

Amy Johnson

From: Sandra Hilton <skh5352@yahoo.com>
Sent: Sunday, November 12, 2017 10:15 PM
To: citycouncil
Subject: CITIZEN INPUT FOR NOV 13, 2017 CITY COUNCIL MEETING -- REQUEST FOR A PUBLIC MEETING ON DOGWOOD HEIGHTS DEVELOPMENT
Attachments: Nov 13 Items for City Council's Consideration.docx; City Council Nov 13 Notice.docx
Categories: Follow-up

The attached documents are our response to the proposed Dogwood Heights Development you will be discussing on November 13, 2017 at the City Council Meeting. Although we would like to be at the meeting, due to health reasons, we may not be able to attend. However, we are requesting you consider a public meeting to discuss the project, before final approval.

Please read the document we wrote carefully, as an extended amount of time and energy has been put into this, on a short timeline. We are sorry we could not provide this to you earlier, but we were caught by surprise, when at the last minute the City decided to place this project on the City Council's agenda, BEFORE, the expiration of the appeal period to the Planning Commission.

We are very unhappy the City has usurped the normal process for appeal to the Planning Commission first, and then a request to go before the City Council, if necessary, after. We were provided with the initial Decision document, which has an appeal deadline of November 14, 2017. Then we received an e-mail from Becky Miner, SWAN Chair. She had received an e-mail from the City, dated November 8, 2017 informing her the project approval was added to the November 13, 2017 City Council agenda, before the expiration of the appeal period. We have attached a copy of the e-mail. The e-mail states that ***"This is the final opportunity for the Council to initiate review or "call-up" the decision for a public hearing."***

We hope, that once you read our document, you will have a public hearing, This usurping of the normal appeal process is not fair to the residents living near the proposed development. We also would like answers as to why the Planning Department is rushing this decision through and giving residents so little time to organize and respond. Our guess is the Planning Department is pushing this through because they are drawing near to their December 26, 2017 state-mandated local decision deadline.

It's not the citizen stakeholders' fault if the City cannot make its' deadline. This is an important decision and current residents are important stakeholders.

Sincerely,

Jason and Sandra Hilton

November 12, 2017

SUBJECT: Information for the City Council's Meeting on November 13, 2017

Regarding the City of Salem's Decision on the Dogwood Heights Proposed Subdivision -- Class 2 Adjustment Case No. SUB-ADJ17-09, Application No: 17-11100-LD & 17-200000-LD

COMMENTS SUBMITTED BY JASON AND SANDRA HILTON, ADJOINING PROPERTY OWNERS

Thank you for providing us the opportunity to share with you some of our concerns about the tentative approval of the above subdivision. We are troubled that current residents in the area have not had an opportunity to fully vet their concerns.

For the initial response, The Planning Department received comments from 78 property owners in the vicinity of the site. This shows a great deal of citizen interest.

The project was approved on October 30, 2017. The expiration for an appeal to the Planning Commission is on November 14, 2017, **after** the City Council Meeting. The decision to place the project on the November 13, 2017 City Council Meeting agenda didn't apparently occur until November 8, 2017. We have attached a document of the e-mail sent to us by the SWAN Chair, Rebecca Miner. From the e-mail Rebecca received from the City: "We are sending this e-mail message to inform you of recent land use decisions that will be appearing on the next City Council Agenda, for Monday, November 13, 2017. **This is the final opportunity for the Council to initiate review or "call-up" the decision for a public hearing.**"

Thus, placing this project on the City Council's agenda, appears to usurp the normal appeal process to the Planning Commission. We would like answers as to why the Planning Department is rushing this decision through and giving residents so little time to organize and respond. Our guess is the Planning Department is pushing this through because they are drawing near to their December 26, 2017 state-mandated local decision deadline.

It's not the citizen stakeholders' fault if the City cannot make its' deadline. This is an important decision and current residents are important stakeholders.

We request the City Council consider a public hearing before approving the new subdivision.

We also request this document, in its entirety, and the November 8, 2017 e-mail attachment usurping the normal appeal process, be made a part of the public record.

The following are some of our lingering concerns:

SAFETY

SRC 205.010(d) (7) -- The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis where applicable.

Several issues exist:

(1) **WE DISAGREE** with the decision to not perform a **Traffic Impact Analysis**.

- (a) The City used the requirements for a Minor Arterial road. However, it's unlikely Croisan Scenic Way S will ever become a Minor Arterial road. One City Official told us the City would have to win something like a \$7 Billion Lottery before it could happen, but they were locked into using the Minor Arterial road criteria. We learned it takes the action of the City Council to change a street's designation.
- (b) We also learned the City did recommend to the developer a Traffic Impact Analysis, but the developer declined to perform the study.
- (c) We still argue a Traffic Impact Analysis could be required under the second part of the code, which requires an analysis if, **'The increased traffic resulting from the development will contribute to documented traffic problems, based on current accident rates, traffic volumes or speeds, and identified locations where pedestrian and/or bicyclist safety is a concern.'** It's difficult to see how pedestrian and/or bicyclist safety isn't a concern given there are **NO** sidewalks on Madrona Avenue, and Nelson Park, a popular local attraction with a great children's playground, just one block away at the corner of Madrona Avenue and Croisan Creek. Further, Madrona is a dangerous road and becomes a speedway after the curves. The fast drop in elevation contributes to motorists speeding. Croisan Scenic Way is also difficult to see if you're going West on Madrona, and it's just one block from the stop sign at Croisan Creek. This is a perfect set-up for accidents and increased congestion.

(2) **WE DISAGREE** with the decision that sidewalks are NOT needed on Madrona and Croisan Creek, so to allow pedestrian and bicycle access to Nelson Park.

- (a) The Planning Department contends having improved sideways within the subdivision and Croisan Scenic Way S, fills the gap. The City's conclusion doesn't make sense, since NONE of the streets with sidewalks connect to the park. Nelson Park has a wonderful playground for children, and the City is just asking for a terrible tragedy to occur, at which time they will need to figure out how to do what they should have done in the

first place. Further, the lack of sidewalks could also be a compliance issue with the Americans with Disabilities Act.

- (b) In addition, safety on Croisan Scenic Way S is also a concern with the increase in traffic. Croisan Scenic Way S will need stop signs on the side streets to prevent accidents. Even without the additional traffic, on more than one occasion accidents have almost occurred when someone tried to turn on one of the side streets in front of a car going down Croisan Scenic Way S.

FITTING IN WITH THE EXISTING NEIGHBORHOOD

CLASS 2 ADJUSTMENT -- SRC 250.005(d) (2) (B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Several issues exist:

- (1) **WE DISAGREE** with the Planning Department's conclusion that lot size compatibility with Phase 1 lots bordering the existing Laurel Springs Subdivision are not an issue.
 - (a) Phase I, which borders on the Laurel Springs Subdivision, has lots ranging in size from 4,577 square feet to 7,465 square feet. In comparison, we have one of the smallest size lots in the Laurel Springs Subdivision bordering the proposed development, at roughly 8,800 square feet. What this means is existing residents will have two and sometimes more new lots bordering their property. This is a privacy issue for current residents. Further, if the homes are multi-level structures, likely given some of the small lot sizes and large homes, privacy is further jeopardized. How does the lack of privacy not detract from the livability for current residents? We live right next to the development, and we hear this same concern voiced by other residents. In contrast, the new residents will not have more than one neighbor looking into their backyards.
 - (b) The project approval, page 16, also states, "There is no approval criterion or development standard which requires single family residential lots to resemble adjacent existing developments." This is an issue for the City. You have the Class Adjustment Code above, which discusses livability (residents were instructed to couch their concerns around this Code). However, the City defaults to a black and white code, such as minimum lot size of 4,000 square feet, even though the Class Adjustment Code appears to allow for some judgment. Apparently, there is no black and white code which addresses the issue of transitioning from older neighborhoods with much different lot sizes to new neighborhoods. It would seem, the developer would not need a drastic reduction in the number of lots to allow for increasing the size of the smaller lots which adjoin the Laurel Springs Subdivision.

- (2) **WE DISAGREE** with the Planning Department's decision to allow construction 7 days a week, from 7 am to 10 pm. This project is going to take several years to develop. The developer told us Phase I alone, will take from 1 to 2 years. This will definitely negatively impact the livability for current residents to get the rest they need and to enjoy their property with their family and friends. We've already had a taste of this when the developer was working Sunday mornings mulching the smaller trees and brush. The equipment was very noisy, and we heard complaints from several residents about the noise.

The Planning Department falls back on SR Chapter 93.020 (d) which limits noise from 7 am to 10 pm. This completely ignores the Declaration of Purpose as stated in Chapter 93.001. To quote, "It's the intent of the City Council to minimize the exposure of citizens to the potential negative physiological and psychological effects of excessive noise and to protect, promote, and preserve the public health, safety and welfare. It is the intent of the City Council to control the level of noise in a manner that promotes the use, value and enjoyment of property, the conduct of business, and sleep and rest and that reduces unnecessary and excessive sound in the environment."

The Planning Department contends we did not provide evidence of the negative effects of construction noise. We didn't have time to do a detailed review of the negative effects of construction noise, nor did we think it was our responsibility to perform the research for the City. However, a quick look at the internet shows a whole litany of support on the adverse physical and psychological effects of noise. Also, consider how you would like to be subjected to the repeated high pitched screech of a table or circular saw, or the sound of hammering for long periods of time. When the developer had the mulching machine working on Sunday morning, our whole house shook as he approached our property line. It was also so loud you couldn't hardly hear yourself think, and that was inside the house. How would you like to be subjected to that for a year or two, even on the weekends and evenings? How about the summer weekend BBQ in the backyard? The family get-togethers?

What we want, is a limitation on construction to the week days, from 8:00 am to 6:00 pm, so neighbors can have a break to enjoy their families and friends and reduce any negative effects from the long exposure to construction noise. Precedence does exist for such restrictions. During the project to widen Commercial Street, the Commercial Rural Development Study (CRUD) was able to have such restrictions enacted. This study done by the SCAN Neighborhood Association, was the only citizens' study adopted by the City Council at that time.

From: Salem Planning <Planning@cityofsalem.net>
Date: November 8, 2017 at 3:27:08 PM PST
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Cc: Chris Neider <CNeider@cityofsalem.net>
Subject: Land Use Decisions

Good Afternoon,

We are sending this e-mail message to inform you of recent land use decisions that will be appearing on the next City Council Agenda, for Monday, November 13, 2017. **This is the final opportunity for the Council to initiate review or "call-up" the decision for a public hearing.**

The link below will take you to the Salem meeting calendar page. After selecting the current City Council meeting details, you will find the land use decisions listed as Informational Reports. The decisions below include the report file number and agenda number for each specific decision.

Please note when following this link if you do not see the current council meeting date listed, change the drop-down setting from "This Month" to "This Year" or "All Years." If you have selected the appropriate report file number and do not see the staff report, select the "Text" tab. For more help on how to use the Legistar Calendar, please contact the City Recorder at 503-588-6097 or by email at cityrecorder@cityofsalem.net.

Here are the Decisions for 11/13/2017:

- File #17-540 - Agenda #6.c. – Subdivision/Class 2 Adjustment 17-09 – 3700 & 3800 Blocks of Dogwood Drive South - **Ward 7 - SouthWest Association of Neighbors (SWAN)**
A phased subdivision ("Dogwood Heights") to divide 14.14 acres into 46-lots ranging in size from 4,577 square feet to 34,793 square feet, with Class 2 adjustments to increase maximum street grade and flag lot accessway length.
- File #17-547 - Agenda #6.d. – Subdivision/Class 2 Adjustment 17-10 – 1200 & 1295 Madrona Avenue SE - **Ward 3 - Morningside Neighborhood Association**
A subdivision to divide 2.41 acres into 15-lots ranging in size from approximately 4,060 square feet to approximately 10,899 square feet, with Class 2 Adjustments.

Today's notification includes a Subdivision/Class 2 Adjustment (SUB-ADJ17-09) that you might find of special interest.

Subdivision/Class 2 Adjustment 17-09: This a proposed 46-lot subdivision to be built in four phases ("Dogwood Heights"). Phases 1-3 would create lots for single family residential development ranging in size from 4,577 to 11,571 square feet on private lands which have remained undeveloped several decades longer than adjacent neighborhoods. Phase 4 would include larger lot sizes due to the steep topography on the southern portion of the site. Maximum street grade was adjusted from 12 to 15 percent at a few locations with steep terrain and low expected traffic volumes. The Fire Department and other agencies reviewed and approved the adjustments.

For more information:

<https://salem.legistar.com/Calendar.aspx>

If you have any questions, please contact me. My contact information is listed for you below.

Lisa Anderson-Ogilvie, AICP

Deputy Community Development Director & Planning Administrator

City of Salem | Community Development Department

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Amy Johnson

From: Deb Ginn <debginn@aol.com>
Sent: Sunday, November 12, 2017 3:44 PM
To: citycouncil
Subject: PLEASE READ Comments for 13 November 2017 City Council Meeting

Categories: Follow-up

12 November 2017

To: City of Salem Officials

Re: Proposed Dogwood Heights housing development

The following are concerns that we homeowners, adjacent to and affected by the proposed Dogwood Heights housing development, believe The City of Salem should take into serious consideration.

This proposed development will **divert over 271,540 gallons (1,130 tons) of rainwater PER INCH of rain into Croisan Creek** which already floods streets, properties, and homes in times of heavy rains. The City of Salem's existing storm-drain and sewage system has proven incapable of safely handling Salem's growing needs as evidenced in routine sewage spills/overflows and the routine flooding of roads and properties. (One recent example: the Cottonwood Lakes housing development has permanently flooded the land to the west of it.)

There is also the possibility of the **diversion of natural underground waterways to our homes at lower elevations** due to alterations of the land for this development. Many of the homes here in the Laurel Springs neighborhood already experience flooding problems from underground waters. The City of Salem has previously been confronted with damages to homes due to the lack of consideration of the effects of land alterations and rainfall in the Croisan Mountain area.

The conditions of the **surrounding streets** that will connect this new housing development to the Salem area are increasingly **inadequate and unsafe for vehicles, pedestrians, and bicyclists**. The City of Salem is responsible for the improvements necessitated by the further increase in traffic in this area and will be held accountable.

The **15-percent grade of the proposed road is preposterous**. It is **unsafe** under any conditions but with snow it would be lethal. The steep roads in our neighborhood are **hazardous** and often impassable because of the icy conditions caused by our location/elevations. The requirement of a 15-percent grade road is evidence enough that **this land is not suitable** for the allowance of this development regardless of The City of Salem's awkward development/building codes.

The proposed Dogwood Heights housing development, in its current form, should not be approved by the City of Salem because the proposed excessive alterations/development would be harmful and unsafe. Significantly fewer homes on larger lots and less alteration/destruction of the steep upper hillside would be both wiser and safer with fewer potential problems for both the new homeowners and the existing homeowners while preserving the livability for residents.

Thank you for your consideration-

Debra Ginn and Frances Ginn

1830 Highlight Ct., Salem, OR 97302

Amy Johnson

From: Julie Bingham <Julie.bingham@comcast.net>
Sent: Sunday, November 12, 2017 5:14 PM
To: citycouncil
Subject: Dogwood Heights development

Categories: Follow-up

Please consider taking this development up as an issue for for the consideration. The development on this steep hillside is supposed to go through despite great expense, and without a more relevant geologic survey until after all of the other phases are completed and ready to tie in, as well as all of the infrastructure up on the hillside is completed. Without further upfront evaluation this is likely to create either an issue after the fact, or another street to nowhere which will never be finished. Thank you for considering this development further.

Sent from my iPhone
Julie B

Amy Johnson

From: Rebecca Miner <bjminer@q.com>
Sent: Sunday, November 12, 2017 11:38 PM
To: citycouncil
Subject: Appeal to the City of Salem's decision regarding Dogwood Heights
Attachments: Dogwood Letter.pdf

Categories: Follow-up

On September 10, 2017 the SouthWest Association of Neighbors (SWAN) submitted their comments on the proposed Dogwood Heights subdivision to Chris Green, Case Manager of the City of Salem Planning Division, Case Number SUB-ADJ17-09 and is included in the Notice of Decision dated October 30, 2017 as ATTACHMENT F. I am attaching the September 10, 2017 letter and also additional comments submitted by neighbors. It is my understanding that other neighbors are also sending their comments to city council directly. This is on the city council agenda for Monday, November 13th. Thank you, Becky Miner, Chair, SWAN

Here are two suggestions for additions/modifications to the letter:

Sidewalks to Nelson Park on Madronna and lack of handicapped access -- SRC

205.010(d)(6) clearly requires, "The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from with the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, **parks**, shopping areas, transit stops, or employment centers. "

The Planning Department's response to our concern regarding access from the new subdivision to the park, really was ridiculous. From page 12 of the Planning Department's approval document: "These new streets (the ones within the new subdivision) will partially address the existing lack of bicycle and pedestrian connections to the park...." That's not possible, since NONE of the proposed or current sidewalks connect to Nelson Park. The Planning Department's approval also totally ignored our concern about handicapped access under the American's with Disabilities Act. We would like to see something added to the undeveloped street comment, a comment about sidewalks to the Park.

Hours of Construction -- This project is going to take several years to develop. The developer told us Phase I alone, will take from 1 to 2 years. Imagine hearing the high-pitched sound of saws and hammering, 7 days a week, all day long and into the night for such an extended period of time. This will definitely negatively impact the livability for current residents to get the rest they need and to enjoy their property with their family and friends. We've already had a taste of this when the developer was working [Sunday](#) mornings mulching the smaller trees and brush. The equipment was very noisy, and we heard complaints from several residents about the noise.

The Planning Department falls back on SR Chapter 93.020 (d) which limits noise from 7 am to 10 pm. This completely ignores the Declaration of Purpose as stated in Chapter 93.001. To quote, "It's the intent of the City Council to minimize the exposure of citizens to the potential negative physiological and psychological effects of excessive noise and to protect, promote, and preserve the public health, safety and welfare. It is the intent of the City Council to control the level of noise in a manner that promotes the use, value and enjoyment of property, the conduct of business, and sleep and rest and that reduces unnecessary and excessive sound in the environment."

The Planning Department contends we have not provided evidence of the negative effects of the construction noise, although with more time I'm sure we could find documented research. However the Planning Department obviously fast-tracked this project for approval by usurping the Planning Commission review process, which could have been appealed, if necessary to the City Council.

What we would like to see is a limitation on construction to the week days, from 8:00 am to 6:00 pm, so neighbors can have a break to enjoy their families and friends and reduce any negative effects from the long exposure to construction noise. Precedence does exist for such restrictions. During the project to widen Commercial Street, the Commercial Rural Development Study (CRUD) was able to have such restrictions enacted. This study, done by the SCAN Neighborhood Association, was the only citizens study adopted by the City Council at that time.

Thanks Rebecca,

Jason and Sandy Hilton



September 10, 2017

Chris Green, Case Manager
City of Salem Planning Division

RE: Case Number SUB-ADJ17-09

Mr. Green;

Pursuant to the most recent meeting of the Southwest Association of Neighbors (SWAN), the SWAN Board would like to submit the following comments in support of our neighbors who live near the area of the above-mentioned proposed subdivision. The Board agrees with the neighbors regarding several concerns listed below that seem to need further investigation prior to approval of this project.

There are some serious traffic concerns regarding entrance and egress to the subdivision impacting four existing substandard streets; Balm St. S, Roberta Ave. S, Spring St. S and Mockingbird Dr. S. Balm St. S was measured and was found to be approximately 12 feet in width. The other streets are approximately 14 feet in width. Additionally, there are several blind spots and steep grades in these streets. The SWAN Board requests exploring the possibility of using some, or all, of the systems development charges / fees to improve the safety of these streets.

The most recent geotechnical study available appears to be outdated or inadequate. This study does not appear to include the possible impact of the development related to earthquake, existing springs and / or storm water in general. The Board supports the neighbors' requests that there be a geotechnical study performed that will take these, and any other, factors into account.

The neighbors also have a concern about whether Croisan Creek has the capacity to handle any additional runoff created by Dogwood Heights. We know that there has been moderate to severe flooding along Croisan Creek near Croisan Creek Road and River Road S from time to time. The neighbors and the Board hope that this issue will be fully investigated prior to approving this subdivision.

The developer has requested a Class 2 adjustment to increase the maximum allowed grade of Hillside Court S from 12 percent to 15 percent. The Board supports the concerns of the neighbors that this increase would create a significant hazard in the wintertime. Increasing the grade to 15 percent could prevent access by emergency vehicles, including fire trucks and ambulances, to the properties on Hillside Court S.

Rebecca Miner
Rebecca Miner, Chair
SouthWest Association of Neighbors

Date September 10, 2017

Amy Johnson

From: Rick Bingham <bingham.r@comcast.net>
Sent: Monday, November 13, 2017 2:48 PM
To: citycouncil; Christopher Green
Cc: julie.bingham@comcast.net
Subject: FOR TONIGHTS MEETING!

Dear City Councilors,

RE: CASE NO. SUB-ADJ17-09; Dogwood Heights Subdivision Proposal with 46 Lots in South City of Salem, Oregon

Thank you for taking these comments at the 11th hour. I believe this review occurs at the end of the usual meeting tonight, and the question before the Council is whether to take up this item in another meeting.

The phases in this subdivision development proposal are tightly interconnected by the road grades (and other factors). If phase 4 is ultimately not developed, then topography will have been changed unnecessarily. There is, in fact, a good likelihood that phase 4 will not be completed because of the obstacles to putting in an S2 water line (see Condition 7). Therefore, it's best to know the ultimate status of phase 4 as soon as possible. Instead of placing the condition for the S2 water line before final plat approval of phase 4, this needs to be done before phase 2, or even before phase 1.

Similarly, the vacation of the road is integrally related to phase 1. Therefore, it should be a condition met before final approval of phase 1 instead of phase 2 (see Condition 1).

See SRC 205.010(d)(9) regarding "disruption in site topography..." If phase 4 is not built, then there is not a need to disrupt the topography in phases 1 and 2.

See SRC 205.015(d)(3) regarding 'Each phase...[is] functionally self-contained...with regard to public improvements.' Nothing in the earlier phases prepares directly for the S2 water line in phase 4. Therefore, it needs to be determined early in the development whether or not this is feasible and will be completed.

Our greatest concern is about the development of the steep hill within this subdivision proposal. Thanks for considering these matters.

Sincerely,
Rick Bingham
3840 Dogwood Dr S

[I am officially an "aggrieved party;" meaning a neighbor in the affected area of this development who filed a comment related to consideration of temporary approval.]