

## Amy Johnson

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**From:** Glenn Baly <glennbaly12345@gmail.com>  
**Sent:** Friday, September 25, 2020 2:39 PM  
**To:** CityRecorder; citycouncil  
**Cc:** Irma Dowd; Lora Meisner  
**Subject:** SGNA Comments on Salem Stormwater Master Plan - September 28, 2020 City Council Meeting  
**Attachments:** 25 July 2017 Flood Meeting (3).pdf; SGNA Comments on Stormwater Management Plan.docx  
  
**Categories:** Follow-up

Attached are the South Gateway Neighborhood Association's comments and attachment on the Salem Stormwater Master Plan on the agenda for the September 28<sup>th</sup> City Council meeting.

Glenn Baly  
South Gateway Neighborhood Association

Sent from [Mail](#) for Windows 10

City of Salem  
Public Works Department  
Salem, OR

Subject: Meeting to discuss mitigation of damaging flood water from the Battle Creek Basin.

Attendees: Lora Meisner, John Shepard, Peter Fernandez, Robert Chandler, Robin Dalke.

The Battle Creek Basin is a significant source of storm water that enters the Salem Storm drainage systems (known as the creeks and streams flowing through the City). The City currently does not know the capacities of these drainage systems yet development is directed by Salem City Code to connect all storm water drainage to the Salem Storm drainage system. This practice has contributed to flooding in 1996 and 2012 that exceeded flood water height and area coverage as predicted on the FEMA flood maps. These flood maps have been used by the City and Development to establish the limits of risk for flooding. Property damage has occurred to home and business owners as a result of these practices.

We discussed:

1. Development practices, what was called “Our sins of the past” and that the Public Works Department is aware of the issue.
2. The issue of flooding is affecting Salem in several ways.
  - a. Potential significant increases in Flood Insurance Premiums could devastate the Salem Real Estate Market. This is caused by changes in lending regulations, and Flood Insurance policy changes under consideration by FEMA.
  - b. Long time residents and business are bearing the storm water flood burden of new development occurring in the Battle Creek Basin.
  - c. The Battle Creek Basin is one of two prime areas for the future growth of Salem due to Oregon State Land Use laws.
  - d. Some buildings and properties are at unsolvable risk and may require acquisition by Public Works.
  - e. Water detention has a cost.
  - f. Existing property owners may need to be burdened with retrofitting costs.
3. Lora presented a simple concept that needs to be considered if Salem residents are to be protected from flooding.
  - a. Reduce the addition of more storm water into an overburdened Storm Water System
    - i. **A Battle Creek Basin Special Development Zone**
      1. The suggested zone would require any new developments to maintain storm water on site as well as preserve 50% of trees over 6” in diameter. The purpose is to limit flooding in Salem as well as Turner. One of the biggest hurdles to developing a special zone would be political. The city council (because many members are new) would have to be informed about the problems of flooding and agree with the concept and parameters of a special development zone.

4. Robert Chandler discussed:
  - a. the issue of retrofitting many properties developed 20-30 years ago with rain gardens and other storm water management controls.
  - b. Potentially retrofitting efforts of present owners might provide savings in storm water fees.
5. Finally, the potential for new Creekside development was briefly reviewed.
  - a. The property presents a rare opportunity for storm water detention. It is one of the last level areas in the basin where water running down the basin can pool and slow down before proceeding on towards Turner and downtown Salem.

We want to thank you for meeting and discussing this important subject that affects property owners in 4 of the 8 Salem City Wards.

We look forward to concrete policy changes that will mitigate the damaging flood issues to current Salem property owners while creating an opportunity for new development in South Salem.

Sincerely,

Lora Meisner  
1347 Spyglass Court SE  
Salem, OR 97306

CC: John Shepard, Chuck Bennett



**NEIGHBORHOOD ASSOCIATION**  
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September 21, 2020

Mayor and City Council  
City of Salem  
555 Liberty Street  
Salem OR 97301

Dear Mayor and City Council,

Storm water management and flooding is of particular concern to the South Gateway Neighborhood Association due to the vulnerability of our area. We welcomed the City's update to the existing Storm water Plan, but have serious concerns about the plan being discussed at your September 28 Council meeting.

The Stormwater Master Plan's primary purpose is to provide City leaders and the community with direction on dealing with "Urban Storm Water Run-off". In addition the plan provides direction for current and future storm water projects in the City. This 2020 plan has applied advanced modeling programs, utilizing local Salem data. It is not just based on FEMA flood plan maps, which fail to take into account recent and future changes that affect flooding.

The FEMA flood maps for the Battle Creek Basin were developed from FEMA modeling done in the 1960s. This aged modeling has been used to regulate and approve the stormwater management in the basin for the past 50 years. Based on the 1996 and 2012 storm events SGNA residents have personal experience with how this planning has failed to protect the community.

The proposed Stormwater Master Plan looks at the Battlecreek Basin, for the first time using modern engineering methods, and identifies the issues that residents have stated to the Council and Public Works since 2007.

"The old plan is not working. The creeks are beyond capacity. Turn the water off, please!"

We encourage adoption of this Stormwater Master Plan as it relates to the Battle Creek Basin. The City Code needs to reflect the findings identified, particularly changes related to storm duration. The current Salem Code uses a "24 hour Design Storm" language. The research used to identify stormwater issues in the plan demonstrate the failure of this metric to reflect the type of impact the two recent storm

events had on the community. We strongly recommend the use of a 72 hour 100 year storm metric with detention on sight of large projects when the flow rate downstream will be increased greater than 350 cfs beyond current conditions.

Residents in Salem, when we buy property, have an expectation that the city's code and development standards will protect our homes from damage during the normal events. This expectation is not limited to the year of purchase but extends into the life expectancy of the residence. When development upstream occurs and the floodwaters from storm runoff cause existing homes to be damaged residents turn to the city and ask why? The First Street Foundation <https://firststreet.org/> has developed and published nationwide flood risk maps that build on the FEMA data, include both current and future modeling that takes into account environmental changes to provide a more accurate estimate of current and future impact to homes. We recommend that the councilors visit this site and see for themselves the impact on Salem.

John Shepard, a SGNA resident and member of the Salem Stormwater Master Plan development committee, was briefed on the modeling data now published in the final draft of the Stormwater Master Plan 2020 (see his memo to SGNA below). The idea of using the new knowledge of flood inundation was rejected by other committee members (which consisted primarily of developers/realtors), because it would be "bad for business", would require some residents to pay higher flood insurance rates, and would include some residents in flood plains that were not in flood plains when they purchased their homes. The publishing of such model data by First Street Foundation and linking their data to Realtor.com where the marketplace can see it, both buyers and sellers, means the errors of the past are now public. It is time that Salem regulations regarding development address the technical information provide in the proposed Stormwater Master Plan and the code modified to reflect the type of storm durations, soil conditions, runoff issues specific to Salem.

We note that the plan includes a list of project recommendations for CIP projects on how stormwater management can be more effective. We favor the projects that have specific reduction or elimination of flooding for residents in the area of 13<sup>th</sup> street and Greenside Village. We favor specific development standards that promote more retention of stormwater runoff from upstream properties. This is especially important in the Battlecreek Basin since stormwater runoff from the surrounding hills is a chief culprit for downstream flooding. We advocate for a special development zone in the basin to restrict the volume of storm water flowing into the basin instead of merely expanding detention at the bottom of the basin.

In a meeting arranged by Chuck Bennett with Peter Fernandez and Robert Chandler with Lora Meisner and John Shepard the idea of a South Salem Hills Special Development zone was discussed. At the time, Peter and Bob said it would be a *political* decision—mayor and council could decide—in order to have this zone develop which would require more storm water detained on developments that would feed into the Battle Creek Basin. (See attached memo).

SGNA requests that the City implement plans that will take into account the mission of the city to protect residents. Incorporate the need to have a 72 hour storm..... City Council needs to direct the public works staff to design parameters for the special development zone.

Sincerely,  
Glenn Baly  
Chair, South Gateway Neighborhood Association

Included—Memo from John Shepard:

Glenn, SGNA Board

I have been thinking about how to address the issue. I am more of a historian than an engineer or a writer of policy about the subject of flooding in the Battle Creek Basin.

I was participant in the work concerning the Future use of Battle Creek Golf course. The property owner one day in 2007 announced his intent to develop the property into a 55-plus housing project on the 85 acers. The property was zoned “Public Amusement”. The Comprehensive Plan would require a change. We argued that the property served a public purpose in detaining flood storm water. During the process I learned from Public Works staff that the city had no knowledge of the stream capacities. A Zoning and Development standard from the 70’s required connection of all storm water to the streams. The 1996 flood demonstrated that the stream capacities were beyond the FEMA Flood Plain mapping (models developed in the late 50 early 60’s for the area. Building was dependent on the FEMA maps. The city prepared an assessment plan with a budget to address the stream flow conflicts at culverts. The culvert at 13<sup>th</sup> street as an example was changed from three 24inch pipes to a large box culvert the width of the stream bed and the height of the roadway. This increased the capacity of water to flow under 13<sup>th</sup> street more than 10-fold. The city did very little more regarding the engineer recommendations for 13 million in improvements. The city did not change their Zoning and Development standards. Storm water was directed to be added to the streams and with each new development the volume of storm water in the creeks increased.

Summary:

In 2017/2018 I participated as a member of the Storm water Master Plan committee to revise the long over update. During our discussions the Public Works dept. informed the committee that they had a new modeling method developed to identify the level of flood water inundation. We were told the modeling was state of the art. It showed that the stream capacities were indeed exceeded by the present level of storm water being emptied into the creeks. New and greater damage would be occurring during 25 plus year storm events.

When the question was asked “Should we include this new data into our practice for accessing

the risk to property from flood damage?” the development community was against the idea. It would devastate property values. Validation of the model was not clear. Residents would lose their life savings in their homes as flood at risk homes would kill the real estate market. Insurance costs would be enormous. The flood insurance rates, which the City had been championing, would be lost.

I argued you cannot keep this information from the public. The city must be transparent. You know that some homes will be flooded now. The individuals who purchased these homes had reason to believe the city when they asked if these homes are safe. To be told, FEMA mapping shows these are outside of the flood zone, yet the city model shows that they are now in a flood risk zone was wrong. We need to consider zone and development standards that protect the residents. If you buy a home in the hills your home and development cannot flood out the older homes downstream. When the committee voted the decision was to not do anything about this information. It would be up to the Public Works department to decide to use or not use the information.

In this day and age, you cannot keep secrets for long. August 26<sup>th</sup>, Realtor.com announced a new feature on their website. Flood Risk data now available for home shoppers.

There is a new feature provided by the nonprofit First Street Foundation. The flood data includes an estimate of a home's FEMA flood zone as well as FLOOD FACTOR<sup>TM</sup>, comprehensive flood risk data displayed on the property level in the form of a risk score, ranging from 1 (minimal risk) to 10 (extreme risk). The [Realtor.com](https://www.realtor.com) site displays the current risk of flooding for a home; whether the risk is increasing or decreasing, or constant; and the likely hood of that property experiencing a flood event over the next 30 years.

Research identified in the Wall Street Journal indicate, Homes outside the high-risk flood zone appreciate faster than homes inside those zones between 2012 and 2017.

SGNA's position on the Storm water Master Plan may reflect concern for the lack of transparency by Public Works in the preparation of the plan. The Salem Council can have an impact on the issue by considering where in Salem are the risks and having zoning and development standards that reflect the need to reduce the risk to all Salem residents.

Here is a link to the area around Battle Creek and 13<sup>th</sup>. Many of these homes are showing 10 risk assessments yet they are outside the FEMA flood plain. This can only happen if the volume of water in the creeks is greater than the FEMA models (and standards for development decisions) consider

[https://floodfactor.com/county/marion-county/41047\\_fsid#score\\_map](https://floodfactor.com/county/marion-county/41047_fsid#score_map)

Perhaps the Storm water Master plan should consider a modification to require onsite storm

water detention for all storms.

John Shepard

Information provided has been resourced and supporting documents are available upon request.



## Amy Johnson

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**From:** E Easterly <emeasterly@comcast.net>  
**Sent:** Monday, September 28, 2020 10:48 AM  
**To:** citycouncil  
**Subject:** Testimony Agenda 4.a

To: Salem City Council via email: [citycouncil@cityofsalem.net](mailto:citycouncil@cityofsalem.net)

From: E.M. Easterly

Re: Agenda 4.a SWMP Policy 8.1 SDC expenditure Oversight Committee

Date: September 28, 2020

Mayor Bennett and Council Members,

The staff document “**Responses to Comments Received in Advance of September 28, 2020 Public Hearing on Stormwater Master Plan Amendment.**”, written by Dr. Chandler, responded at Item #14 to my request for Council to establish a Stormwater SDC fund oversight committee with a gentle “there is no requirement nor need.”. Dr. Chandler offers examples of community involvement. He claims:

1. Community involvement “when Council is considering expenditures involving projects funded by System Development Charges.”
2. Community involvement via “a public hearing in advance of adoption of the proposed Capital Improvement Plan (CIP).”
3. Community involvement “also includes a provision establishing a CIP Review Committee.”

However, budgetary records consistently show otherwise. Stormwater SDC expenditures are not being appropriately monitored.

In 2019 staff recommended a stormwater SDC expenditure to purchase land that was **not a CIP project**. That expenditure recommendation was not reviewed by a CIP Review Committee. The recommendation to Council was not publicly reviewed before adoption. There was no community oversight.

Historically “unspecified” Stormwater SDC funds have been expended without scrutiny. It is for this reason that I requested the inclusion of a SDC expenditure oversight committee as a constructive addition to the well written 2020 Stormwater Master Plan.

I recognize that staff is reluctant to expose their pragmatic recommendations to public scrutiny. I also recognize that Council usually takes the easiest path by acquiescing to a staff affirmed recommendation, whether that recommendation conforms to adopted City policy or legal requirements, or not.

I repeat my September 23<sup>rd</sup> request. I ask Council to add a sixth item to SWMP Policy 8.1

(6) “Establish an expenditure review committee to vet and advise Council on staff recommendations to expend “Stormwater - Unspecified” SDC funds.”

The reasons for my request include:

- It would provide important connections with Watershed Councils.
- It would facilitate increased transparency.
- It would reveal to City Councilors insights to aid in their decision-making.
- It would accomplish the intent of land use Goal One.

**Amy Johnson**

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**From:** Shannon Priem <spriem@hotmail.com>  
**Sent:** Monday, September 28, 2020 3:21 PM  
**To:** CityRecorder; Tom Andersen; Robert Chandler  
**Cc:** Irma Dowd; jeff503@fastmail.us  
**Subject:** SESNA's letter as testimony for Stormwater Masterplan hearing  
**Attachments:** 2020 Storm Plan SESNA comments.pdf

SESNA would like to submit the attached letter for tonight's public hearing on the 2020 Stormwater Master Plan.

Shannon Priem, Chair



September 28th, 2020

Subject: SESNA's position on the proposed 2020 Stormwater Master Plan

Dear Mayor and Councilors:

While the Southeast Salem Neighborhood Association appreciates the extensive work behind the proposed Stormwater Master Plan, we encourage you to delay adoption for a variety of reasons. We are mainly concerned because it does not mention or address two major issues which cannot be improved with capital improvement projects -- but have a major impact on the flooding in Salem.

### **North Santiam River Overflow into Mill Creek**

After 2012 rainstorm, the flooding peaked in SESNA along Mill Creek the next evening due to inflow from the North Santiam River. The Mill Creek Basin Plan does not mention the inflow from this basin other than "...provides water for irrigation and augments low flow conditions in Mill Creek during the summer months."

The Stormwater Master Plan Policy 3.6 - Flood Risk Mapping states "The City shall make readily available information related to flooding..." The plan should at least acknowledge inflow from North Santiam River flooding. This is one of the most significant issues in the Mill Creek basin. The inflow from the North Santiam River is a challenging and complex regional issue that Salem can on solve alone. Even if there is not a capital improvement project ready to fix this issue, the first step in solving this is to acknowledge the problem and inform the public.

### **Climate Change not adequately addressed**

The federal government has documented concerns about increased flooding due to climate change. Why is there no mention of possible increased flooding in Salem? The EPS states about the Pacific Northwest that "Further, increased flood risks around rivers that receive waters from both winter rains and peak runoff in late spring are expected"

[https://19january2017snapshot.epa.gov/climate-impacts/climate-impacts-northwest\\_.html](https://19january2017snapshot.epa.gov/climate-impacts/climate-impacts-northwest_.html)

Here is more about the Pacific Northwest: "Regional climate models project increases of 0% to 20% in extreme daily precipitation, depending on location..."

<https://nca2014.globalchange.gov/report/regions/northwest#intro-section-2>

The 2020 Stormwater Master Plan contains valuable capital improvement projects we support -- but we need to plan for major issues even if they cannot be mitigated by Salem capital improvement projects. The city just announced an important new climate change task force -- so why not wait for their study to finalize this masterplan, so we have a unified, science-based direction?

The plan also doesn't include adequate recommendations on how to manage stormwater through more stringent development rules to assure those of us living "downstream" that new subdivisions will include on-site stormwater retention.

Lastly, after reaching out to other neighborhood associations taking a position on this plan, we learned that a more current model could be explored from the First Street Foundation (they developed a national system of calculating flood risks, by household, in fact.) While we're not experts on whether their model provides more valid data, we'd like to learn more about it, and/or why the city believes it's not worth exploring.

Thank you for the opportunity to share our concerns as part of the Sept. 28 public hearing.

Southeast Neighborhood Association Board

*Shannon Pueri, Chair*