

Pamela Cole

From: Dan Atchison
Sent: Tuesday, April 6, 2021 5:31 PM
To: Lisa Anderson-Ogilvie; Pamela Cole
Subject: FW: Robins Lane Annexation and Development

Please include Ms. Aiello's email into the record of this case.

From: Jackie Leung <JLeung@cityofsalem.net>
Sent: Tuesday, April 6, 2021 3:56 PM
To: Dan Atchison <DAtchison@cityofsalem.net>
Subject: FW: Robins Lane Annexation and Development

Dan-

I received the following email. I didn't know what the email was about until reading it halfway.

I sent this to you as this will be a land use issue we will be discussing later this month.

I won't answer the email as I think it constitutes communication I shouldn't be involved in for now.

Please let me know otherwise.

Jackie

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Patrice Aiello <aiello973@comcast.net>
Date: 4/6/21 9:36 AM (GMT-08:00)
To: Jackie Leung <JLeung@cityofsalem.net>, glennbaly12345@gmail.com
Subject: Robins Lane Annexation and Development

Hello Ms Leung and Mr. Baly

I am contacting you about the adjacent lots comprising 41.62 acres that appear on the city annexation schedule for April 26, 2021. The properties are currently within Marion County . They are bordered by Battle Creek, Brentwood Drive, Robins Lane and Pikes Pass.

In February 2018, the owner obtained a Forest Service permit to clear cut this property. The clear cut was done in April 2018. The owner had previously submitted a complete development plan for 212 houses to the City Community Development Department on 3/7/17. The city replied to this with conditions that included preservation of trees. I have copies of these documents. The owner did not pursue the project further with the city and clear cut instead.

After this occurrence I began communicating with Lisa Anderson- Ogilvie of the City Planning Dept. I do have the chain of emails. This is one of her emails:

"We have not received any applications for annexation for this property. We did received notice from the Oregon Department of Forestry about their Timber Harvest. Our code prohibits development on land that was subject to a timber harvest for 5 years. Specifically, the code states:

"Properties from which trees have been harvested under the Oregon Forest Practices Act may not be partitioned, subdivided, developed as a planned unit development, or developed for commercial uses or activities for a period of five years following the completion of the timber harvest."

Therefore, if they do get annexed into the City in the near future they would still be prohibited from development (as described above) for 5 years."

After 3 years of inactivity on this property, the land was cleared and mowed on Thursday. April 1, 2021. I contacted Ms. Anderson- Ogilvie. Here is her response:

"The property is still outside of City limits, as such, any grading or other activity is subject to Marion County rules and regulations. The 5-year moratorium on development would be five years from when they cut the trees (Feb. 2018) but is only applied if they are annexed into the City.

They have applied for annexation and the City Council will consider their annexation at a public hearing on April 26th. The applicant is asking the City Council to annex them and allow development before the 5-year period ends. The applicant is proposing that the City impose a condition that will require them to plant larger trees with their future development to mitigate for the tree removal (2 inches versus 1.5 inches). They are planning to apply for a subdivision after annexation; trees will be required on each new lot and street trees will be required with that development. Their proposal is that those trees would be larger when planted than is normally required.

If the annexation is approved this spring, the process won't be completed until later this year, probably early fall. Therefore, the applicant would be asking for about 1.5 years of the 5-year delay to not be required. Conversely, they could wait until the 5-years are up but then we wouldn't get larger trees with the development.

It will be up to the City Council to decide whether to annex this property and allow development prior to the 5-years running out, subject to the applicant's proposal to plant larger trees."

I am writing because I am outraged by this. One half inch increase in the diameter of a tree is much too small a price to pay for a one and a half year escalation of the moratorium completion. It is ludicrous that this could even be considered as "mitigation" for the removal of a beautiful mature forest. If the owner had complied with the city initially in 2017, at least some of these trees would have been saved and incorporated into the building plan. After the destruction they wreaked, their puny offering is a pittance.

Here is an excerpt from an email I sent today to Pamela Cole. She sent annexation documents to me that I requested. I am asking in this email why the documents do not mention the 5 year moratorium and the premature termination.

"I am so upset by this and I would like the City Council to be aware of it for their review on April 26. I was told back in 2018 when I asked the city, that there were "No Loopholes" in getting around the five year moratorium. Apparently this is not the case. I do believe though that the City could strike a better deal than a half inch on a baby tree. I have the plan this developer submitted in 2017 with 212 houses. It is dense and gives no green space.

I believe the city should require at least a parkway. The perfect example of this is the following: At the intersection of Battle Creek and Eastlake, a parkway starts on the west side of Battle Creek. It keeps running west until it borders Baxter and then terminates. This is not that big but makes an incredible difference in a neighborhood. I am down there often and see how many people use it. My feeling is that if the city is allowing the developer to break the moratorium, that builder should provide something commensurate with that incredible bonus of a one and a half year acceleration."

I thank you for reading this. I would appreciate any feedback or guidance you may have.

Patrice Aiello

6067 Pikes Pass St SE

Pamela Cole

To: Pamela Cole
Subject: FW: Robbins Lane Annex

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

From: Christine Bogdanow <wildpair11@gmail.com>
Sent: Thursday, April 8, 2021 11:22 AM
To: citycouncil <citycouncil@cityofsalem.net>
Cc: Salem Planning <Planning@cityofsalem.net>
Subject: Robbins Lane Annex

As a homeowner, paying higher end property taxes in this area, I object to changing the required 5 year building moratorium for the land owners of the Robin's Lane Annex application....I object for myriad of reasons, but mostly because we have been in a pandemic for the past year and we still are in that same pandemic....people already owning homes and paying very high property taxes have not had a safe window of time to assess their situation and possibly decide to sell their property.... their landscape has already been destroyed and a few trees that are slightly in circumference is not much of a trade off for a safe window of time. Rules and guidelines are in place for good reason....let's use them for the people who are already here and paying their share to live within the city limits of Salem. I'm all for development, using the established rules and guidelines, but not at the expense of others already living here!
Chris Bogdanow

Sent from my iPhone