciate your help on this, and we look forward to getting through this next stage so we can move on to the CC&Rs. Please let me know if you have any tweaks or if I'm not properly representing the sentiments of the HOA.

*Dear Salem City Council:*

*The Creekside Homeowners Association Inc. (the "HOA") met on Monday September 23, 2024, to discuss the HOA's position on the appeal associated with Case No. PUD-SUB-PAR-UGA-ADJ24-01. This was a follow-up to previous discussions the HOA and various members have had with Don Lulay on behalf of the applicant (collectively the "Applicant") regarding the development proposal, the sidewalks that have been proposed, and the concerns associated with adding additional sidewalks along the northside of Creekside Drive between the access points for the proposed Villa Loop.*

*While the HOA is concerned with sidewalk connectivity and making sure that there are safe, accessible sidewalks throughout Creekside, the HOA does not believe that the addition of sidewalks between the access points along the northside of Creekside Drive will provide a benefit*

to the HOA, but they will add costs as the HOA will be the party responsible for the long-term maintenance of these sidewalks. The HOA is comfortable with the Applicant's proposal to add some sidewalk along the northside of Creekside Drive, providing connectivity to the proposed Villa Loop from the current termination of the sidewalk along the northside of Creekside Drive, the addition of sidewalk along the frontage of the proposed lots that will have access onto Creekside Drive, and the completion of the sidewalk along the south side of Creekside Drive from the current termination of the sidewalk to Clubhouse Drive SE.

The HOA thinks that the Applicant's proposed improvements will provide our community with pedestrian connections that will both improve pedestrian safety and provide a better pedestrian experience while avoiding the addition of sidewalks that will add cost for both the Applicant and the HOA.

The Creekside HOA supports the Applicant's application, including its request to remove Condition of Approval 14.

Sincerely,  
Tom Cowan Jr.  
President, Creekside Homeowners Association Inc.

Best wishes,  
**Margaret Y. Gander-Vo**  
Lawyer – Real Estate and Land Use



Park Place, Suite 200 | 250 Church Street SE | Salem, Oregon 97301  
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**From:** Tom Cowan Jr. <tcowanjr@mac.com>  
**Sent:** Monday, September 23, 2024 7:38 PM  
**To:** Margaret Gander-Vo <Margaret@SGLAW.com>  
**Cc:** Don Lulay <don@thelulaygroup.com>; Tom & Barb Cowan <tcowanjr@mac.com>  
**Subject:** Re: Creekside Appeal

Margaret,

The Creekside Board met this evening and discussed the appeal of the City of Salem's decision concerning the sidewalks referred to in your email. The members of the community present also added comments.

We agreed that this is a community that is walk friendly and having sidewalks meets our overall goal. We also respect what Don is trying to do. It was agreed that we need a

sidewalk on Creekside Drive but we can accomplish that by having the sidewalk on the south side completed. It currently stops at the last house and it would complete the loop if the sidewalk was finished on the south side of the street from the last house (noted as lot 75) to Country Club Drive. It is a short distance but would really enhance the walkability of our community.

If Don were agreeable to finish the sidewalk on the south side we would not object his plan and in fact support it.

Please advise. Also, if he agrees please feel free to forward this email along with his appeal.

Tom

Tom Cowan Jr.  
902 Sahalee Ct SE  
Salem, OR 97306

“I’ve learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel.”— Maya Angelou

On Sep 11, 2024, at 9:58 AM, Margaret Gander-Vo <[Margaret@sglaw.com](mailto:Margaret@sglaw.com)> wrote:

Hello Tom:

I hope you are doing well and enjoying the cooler weather. In reviewing the Decision of the Planning Commission with Multi/Tech after the HOA meeting we were informed that the Planning Commission did add an additional condition of approval requiring sidewalks along the northern side of Creekside Drive between the two access points for Villa Loop. As we had mentioned to you prior to the hearing, adding a sidewalk here significantly increases the cost of the project which will push up the cost of the ultimate units to a degree that Don is not comfortable with, so we will be appealing the decision.

As I recall, there was a homeowner that testified and requested sidewalks, but I believe we spoke with her after the hearing and explained that the cost would be significant and pointed out that the sidewalk along this side of Creekside would end after the property and not start again until the intersection with Lone Oak. I think she was comfortable with that, and I believe that the HOA Board understood that as well.

Going into the appeal, I want to make sure that this is in fact the HOA’s opinion and, if so, see if you might be willing to support our appeal to get that condition removed with a letter. Don’s position is that if this sidewalk was actually providing pedestrian connectivity in a meaningful way, he would build it, but because the plan is to already provide sidewalks and connectivity to the southside, and along the frontage of the northside of Creekside Dr to complete the sidewalks up to Villa Loop and along the frontage of the two houses with access onto Creekside Drive, that this doesn’t seem to really add value, but will ultimately add cost for maintenance for the HOA and to the purchase price of the units themselves.

Please let me know what your thoughts are.

Best wishes,

**Margaret Y. Gander-Vo**

Lawyer – Real Estate and Land Use

<image001.png>

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