



555 Liberty Street SE / Room 305 • Salem OR 97301-3503 • Phone 503-588-6173 • Fax 503-588-6005 • www.cityofsalem.net

July 30, 2019

To whom this may concern,

Please find attached the new testimony our office received during the first 7-day open record period for Subdivision / Adjustment Case No. SUB-ADJ19-02. The deadline for submittal was 5:00 P.M., Monday, July 29, 2019.

The next 7-day open record period is only for REBUTTAL on the testimony that was submitted within the last 7 days. The deadline for submission is 5:00 P.M., Monday, August 5, 2019. Please submit rebuttal to the City Recorder at the following email address: CityRecorder@cityofsalem.net or deliver to 555 Liberty Street SE, Rm. 200.

Please direct questions or comments to the **CASE MANAGER:**

Oliva Glantz, Planner III
OGlantz@cityofsalem.net
503.540.2343

Regards,

Angela Williamson
Staff Assistant I
City of Salem | Community Development Department
555 Liberty St SE, Suite 305, Salem OR 97301
awilliamson@cityofsalem.net | 503-540-2313
[Facebook](#) | [Twitter](#) | [YouTube](#) | CityofSalem.net



Staff Report

File #: 19-364

Version: 1

Date: 8/12/2019

Item #:

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Norman Wright, Community Development Director

SUBJECT:

Supplemental Report for City Council review of the Planning Administrator's decision approving a Tentative Subdivision Review with a Class 1 Adjustment application for Permit Case No. SUB-ADJ19-02 for property located in the 500 to 600 Block of Salem Heights Avenue S.

Ward(s): Ward 7

Councilor(s): Cook

Neighborhood(s): SWAN

Result Area(s): Welcoming and Livable Community

ISSUE:

Shall the City Council affirm, amend, or reverse the Planning Administrator's decision for Tentative Subdivision Review and Class 1 Adjustment Permit Case No. SUB-ADJ19-02?

RECOMMENDATION:

Staff recommends that the City Council AFFIRM the June 6, 2019 Planning Administrator's Decision.

SUMMARY:

The subject property is approximately eight acres in size and is located on the north side of Salem Heights Ave S approximately 0.30-miles from the intersection of Salem Heights Ave S and Liberty Road S (**Attachment 1**). The Planning Administrator approved a consolidated Tentative Subdivision and Class 1 Adjustment application subject to conditions of approval (**Attachment 2 and 3**). Two appeals were filed (**Attachment 4**) and the City Council moved to call-up the decision for Council review.

City Council received written and oral testimony at the Public Hearing on July 22, 2019. The public hearing was closed and record remained open for new testimony and evidence until July 29, 2019 at 5:00pm.

FACTS AND FINDINGS:

Procedural Findings

1. On December 31, 2018, an application for a Tentative Subdivision Review was submitted to the Planning Division. On March 27, 2019, the application was deemed complete after submission of additional requested materials and a Class 1 Adjustment application. On June 6, 2019, the Planning Administrator issued a decision approving the tentative subdivision and a Class 1 Adjustment.
2. On June 21, 2019, two appeals (Ron Eachus and Nathan Rietmann) were received by the Planning Division. On June 24, 2019, at a regularly scheduled meeting, the City Council voted to initiate the review of the Planning Administrator's decision. A public hearing before the City Council was scheduled for July 22, 2019.
3. On July 2, 2019, notice of the hearing was sent to the South West Association of Neighbors (SWAN), and surrounding property owners pursuant to Salem Revised Code requirements. Notice of the hearing was posted on the subject property on July 8, 2019.
4. On July 22, 2019, City Council held a public hearing, received written and oral testimony and evidence. A motion was passed to close the public hearing and leave the record open.
5. The record was held open for any party to submit additional testimony and evidence for seven days (July 29, 2019); for persons to submit testimony to rebut the new testimony that was submitted in the prior seven days, by August 5, 2019; and for the applicant to provide final written argument by August 12, 2019.
4. The 120-day State mandated deadline for final decision is October 11, 2019.

Supplemental Findings

Testimony was received requesting that the applicant provide a barricade on Doughton Street at its intersection with Salem Heights Ave S, or that City Council condition the application to require the barricade. There are several concerns, listed below, that would require adequate findings or supplemental applications for the barricade to proceed.

1. Conditions of Approval

Conditions of approval are used to protect the public and adjacent property owners from adverse impacts resulting from development. Pursuant to SRC 300.820, conditions are to be used to ensure conformance with the applicable development standards and criteria of the Code.

The conditions of approval placed on a land use action cannot substantially modify a proposal. The appellant's proposal of barricading Doughton Street cannot be a condition of approval imposed by the City Council since it would be a substantial modification to the application.

Additionally, conditions are used to bring an application into conformance with a standard or policy. Requiring a barricade would take a proposal that currently complies with adopted City policy and codes and change it to a development that does not comply.

2. Subdivision Standards

Salem Revised Code (SRC) 803.035(a), requires that all subdivisions provide connectivity to all existing streets abutting the subject property. The proposed subdivision is making connections to all four existing streets, including Salem Heights Ave S. The current proposal meets the connectivity standard of SRC 803.035(a).

If the applicant proposes to eliminate the connection to Salem Heights Ave S, either permanently or temporarily, the subdivision proposal would no longer meet the adopted policies of the City's Comprehensive Plan Transportation Policies, Transportation Plan, or the codified connectivity standards of the Salem Revised Code.

3. Adequate Public Notice

Altering the proposed subdivision to eliminate the connection to Salem Heights Ave S substantially changes the subdivision application. Adequate public notice to those surrounding property owners, especially to the north and the Neighborhood Association has not been provided.

The property owners and residents have not been informed of a modification to the subdivision which will distribute all the traffic to the north of the subject property. As testimony has been provided by the applicant's traffic engineer and the Assistant City Traffic Engineer, the proposed traffic would be dispersed between trips to the north and trips to the south (Salem Heights Ave S). If Doughton Street is barricaded, all trips will be forced north via Felton Street, and Doughton Street.

4. Traffic Impact

Traffic Impact Analysis (TIA) Requirement:

If Doughton Street S does not connect to Salem Heights Ave S, there would be 27 lots that will only be able to access the transportation system via Missouri Ave S. Missouri Ave is classified as a local street. The 27 lots would be expected to generate 255 daily trips to the transportation system. Salem Revised Code 803.015(b) states: "The applicant shall provide a traffic impact analysis if one of the following conditions exist: (1) The development will generate 200 or more daily vehicle trips onto a local street or alley . . ." If Doughton Street is blocked from access to Salem Heights Ave S a Traffic Impact Analysis (TIA) is required by Code.

Since one of the appellant's arguments was regarding a TIA, the City would be required to evaluate the impacts of the Doughton Street barricade with a TIA. The applicant would need to meet the City Design Standards (City Administrative Rule 109-006) Division 6, Section 6-33 (f)(2) for a TIA, which states: "Traffic counts shall be collected on a Tuesday, Wednesday, or

Thursday that is not a city, state or federal holiday, when K-12 school is in session.” This standard is in place to insure that the traffic counts collected include school traffic which is 10-20% higher than summer traffic volumes. The City would not accept a traffic impact analysis that contained traffic counts collected during the summer months. The earliest that counts could be collected would be mid- to late September.

Continued Impact to Salem Heights Ave S:

As stated by the applicant’s traffic engineer during the hearing, it was estimated that about 200 vehicles per day would be traveling along Salem Heights Ave S. The Assistant City Traffic Engineer does not believe the Doughton Street barricade would likely change driver behavior. Most residents in the area are trying to get to the traffic signal at Liberty Road S and Salem Heights Ave S to travel either north or south. This means that these 200+ vehicles will find alternative routes to reconnect to Salem Heights Ave S.

There is only one existing north-south connection along 2,300 feet of Salem Heights Ave S between Liberty Road and Holiday Drive S. The connection at Liberty Road is via Missouri Ave S to Bonham Street S, through a short offset intersection, onto Dave Street S, a turn onto Nohlgren Street S to Salem Heights Ave S. Nohlgren Street S has a 25-foot wide right-of-way and about 18 feet of pavement. The addition of 200 vehicles per day on these streets could significantly increase the traffic volume for those residents.

Drivers could use other routes to connect to Liberty Road, but they do not have a traffic signal to provide for safer turning movements to the arterial streets. The intersection of Missouri Street with Liberty Road is stop controlled. Liberty Road carries close to 20,000 vehicles per day in four travel lanes, so turning movements can be difficult. A driver could travel to Hansen Ave S to access Liberty Road, but it is restricted to a right turn only and getting to Vista Ave SE to access Commercial Street SE can be challenging. As residents learn the streets, they could travel into the Candalaria neighborhood to access Commercial Street SE at Alice Street S, Boice Street S, or Hoyt Street S, potentially impacting those neighborhoods.

The City collected some traffic volume data along Salem Heights Ave S in May 2019. The data indicates the highest PM peak hour during the week about 200 vehicles per hour traveling on Salem Heights and about 60% of the traffic is eastbound, expected for commuters. When a street had 200 vehicles per hour, that would indicate that on average, there would be 3.33 vehicles per minute (about one every 20 seconds). We realize that because of traffic signals, the vehicles will probably arrive in groups, likely resulting in longer times with fewer vehicles between the groups of vehicles. According to the traffic study submitted by the applicant, there could be an additional 33 vehicles in the PM peak hour on Salem Heights Ave S. If Doughton Street is connected as originally proposed, adding the proposed traffic to the traffic counts from May of 2019 would result in as many as 3.88 vehicles per minute (about one every 15 seconds). These are not peak hour traffic volumes that would cause concern for with respect to an operational issue.

Severing Doughton Street at Salem Heights Ave S to vehicles will not change the ability for pedestrians and bicycles from this new subdivision to access Salem Heights Road. Pedestrians and bicycles will still have the ability to access Salem Heights Road to walk or

ride along the street if they choose, as the current resident do today.

Improvements along Salem Heights Ave S:

If Doughton Street is barricaded at Salem Heights Ave S, the subdivision would only have a vehicular impact to Salem Height Ave with the proposed six lots served by a flag lot access way in addition to a pedestrian and bicycle impact from the remaining 27 proposed lots.

The applicant has argued that their required improvements along Salem Heights Ave S would decrease in this scenario. The current proposal includes the applicant dedicating six additional feet of right-of-way above the amount the City can require, in order to preserve the street trees along Salem Heights Ave S. Without the full impact of the development on Salem Heights Ave S, the applicant could withdraw their request to dedicate additional right-of-way and propose street improvements that meet the City's standards which could result in the removal of the trees along Salem Heights Ave S.

5. Fire Department and Emergency Services

The Fire Department has reviewed the possibility of a barricade on Doughton Street and has expressed some concerns. A gate blocking Doughton Street from Salem Heights Ave S could meet Salem Fire Code. The gate would be located in the public right-of-way (setback from the intersection) and would need to have a power supply and adequate maintenance to ensure the gate operates correctly. Typically, gates are located on private property, where the property owner provides for adequate maintenance and a power supply.

The location of the gate could create issues with driveway locations on the proposed single family lots and trespassing depending how the gate will open. The Fire Department standards will make it difficult for the gate to not open on to one of the newly created lots.

The Fire Department has come across several incidents where dead-end roads promote residents using the area to park vehicles. The parked vehicles block fire lane and/or fire department turnarounds, potentially affecting responses to residents.

If the proposal does not connect to Salem Heights Ave S, with a gate or open connection, a Fire Department turnaround is needed at the end of Doughton Street, likely eliminating two lots.

6. City Salem Heights Ave S Cross-Section Project

Background:

Salem Height Road has been designated as a collector street at least since it was adopted in the Croisan Sector Plan by City Council in 1986.

The Salem Transportation System Plan identifies the improvements to Salem Heights Ave S (Project No. 71), and other under improved classified streets, as a "low priority" project. Low priority projects indicate construction is needed within 25 years. Specifically, the TSP states:

"These streets need to be improved to urban standards over the next 25 years or more. Improvements should include two travel lanes, turn lanes where necessary, curbs, sidewalks, drainage, illumination, and bicycle lands, where needed. Improvements to these streets will be funded through adjacent development or through City funds."

Scope:

At the request of neighbors, City Staff have begun a process to work with the neighbors along Salem Heights Ave S and the neighborhood association to develop an alternative street design for Salem Heights Ave S. The goal is to develop a plan for Salem Height Ave S that improves safety and utility for all users, reflects existing character of the neighborhood that results in a project or series of projects that can be adopted into the Salem Transportation System Plan, and is implemented as resources are available. The expectation is that this process will take 9 to 12 months to complete and reach consensus with all parties before adoption.

Impact on Application:

Cities are prohibited from delaying land use applications while new regulations are under consideration and from changing the regulations or standards that apply to an application while it is in process. Any new design of the street, including a potential change in the classification to a local street, will still require expanded pavement in front of the subject property and new sidewalks. The applicant's proposal to construct the sidewalks behind the street trees could serve as a template for how the character can be maintained on Salem Heights while providing for safe pedestrian access.

ALTERNATIVES

The City Council may affirm, amend, or reverse the decision of the Planning Administrator for Tentative Subdivision Review and Class 1 Adjustment Case No. SUB-ADJ19-04.

- I. AFFIRM** the decision;
- II. MODIFY** the decision; or
- III. REVERSE** the decision.

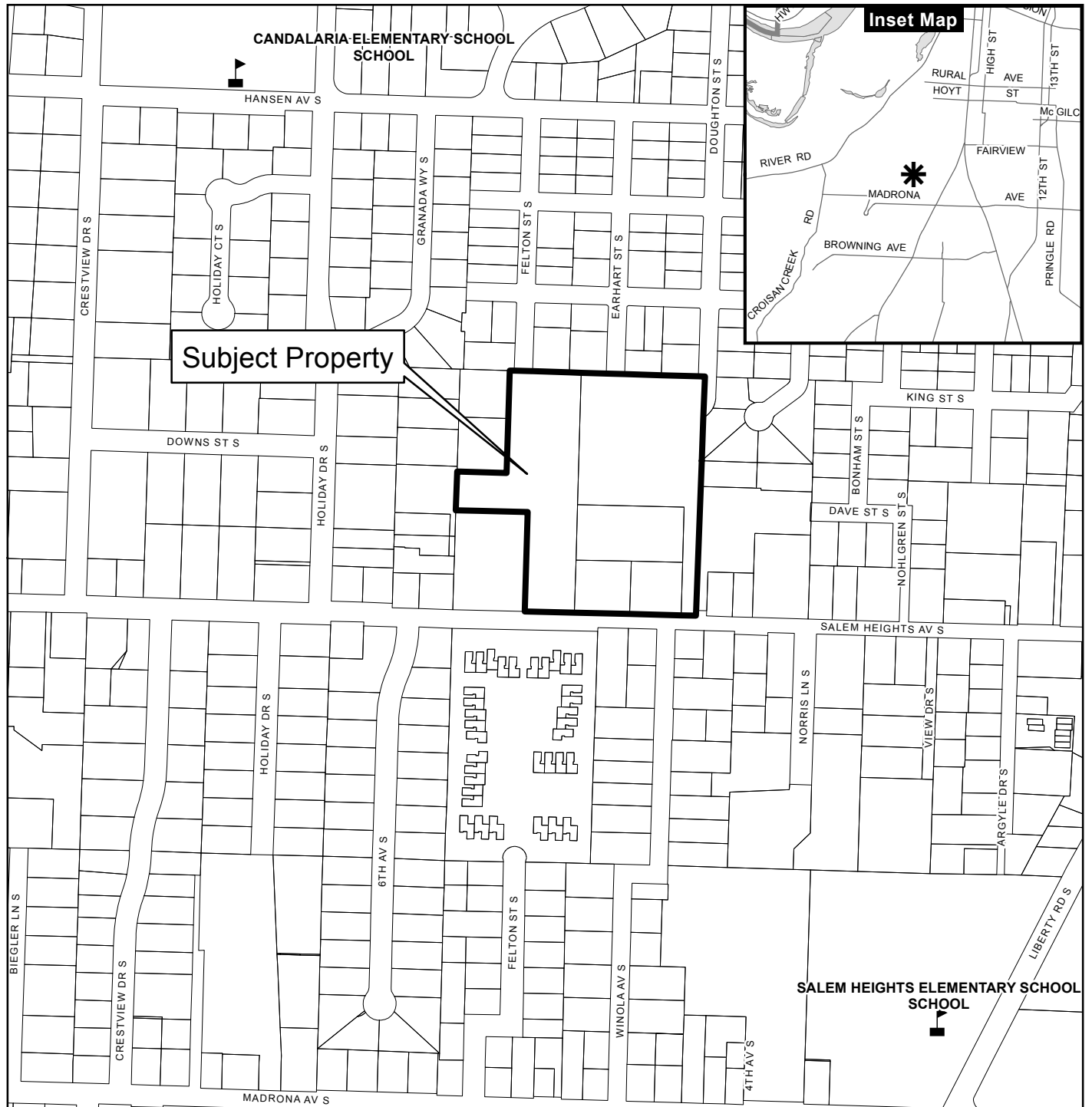
Olivia Glantz
Planner III

Attachments:

- 1. Vicinity Map
- 2. Tentative Subdivision Plan

Vicinity Map

575 Salem Heights Avenue S



Legend

- Taxlots
- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Schools

- Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

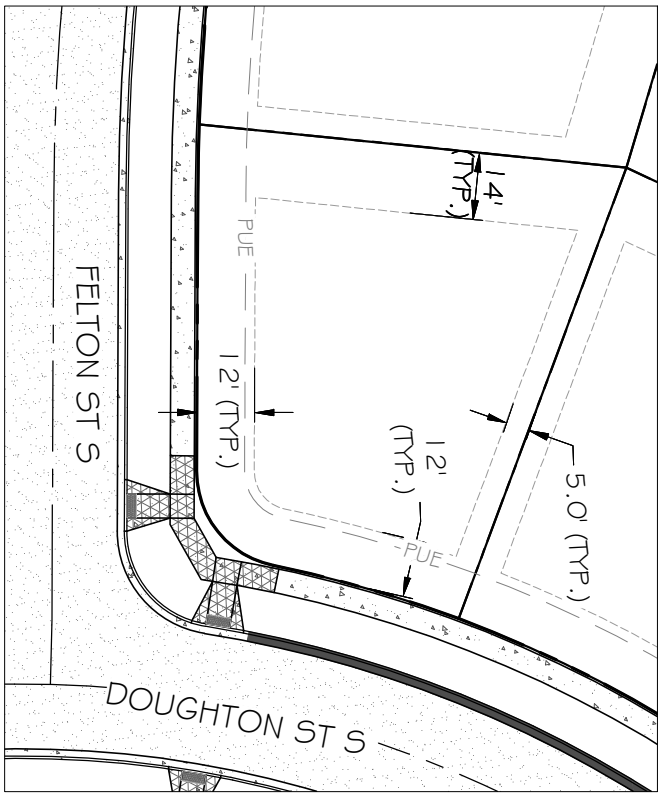
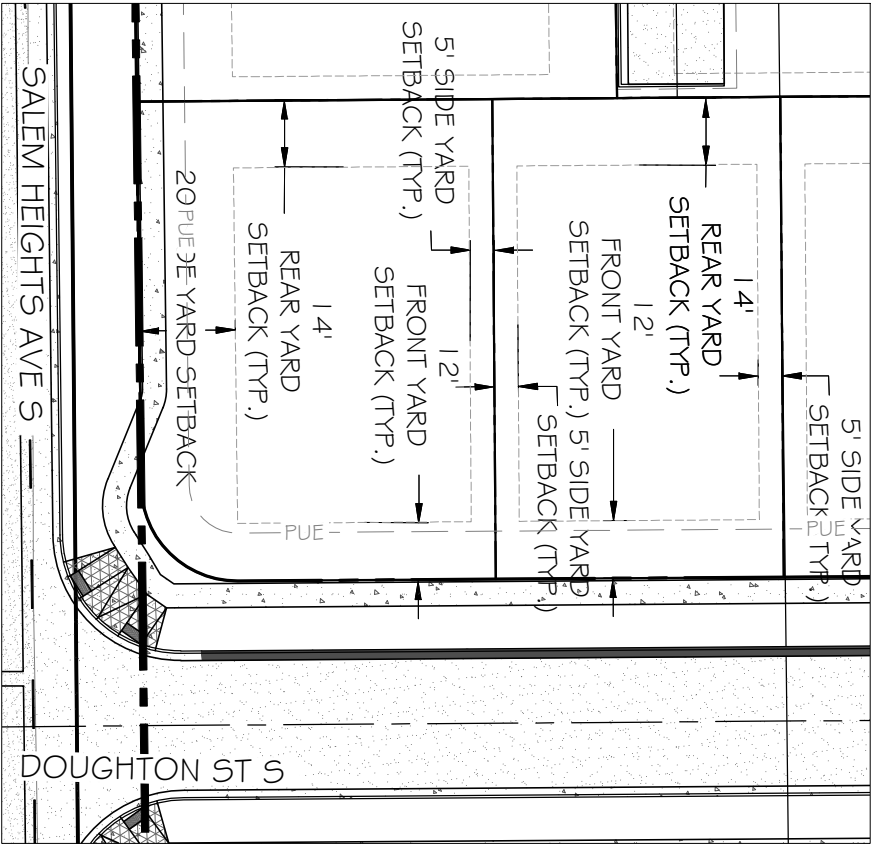
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0 100 200 400 Feet



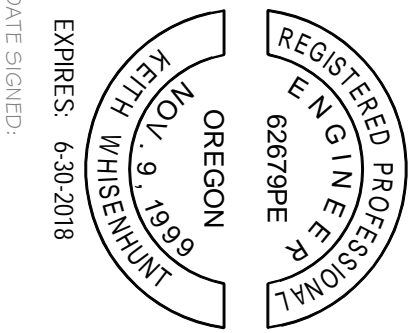
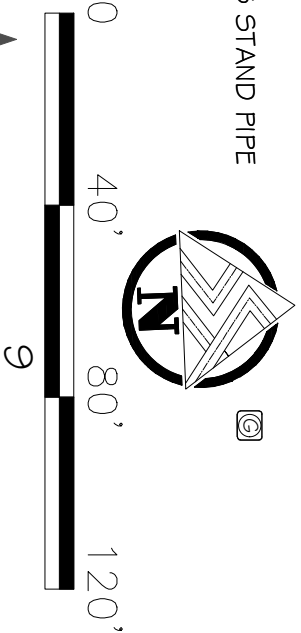


- GENERAL NOTES
- REFERENCE SHEET C-5.01 FOR TYPICAL STREET SECTIONS.
 - LOT 34 TO BE DEDICATED TO THE CITY OF SALEM FOR STORMWATER MANAGEMENT PURPOSES.
 - TOTAL SITE ACREAGE: 7.66 AC
LANDSCAPE: 0.22 AC = 3639 SF
OTHER: 7.46 AC



LEGEND

- PROPOSED FCC
- PROPOSED AC
- EXISTING FCC
- EXISTING AC
- REMOVE EXISTING PAVEMENT
- PROPOSED WATER
- EXISTING WATER
- PROPOSED SANITARY SEWER
- PROPOSED STORM SEWER
- SANITARY SEWER CLEANOUT
- EXISTING SANITARY SEWER
- EXISTING STORM SEWER
- PROPOSED WATER METER
- PROPOSED FIRE HYDRANT
- PROPOSED WATER VALVE
- PROPOSED BLOW-OFF VALVE
- PROPOSED WATER METER
- EXISTING WATER METER
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- HOSE BIB
- PROPOSED CATCH BASIN
- EXISTING CATCH BASIN
- FINISH GRADE
- EXISTING GROUND
- EVERGREEN TREE
- DECIDUOUS TREE
- STORMWATER INFRASTRUCTURE
- REPRESENTS DRIVEWAY ACCESS
- EXISTING COMMUNICATION LINE
- EXISTING POWER LINE
- EXISTING GAS LINE
- EXISTING POWER POLE
- EXISTING GUY ANCHOR
- EXISTING TELECOMMUNICATIONS PEDESTAL
- EXISTING GAS STAND PIPE



WREN HEIGHTS
SUBDIVISION

SALEM, OREGON

THOMAS KAY
COMPANY

SALEM, OREGON

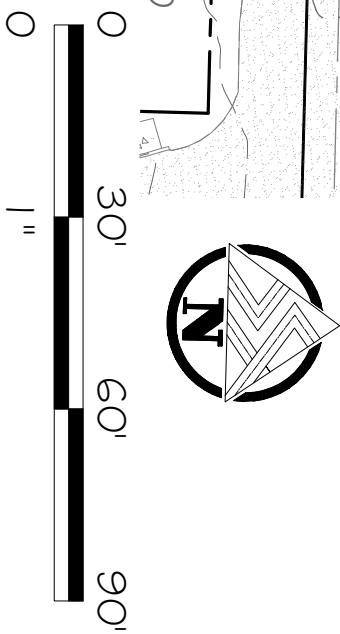
NO.	DESCRIPTION	DATE	BY

PROJECT NO.: 15128
PROJECT NAME: WREN HEIGHTS SUBDIVISION
DATE: 5/29/2019
SCALE: AS SHOWN
DESIGN: JAV
CHECKED: JAV
APPROVED: JAV
SHEET TITLE: TENTATIVE SUBDIVISION PLAN



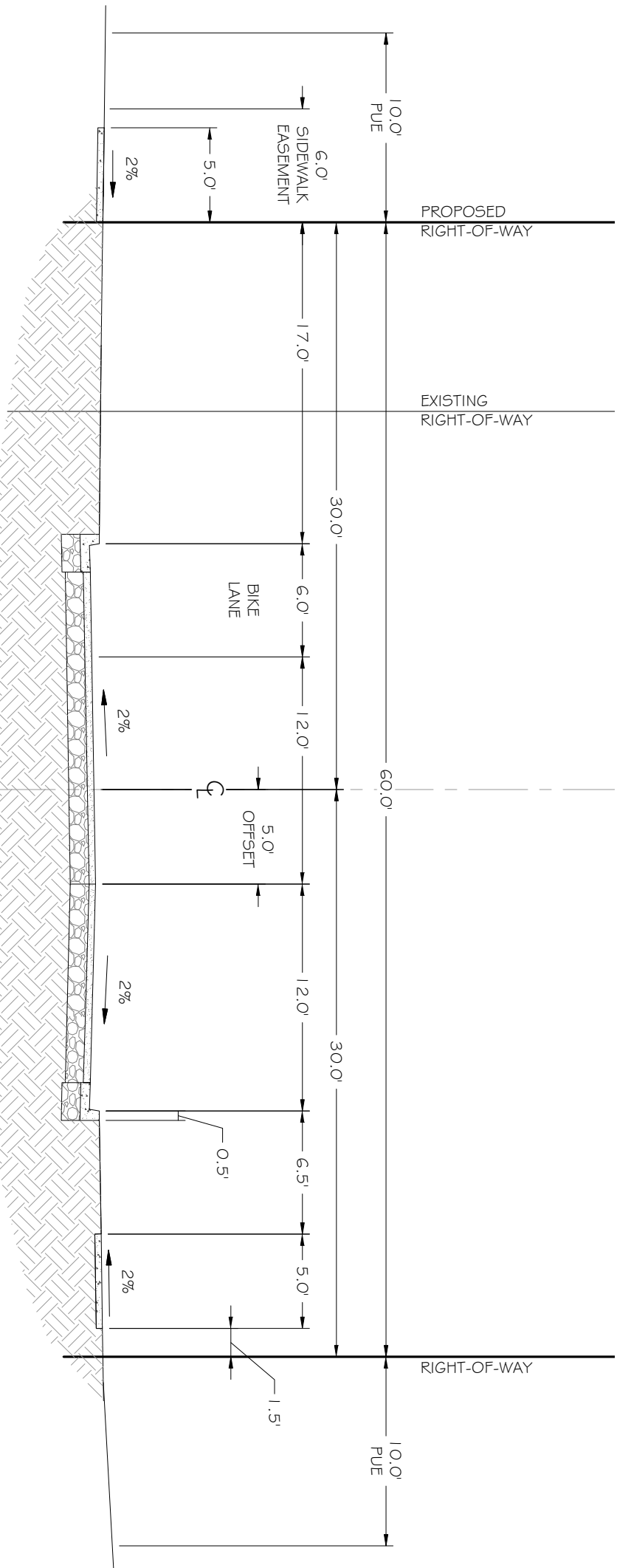
① ALTERNATE FLAG LOT GRADING PLAN

SCALE: 1" = 30'



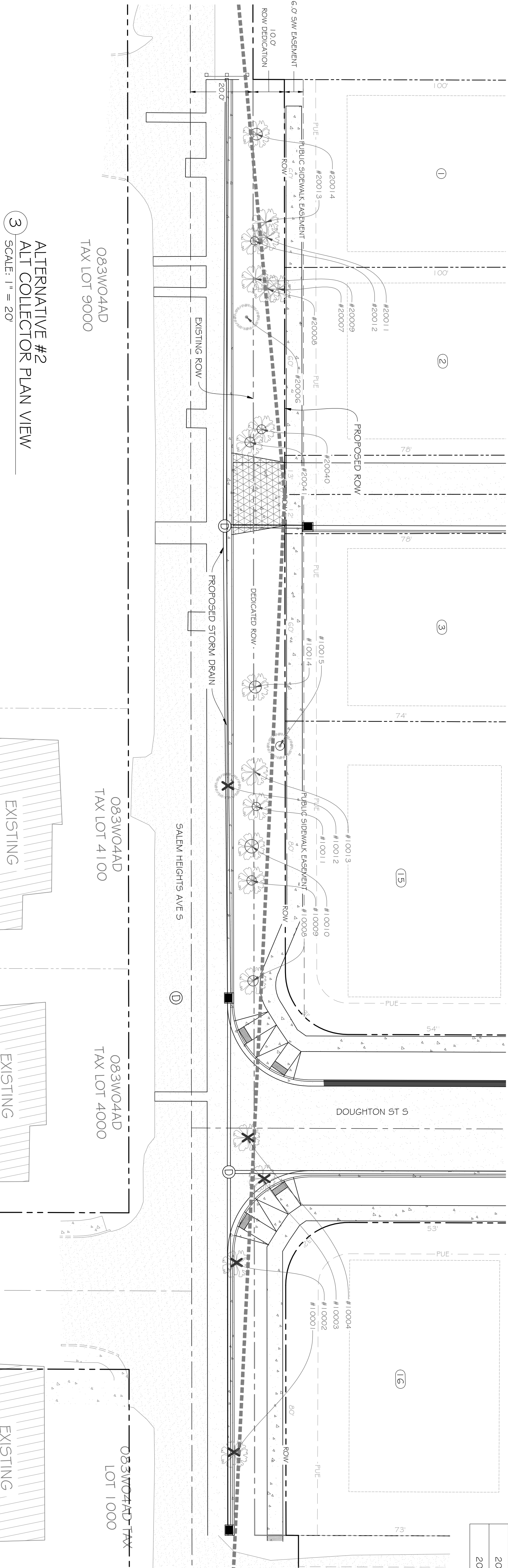
② ALTERNATE COLLECTOR TYPICAL SECTION

SCALE: NOT TO SCALE



CITY TREES WITHIN THE CURRENT RIGHT-OF-WAY	
POINT NO.	DESCRIPTION
10001	DTR 32 WHITE OAK
10002	DTR 32 WHITE OAK
10004	DTR 15 12 8 LOCUS 3 TRUNKS
10006	DTR 28 MAPLE
10009	DTR 24 WHITE OAK
10010	ETR 40 DOUGLAS FIR
10012	ETR 12 DOUGLAS FIR
20006	ETR 22 FIR
20041	DTR 27 WHITEOAK

CITY TREES WITHIN THE RIGHT-OF-WAY DEDICATION	
POINT NO.	DESCRIPTION
10003	DTR 15 LOCUS
10011	DTR 20 WHITE OAK
10013	DTR 22 WHITE OAK
10014	ETR 35 DOUGLAS FIR
10015	ETR 22 DOUGLAS FIR
20007	DTR 14 WHITEOAK
20008	DTR 14 WHITEOAK
20009	DTR 20 WHITEOAK
20011	DTR 10 WHITEOAK
20012	DTR 20 WHITEOAK
20013	DTR 15 WHITEOAK
20014	DTR 33 WHITEOAK
20040	DTR 23 WHITEOAK



ALTERNATIVE #2
ALT COLLECTOR PLAN VIEW

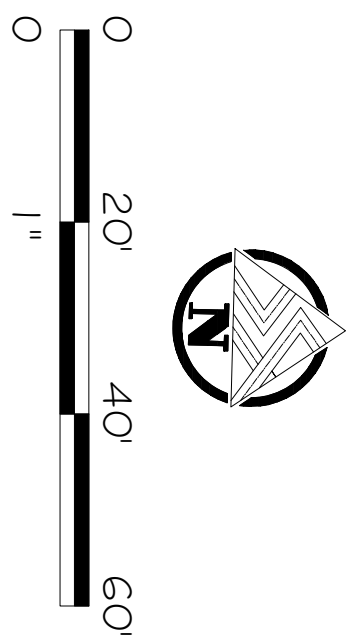
SCALE: 1" = 20'

TREE TYPE, DIAMETER IN INCHES, SPECIES
DTR = DECIDUOUS TREE
ETR = EVERGREEN TREE

TREE LEGEND

- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED
- TREE IDENTIFICATION

DIAMETER OF TREE TRUNK



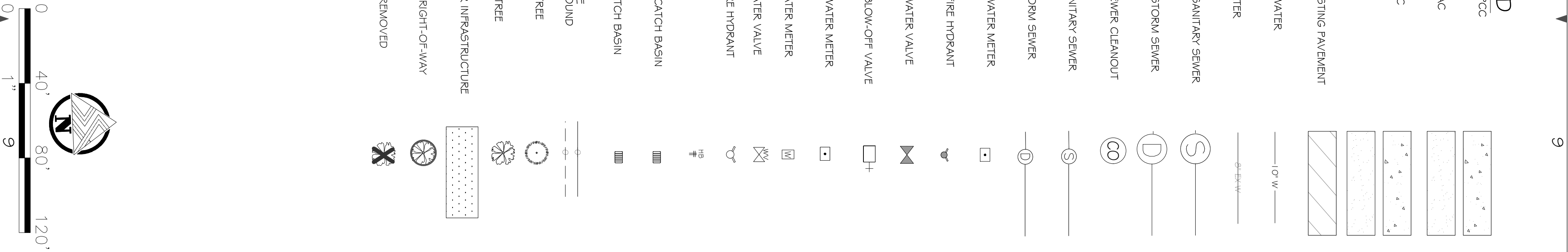
REVISIONS			
NO.	DESCRIPTION	DATE	BY
1	SUBMITTED TO COS	5/7/19	MF



ID	DBH	TYPE	SAVE
10005	30	L	N
10006	30	L	N
10007	24	W	N
10015	22	D	Y
10017	14	D	N
10018	24	D	N
10019	24	D	N
10020	30	D	N
10022	36	M	N
10023	26	D	Y
20001	17	W	N
20002	30	F	N
20003	22	F	N
20004	23	F	N
20005	23	WD	N
20010	16	W	N
20035	10	W	N
20036	11	W	N
20037	15	W	N
20038	10	W	N
20043	17	W	N
20044	27	W	N
20045	21	W	N
20046	10	F	N
20047	28	W	N
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20057	33	F	N
20058	22	F	Y
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20287	12	F	Y
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20291	17	F	Y
20292	18	W	Y
20293	12	F	Y
20297	27	W	Y
20298	15	WN	N
20299	10	CH	N
20300	11	CH	N
20302	11	CH	Y
20306	14	CH	Y
20307	12	CH	N
20308	16	WN	N
20311	10	CH	N
20314	14	CH	N

ID	DBH	TYPE	SAVE
20315	11	D	Y
20316	10	CH	N
20317	10	W	N
20318	16	CH	N
20319	10	H	N
20320	17	WN	N
20322	16	E	Y
20323	11	PL	Y
20325	10	CH	N
20326	30	W	N
20327	10	PL	N
20328	19	WN	N
20329	12	HN	N
20330	40	W	Y
20331	25	W	Y
20332	21	W	Y
20333	17	M	N
20334	10	W	N
20335	10	CH	Y
20336	10	W	N
20337	13	M	N
20338	12	D	Y
20339	11	M	N
20340	15	W	Y
20341	26	W	Y
20342	15	CH	Y
20343	11	D	N
20345	10	W	Y
20346	18	W	Y
20347	18	CH	Y
20348	13	CH	N
20349	16	CH	N
30001	14	CH	N
30003	14	HN	N
30006	14	HN	N
30013	10	CH	Y
30014	10	CH	Y
30015	30	CH	Y
30016	11	HN	Y
30021	10	HN	N
30022	14	M	Y
30023	10	HN	N
30026	12	HN	N
30032	14	M	N
30036	12	W	Y
30037	12	HN	N
30044	10	W	N
30045	12	W	Y
30046	12	W	N
30047	11	W	N
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30049	10	M	Y
30050	10	CH	N
30051	14	W	N
30052	14	W	N
30054	14	W	N
30055	12	W	N
30056	12	W	N
30057	18	W	N
30058	12	W	Y
30059	14	W	N
30060	12	CH	Y
30061	12	M	Y

- LEGEND**
- PROPOSED PCC
 - PROPOSED AC
 - EXISTING PCC
 - EXISTING AC
 - REMOVE EXISTING PAVEMENT
 - PROPOSED WATER
 - EXISTING WATER
 - PROPOSED SANITARY SEWER
 - PROPOSED STORM SEWER
 - SANITARY SEWER CLEANOUT
 - EXISTING SANITARY SEWER
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 - PROPOSED WATER METER
 - PROPOSED FIRE HYDRANT
 - PROPOSED WATER VALVE
 - PROPOSED BLOW-OFF VALVE
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 - FINISH GRADE
 - EXISTING GROUND
 - EVERGREEN TREE
 - DECIDUOUS TREE
 - STORMWATER INFRASTRUCTURE
 - TREE WITHIN RIGHT-OF-WAY
 - TREE TO BE REMOVED



THOMAS KAY COMPANY

SALEM, OREGON

PROJECT NO.: 15128
PROJECT DATE: NOV 9, 2018
PROJECT SCALE: AS SHOWN
DRAWN: JIM
CHECKED: JIM
APPROVED: JIM

WREN HEIGHTS SUBDIVISION

SALEM, OREGON

PROJECT DELIVERY GROUP

REGISTERED PROFESSIONAL ENGINEER
NOV 9, 2018
EXPIRES: 6/30/2018
KEITH WHISEN

TREE CONSERVATION PLAN

C-1.15

July 29, 2019

VIA ELECTRONIC MAIL: cityrecorder@cityofsalem.net; OGlantz@cityofsalem.net
Original to follow via first class mail



Honorable Mayor Chuck Bennett
City Council Members
City of Salem
c/o Community Development Department
Attn: Olivia Glantz
555 Liberty St. SE, Room 305
Salem, OR 97301

RE: SUB-ADJ19-02 (Wren Heights Subdivision)
Our File No: 30650

Dear Honorable Mayor and City Council Members:

I represent the Thomas Kay Co., an Oregon corporation ("**Applicant**"), which is the applicant under that certain consolidated land use application for Subdivision and Class 1 Adjustment identified as City of Salem Case No. SUB-ADJ19-02 (the "**Application**"). At the City Council hearing on July 22, 2019, appellants of the Application requested that the City Council modify the Planning Administrator's approval of the Application (herein the "**Decision**"). This request was consistent with an earlier proposal of Applicant's during the pre-application process, but it was not incorporated into the Application. During the hearing, Applicant did not expressly object to the appellants' requested condition of approval but stated that it would request a further modification to the conditions of approval in the event that the City Council were to modify the Decision by closing the proposed access onto Salem Heights Avenue. Specifically, in response to the appellants' proposal, Applicant requested that it would be relieved of any obligation to construct road improvements and sidewalks along Salem Heights Avenue in light of the elimination of all traffic impact. On July 24, 2019, Applicant received correspondence from the City of Salem's planning staff that enumerated several reasons why the Decision cannot be modified by the City Council without requiring both a traffic impact analysis and supplemental notice to neighbors in the surrounding areas. Planning staff's correspondence stated that it was staff's position that it would not support such an additional modification to the Decision.

Applicant greatly appreciates the time and consideration put forth by the Mayor, City Council members, planning staff, legal counsel, public works' staff, and staff for the City of Salem's Fire Department in their full and complete analysis of the appellants' requested modification. Applicant objects to the requested modification because such proposed changes, eliminating connectivity onto Salem Heights Avenue and the resultant need for additional notice, are counterproductive to Applicant's goals in this matter. The opportunity for exploring such substantial modifications as a condition of the Decision has passed, and

Park Place, Suite 200
250 Church Street SE
Salem, Oregon 97301

Post Office Box 470
Salem, Oregon 97308

tel 503.399.1070
fax 503.371.2927

www.sglaw.com

the respective parties must now move forward based upon the tentative plans submitted by Applicant and the Decision.

Applicant notes that if the City desires to study the needs for traffic calming measures to address the pre-existing conditions, the City's staff, elected officials, and area residents have opportunities to do so independently of this quasi-judicial review of the Decision.

Therefore, Applicant respectfully requests that the Mayor and the City Council affirm the Decision without modification and without any new conditions of approval.

Sincerely,



MARK D. SHIPMAN
mshipman@sglaw.com
Voice Message #310

MDS:AMS:jsm/rmg

Olivia Glantz

From: Rhiya M. Grimmiett <rgrimmiett@sglaw.com>
Sent: Monday, July 29, 2019 10:18 AM
To: CityRecorder; Olivia Glantz
Cc: Mark D. Shipman; Alan M. Sorem; Jennifer S. Marshall; Hannah F. Stevenson
Subject: Case No. SUB-ADJ19-02 (Wren Heights Subdivision)
Attachments: Letter to City Council, 4828-2493-3789, 4.pdf

Dear Olivia,

Please accept the attached letter into the record from Mark Shipman for the above referenced case and forward it to Mayor Bennett and the City Council. The original will follow by mail this afternoon.

We would appreciate it if you could confirm receipt at your earliest availability.

Sincerely,

Rhiya M. Grimmiett

Legal Assistant – Real Estate & Land Use Practice Group



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tel: 503.399.1070 | fax: 503.371.2927
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RON EACHUS

*940 Salem Heights Ave S
Salem, Or 97302*

July 29, 2019

*City Recorder
Room 205
555 Liberty Street SE
Salem, OR 97302*

TO: Members of the Salem City Council

RE: Extended Open Record Testimony

City Council Review of Planning Administrator's Decision on Subdivision/Class 1 Adjustment
Case No SUB-ADJ19-02

I am an appellant in this proceeding and I provided written and oral testimony for the July 22 public hearing. I appreciate the Council keeping the record open for further testimony. I am submitting this additional testimony in response to testimony and comments made by the staff and applicants' representative during the public hearing.

In my previous testimony I reflected sentiments of many other residents of the neighborhood that the order in this case should be revised to take into account the current unsafe conditions on Salem Heights by either conducting a full Traffic Impact Analysis or by installing a temporary, removable barrier at the junction of the proposed Doughton/Salem Heights connection.

The barrier alternative was proposed by the applicant as Alternative #3 in a July 29 letter to the case manager and has also been suggested by the Southwest Area Neighborhood Association, my appeal and many of the area residents who participated in the public hearing.

Residents of the Salem Heights area find themselves stuck in a bureaucratic morass. Salem Heights cuts through a neighborhood between two elementary schools and its tree lined nature combined with its location means it attracts a high level of pedestrian traffic. But it is still much like the county road it was when annexed. It has narrow lanes, hills with steep grades and restricted sight lines, no curbs, no sidewalks and no bike lanes. And it has a speeding problem. All of which often makes walking and driving on the street more difficult and sometimes harrowing.

Yet it is caught in a street classification system as a "collector" street which comes with assigned expectations and standards that are not likely to be met for some time.

The Transportation System Plan describes the street as an unimproved collector not built to urban standards and assigns it a low priority under which improvements are expected within a 25-year span as opposed to 10 or 15 years for higher priority streets.

So the residents of the street are faced with this dilemma – they will bear the brunt of the added traffic from this development, which city planners and the applicant justify as consistent with a collector street, while they may wait decades for the street to be brought up to collector street design levels.

At the core of the decisions you have to make in this case are two key questions:

1. How safe, or unsafe, do you believe Salem Heights is in its current condition?
2. How much flexibility does the Council have to impose additional conditions, such as a barrier at Doughton/Salem Heights, to any approval of the subdivision?

To address these questions, I'd like to take the Council members through a thought process that would allow you to either require a Traffic Impact Analysis to better understand the traffic impact, or to adopt the Alternative # 3 barrier proposed by the applicant.

How Unsafe Does a Street Have To Be To Require A TIA?

Whether or not a Traffic Impact Analysis should be required rests on how you interpret the criteria in Sec. 803.015 – Traffic Impact Analysis. That section states the purpose of a TIA is to ensure that the development generating a significant amount of traffic provides the facilities necessary to accommodate the traffic impacts of the development.

The TIA is a decision-making tool. It informs the City, and the affected residents, of the impact of the traffic, and guides decisions about what the developer must do as a consequence of that impact. Requiring a TIA does not prejudice an outcome. It is a critical guide to establishing conditions or approval and under this section it is required if certain conditions are met.

One criterion, 803.015(b)(1), requires a TIA if the development will generate 200 or more daily trips onto a local street or 1,000 daily trips onto a collector. Since the estimate by the City staff was that the Wren Heights would generate as much as 345 trips, this criterion does not apply. The question then becomes does another of the criteria, 803.015(b)(2), apply. That criterion states:

“(2) 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.”

That decision of whether or not it applies depends upon how safe, or unsafe, you think Salem Heights is and whether or not you accept the staff and the applicant’s claims that it is not unsafe enough to require a TIA. This requires going through the comments and information provided during the course of the case.

To start with, it is unsettling that staff did not consider this criterion which, as pointed out in the appeal, depends upon the current condition of a street and not its classification. Appeals were filed on this issue because the order, the staff and the applicant completely ignored this criterion, relying solely on the collector street daily trip threshold. As pointed out in previous testimony, by that criterion a development could add as much as 950 trips a day to Salem Heights, a 50 percent increase, and not require a TIA.

There is not a word in the order, nor in staff memos, about 803.015(b)(2). In reply to the appeals staff merely referred back to earlier memos that cited the collector street criterion. It wasn’t until the Council took up the appeals that this criterion was addressed by the staff or the applicant.

Now they claim that there really isn’t a safety issue on Salem Heights.

The applicant’s traffic consultant testified that he conducted some analysis, which he characterized as “almost a traffic study” because, he said, he hesitated to call it a study and a study wasn’t required. He made assumptions about distribution of traffic from Wren Heights

and use of the local streets. His conclusion was that only 75 percent of the traffic, an estimated 204 trips, would access Salem Heights.

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Here it's important to note that crash rates aren't the only factor. The criterion in 803.015(b)(2) includes traffic volumes or speeds as well. And data from the City's volume and speed information gathering in August 2018 demonstrated a speeding problem with average speeds of 32 and 35 at locations within a 25mph zone. At a SWAN meeting on development of the Wren Heights property City staff told attendees that the data indicated "an obvious speeding problem."

Documented traffic problems also include "identified locations where pedestrian and/or bicyclist safety is a concern." The Council has been shown and can see with its own eyes the condition of the street with the narrow lanes, restricted sight lines and absence of curbs or sidewalks or bike lanes. Residents of the area have provided substantial testimony about how they consider it an area where safety is a concern and they've cited their own experiences as evidence.

These concerns are being dismissed, sometimes cavalierly, by staff. When asked about concerns over speeding, which the City has already acknowledged is a problem, the assistant traffic engineer simply replied, "speeding happens."

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"803.015 (b) Applicability. An applicant shall provide a traffic impact analysis if one of the following conditions exists:"

And the purpose of a TIA, as stated in the previous citation of 830.015, is to help determine what responsibility the developer has for "[providing] the facilities necessary to accommodate the traffic impacts of the development."

The applicants traffic consultant admits his analysis does not qualify as a TIA. So, the Council is left to determine if one is required. You are left with deciding if the evidence presented related to all factors, not just crash rates, included in 803.015 (b)(2) is sufficient to conclude a TIA is required as a critical information element to inform the consideration of the application and any conditions to be imposed on the developer.

Are the 204 added trips a day estimated by the consultant, or the 345 estimated by the City significant for the level of traffic on Salem Heights? The traffic volumes on Salem Height were

between 1700-1900 in the latest May 2019 count. This is not much higher than higher than the TSP ultimate design guidelines of 1600 for a local street. Sec. 803.015 (b) (1) requires a TIA if the additional trips for a local street exceeds 200. In its current condition Salem Heights is more comparable to a local street than a collector street. Conditions on Salem Heights are worse than many of the local streets that connect to it. The fact that adding several hundred trips a day to a local street requires a TIA indicates that adding a similar amount to Salem Heights have a significant impact as well, including making it more unsafe.

The consultant and staff are essentially asking the Council to conclude that with the added traffic Salem Heights isn't "unsafe enough" to warrant a TIA.

I would maintain that there is sufficient evidence to indicate that current conditions of Salem Heights warrant a TIA under this criterion to evaluate the traffic impact. The residents deserve to have a more complete analysis than that provided by the consultant and the staff so far. The entire process would benefit. That's the intent of the criterion for a TIA, to inform the process and establish developer responsibilities, and I continue to believe there's sufficient evidence that it is required under the code.

Does City Council Have Flexibility To Require A Temporary, Removable Barrier

This brings us to the question of the alternative of a temporary, removable barrier at the point of connection between Doughton and Salem Heights. This was suggested by the applicant in an April 29 letter to the case manager which contained as Alternative #3 the placing of “a barricade at the entrance to Salem Heights Avenue until such time as the city brings the street up to collector standards.”

The resulting reduced traffic additions to Salem Heights would remove the need for a TIA and the barrier would temporarily eliminate many of the safety concerns from the traffic that would otherwise be added. It would provide time for the planning process regarding preferred alternatives for Salem Heights improvements to finalize recommendations. And the Council would not be put in a position of imposing the anticipated additional traffic on Salem Heights and making it more unsafe while residents wait for the improvements the TSP has given a low priority.

The issue of the alternative raises the question of whether or not the Council has enough flexibility to adopt the concept of the barrier. I believe it does, but before proceeding with that discussion it is critical to clear up a procedural issue that arose during the public hearing.

A New Class 2 Adjustment Filing Isn't Needed

During a discussion of the barrier alternative, the case manager told the Council that adopting the alternative would require a new Class 2 filing and a restart of the process over that filing. The applicant's attorney echoed the concern over a new filing. He emphasized they weren't opposing the alternative, but that if they had to file again, they'd want assurance of approval.

Subsequently the case manager, after consulting legal counsel, confirmed that a new filing for an adjustment may not be needed and that the existing proposal would only need a modification. Assuming that is the case, that removes a significant barrier to adopting the barricade.

The question of flexibility is relevant to both this case and to the Salem Heights improvement process, which will recommend a preferred method of applying collector street standards to Salem Heights in the future.

To address flexibility, I'll explain in two parts.

Part 1: Urban Standards are Flexible

The TSP provides flexibility in bringing collector streets up to urban standards. Policy 2.8 Physical Improvements to Existing City Streets and Policy 4.6 Right-of-way Requirements contain basically the same language:

Policy 2.8 which requires improvements on existing streets to be designed to the street design standards for the street's classification also says:

"Adjustments to the design standards may be necessary to avoid existing topographical constraints, historic properties, schools, cemeteries, existing on-street parking, and significant cultural features. Whenever possible, the design of the street shall be sensitive to the livability of the surrounding neighborhood."

Policy 4.6 which establishes minimum-right-of way requirements for "typical" collector streets also says:

"City-funded street improvement projects on existing streets may necessitate variation from the typical right-of-way requirements in order to minimize impacts to abutting businesses, historic properties, schools, and other significant community features. Whenever possible, the design of the street shall be sensitive to the livability of the surrounding neighborhood. (This Policy is consistent with Policy 2.8.)"

These make it clear that the standards are for streets that are "typical" collector streets. Salem Heights is not typical.

The standards are not set in stone either. Policy 2.4 City of Salem Street Design Standards says the standards shall be the basis for all street design. But it also adds that the standards "shall consider the impact on the character and livability of surrounding neighborhoods and businesses." And that design standards shall consider managing vehicle speeds for the given classification "with particular attention given to this consideration in residential areas."

In the TSP section on Street Design Standards (Typical Street Standards) typical standards are reflected in cross section designs based on the nature of a given collector. According to the TSP these designs are "typical, or ideal," and give City staff the basis for requiring rights-of-way and determining how an existing street should be brought up to urban standards. However, it also recognizes that "For a variety of reasons, not every street with a given classification can be ultimately built to the ideal standard."

So why is this relevant to this case?

For one, it establishes in the TSP a policy recognition that there is flexibility in street design based on the features of an existing street that may not be a typical collector street. For another it becomes relevant to the potential of a barricade at Doughton and Salem Heights and any conditions that may be attached to it.

Part 2: Can The City Council Adopt A Barricade Under the SRC?

This still leaves the question of whether the Council has the flexibility to adopt installation at a barrier given the policies of connectivity. To answer this, we need to consider few basic questions.

First, does it violate the connectivity policies and code requirements?

The policy of “Connectivity” is a bedrock of the City’s transportation planning.

So, the first threshold is whether the barrier would be a direct violation of the SRC connectivity provisions.

While it is true that connectivity won’t be effectively complete until the barrier is removed, the barrier alternative does require building the subdivision to connectivity standards. The barrier is temporary, but the subdivision will be building the Doughton connection to the City required specifications for connectivity.

Sec. 803.035 – *Street Standards* says “all public and private streets shall be improved as follows:” Subsection (a) *Connectivity* says “Local streets shall be oriented or connected to existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one-half-mile of the development.

The policy intent and direction for connectivity is clear. But it does not say oriented “and” connected to existing streets, it says “or.” I do not quarrel with the policy requirement for connectivity. But I would maintain that the policy would not prohibit a temporary barrier as long as the Doughton Street in the subdivision is built to connect to Salem Heights.

I maintain that the policy and the code allow for some leeway if the circumstances warrant it.

Sec. 803.065 – *Alternate Street Standards* allows authorization of the use of one or more alternative street standards. Subsection (a)(3) allows alternate standards “Where topography or other conditions make the construction that conforms to the standards impossible or undesirable.”

That then raises the next question of whether or not the conditions on Salem Heights are “undesirable” enough to warrant a barrier. That is a subjective judgement the Council can make, and I would maintain that they are, indeed, undesirable because of the unique circumstances surrounding Salem Heights as an unimproved collector street and the attendant safety concerns.

A remaining question is whether the diversion of traffic from Salem Heights due to the barricade would put undue traffic pressure on the local and collector streets to the North. That question was asked of staff at the hearing and the assistant traffic engineer replied that those were wider than Salem Heights and they could “easily handle” the additional traffic.

Impacts of Barrier on the Developer

The next question then is “What impact would this have on the developer?,” particularly with regards to the right-of-way improvements. In this case the applicant is being required to make certain improvements based on the typical collector standards. At the same time, it has also been established that those typical standards may not apply to the Salem Heights improvement plan.

If the Council determines that a Doughton/Salem Heights barrier should be temporarily installed, it should also establish some associated conditions on the developer’s right-of-way requirements and removal of the barrier.

The developer proposed the barrier as an alternative to the current city street design standards. If the barricade is adopted, then it would be proper to also defer the right-of-way improvements required of the applicant.

One of the arguments for the barrier and deferral is that it will give time for the current planning process for Salem Heights improvements to determine the preferred alternative. The City has estimated that this process should take from nine months to a year. Once the preferred alternative is known, the applicant, working with the City, can then design the right-of-way improvements consistent with the preferred alternative.

As it is now, the applicant is required to make improvements that are based on collector street “typical” and “ideal” template standards that may not be what the neighborhood prefers. In this case the subdivision may be out of synch with the rest of the street.

There is another worry as well. As expressed at an orientation meeting on the improvement planning process the City held with members of the Salem Heights neighborhood, residents were concerned that the right-of-way improvements for the development would end up dictating what would be done for the rest of the street.

Deferring would enable the meshing together in a consistent manner of the right-of-way improvements required of the developer and the design of the future improvements to Salem Heights.

The applicant has suggested that if a barrier is installed it means there’s no traffic impact on Salem Heights and therefore the applicant should have no responsibility for right-of-way improvements. Thus, right-of-way improvements for the subdivision should then be paid for by the City whenever Salem Heights is improved.

I do not believe the applicant should be relieved of responsibility for right-of-way improvements in the subdivision. While the barrier will significantly address the additional traffic on Salem Heights, the subdivision will still add traffic to the neighborhood and some of that traffic will spill onto Salem Heights as people choose routes through the neighborhood. The development is still having an effect on the traffic and safety of Salem Heights. It is significantly reduced by a barricade, but it is not eliminated.

The proper approach is to maintain the current agreement on moving the right-of-way to the North to save trees and defer the right-of-way requirements until the preferred alternatives are identified, at which time the required right-of-way improvements would be designed and installed consistent with the preferred alternatives.

Any City improvements on Salem Heights will require new funding and the street is assigned a low priority in the TSP so the amount of time it will take to make improvements is uncertain. Because of this, it may also be necessary to take into account unforeseen circumstances that might arise between the time the barrier is in place and the planned improvements on Salem Heights actually begin.

Of course, the City Council has the authority to remove the barrier at any time. But it might also be appropriate to allow the subdivision owner(s), residents of the subdivision, and residents of the neighborhood to petition the City for removal of the barrier after a specified amount of time.

Is Emergency Vehicle Access a Serious Problem?

Given the importance of the connectivity policy to transportation planning, it is natural for the City planning staff to push back on acceptance of a barrier. But the barrier doesn't stop construction of the connection, it only temporarily inhibits it at that location for other justifiable reasons. It is also assumed any barricade would be designed for rapid removal in case of an emergency.

There are however other legitimate concerns over fire and other emergency vehicle access to the subdivision and the Doughton Street units. Fire and police understandably don't like barriers of any kind that might stand in their way when they need to get somewhere.

As pointed out in the hearing, removable barricades exist in other places so there is precedent. The Council must assess the degree to which a removable barrier closing off the Doughton connection to Salem Heights would be a significant detriment to fire and police access.

To that end the Council should consider that, with the barricade, fire and police will still have access to the subdivision and the Doughton/Salem Heights corner via other routes with comparable response times. The area is served by Fire Station #4 which is at 200 Alice Ave, North of the subdivision. From there response vehicles could access the area using two routes. One is via the Hanson collector, the other via Missouri Ave. As is the case with most routes, both have complications. Hansen requires more turns and uses more local streets. Missouri is more direct – Liberty to Missouri to Doughton – but it may encounter more traffic on Liberty.

Without a barrier the fire trucks and other response vehicles could go down Liberty and up to Salem Heights, but here, too, they could encounter traffic that would slow response times and then have to go up the narrow lanes on the hills. The response time on this route may be comparable to the response time on the other routes.

I'm not claiming to have any expertise on fire and police response. I'm only asking that the Council recognize there are other routes to the Doughton/Salem Heights area of the subdivision than using Salem Heights. These routes should be assessed to determine if the proposed barrier would in fact jeopardize response times or whether other access routes assure Doughton residents in Wren Heights of adequate response.

CONCLUSION

This case is not one of whether or not the property encompassed by Wren Heights should be developed. It is reasonable to expect that at some time it was going to be developed given its size and the need for housing. To many it is a case of the nature of the development – its size and the number of trees sacrificed for the housing. I have those concerns as well, but for me, and many of the residents you've heard from, the overriding concern is the impact the development will have on a street we love but which we feel is unsafe already.

It's not that we oppose development, we just don't want it to lead to more safety issues and more destruction of vegetation while we wait for improvements we fear are going to be dictated by standards we don't think are appropriate.

In the orientation session held in preparation for the Salem Heights Refinement Plan process the 30 some that attended broke into two groups to offer thoughts on what they wanted out of the planning process. Common among both groups was a fear that the neighborhood would change from one in which the street is an integral part of the neighborhood, to one in which the street imposes itself on the neighborhood.

The street is unsafe as it is now. We know it needs to be improved, but we haven't yet had our say on what we'd like those improvements to look like. And at the same time the City tells us improvements may be a long-time coming. So, we are faced with a development that will add significant amount of traffic to a street that, because of its current condition and use is already unsafe, while we wait for an uncertain point in time when the street will be improved.

That's our dilemma and why residents are so concerned about the impact of this subdivision.

Fortunately, the record in this case provides the Council with ways to remedy the potential impacts. Based on that record and on the flexibility I believe exists in the policies and codes implementing them, I believe there are actions the Council can take to avoid further appeals and to mitigate the impact of the subdivision on Salem Heights and the neighborhood.

The Council should reach the following conclusions:

1. There is sufficient evidence about the unsafe conditions on Salem Heights to require the applicant to conduct a Traffic Impact Analysis under SRC 803.015 (b) (2) based on the existing condition of the street regardless of its classification. Such a TIA is required under this section and it would more fully inform the case and the neighborhood residents of the potential impact of the additional traffic on Salem Heights.
2. Or, the Council should recognize the potential impact of traffic on Salem Heights and adopt the applicant's proposal to place a barricade at the entrance to Doughton Street from Salem Heights.

The policies and the SRC provide the flexibility for the Council to do so and to impose conditions on installation of the barricade. The installation of the barricade would provide time for the development of a preferred alternative for Salem Heights improvement which in turn would inform the City and the applicant on right-of-way requirements which would be consistent with the preferred alternative.

The barricade does not require a new Class 2 filing and may be considered as a modification to the current proposal in this case.

3. Conditions associated with the barricade ought to include:
 - a. Maintaining the current proposed right-of-way offset to protect the trees along the Salem Heights right-of-way
 - b. Deferral of right-of-way requirements and improvements by the developer until the preferred alternatives are developed under the current Salem Heights Refinement Plan process.
 - c. Recognition that the City Council may remove the barricade at its discretion
 - d. A provision that after a specified amount of time the owner of Wren Heights, residents of Wren Heights, or Salem Heights area residents may petition the City to remove the barricade due to a change in circumstances or assumptions that existed at the time the barricade was installed.

If the Council declines to do a TIA or install a barrier it would be telling the residents of the Salem Heights neighborhood that while Salem Heights may be unsafe, it's just not unsafe enough to mitigate the impact of several hundred additional vehicle trips a day on the street.

Thank you for your consideration,

Ron Eachus

RON EACHUS

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between 1700-1900 in the latest May 2019 count. This is not much higher than higher than the TSP ultimate design guidelines of 1600 for a local street. Sec. 803.015 (b) (1) requires a TIA if the additional trips for a local street exceeds 200. In its current condition Salem Heights is more comparable to a local street than a collector street. Conditions on Salem Heights are worse than many of the local streets that connect to it. The fact that adding several hundred trips a day to a local street requires a TIA indicates that adding a similar amount to Salem Heights have a significant impact as well, including making it more unsafe.

The consultant and staff are essentially asking the Council to conclude that with the added traffic Salem Heights isn't "unsafe enough" to warrant a TIA.

I would maintain that there is sufficient evidence to indicate that current conditions of Salem Heights warrant a TIA under this criterion to evaluate the traffic impact. The residents deserve to have a more complete analysis than that provided by the consultant and the staff so far. The entire process would benefit. That's the intent of the criterion for a TIA, to inform the process and establish developer responsibilities, and I continue to believe there's sufficient evidence that it is required under the code.

Does City Council Have Flexibility To Require A Temporary, Removable Barrier

This brings us to the question of the alternative of a temporary, removable barrier at the point of connection between Doughton and Salem Heights. This was suggested by the applicant in an April 29 letter to the case manager which contained as Alternative #3 the placing of “a barricade at the entrance to Salem Heights Avenue until such time as the city brings the street up to collector standards.”

The resulting reduced traffic additions to Salem Heights would remove the need for a TIA and the barrier would temporarily eliminate many of the safety concerns from the traffic that would otherwise be added. It would provide time for the planning process regarding preferred alternatives for Salem Heights improvements to finalize recommendations. And the Council would not be put in a position of imposing the anticipated additional traffic on Salem Heights and making it more unsafe while residents wait for the improvements the TSP has given a low priority.

The issue of the alternative raises the question of whether or not the Council has enough flexibility to adopt the concept of the barrier. I believe it does, but before proceeding with that discussion it is critical to clear up a procedural issue that arose during the public hearing.

A New Class 2 Adjustment Filing Isn't Needed

During a discussion of the barrier alternative, the case manager told the Council that adopting the alternative would require a new Class 2 filing and a restart of the process over that filing. The applicant's attorney echoed the concern over a new filing. He emphasized they weren't opposing the alternative, but that if they had to file again, they'd want assurance of approval.

Subsequently the case manager, after consulting legal counsel, confirmed that a new filing for an adjustment may not be needed and that the existing proposal would only need a modification. Assuming that is the case, that removes a significant barrier to adopting the barricade.

The question of flexibility is relevant to both this case and to the Salem Heights improvement process, which will recommend a preferred method of applying collector street standards to Salem Heights in the future.

To address flexibility, I'll explain in two parts.

Part 1: Urban Standards are Flexible

The TSP provides flexibility in bringing collector streets up to urban standards. Policy 2.8 Physical Improvements to Existing City Streets and Policy 4.6 Right-of-way Requirements contain basically the same language:

Policy 2.8 which requires improvements on existing streets to be designed to the street design standards for the street's classification also says:

"Adjustments to the design standards may be necessary to avoid existing topographical constraints, historic properties, schools, cemeteries, existing on-street parking, and significant cultural features. Whenever possible, the design of the street shall be sensitive to the livability of the surrounding neighborhood."

Policy 4.6 which establishes minimum-right-of way requirements for "typical" collector streets also says:

"City-funded street improvement projects on existing streets may necessitate variation from the typical right-of-way requirements in order to minimize impacts to abutting businesses, historic properties, schools, and other significant community features. Whenever possible, the design of the street shall be sensitive to the livability of the surrounding neighborhood. (This Policy is consistent with Policy 2.8.)"

These make it clear that the standards are for streets that are "typical" collector streets. Salem Heights is not typical.

The standards are not set in stone either. Policy 2.4 City of Salem Street Design Standards says the standards shall be the basis for all street design. But it also adds that the standards "shall consider the impact on the character and livability of surrounding neighborhoods and businesses." And that design standards shall consider managing vehicle speeds for the given classification "with particular attention given to this consideration in residential areas."

In the TSP section on Street Design Standards (Typical Street Standards) typical standards are reflected in cross section designs based on the nature of a given collector. According to the TSP these designs are "typical, or ideal," and give City staff the basis for requiring rights-of-way and determining how an existing street should be brought up to urban standards. However, it also recognizes that "For a variety of reasons, not every street with a given classification can be ultimately built to the ideal standard."

So why is this relevant to this case?

For one, it establishes in the TSP a policy recognition that there is flexibility in street design based on the features of an existing street that may not be a typical collector street. For another it becomes relevant to the potential of a barricade at Doughton and Salem Heights and any conditions that may be attached to it.

Part 2: Can The City Council Adopt A Barricade Under the SRC?

This still leaves the question of whether the Council has the flexibility to adopt installation at a barrier given the policies of connectivity. To answer this, we need to consider few basic questions.

First, does it violate the connectivity policies and code requirements?

The policy of “Connectivity” is a bedrock of the City’s transportation planning.

So, the first threshold is whether the barrier would be a direct violation of the SRC connectivity provisions.

While it is true that connectivity won’t be effectively complete until the barrier is removed, the barrier alternative does require building the subdivision to connectivity standards. The barrier is temporary, but the subdivision will be building the Doughton connection to the City required specifications for connectivity.

Sec. 803.035 – *Street Standards* says “all public and private streets shall be improved as follows:” Subsection (a) *Connectivity* says “Local streets shall be oriented or connected to existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one-half-mile of the development.

The policy intent and direction for connectivity is clear. But it does not say oriented “and” connected to existing streets, it says “or.” I do not quarrel with the policy requirement for connectivity. But I would maintain that the policy would not prohibit a temporary barrier as long as the Doughton Street in the subdivision is built to connect to Salem Heights.

I maintain that the policy and the code allow for some leeway if the circumstances warrant it.

Sec. 803.065 – *Alternate Street Standards* allows authorization of the use of one or more alternative street standards. Subsection (a)(3) allows alternate standards “Where topography or other conditions make the construction that conforms to the standards impossible or undesirable.”

That then raises the next question of whether or not the conditions on Salem Heights are “undesirable” enough to warrant a barrier. That is a subjective judgement the Council can make, and I would maintain that they are, indeed, undesirable because of the unique circumstances surrounding Salem Heights as an unimproved collector street and the attendant safety concerns.

A remaining question is whether the diversion of traffic from Salem Heights due to the barricade would put undue traffic pressure on the local and collector streets to the North. That question was asked of staff at the hearing and the assistant traffic engineer replied that those were wider than Salem Heights and they could “easily handle” the additional traffic.

Impacts of Barrier on the Developer

The next question then is “What impact would this have on the developer?,” particularly with regards to the right-of-way improvements. In this case the applicant is being required to make certain improvements based on the typical collector standards. At the same time, it has also been established that those typical standards may not apply to the Salem Heights improvement plan.

If the Council determines that a Doughton/Salem Heights barrier should be temporarily installed, it should also establish some associated conditions on the developer’s right-of-way requirements and removal of the barrier.

The developer proposed the barrier as an alternative to the current city street design standards. If the barricade is adopted, then it would be proper to also defer the right-of-way improvements required of the applicant.

One of the arguments for the barrier and deferral is that it will give time for the current planning process for Salem Heights improvements to determine the preferred alternative. The City has estimated that this process should take from nine months to a year. Once the preferred alternative is known, the applicant, working with the City, can then design the right-of-way improvements consistent with the preferred alternative.

As it is now, the applicant is required to make improvements that are based on collector street “typical” and “ideal” template standards that may not be what the neighborhood prefers. In this case the subdivision may be out of synch with the rest of the street.

There is another worry as well. As expressed at an orientation meeting on the improvement planning process the City held with members of the Salem Heights neighborhood, residents were concerned that the right-of-way improvements for the development would end up dictating what would be done for the rest of the street.

Deferring would enable the meshing together in a consistent manner of the right-of-way improvements required of the developer and the design of the future improvements to Salem Heights.

The applicant has suggested that if a barrier is installed it means there’s no traffic impact on Salem Heights and therefore the applicant should have no responsibility for right-of-way improvements. Thus, right-of-way improvements for the subdivision should then be paid for by the City whenever Salem Heights is improved.

I do not believe the applicant should be relieved of responsibility for right-of-way improvements in the subdivision. While the barrier will significantly address the additional traffic on Salem Heights, the subdivision will still add traffic to the neighborhood and some of that traffic will spill onto Salem Heights as people choose routes through the neighborhood. The development is still having an effect on the traffic and safety of Salem Heights. It is significantly reduced by a barricade, but it is not eliminated.

The proper approach is to maintain the current agreement on moving the right-of-way to the North to save trees and defer the right-of-way requirements until the preferred alternatives are identified, at which time the required right-of-way improvements would be designed and installed consistent with the preferred alternatives.

Any City improvements on Salem Heights will require new funding and the street is assigned a low priority in the TSP so the amount of time it will take to make improvements is uncertain. Because of this, it may also be necessary to take into account unforeseen circumstances that might arise between the time the barrier is in place and the planned improvements on Salem Heights actually begin.

Of course, the City Council has the authority to remove the barrier at any time. But it might also be appropriate to allow the subdivision owner(s), residents of the subdivision, and residents of the neighborhood to petition the City for removal of the barrier after a specified amount of time.

Is Emergency Vehicle Access a Serious Problem?

Given the importance of the connectivity policy to transportation planning, it is natural for the City planning staff to push back on acceptance of a barrier. But the barrier doesn't stop construction of the connection, it only temporarily inhibits it at that location for other justifiable reasons. It is also assumed any barricade would be designed for rapid removal in case of an emergency.

There are however other legitimate concerns over fire and other emergency vehicle access to the subdivision and the Doughton Street units. Fire and police understandably don't like barriers of any kind that might stand in their way when they need to get somewhere.

As pointed out in the hearing, removable barricades exist in other places so there is precedent. The Council must assess the degree to which a removable barrier closing off the Doughton connection to Salem Heights would be a significant detriment to fire and police access.

To that end the Council should consider that, with the barricade, fire and police will still have access to the subdivision and the Doughton/Salem Heights corner via other routes with comparable response times. The area is served by Fire Station #4 which is at 200 Alice Ave, North of the subdivision. From there response vehicles could access the area using two routes. One is via the Hanson collector, the other via Missouri Ave. As is the case with most routes, both have complications. Hansen requires more turns and uses more local streets. Missouri is more direct – Liberty to Missouri to Doughton – but it may encounter more traffic on Liberty.

Without a barrier the fire trucks and other response vehicles could go down Liberty and up to Salem Heights, but here, too, they could encounter traffic that would slow response times and then have to go up the narrow lanes on the hills. The response time on this route may be comparable to the response time on the other routes.

I'm not claiming to have any expertise on fire and police response. I'm only asking that the Council recognize there are other routes to the Doughton/Salem Heights area of the subdivision than using Salem Heights. These routes should be assessed to determine if the proposed barrier would in fact jeopardize response times or whether other access routes assure Doughton residents in Wren Heights of adequate response.

CONCLUSION

This case is not one of whether or not the property encompassed by Wren Heights should be developed. It is reasonable to expect that at some time it was going to be developed given its size and the need for housing. To many it is a case of the nature of the development – its size and the number of trees sacrificed for the housing. I have those concerns as well, but for me, and many of the residents you've heard from, the overriding concern is the impact the development will have on a street we love but which we feel is unsafe already.

It's not that we oppose development, we just don't want it to lead to more safety issues and more destruction of vegetation while we wait for improvements we fear are going to be dictated by standards we don't think are appropriate.

In the orientation session held in preparation for the Salem Heights Refinement Plan process the 30 some that attended broke into two groups to offer thoughts on what they wanted out of the planning process. Common among both groups was a fear that the neighborhood would change from one in which the street is an integral part of the neighborhood, to one in which the street imposes itself on the neighborhood.

The street is unsafe as it is now. We know it needs to be improved, but we haven't yet had our say on what we'd like those improvements to look like. And at the same time the City tells us improvements may be a long-time coming. So, we are faced with a development that will add significant amount of traffic to a street that, because of its current condition and use is already unsafe, while we wait for an uncertain point in time when the street will be improved.

That's our dilemma and why residents are so concerned about the impact of this subdivision.

Fortunately, the record in this case provides the Council with ways to remedy the potential impacts. Based on that record and on the flexibility I believe exists in the policies and codes implementing them, I believe there are actions the Council can take to avoid further appeals and to mitigate the impact of the subdivision on Salem Heights and the neighborhood.

The Council should reach the following conclusions:

1. There is sufficient evidence about the unsafe conditions on Salem Heights to require the applicant to conduct a Traffic Impact Analysis under SRC 803.015 (b) (2) based on the existing condition of the street regardless of its classification. Such a TIA is required under this section and it would more fully inform the case and the neighborhood residents of the potential impact of the additional traffic on Salem Heights.
2. Or, the Council should recognize the potential impact of traffic on Salem Heights and adopt the applicant's proposal to place a barricade at the entrance to Doughton Street from Salem Heights.

The policies and the SRC provide the flexibility for the Council to do so and to impose conditions on installation of the barricade. The installation of the barricade would provide time for the development of a preferred alternative for Salem Heights improvement which in turn would inform the City and the applicant on right-of-way requirements which would be consistent with the preferred alternative.

The barricade does not require a new Class 2 filing and may be considered as a modification to the current proposal in this case.

3. Conditions associated with the barricade ought to include:
 - a. Maintaining the current proposed right-of-way offset to protect the trees along the Salem Heights right-of-way
 - b. Deferral of right-of-way requirements and improvements by the developer until the preferred alternatives are developed under the current Salem Heights Refinement Plan process.
 - c. Recognition that the City Council may remove the barricade at its discretion
 - d. A provision that after a specified amount of time the owner of Wren Heights, residents of Wren Heights, or Salem Heights area residents may petition the City to remove the barricade due to a change in circumstances or assumptions that existed at the time the barricade was installed.

If the Council declines to do a TIA or install a barrier it would be telling the residents of the Salem Heights neighborhood that while Salem Heights may be unsafe, it's just not unsafe enough to mitigate the impact of several hundred additional vehicle trips a day on the street.

Thank you for your consideration,

Ron Eachus

Olivia Glantz

From: RONALD EACHUS <re4869@comcast.net>
Sent: Monday, July 29, 2019 4:31 PM
To: CityRecorder; Olivia Glantz
Subject: Additional testimony for expanded open record
Attachments: Eachus additional testimony.docx

Attached is my additional testimony for submittal during the expended open record period for the Wren Heights Case. Please let me know if there are any issues in receiving this.



RIETMANN LAW, P.C.

July 29, 2019

City of Salem
Attn: Mayor and City Council
555 Liberty St SE,
Salem OR 97301

**RE: Subdivision / Class 1 Adjustment Case No: SUB-ADJ19-02
Application No: 18-125034-LD & 18-125035-02 (“Wren Heights”)
Applicant: Thomas Kay Co.**

Mayor Bennet and Council Members:

Thank you again for taking the time to review the appeals of the so-called Wren Heights subdivision application. The purpose of this letter is to briefly respond to certain aspects of the rebuttal memo that Saafeld Griggs submitted on July 22, 2019 on behalf of the Applicant (“Applicant Memo”).

ORS 205.010(d)(6)

ORS 205.010(d)(6) requires as follows:

The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision adjacent residential areas and transit shops, 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.

Applicant’s Memo admits that “[t]he bicycle and pedestrian access near the Subject Property is constrained by the existing development patterns, street network gaps, and underimproved streets.” Applicant Memo, Pg. 17. Applicant’s memo then contends that conditioning approval on the Applicant putting a sidewalk and bike lane on the portion of Salem Heights immediately abutting the property will cause the subdivision to meet this criterion for approval.

A bicycle path and sidewalk to nowhere on the small portion of Salem Heights immediately touching the subdivision does not provide “safe and convenient bicycle and

pedestrian access *from* within the subdivision *to* adjacent residential areas and transit shops, and to neighborhood activity centers within one-half mile of the development” as SRC 205.010(d)(6) requires. For example, a bicycle path and sidewalk on the small portion of Salem Heights actually abutting the subdivision is not going to get a bicyclist or pedestrian safely *from* Wren Heights *to* anywhere, let alone the neighborhood activity centers on Liberty Street and Commercial Street that are within one-half mile of the development.

Knowing the foregoing argument is correct, Applicant quickly resorts to a fallback argument intended to scare the City Council away from exercising its lawful authority to require any off-site improvements to Salem Heights as a condition of approval. Specifically, Applicant contends that “[i]f the City were to adopt conditions of approval requested by Opponents, such as being obligated to purchase additional right-of-way or improve all or additional portions of Salem Heights Avenue, such conditions would cause unreasonable costs and delay and would be unconstitutional conditions in violation of *Koontz*. Applicant Memo, Pg. 18. This argument ignores the fact that there is no evidence in the record showing the conditions of approval required by the City to ensure that Wren Heights meets the requirement to provide safe pedestrian and bicycle access *to and from* neighborhood activity centers one-half mile away (and other places) would violate the tests set forth in *Koontz* and certain other cases. This is true, among other reasons, because the City has not crafted any specific condition of approval and therefore there is no evidence in the record to determine whether the as-of-yet nonexistent condition of approval satisfies the nexus and rough proportionality test of *Koontz* and certain other cases. In addition, there are numerous ways for the City to craft conditions in a manner that will ensure the essential nexus and rough proportionality tests are satisfied. For example, the city could require an off-site sidewalk to Liberty (where sidewalks already exist) and then cap the amount that the developer is required to spend on the off-site improvement at a level it is confident would meet the rough proportionality test. The condition could further provide that if the developer determines in good faith that it cannot actually make the improvement for an amount that is equal to or less than the cap, the City could allow the developer to provide a fee-in-lieu.

SRC 205.010(d)(7)

SRC 205.010(d)(7)(b)(2) requires a Traffic Impact Analysis (TIA) when “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.” The record is undisputed that the proposed subdivision will increase traffic on Salem Heights. The record is also replete with evidence that there are traffic problems on Salem Heights, including accidents, cars driving in excess of the speed limit, and that pedestrian and bicycle safety is a huge concern all along the street. Therefore, a TIA is required. However, the City has not even so much as considered this requirement.

SRC 205.010(d)(7)(b)(1) also requires a TIA when a development will generate 200 or more daily vehicle trips onto a local street or 1000 trips onto a collector street. City Staff has concluded a TIA is not required under this section because the development will generate more than 200, but less than 1000, trips on Salem Heights. If Salem Heights were a local street, a TIA would be required. However, Salem Heights is designated as a collector street and therefore City Staff has concluded a TIA is not required. This is true even though Salem Heights does not meet collector street standards and, in fact, is not even up to local street standards. Thus, the net result of City Staff's interpretation is that a TIA is required for a development that puts more than 200 cars onto a local street that has sidewalks and is substantially wider than Salem Heights, but that no TIA is required for Salem Heights, which is narrower than a local street and lacks sidewalks. This interpretation is arbitrary and without any rational basis. Consequently, it deprives individuals living along Salem Heights of the equal protection of the laws without any rational basis in violation of the 14th Amendment. While Applicant asserts this argument is insufficiently developed – the argument could not be more clear: this interpretation of the SRC results in TIA requirements that are completely arbitrary.

SRC 205.010(d)(10)

Neither City Staff nor the Applicant has meaningfully addressed this Appellant's prior argument that the plain language of the Salem Revised Code requires the Applicant to provide a Urban Growth Preliminary Declaration. The proposed development plainly precedes the development of required facilities identified in the TSP and there is simply no basis in law for City Staff's assertion that the Urban Growth Preliminary Declaration is not required in areas that were at time within the CDA boundary.

Applicable State and Federal Laws

1. Applicant's argument that SRC 205.010(d)(1) and (4) violate state law is wrong and Application only makes the argument in relation to two (2) of the numerous approval requirements.

The Applicant Memo argues that provisions of the Salem Revised Code violate state law. Specifically, Applicant argues that SRC 205.010(d)(1) and (4) violate ORS 195.010(1) and therefore the City Council "does not have discretion to deny the Application based on nonconformance with these requirements. Applicant Memo, Pg. 3-4.

Applicant's argument that two provisions of the Salem Revised Code violate state law is wrong. Applicant's argument is based on a recent Oregon Land Use Board of Appeals ("LUBA") decision in *Oster v. Silverton*, LUBA____ Or LUBA____ (LUBA No 2018-103, Opinion May 7, 2019). There, LUBA concluded that the City of Silverton could

not use policies or standards in its Transportation System Plan as criterion for tentative plan approval because the Silverton Code did not make clear “what specific policies or standards in the TSP apply to a land use decision as approval criteria.” *Id.* at Pg. 12. Here, by contrast, SRC 205.010(d)(1) and (4) specifically state what requirements apply. Specifically, SRC 205.010(d)(1) specifies that the requirements concerning “lot standards...infrastructure standards...and special development standards including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance” are applicable.” Similarly, SRC 205.010(d)(4) specifies that it is that requirements of the Salem Transportation System Plan pertaining to “the street system in and adjacent to the tentative subdivision plan” that are the applicable requirements. Thus, unlike *Oster*, SRC 205.010(d)(1) and (4) do not generally incorporate city planning documents as standard or mandatory approval criteria without making clear what policies or standards are applicable.

2. Applicant fails to identify any specific requirement of the Salem Revised Code or any condition of approval that violates ORS 197.307(4).

Applicant argues that the proposed Wren Heights subdivision constitutes “needed housing” and therefore the City of Salem is prohibited from applying any criterion for approval that is not “clear and objective” and prohibits any condition of approval that discourages needed housing “through unreasonable cost and delay.” Applicant Memo, Pg. 4. However, Appellant does not identify any applicable requirement of the Salem Revised Code that it contends is not clear and objective. Similarly, Appellant does not identify any condition of approval the City has imposed that imposes “unreasonable cost and delay.” Consequently, this “argument” is without moment.

3. Applicant has failed to show that any additional conditions upon tentative plan approval would be unconstitutional

Applicant seeks to suggest that any additional conditions on the approval the Wren Heights Application would impose “unconstitutional conditions.” However, simply because it is possible that some conditions of approval could be unconstitutional does not mean that all additional conditions for approval would be constitutional. Moreover, as Applicant’s memo makes clear, whether a particular condition of approval is unconstitutional depend on with the condition of approval has a nexus to the applicable criterion and whether there is “rough proportionality” between the condition and the nature and extent of the impact from the proposed development. *Dolan v. City of Tigard*, 512 US 374, 391, 114 S Ct 2309, 2319–20, 129 L Ed 2d 304 (1994). Additionally, while the “rough proportionality” test applies to conditions for off-site mitigation as well as conditions requiring landowners to dedicate their own property to some particular use in exchange for approval, a condition for off-site mitigation cannot result in takings liability, even if the

requirement for off-site mitigation is ultimately determined to fail the rough proportionality test.

In short, there are some limits on what the City can require in terms of off-site mitigation, but as long as the City can craft off-site mitigation that is roughly proportional, it can be constitutionally required.

Sincerely,

A handwritten signature in black ink, appearing to be 'Nathan R. Rietmann', with a long horizontal stroke extending to the right.

Nathan R. Rietmann

Olivia Glantz

From: NATHAN RIETMANN <nathan@rietmannlaw.com>
Sent: Monday, July 29, 2019 4:55 PM
To: CityRecorder
Cc: Olivia Glantz
Subject: Wren Heights Submission
Attachments: Ltr to Salem City Council July 29, 2019.pdf

Please see the attached comments submitted for the record in the Wren Heights matter. If you could confirm receipt, I would appreciate it.

Thanks

Nathan



NATHAN R. RIETMANN
Rietmann Law, P.C.
1270 Chemeketa St. NE
Salem, Oregon 97301
Ph: [503-551-2740](tel:503-551-2740)
Fax: [1-888-700-0192](tel:1-888-700-0192)
nathan@rietmannlaw.com

Olivia Glantz

From: Jennifer Carley <jennifer.carley@comcast.net>
Sent: Monday, July 22, 2019 2:51 PM
To: Olivia Glantz
Subject: SUB-ADJ19-02 comments for tonight's City Council public hearing

To Whom It May Concern:

I am writing in regards to the proposed Wren Heights subdivision.

I live in the Salem Heights neighborhood on Windgate St. S. I am on the steering committee for Just Walk Salem/Keizer and I lead a neighborhood walk from LifeSource every Sunday.

Almost every morning my friend and I walk a nearly 3 mile route around the Salem Heights and Candelaria neighborhoods. Salem Heights road is on our walking route, though we are careful to spend as little time on that road as possible, due to the dangerous road conditions. There are no sidewalks and visibility is poor.

I am concerned about the Wren Heights development proposal for two main reasons. The proposal, as I understand it, does not include rigorous attention to tree preservation, nor transportation safety issues, especially for pedestrians.

Any time I am headed East on Salem Heights road I am in awe of the beautiful tree canopy of protected white oaks.

They are an important aspect to the special character of our neighborhood. They provide shade and contribute to mitigating climate change, as all trees do. I have noticed, when driving West on other neighborhood streets that do not have adequate trees, the sun is absolutely blinding, making visibility nearly impossible at the very time people are headed home from work or school. Instead of figuring out how many trees can be cut down for the development, a concerted effort should be made to figure out how to SAVE as many trees as possible. Saving the trees will preserve the character of the neighborhood and make the proposed neighborhood much more livable.

Some studies have shown that apartments surrounded by a natural landscape have fewer incidents of domestic violence than those that do not. It has also been shown that walking 15 minutes/day in nature is a powerful antidepressant. (To the extent the Japanese have designated healing forests.)

My other concern is public safety on the already dangerous Salem Heights Road. There are no sidewalks, poor visibility, especially when headed West, and pedestrian and bicycle transport is extremely dangerous. Adding over 300 cars/day to the traffic on Salem Heights road is just plain dangerous and there doesn't seem to be a plan in place to make the street safe.

Before this proposed project moves forward, the City and the developer should consult with neighbors to reconfigure the project in a way that improves safety and preserves the special livability characteristics of our neighborhood.

Sincerely,

Jennifer Carley

970 Windgate St. S.

Salem, Oregon 97302

To: Mayor and City Council
From: Elda Caliva, 3435 Norris Ln S, Salem OR 97302
Subject: New Testimony for the Written Record
Case #SUB-ADJ19-02, Wren Heights

On the website, the City of Salem has posted the Salem Heights Avenue S Street Refinement Plan. The plan's Proposed Goal Statement and Background Information are as follows:

Project goal/ objective

The goal of this project is to develop a plan for Salem Heights Avenue S that:

- 1. Improves the safety and utility of Salem Heights Avenue S for all users*
- 2. Reflects existing character of the neighborhood*
- 3. Results in one or a series of projects that can be adopted into the Salem Transportation System Plan and implemented as resources are available.*

Background Information

Salem Heights Avenue S, extends from Liberty Road S to Sunridge Drive S and is a designated collector street. Designed more than 70 years ago, Salem Heights Avenue S does not meet the transportation needs of Salem residents per the Salem Transportation System Plan. Potential improvements include adding sidewalks, bike lanes, curbs, and gutters. The existing road presents many challenges, including particularly steep hills and narrow right-of-way. The goal of the project is to make Salem Height's avenue safer and easier to use for drivers, bicyclists and pedestrians within the existing constraints while still maintaining the neighborhood's character.

The background information emphasizes important safety issues with Salem Heights Ave S that are serious concerns for current community residents:

- The road **does not meet transportation needs** per the Salem Transportation System Plan
- The road **presents many challenges** due to steep hills and narrow right of way
- The road **should be safer and easier to use** for drivers, bicyclists and pedestrians

In addition to the many challenges that already exist for Salem Heights Ave S community residents, the Wren Heights Subdivision poses even greater traffic risks for drivers, bicyclists and pedestrians. The new subdivision proposes to connect Doughton St S., currently a dead-end street, to Salem Heights Ave S.

Doughton would then serve as a direct line of travel not only for the new subdivision to Salem Heights but also for the existing neighborhood just north of Missouri Ave S. Because no traffic study has been conducted, it is unknown how much traffic will be increased on Salem Heights Ave S. What is known and what has been confirmed in the City's Background Information is that Salem Heights Ave S does not meet current transportation needs. It stands to reason then that Salem Heights Ave S will be adversely impacted by ANY increase in traffic.

I urge the Council to reject the development application until the Salem Heights Avenue S Street Refinement Plan has been completed and needed street improvements have been made.

Olivia Glantz

From: Ruth Stellmacher
Sent: Monday, July 29, 2019 2:10 PM
To: Olivia Glantz
Subject: FW: New Testimony for the Written Record Case #SUB-ADJ19-02, Wren Heights
Attachments: Letter to Mayor.docx

From: ELDA caliva <pcaliva@comcast.net>
Sent: Monday, July 29, 2019 2:08 PM
To: CityRecorder <CityRecorder@cityofsalem.net>
Subject: Fwd: New Testimony for the Written Record Case #SUB-ADJ19-02, Wren Heights

Please see attachment.

If additional information is needed, I can be reached at 503-851-8807

Thank you,

Elda Caliva

Olivia Glantz

From: Ruth Stellmacher
Sent: Monday, July 29, 2019 1:14 PM
To: Olivia Glantz
Subject: FW: Wren Heights
Attachments: 20140718 - Construction Noise Handout - ONI.pdf

From: PEGGY PAHL <peggypahl@yahoo.com>
Sent: Monday, July 29, 2019 1:03 PM
To: CityRecorder <CityRecorder@cityofsalem.net>
Subject: RE: Wren Heights

Dear Mayor and City Council,

Thank you for taking the time to review and consider the concerns of the neighbors directly affected by the proposed development of "Wren Heights".
I'm writing to address additional concerns based on my attendance of the last council meeting on July 22nd.

Arguments that dominated the testimonies were of the safety concerns of the additional traffic on Salem Heights. The focus stemmed around pedestrians, bicycling, no sidewalks, how narrow the street is and blind spots on the road, especially when the sun is making its descent.
City Council members who had questions, focused on "just how could the city require Tom Kay to make the improvements identified for the entire street?" to challenging a neighbor "why are you speeding?".
The take away for me is just how much you are missing the big picture.
I humbly request complete openness to *hear* and *absorb* all of the concerns that come across your desk.

The polished representation of Tom Kay presented justifications for the said development based on statistics and all the lingo that most of us are challenged to even begin to understand.
I implore you to look beyond their well rehearsed vernacular and give equal consideration to this perspective.

As mentioned in the meeting, the trees are a big concern for the community for a variety of reasons. I am suspect of this developer, whether he will honor the limitations set forth with tree preservation and other stipulations imposed.
His reputation precedes him.
Of the many violations of his past, one in particular is of his West Salem development where there were designated trees to be preserved. They were leveled, which caused considerable flooding issues with neighbors on the downhill side of his development.
My understanding is that he did have to pay a fine but well worth it with the profit made on the ultimate development

How can we as neighbors be assured stipulations will be honored and of utmost concern as the development ensues?

I propose specific regulations be imposed to manage and maintain the integrity of this development, furthermore if there is a violation resulting in a fine, the money would be distributed to the neighbors who border this land.

There **must** be strict accountability to the preservation of the designated trees as well as acknowledgment of the incredible noise this will create.

The current noise restriction of 0700 to 2200, 7 days a week is unacceptable to those of us who live on top of this proposed development.

The quality of life will forever be impacted with the visual proposed changes, I think it only fair to consider and respect the audible ones as well.

I submit you stipulate a special noise regulation be imposed to mirror that of Portland's where evenings and Sundays are protected times (see attachment).

You have the numbers, statistics, ordinances, I offer you the heart.

Have any of you actually toured the area other than plat maps and diagrams?

Is it of any concern, not only the development itself but the impact construction will have on the neighbors and wildlife?

I give an open invitation to any or all of you to join me on my deck for morning sunrise coffee and watch firsthand the earth come alive as the darkness yields to the light.

As a family of deer with spotted babies make their way from said property into my yard, the evidence of coyote and who knows what other wildlife transverse this area. It's truly remarkable.

(A select few pictures to follow this letter)

Do any of you remember the testimony of Bruce Kilber?

It was apparent to me and others, his testimony was marginalized.

I was stunned by the dismissal of the council to his concerns regarding the use of his property without his permission.

Have any of you bothered to research the history of his story?

He's lived here all of his life, his parents owned this land before the Harvey's were he even here.

Again, I challenge you to look beyond the obvious and see the truth of people impacted by this and his real concerns in regard to the respect for his property.

In conclusion, I have learned much of the positions you hold by election.

I trust in running for office, your purpose is to preserve the integrity of the city and honor it's citizens.

This is the first time I've had cause to attend City Council meetings and see the process you go through to address the varied concerns of our community.

In an age when diversity is lobbied for like never before, one would think, those making decisions for the whole, would also consider the human aspect.

The price of desecrating this land for financial gain is regrettable.

I've pondered what Bush Park would look like if it had not been preserved, with house after house piled on top of another.

My hope is that you listen, more importantly hear and act for the very real concerns of the neighborhood, *the people* of this city.

Respectfully,

Peggy A Taylor
639 Salem Heights Ave S.



CITY OF

PORTLAND, OREGON

OFFICE OF NEIGHBORHOOD INVOLVEMENT

CHLOE EUDALY, COMMISSIONER

Suk Rhee, Bureau Director

Noise Control Program

1221 SW 4th Avenue, Room 110

Portland, Oregon 97204

Promoting a culture of civic engagement

CONSTRUCTION Noise Regulations

This sheet explains City of Portland regulations on construction noise. (Code section 18.10.060)

1. **Permissible Hours And Noise Level** -- From 7 a.m. to 6 p.m. Monday through Saturday, the City permits a very liberal standard for construction noise (85 dBA at a 50' distance). This means that, provided your equipment is in good repair and muffled (if possible), it will be compliant. The few kinds of equipment that cannot meet this level – (for example: jack hammers, concrete saws, and pile drivers) are exempt from the standard during this period.
2. **Outside Permissible Hours** -- But outside of these hours, different rules apply. First, the exemptions for jackhammers and other noisy equipment do not extend to other hours. Also, most importantly, work at other hours must meet the “baseline permitted decibel levels” of the area in which the work is taking place. Experience has shown that although you will probably have no problems with work in an industrial zone, you will likely be in violation of the code for exterior work (e.g., clearing, grading, excavating, framing, roofing, etc.) in a residential zone or near residential use before 7 a.m., after 6 p.m., or on Sundays and the days on which New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day are fixed by State law.
3. **Complaints** – When complaints are received, it is usually because of the hours of operation rather than the amount of noise. The 7 a.m. start time includes noise generated by warm-up and maintenance. If we receive a complaint, we will contact you, and request that you take care of it. Most complaints stop here.
4. **Possible Citations** – If additional legitimate complaints are received, be aware that each individual or organization responsible can receive a citation and fine of \$5000 for each violation. If needed, a court-ordered “stop work” order can also be obtained.
5. **Variances** -- There are times when work must occur outside of the permissible hours. Noise regulations do not apply for **emergency work** “...necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from imminent exposure to danger,” For non-emergency work outside of the permitted hours, you may apply for a variance. Construction noise variances may be issued if the need is valid and livability impacts are minimal. Accelerated review fees will be required for applications submitted fewer than ten business days prior to the event. Those submitted fewer than four business days prior will be subject to additional fees.

The Noise Review Board meets the second Wednesday of each month. Completed applications to be reviewed by the Noise Review Board must be filed 45 business days prior to the Noise Review Board meeting. Fees charged for review for construction activities of more than 1-week duration are \$510 plus \$170 per week up to \$850; (Noise Review Board Variances start at \$2,613). Accelerated application reviews triggers an increase in fees.

More Information Needed?

These notes cover most of the questions asked about construction noise and the noise code. If you have more questions, you may call the Noise Control Office at (503) 823-7350.

Phone: 503-823-7350 • Fax: 503-823-3050 • www.portlandoregon.gov/oni



Olivia Glantz

From: Ruth Stellmacher
Sent: Monday, July 29, 2019 1:33 PM
To: Olivia Glantz
Subject: FW: Wren Heights

From: PEGGY PAHL <peggypahl@yahoo.com>
Sent: Monday, July 29, 2019 1:15 PM
To: CityRecorder <CityRecorder@cityofsalem.net>
Subject: Wren Heights

[Peggy Taylor 541-639-9493](tel:541-639-9493)

----- Forwarded Message -----

From: PEGGY PAHL <peggypahl@yahoo.com>
To: Peggy Taylor <peggypahl@yahoo.com>
Sent: Monday, July 29, 2019, 12:59:21 PM PDT
Subject:





Olivia Glantz

From: Ruth Stellmacher
Sent: Monday, July 29, 2019 1:33 PM
To: Olivia Glantz
Subject: FW: Wren Heights

From: PEGGY PAHL <peggypahl@yahoo.com>
Sent: Monday, July 29, 2019 1:16 PM
To: CityRecorder <CityRecorder@cityofsalem.net>
Subject: Wren Heights

[Peggy Taylor 541-639-9493](tel:541-639-9493)

----- Forwarded Message -----

From: PEGGY PAHL <peggypahl@yahoo.com>
To: Peggy Taylor <peggypahl@yahoo.com>
Sent: Monday, July 29, 2019, 12:57:21 PM PDT
Subject:



Olivia Glantz

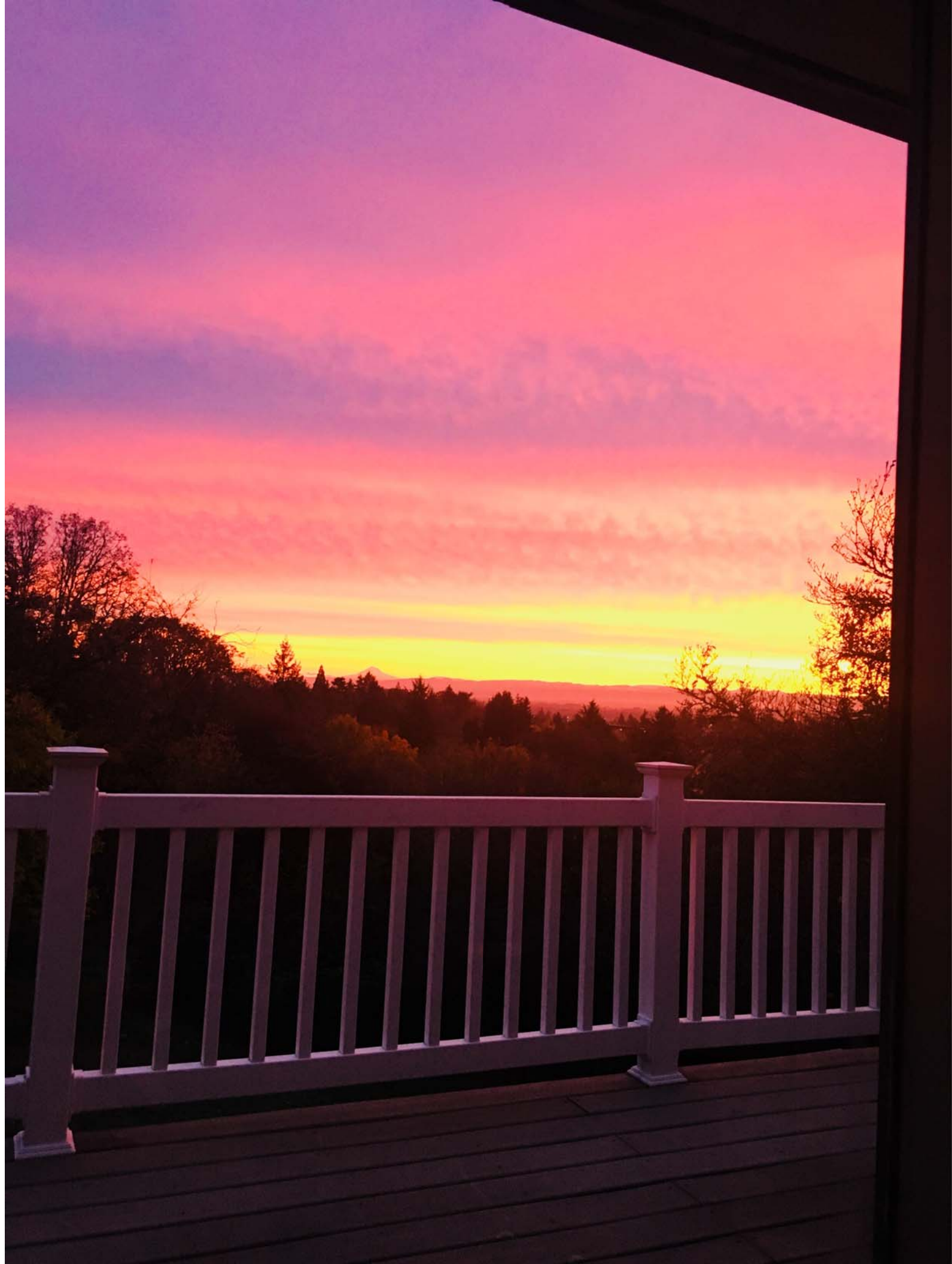
From: Ruth Stellmacher
Sent: Monday, July 29, 2019 1:34 PM
To: Olivia Glantz
Subject: FW: Wren Heights

From: PEGGY PAHL <peggypahl@yahoo.com>
Sent: Monday, July 29, 2019 1:16 PM
To: CityRecorder <CityRecorder@cityofsalem.net>
Subject: Wren Heights

[Peggy Taylor 541-639-9493](tel:541-639-9493)

----- Forwarded Message -----

From: PEGGY PAHL <peggypahl@yahoo.com>
To: Peggy Taylor <peggypahl@yahoo.com>
Sent: Monday, July 29, 2019, 12:56:14 PM PDT
Subject:







Olivia Glantz

From: Ruth Stellmacher
Sent: Monday, July 29, 2019 1:14 PM
To: Olivia Glantz
Subject: FW: Wren Heights Development Comments
Attachments: Wren Heights Development Comments 7-29-19.pdf

From: Alan Gahlsdorf <agahlsdorf@comcast.net>
Sent: Monday, July 29, 2019 1:02 PM
To: CityRecorder <CityRecorder@cityofsalem.net>
Subject: Wren Heights Development Comments

Alan Gahlsdorf

July 29, 2019

Olivia Glantz, Case Manager
c/o CityRecorder@cityofsalem.net
Case Number SUB-ADJ19-02
City of Salem, Oregon
Wren Heights Subdivision Proposed Development

As individuals affected by potential additional traffic load on Salem Heights Avenue, we would support the approach proffered by Mr. Eachus during the July 22 council meeting involving restriction of vehicular access from the development to Salem Heights Avenue until such time as the Salem Heights traffic safety issue is resolved.

Alan & Becky Gahlsdorf
895 Salem Heights Ave S

Olivia Glantz

From: Ruth Stellmacher
Sent: Monday, July 29, 2019 1:09 PM
To: Olivia Glantz
Subject: FW: Wren Heights Subdivision

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

From: WILLIAM BLITZ <wblitz@aol.com>
Sent: Monday, July 29, 2019 12:37 PM
To: CityRecorder <CityRecorder@cityofsalem.net>
Subject: Wren Heights Subdivision

Greetings,

Please accept my comment below regarding the inability of Salem Heights Ave S to properly fulfill complete definition of a safe connector street.

The current record amply places the City of Salem on notice of safety issues for both pedestrians and bicyclists and the allowance of additional vehicular from the contemplated subdivision requires that access to Salem Heights Ave S be withheld until such time as the City can assure safety.

The submitted drawings for Wren Heights shows two access points at the northern boundary. Thus, residents, delivery service and safety vehicles can easily and adequately enter the subdivision without restriction.

At such time as the City has funds necessary to rectify the noted safety shortcomings to pedestrians and bicyclists, the southern access road for Wren Heights could easily be authorized at that time with no diminishing in current property value to the builder.

Respectfully,
William J. Blitz

Sent from my iPad

Olivia Glantz

From: Ruth Stellmacher
Sent: Monday, July 29, 2019 10:46 AM
To: Olivia Glantz
Subject: FW: New Testimony - Case No. SUB-ADJ19-02 for 500-600 Blocks of Salem Heights Av S

From: Laurel Goode <goodelaurel@gmail.com>
Sent: Monday, July 29, 2019 10:45 AM
To: CityRecorder <CityRecorder@cityofsalem.net>
Subject: New Testimony - Case No. SUB-ADJ19-02 for 500-600 Blocks of Salem Heights Av S

Dear Mayor and City Council Members,

My name is Laurel Goode, and I live on Acorn Lane South.

I was unable to attend the meeting last week, but I did watch the recorded session.

There is ample evidence that Salem Heights Avenue is a dangerous street for pedestrians, bicyclists, and animals.

If you approve this development, with the connection to Salem Heights, it would be negligent to not require improvements be made to the street. Even the person who lives north of the planned development agreed (via oral testimony last week) that there should not be a connection to Salem Heights Avenue.

Sincerely, Laurel Goode

From: Patricia Alley <palley@willamette.edu>
Sent: Thursday, July 25, 2019 1:44 PM
To: CityRecorder
Subject: Further testimony on SUB-ADJ19-02

Given that my testimony (on Monday, July 22, 2019) was cut short toward its end by Mayor Bennett, I would like to submit the entire written testimony now, to the City Recorder, in regard to the proposed "Wren Heights" development on Salem Heights Avenue South.

Testimony Regarding the Proposed "Wren Heights" Development

I grew up on Salem Heights Avenue, across the street from the proposed development. I lived there with my parents from 1951 to 1973. Six years ago, I moved back to my parents' home, and have lived there since that time. I think it is safe to say that, with Dr. Harvey, we are two people in the room who have the most long-standing relationship with this neighborhood.

In regard to the proposed development, I share all the concerns of my neighbors regarding the safety--
I should rather say the danger--of this suburban street, as well as an urgent regard for the historic trees and bucolic environment of this acreage.

Salem Heights has always been a dangerous street, with speeding cars between the two hills, few street signs, little or no traffic enforcement, poor lighting, narrow lanes, and no sidewalks or bike lanes.

It is astonishing to me that no deaths have occurred, at least to my knowledge. I know that many animals have died, and my parents and I have buried some of them. More houses will mean increased traffic and more peril on an already unsafe street.

The other issue is the landscape itself. The old cherry orchard is largely abandoned, but the White Oaks, Douglas Firs, lilacs, and blackberries still exist, some for over 100 years. So do the deer, nocturnal skunks and raccoons, opossums, and birds, so rare in today's urbanized environments.

For 22 years I lived in Cambridge Meadows, in southeast Salem, one of several developments of large, single-family homes: big houses on small lots, with no nearby green space. Our nineteenth-century ancestors were wiser than we are. They created Bush's Pasture Park, Willson Park, and Englewood Park, among others, in the heart of downtown Salem. They planned for neighborhood parks that would give children and parents places to play, relax, lie in the grass, experience nature.

If the Harvey Family Trust were to donate even one quarter of the present acreage--just two acres--to the City

of Salem for the sole and express purpose of creating a neighborhood park, they would preserve the oldest trees and at least some of the wildlife, and this configuration, adjacent to Salem Heights, would, I believe, tend to reduce traffic and the risks associated with this narrow street. Parents and potential buyers would flock to buy houses in this development, within walking distance of Candalaria Elementary School, still one of the top-rated public grade schools in Salem. Donation of the land would certainly provide a tax incentive for the owners, as well as a naming opportunity that would recognize the original investment made by Harmon and Jane Harvey, as well as a legacy for the Harvey family and their descendants. I also recall Thomas Kay, Sr., a successful Salem-area businessman and a man of principle, who gave back to his community in ways large and small. He taught vacation Bible school at Westminster United Presbyterian Church when my mother and I were members there. I knew Mr. Kay as my teacher, and I believe I know what he would advise now, in this matter.

I don't have children, but if I had, I believe I would want what you and other parents naturally want for your children and grandchildren: a safe and happy home, good education, available medical care, and places to play that will give children the exercise, fun, and first-hand relationship with nature that they truly need for healthy growth and a stable adult life. Thank you.

Olivia Glantz

From: Bill Dixon <bill.r.dixon@gmail.com>
Sent: Thursday, July 25, 2019 12:09 PM
To: CityRecorder
Subject: New Testimony for the Written Record -- Case #SUB-ADJ19-02, Wren Heights

To: Mayor and City Council
From: Bill Dixon, 608 Salem Heights Ave. S., Salem, 97302
Subject: New Testimony for the Written Record -- Case #SUB-ADJ19-02, Wren Heights

I would like to respond to two comments by City Council members after my testimony to the Council's public hearing on Monday, July 22, regarding the proposed Wren Heights housing development.

Councilor Kaser asked about the time when a video that I showed was shot. The video was taken at 6:30 pm on Thursday, July 18.

Councilor Lewis pointed out that people chose to buy homes on Salem Heights despite the risk posed by its current substandard condition. He did not request a reply at that time, however I would like to offer additional comment along that line of thinking.

First, many people who live on Salem Heights are long-time residents who bought their homes when the road had less traffic demand than it does now and will face in the future if Wren Heights is built.

Second, the timing of residents' home purchases does not affect the City's obligation to provide public infrastructure that is adequate to serve current requirements as well as new development -- especially in an area that the city believes is appropriate for housing infill. In the case of Salem Heights, the City's staff has acknowledged that it is not adequate as a collector street under current conditions, let alone those imposed by the extra demand from Wren Heights.

The City and the Council should be focused on ensuring safe, efficient roadways, not locking residents into the conditions that existed when they moved into a neighborhood. To think otherwise would mean, for example, that West Salem residents should endure traffic gridlock forever just because they decided to live in an area that the city views as a prime location for population growth. This is clearly not an appropriate goal for West Salem or any other part of the city.

--

Bill Dixon
bill.r.dixon@gmail.com
503-602-1708

Olivia Glantz

From: Howard Hall <friendsofhistoricsalem@gmail.com>
Sent: Tuesday, July 23, 2019 5:30 PM
To: Olivia Glantz
Subject: Re: Open Record - Case No. SUB-ADJ19-02 for 500-600 Blocks of Salem Heights Av S / 97302

Dear Olivia,

Is the testimony submitted on the 22nd until the 29th of July being posted upon being submitted for public review and comment?

Jon Christenson

Thank you.

On Tue, Jul 23, 2019 at 12:11 PM Angela Williamson <AWilliamson@cityofsalem.net> wrote:

All,

On July 22, 2019, City Council took written and oral testimony for the proposed 34-lot subdivision located at 575 Salem Heights Avenue (SUB-ADJ19-02). City Council passed a motion to close the hearing and leave the written record open and will deliberate on August 12th, 2019, at the regularly scheduled City Council meeting. The following is an outline of the next 21 days, including deadlines for items to be submitted for City Council review.

Any **New Testimony** may be submitted by all parties (or persons) to City Council by **5:00pm, July 29th, 2019**

Rebuttal to new testimony provided: Any person can submit testimony to rebut the testimony that was submitted in the prior 7 days (No New Testimony can be submitted) may be submitted to City Council by **5:00pm, August 5th, 2019**.

Applicant's Final Argument may be submitted to City Council by **5:00pm, August 12th, 2019**.

Ex Parte:

Please keep in mind contact with City Council Members is discouraged outside of the public hearing in any land use case.

Testimony should be sent to CityRecorder@cityofsalem.net .

Olivia Glantz

Planner III

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem OR 97301

oglantz@cityofsalem.net | 503-540-2343

[Facebook](#) | [Twitter](#) | [YouTube](#) | CityofSalem.net

July 22, 2019

Olivia Glantz, Case Manager
Case Number SUB-ADJ19-02
City of Salem, Oregon
Wren Heights Subdivision Proposed Development

We reside at 895 Salem Heights Ave S. Our concern with this project is the traffic load with attendant safety issues created by the planned higher density level, and the nature of the attempts to mitigate it in the future.

We have resided at our home for 33 years, and from our vantage point developed a sense of the character of the traffic utilizing our street. This is also supported by following drivers from various parts of town over the years in reaching our home.

There has been a marked increase in traffic count since 1986, yet basically the same residential capacity exists as then. This would imply the increased source is from something other than collector usage.

With the advent of the dog park at Minto, much can be attributed to dog walkers, who are evident both from their canine occupants and following them to and from the park.

Most of the traffic however originates from those avoiding congestion and lights on Liberty and Commercial by utilizing the Salem Heights-to-Owens Street connection in both directions. Many of these drivers exhibit the same impatience that led them to this alternative by running stop signs and speeding on Salem Heights. Some will pass cars after running the stop sign at Crestview and Salem Heights. This traffic has no vested interest in the neighborhood or its occupants.

Both of the above sources would not be characterized as “collector” traffic. Collector usage seems to imply local residents collecting on routes leading to and from non-residential areas.

Salem Heights Avenue traverses rolling terrain and contains three vertical curves that significantly impede sightline distances for both pedestrians and vehicles entering the street. Adding additional traffic to Salem Heights will increase risk from this public safety hazard given the current user type. The existing physical nature of the vertical sightlines cannot be overcome. Widening the street will not improve sightlines for pedestrians, bicycles, or cars crossing the street. Widening the street without additional traffic controls however will potentially result in increased speed, which will exacerbate the sightline response time. Some form of “non-collector” traffic control is warranted if additional loading is planned from development – whether it be speed “humps”, intersection barrier circles (as needed on Saginaw for similar use), intermediate stop signs, or traffic lights.

Alan & Becky Gahlsdorf

Olivia Glantz

From: wmikesuz@aol.com
Sent: Tuesday, July 09, 2019 10:21 AM
To: Olivia Glantz
Subject: Sub ADJ 19-02

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sirs/Gentlewoman,

My name is Michael Whitston and spouse Suzann Kragh are writing to oppose the Wren Subdivision plan for Salem Heights Ave S, Salem Oregon because of the total chaos this development will adversely affect myself and my disabled spouse of 35 years. We live in Villa Candalaria condominium and often use the south exit of our property by way of Felton St to Madrona. Felton street already has some issues chiefly the road is poorly paves, serves as an easement to homes off Felton. Often there are multiple homes that park on the street and one home 4980 Felton parks so many vehicles on the street that prevents an easy passage and presents as a hazard on the precarious corner.

Once Salem Heights Ave S is affected by the construction many local residents will no longer use this congested road and instead will use Felton St to Madrona that will only makes matters even worse. Imagine the number of cars that will use this poorly paved road and any Emergency vehicle Fire trucks, ambulances and larger cars/trucks will find that getting in and out of Villa Candalaria will not be able to get through. During peak work hours and school years will make this even more of a hazard making it really dangerous for the children that walk down Madrona to get to the many schools in the neighborhood not to mention the impatient drivers that will dart out of Felton onto Madrona likely resulting in even more dangerous and most likely find the City of Salem liable for the poor planning that allowed this happen. Please reconsider approving this developement because the developers won't be living in this neighborhood and their only concern is making this project get completed for their big payday while the residents that reside here will suffer forever as this change inn our neighborhood will have a road and neighborhood density and road congestion that will ruin this community for the sake of progress. You may have change with progress but NOT progress with change.

Michael Whitston/Suzann Kragh
622 Salem Heights Ave S, Salem 97302
971 701-6445

Olivia Glantz

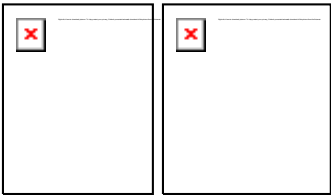
From: Leslie Cutler <lesliehomestar@gmail.com>
Sent: Friday, July 19, 2019 4:18 PM
To: Olivia Glantz
Subject: Wren Heights Housing Development

Greetings,

As a resident and home owner in the neighborhood directly adjacent, I support the proposed development. This has been ongoing for sometime now, it will be good to see it move forward, and I the new neighbors we will gain.

Thank you,

~Leslie Cutler



Oregon Licensed Broker
HomeStar Brokers

4093 Commercial St. SE, Ste. 130
Salem, OR 97302
503-881-9606

concerning
SUB-ADJ19-02

City Recorder: Concerning
development along Salem Heights Ave.

I live at 195 Salem Hts and I
walk quite often to local businesses
around the area. It is already unsafe
walking along Salem Hts because of
speeding cars and the lack of sidewalks.
Additional cars in this area will
make it extremely dangerous to walk
or ride a bike. Please send the
proposal back for further review.

Sincerely

Dave Halvorsen

RECEIVED

JUL 19 2019

SALEM LEGAL DEPT

David Halvorsen
195 Salem Hts Ave, S,
Salem, OR 97302

PORTLAND OR 972

17 JUL 2019 PM 5 L



RECEIVED

JUL 19 2019

SALEM LEGAL DEPT

City Recorder
555 Liberty St, SE Room 205
Salem, Or,

97301-351355 SUB-ADJ 19-02

Jeanine Stice
3365 Sunridge Drive
Salem OR 97302

July 22, 2019

TO: Members of Salem City Council
RE: CASE NO SUB-ADJ19-02

My Name is Jeanine Stice. I live at 3365 Sunridge Drive. We have lived on property bordering by Sunridge for 18 years. Sunridge Drive is a short drive, similar to an alley, that intersects with Salem Heights Ave and is approximately 2 blocks in length before it intersects with other neighborhood streets, Hansen Ave, or Biegler Ave, which is off of Madrona.

This is a tight neighborhood with very narrow streets running off of Salem Heights, with the exception of those streets that run north, connecting to Hansen which is one of the collector streets that is developed and has two lanes with parking space and sidewalks on both sides of the streets in addition to good visibility when compared to Salem Heights. Salem Heights is very undeveloped, very narrow, and very poor visibility due to its hilly terrain compared to Hansen.

This is reason I share support for a third option proposed by the developer Wren Heights and supported by many in the SWAN community at our most recent meeting this past May. The proposed alternative that includes limiting the exit from Wren Heights on the Salem Heights side, so that access in and out of the division is limited to pedestrians and bicycles; in short active transportation.

Promoting active transportation city wide, but especially the to and from area schools and neighborhood destinations has been cited as a goal by the City in both its planning meetings as well as discussion on climate concerns. The timing of this division is an opportune time to examine how limiting subdivision access to promote increased walking and biking as opposed to automobiles would impact car trips to and from a subdivision of this size. It also would serve to increase the safety of the children taking that route as there most likely would be less automobiles on a street that will not be up to traditional collector street standards for several years.

Without the physical diversion at the entrance for automobiles, the exit and entrance from Salem Heights into the subdivision would most likely be the one most highly utilized for the simple fact it includes one turn, and drivers most likely would take a simple right if driving their children to school and then work, as opposed to making several turns through the development and then attempting a left turn onto Hansen at an hour where there is heavy traffic at the four way stop at the intersection of Hansen and Holiday.

Ideally, everyone would walk or bike to close neighborhood destinations without having to create an environment that makes driving by automobile less convenient. However, public health research has consistently shown that policy that creates a downside to behavior you're trying to shift paired with an upside on behavior you're trying to encourage is most successful at fostering new social habits that support community health.

It is my hope as a council you will consider the timing of this appeal and this subdivision as an opportunity to foster alternatives that support slower traffic, narrower/shared bike/auto and bike/pedestrian paths for collector streets and unimproved collector streets such as Salem Heights.

This is occurring in other communities and even our own. Ewald has a shared bicycle/pedestrian path that runs along side it rather than a formal sidewalk, and the City of Redmond has created a slow road area around city hall with shared auto/bicycle on a narrow street, rather than the older rules for collector streets that include extra wide roads, dedicated bike lanes.

Allowing the exit from Salem Heights to have a barricade that is movable- like those that are on the West Salem Railroad Pedestrian path would allow emergency vehicle access if needed and encourage active transportation from this subdivision. If not, the impact could be revisited when funds are available for improving Salem Heights to city standards and provide necessary safety when it comes to designated collector streets.

Thank you for considering this option.

Sincerely,
Jeanine Stice

Olivia Glantz

From: Jennifer Carley <jennifer.carley@comcast.net>
Sent: Monday, July 22, 2019 2:51 PM
To: Olivia Glantz
Subject: SUB-ADJ19-02 comments for tonight's City Council public hearing

To Whom It May Concern:

I am writing in regards to the proposed Wren Heights subdivision.

I live in the Salem Heights neighborhood on Windgate St. S. I am on the steering committee for Just Walk Salem/Keizer and I lead a neighborhood walk from LifeSource every Sunday.

Almost every morning my friend and I walk a nearly 3 mile route around the Salem Heights and Candelaria neighborhoods. Salem Heights road is on our walking route, though we are careful to spend as little time on that road as possible, due to the dangerous road conditions. There are no sidewalks and visibility is poor.

I am concerned about the Wren Heights development proposal for two main reasons. The proposal, as I understand it, does not include rigorous attention to tree preservation, nor transportation safety issues, especially for pedestrians.

Any time I am headed East on Salem Heights road I am in awe of the beautiful tree canopy of protected white oaks.

They are an important aspect to the special character of our neighborhood. They provide shade and contribute to mitigating climate change, as all trees do. I have noticed, when driving West on other neighborhood streets that do not have adequate trees, the sun is absolutely blinding, making visibility nearly impossible at the very time people are headed home from work or school. Instead of figuring out how many trees can be cut down for the development, a concerted effort should be made to figure out how to SAVE as many trees as possible. Saving the trees will preserve the character of the neighborhood and make the proposed neighborhood much more livable.

Some studies have shown that apartments surrounded by a natural landscape have fewer incidents of domestic violence than those that do not. It has also been shown that walking 15 minutes/day in nature is a powerful antidepressant. (To the extent the Japanese have designated healing forests.)

My other concern is public safety on the already dangerous Salem Heights Road. There are no sidewalks, poor visibility, especially when headed West, and pedestrian and bicycle transport is extremely dangerous. Adding over 300 cars/day to the traffic on Salem Heights road is just plain dangerous and there doesn't seem to be a plan in place to make the street safe.

Before this proposed project moves forward, the City and the developer should consult with neighbors to reconfigure the project in a way that improves safety and preserves the special livability characteristics of our neighborhood.

Sincerely,

Jennifer Carley

970 Windgate St. S.

Salem, Oregon 97302

Olivia Glantz

From: Bill Dixon <bill.r.dixon@gmail.com>
Sent: Friday, July 26, 2019 12:10 PM
To: CityRecorder
Subject: New Testimony for the Written Record -- Case #SUB-ADJ19-02, Wren Heights

To: Mayor and City Council
From: Bill Dixon, 608 Salem Heights Ave. S., Salem, 97302
Subject: New Testimony for the Written Record -- Case #SUB-ADJ19-02, Wren Heights

Based on what I heard during the Wren Heights public hearing July 22, I remain convinced that the Council should reject the development application.

The hearing demonstrated once again that the development team is not interested in collaborating with neighbors to protect their safety on Salem Heights Avenue South. This approach fits a pattern in which the developer applied for the project without talking to the neighbors and – after strong opposition emerged – held a couple of cursory meetings to explain why he wouldn't take action to make things safer.

Although neighbors told the Council they support a temporary barrier at the intersection where Wren Heights traffic would enter Salem Heights Avenue – an approach that would allow the city to bring the street up to standard before adding more traffic -- the development team said they were unwilling to pursue it.

This is clear evidence that Council intervention is needed to prevent harm to the Salem Heights community.

In Salem, public infrastructure should be adequate to serve current requirements as well as new development. The Council should acknowledge that the current condition of Salem Heights violates this principle and should deny the development application.

Following that action, the developer and city staff should be encouraged to consult with the Salem Heights community to find an approach that will work for everyone. This new effort should involve a continuation of the recently initiated city effort to improve Salem Heights for all users and protect the character of the neighborhood.

--

Bill Dixon
bill.r.dixon@gmail.com
503-602-1708

Olivia Glantz

From: Laurel Goode <goodelaurel@gmail.com>
Sent: Monday, July 29, 2019 10:45 AM
To: CityRecorder
Subject: New Testimony - Case No. SUB-ADJ19-02 for 500-600 Blocks of Salem Heights Av S

Dear Mayor and City Council Members,

My name is Laurel Goode, and I live on Acorn Lane South.

I was unable to attend the meeting last week, but I did watch the recorded session.

There is ample evidence that Salem Heights Avenue is a dangerous street for pedestrians, bicyclists, and animals.

If you approve this development, with the connection to Salem Heights, it would be negligent to not require improvements be made to the street. Even the person who lives north of the planned development agreed (via oral testimony last week) that there should not be a connection to Salem Heights Avenue.

Sincerely, Laurel Goode

July 26, 2019

To: Mayor and City Council

Re: Case #SUB-ADJ19-02, Wren Heights

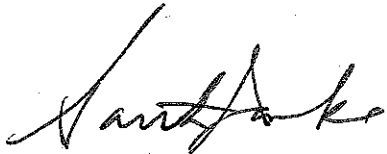
Greetings:

I would like to follow up on the testimony from Dixon, in general agreement.

It seems obvious that Salem Heights Avenue has insufficient capacity to carry a significant amount of additional traffic without improvements going beyond those that have been proposed at the development site itself. In my opinion, the problem is specifically an increased potential for conflicts between cars and pedestrians.

I also agree with Mr. Dixon regarding the idea I first heard raised at the July 22nd hearing by Mr. Eachus, that if the development is to proceed, motor vehicle connectivity between the new subdivision and Salem Heights Avenue could be withheld by use of a temporary barrier until a plan, acceptable to the neighborhood, is worked out for improving the street. As Mr. Dixon points out, such planning has already begun.

This subdivision would (or will) be a significant amount of development in a mature neighborhood, and I believe it is reasonable under the circumstances for some concessions to be made to the wishes of the people who already live there.

A handwritten signature in black ink, appearing to read "Garth Janke". The signature is fluid and cursive, with a large initial "G" and a stylized "J".

Garth Janke
985 Downs St. S.

Olivia Glantz

From: Garth Janke <garthjanke@yahoo.com>
Sent: Friday, July 26, 2019 1:37 PM
To: CityRecorder
Subject: Case #SUB-ADJ19-02, Wren Heights
Attachments: Comment re Wren Heights.pdf

Greetings: Attached is a comment for the Mayor and City Council

% Olivia Glantz

City of Salem Community Development Department

Case Number: SUB-ADJ-J19-02

City Councilors,

My name is Alexandra Andeen. I live at 695 Salem Heights. Thank you for pulling this decision up for review. I would like to add the following to my previous comments re: SUB-ADJ-J19-02:

As mentioned in other testimony, a Project Advisory Committee (PAC) has been created to facilitate work between the city and Salem Heights residents in order to develop a Master Plan for Salem Heights. Within a year the city is projected to have a Master Plan on file, informed by those who are most familiar with the oddities of this old county road.

My previous testimony concluded by stating that this decision had not received adequate review, per the unusual - and old - nature of Salem Heights. (According to my 3rd-generation-resident neighbor, the county road was in place well over 100 yrs ago.) Given that a Master Plan is in process, given that the Master Plan is being developed *with* city staff, and given that this street has had import to Salem for over a century, might there be value to adding a condition that development is put on hold for 12 months and plans are adjusted along the frontage of Salem Heights to reflect the Master Plan, such that the development and future improvement to Salem Heights blend seamlessly?

Such a recommendation from the council would be received as vision-forward by local residents and developers. Though it impedes immediate progress, it sets Salem apart as a city that evolves with great intention and forethought - a standard of care that will only raise property values and tax revenue going forward.

In my visits to city and county offices last week I was reminded again that you, our council members, are largely the only recourse for residents like us who wish to advise our municipal governments when we notice something we feel needs correcting. I don't fault the city for not being attuned to all of the issues that have been raised in this process. I do hope that each council member takes seriously the role that residents depend on you for - precisely, to ensure that our interests are reasonably protected, especially when juxtaposed with heavily financed and attorney-ed applicants.

Thank you,

Alexandra Andeen
695 Salem Heights Ave
Salem, OR 97302

Olivia Glantz

From: Ruth Stellmacher
Sent: Monday, July 29, 2019 4:26 PM
To: Olivia Glantz
Subject: FW: Emailing - SUB-ADJ19-02 Andeen Testimony 2.pdf
Attachments: SUB-ADJ19-02 Andeen Testimony 2.pdf

From: oboeduets@gmail.com <oboeduets@gmail.com>
Sent: Monday, July 29, 2019 4:23 PM
To: CityRecorder <CityRecorder@cityofsalem.net>
Subject: Fwd: Emailing - SUB-ADJ19-02 Andeen Testimony 2.pdf

To Whom it May Concern;

Please find attached additional testimony re: case number SUB-ADJ19-02.

Thank you ,

Andie Andeen

503-930-6703