

## Aaron Panko

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**From:** Lisa Anderson-Ogilvie  
**Sent:** Friday, July 14, 2023 9:07 AM  
**To:** Geoffrey James A.I.A.  
**Cc:** Aaron Panko; Salem Planning; sidrakdragon@live.com; Liz Backer; Trevor Phillips; citymanager  
**Subject:** RE: 23-112128-PLN

Geoffrey,

I will remind the planners to acknowledge receiving comments.

Thanks,

- Lisa | 503-540-2381

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**From:** Geoffrey James A.I.A. <gjamesarchitect@gmail.com>  
**Sent:** Thursday, July 13, 2023 11:22 AM  
**To:** Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>  
**Cc:** Aaron Panko <APanko@cityofsalem.net>; Salem Planning <Planning@cityofsalem.net>; sidrakdragon@live.com; Liz Backer <lizmail217@gmail.com>; Trevor Phillips <TPhillips@cityofsalem.net>; citymanager <citymanager@cityofsalem.net>  
**Subject:** Re: 23-112128-PLN

Lisa:

Your office i.e. The City will be receiving Comments and letters regarding this land use case from citizens through Friday. Please add them all to the Record or file.

This case MAY be appealed to LUBA.

A **remaining concern** is the customary lack of acknowledgement of receipt of communications sent to Planning from the public or even from N.A.'s.

Some planners are good about responding to or acknowledging communications or letters. But not all.

Here is a suggestion.

When your folks receive a letter concerning a land use case, please ALWAYS promptly acknowledge receipt.

It can be a form letter.

**"Dear \_\_\_\_\_"**

**"Thank you for submitting your comments or testimony regarding Case No. \_\_\_\_\_"**

**"Your comments have been received and will be entered into the Record"**

**"Sincerely,  
\_\_\_\_\_. Planner"**

Geoff

On Thu, Jul 13, 2023 at 10:55 AM Lisa Anderson-Ogilvie <[LMAnderson@cityofsalem.net](mailto:LMAnderson@cityofsalem.net)> wrote:

Hi Geoffrey,

The comment period is for internal City staff to review the proposal and provide comments to the Planning Division. As I explained previously, this application does not go out for public notice.

Your emails will be included in the file but it is not appealable and I cannot accept an appeal of this application. If you want to appeal it, you need to file the appeal with LUBA.

I have read your appeal letter and it is focused on potential changes to the approved tree removal. As I stated in my last email, they are not proposing, and we are not approving, any changes to the approved Tree Conservation Plan. The homestead lot will remain in the Subdivision and be subject to the conditions of the City Council decision. Does that address Morningside's concerns?

Thanks,

- Lisa | 503-540-2381

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**From:** Geoffrey James A.I.A. <[gjamesarchitect@gmail.com](mailto:gjamesarchitect@gmail.com)>

**Sent:** Thursday, July 13, 2023 10:37 AM

**To:** Lisa Anderson-Ogilvie <[LMAnderson@cityofsalem.net](mailto:LMAnderson@cityofsalem.net)>

**Cc:** Aaron Panko <[APanko@cityofsalem.net](mailto:APanko@cityofsalem.net)>; Salem Planning <[Planning@cityofsalem.net](mailto:Planning@cityofsalem.net)>; [sidrakdragon@live.com](mailto:sidrakdragon@live.com); Liz Backer <[lizmail217@gmail.com](mailto:lizmail217@gmail.com)>; Trevor Phillips <[TPhillips@cityofsalem.net](mailto:TPhillips@cityofsalem.net)>; citymanager <[citymanager@cityofsalem.net](mailto:citymanager@cityofsalem.net)>

**Subject:** Re: 23-112128-PLN

Lisa:

MNA Board met last night.

We board members insist that our Appeal letter be part of the Record.

Comments on the PLA are due by 5 p.m. on Friday.

Even though you notified nobody.

Please in future do have the courtesy to acknowledge receipt of an official Appeal Letter from an N.A.

That was submitted twice.

There was public concern about your process.

Planning needs to take these things (Appeals) seriously and include correspondence in the Record.

Geoff

On Wed, Jul 12, 2023 at 12:38 PM Lisa Anderson-Ogilvie <[LMAnderson@cityofsalem.net](mailto:LMAnderson@cityofsalem.net)> wrote:

Hi Geoffrey,

The previous application was a Subdivision Modification and Property Line Adjustment. It was the applicant's intent to move the property lines and also remove the homestead lot from the Subdivision. A Subdivision is a Type II application which requires public notice and opportunity for appeal due to the need to utilize discretion to evaluate the proposal and issue a decision. After Morningside appealed, the applicant withdrew that application.

They have now submitted for just a Property Line Adjustment. They are no longer asking to modify the Subdivision; the homestead lot will continue to be included in the Subdivision, and subject to the conditions of the Subdivision and Tree Conservation Plan.

Property Line Adjustments are Type I applications under the Salem Revised Code – see [SRC 300.420](#). They do not go out for public notice as there is no discretion that is required to issue a decision. They are not appealable at the local level. If someone wants to file an appeal of the decision, the appeal would be to the Land Use Board of Appeals (LUBA).

Lisa

**Lisa Anderson-Ogilvie**, AICP (she/her)

*Deputy Community Development Director*

*Planning Administrator*

City of Salem | Community Development Department

555 Liberty St SE, RM 305, Salem, OR 97301

[Imanderson@cityofsalem.net](mailto:Imanderson@cityofsalem.net) | 503-540-2381

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

**Now Available!** Online submittal of Land Use Applications through the City of Salem Permit Application Center. Register for an account [here](#).

Due to limited staffing, the Planner's Desk has temporary hours: 10-4 Monday-Friday

Questions on Zoning and Sign Permits can be submitted by email to [Planning@cityofsalem.net](mailto:Planning@cityofsalem.net)

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**From:** Geoffrey James A.I.A. <[gjamesarchitect@gmail.com](mailto:gjamesarchitect@gmail.com)>

**Sent:** Wednesday, July 12, 2023 12:19 PM

**To:** Aaron Panko <[APanko@cityofsalem.net](mailto:APanko@cityofsalem.net)>; Lisa Anderson-Ogilvie <[LMAnderson@cityofsalem.net](mailto:LMAnderson@cityofsalem.net)>; Salem Planning <[Planning@cityofsalem.net](mailto:Planning@cityofsalem.net)>; [sidrakdragon@live.com](mailto:sidrakdragon@live.com); Liz Backer <[lizmail217@gmail.com](mailto:lizmail217@gmail.com)>; Trevor Phillips <[TPhillips@cityofsalem.net](mailto:TPhillips@cityofsalem.net)>; citymanager <[citymanager@cityofsalem.net](mailto:citymanager@cityofsalem.net)>

**Subject:** 23-112128-PLN

This land use application (23-112128-PLN) for the Meyer Farm is apparently currently being processed by the City.

**Morningside N.A. has filed an Appeal of this PLA Property Line Adjustment.**

Then we were informed the application was withdrawn.

Now we discover that the PLA is back and in process.

MNA was NOT informed.

The Application Form confirms this failure to communicate with MNA by the applicant and City Planning.

We discovered the Notification memo says comments are received through this coming Friday.

**Please apply the MNA Appeal of the PLA to the new file number.**

**Morningside is Appealing the Property Line Adjustment.**

We will not be ignored.

Changing the file number of the PLA will not stop the neighborhood appeal.

**Add the Morningside Appeal document to the Record of the proposed PLA.**

Let us know the City Council Hearing Date for this Appeal.

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**Geoffrey James**

**MNA Land Use Chair**

**COPY: Pamela Schmidling, MNA Chair, Trevor Phillips, Councilor, Ward 3.**

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**Geoffrey James A.I.A. Architect**

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# Morningside Neighborhood Association



City of Salem  
City Hall  
555 Liberty Street S.  
Salem, Oregon 97301  
Attention: Aaron Panko, Planning Division

## **PHASED SUBDIVISION TENTATIVE PLAN MODIFICATION / PROPERTY LINE ADJUSTMENT CASE: MEYER FARM**

### **MORNINGSIDE NEIGHBORHOOD ASSOCIATION NOTIFICATION TO CITY APPEALING THE PLA APPROVAL: May 23, 2023.**

The Morningside Neighborhood Association Board of Directors has voted to APPEAL the anticipated Planning Administrator's Decision regarding this application.  
Please schedule this appeal for a public hearing.  
Further testimony will be provided by neighborhood representatives and neighbors and others at the public hearing.

Sincerely yours,

Pamela Schmidling  
Chair, Morningside Neighborhood Association

# Morningside Neighborhood Association



## APPENDIX

The planning administrator's decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 205.

1. Tree Counts are changed.
2. Tree counts so far are an estimate, and not the Tree Survey that is required.
3. No Tree Conservation Plan Adjustment has yet been provided.
4. Five additional Significant Trees need to be removed to build Hilfiker.
5. SUB21-09 was approved to remove just three Significant oaks along Hilfiker, not eight.
6. The applicant proposes to exclude the 4.88 homestead parcel, and all the preserved trees on it. But MNA does not yet know whether the main property to be developed meets the minimum tree preservation requirements. That needs to be demonstrated by an accurate and up to date Tree Survey.
7. The applicant's submission of an alternative plat showing "duplex lots" (since withdrawn) demonstrates that Hilfiker can and should be relocated further west, thus avoiding root zones and saving significant trees. The previous erroneous claim that relocation was "not feasible" is disproven by that redesign of Hilfiker.