

Olivia Glantz

From: Lisa Anderson-Ogilvie
Sent: Wednesday, June 26, 2019 1:26 PM
To: NATHAN RIETMANN
Cc: Olivia Glantz
Subject: RE: Hearing scheduling

Nathan,

Council meets twice a month. The July 22nd date is the soonest we could schedule it but I assume Olivia did not pick that due to the applicant's availability. The August options are the 12th or the 26th. September meetings are: 9th and 23rd.

Like I said before, I will check in with the applicant but it is up to them to extend the 120 days or not. The City cannot, and will not, put itself in the position of violating the 120 days. Additionally, I will not schedule a hearing date that does not allow the Council sufficient time to review the case. That means I will not schedule a date that requires them to decide that night and adopt the final order at the next Council meeting in order to meet the 120 day deadline, if I can help it. I want to allow them time to continue the hearing or request additional information if they deem that necessary.

We have to assume 2 Council meetings (one for the hearing and one for the order) but, like I said, we really need 3 meeting dates in case they need more time for consideration. Having said that, even the August 12th hearing date could result in a September decision which is quite a delay for an application that was approved June 6th. The applicant holds the cards when it comes to the timeline and is entitled to a timely review under state law. I will speak with him and see what he says about the hearings dates.

Thanks,

Lisa Anderson-Ogilvie, AICP
Deputy Community Development Director
Planning Administrator
City of Salem | Community Development Department
555 Liberty St SE, RM 305, Salem, OR 97301
lmanderson@cityofsalem.net | 503-540-2381
[Facebook](#) | [Twitter](#) | [YouTube](#) | CityofSalem.net

From: NATHAN RIETMANN [mailto:nathan@rietmannlaw.com]
Sent: Wednesday, June 26, 2019 12:46 PM
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Cc: Olivia Glantz <Oglantz@cityofsalem.net>
Subject: Re: Hearing scheduling

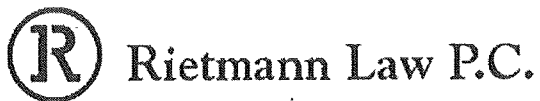
Lisa -

Ron just sent me his schedule and while I could do August 26th, he can't. I recognize there are notices and so forth the City has to send out, which take time to do and may limit the City's ability to have the hearing sooner, but in looking at our respective schedules (and assuming we are limited to every other Monday), July 29th is a Monday that would be mutually workable on our end and not require an extension from the Applicant.

If dates other than every other Monday are possible, and I understand they may not be, any day between July 29 and August 7th could be made to work on our ends. It also appears August 19th would be mutually workable as would any work day between August 30th and September 3rd.

Feel free to give me a call, or I'll try calling you sometime after 1pm, to discuss. I appreciate your trying to work with us to find a day that works.

Nathan



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

On Jun 26, 2019, at 12:20 PM, Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net> wrote:

Nathan,

As Dan stated we are subject to the 120-day rule. We can ask the applicant if they are willing to give us an extension and move the hearing date.

Does August 26th work for the two of you? Please let me know if it does and we can check in with the applicant. I cannot promise you that date will work but we are happy to try.

Thanks,

- Lisa | 503-540-2381

From: NATHAN RIETMANN [<mailto:nathan@rietmannlaw.com>]
Sent: Wednesday, June 26, 2019 10:22 AM
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Subject: Fwd: Hearing scheduling

Lisa -

Upon pushing send on the last email, I was notified that I now have a meeting at 11am - (so I am now unavailable from 11am to 1pm).

Nathan

<image001.png>

NATHAN R. RIETMANN
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Salem, Oregon 97301
Ph: 503-551-2740
Fax: 1-888-700-0192
nathan@rietmannlaw.com

Begin forwarded message:

From: NATHAN RIETMANN <nathan@rietmannlaw.com>
Subject: Re: Hearing scheduling
Date: June 26, 2019 at 10:19:16 AM PDT
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Cc: Dan Atchison <DAtchison@cityofsalem.net>

Lisa -

Is there a time today when you would be available to discuss scheduling in the appeal of the Wren Heights Notice of decision? I am generally available all day with the exception of 11:30am to 1pm.

Nathan

<image001.png>

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nathan@rietmannlaw.com

On Jun 25, 2019, at 8:55 PM, Dan Atchison
<DAtchison@cityofsalem.net> wrote:

Nathan:

Feel free to contact Lisa Anderson to discuss scheduling. As you may be aware the city is subject to a 120 day deadline to issue a final decision in the matter and we have limited flexibility to schedule appeals, give proper notice, and issue a final written decision.

Dan

On Jun 25, 2019, at 7:14 PM, Nathan Rietmann
<nathan@rietmannlaw.com> wrote:

Hi Dan -

I am at the street planning meeting regarding Salem Heights Ave and learned from Anthony Gamallo that the hearing on the development is currently set for August 12, 2019. I am out of town that entire week and my understanding is that Ron Eachus (who is also here at this meeting) is also out of town that entire week also. At this point he and I have not had a chance to compare calendars, however, I was hoping it might be possible to work with the city to find a date that is mutually workable for the Applicant, Mr. Eachus, myself, and the City Council. If the City would be amenable to trying to find a mutually workable date, please let me know and I'll coordinate schedules with Ron and follow up further with you (whoever else at the City would be most appropriate).

Nathan

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1270 Chemeketa St. NE
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nathan@rietmannlaw.com

Olivia Glantz

From: Lisa Anderson-Ogilvie
Sent: Friday, June 28, 2019 2:50 PM
To: Tom Kay
Cc: Olivia Glantz; Mark B. Ferris; Jeffrey Tross; G
Subject: RE: City council hearing

Tom,

Okay, we will get it scheduled for the 22nd. If you have any materials you want to submit to respond to the issues raised in the 2 appeals, you can submit those to Olivia. We have to public the staff report on July 15th so if you send them in before that they can be included with the report. If they are after that we will send the materials to City Council separately.

Thanks,

- Lisa | 503-540-2381

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

From: Tom Kay [mailto:thokay@comcast.net]
Sent: Friday, June 28, 2019 2:01 PM
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Cc: Olivia Glantz <OGlantz@cityofsalem.net>; Mark B. Ferris <markf@pdgnw.com>; Jeffrey Tross <jefftross@msn.com>; G <gailtkco@comcast.net>
Subject: Re: City council hearing

Hello Lisa,

Thank you again for "shoehorning" this hearing date. Please do schedule the 22nd for us.
I have tried to get a second audience with SWAN though their July meeting has been canceled. Alternately I am trying to have additional conversations so I am more aware of neighborhood concerns.
Have a great weekend.

Tom Kay.

Thokay@comcast.net
503 931-4433

> On Jun 28, 2019, at 1:50 PM, Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net> wrote:

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> Can you please let me know if the July 22nd hearing date will work. Public Hearings require a 20-day notice so we need to start preparing the notice, posting signs and staff report as soon as possible if we are going with the 22nd.

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> Thanks,

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>> To: Olivia Glantz <OGLantz@cityofsalem.net>
>> Cc: Mark B. Ferris <markf@pdgnw.com>; Jeffrey Tross
>> <jefftross@msn.com>; Lisa Anderson-Ogilvie
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>>> Can you please respond to this email so we can get things started.
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>>> If you have any questions please feel free to contact me.
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>>> Thank you,
>>>
>>> Olivia Glantz
>>> Planner III
>>> City of Salem
>>> Community Development Dept.
>>> 555 Liberty St SE / Room 305
>>> Salem, OR 97301
>>> 503-540-2343
>>> oglantz@cityofsalem.net
>>
>

Olivia Glantz

From: Lisa Anderson-Ogilvie
Sent: Friday, June 28, 2019 2:48 PM
To: Angela Williamson
Cc: Kirsten Straus; Olivia Glantz
Subject: FW: City council hearing

All,

Olivia's case has now been scheduled for the July 22nd hearing date. Notice will need to be sent on July 2nd and the report will need to be available on July 15th.

Thanks,

- Lisa | 503-540-2381

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Olivia Glantz

From: Lisa Anderson-Ogilvie
Sent: Friday, June 28, 2019 2:44 PM
To: Irma Dowd
Cc: Olivia Glantz
Subject: FW: City council hearing

Irma,

The applicant for that Salem Heights subdivision seems to think the SWAN meeting was canceled. Is it okay to tell him it is still scheduled for the 9th? Is there any chance they just asked him not to come?

- Lisa | 503-540-2381

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Olivia Glantz

From: Irma Dowd
Sent: Friday, June 28, 2019 2:01 PM
To: Lisa Anderson-Ogilvie
Cc: Olivia Glantz
Subject: RE: Salem Heights Project planner

Thank Lisa for the information. I look forward to hearing back and I know SWAN does too.

I think that explaining the process to the board is a great idea.

- Irma O. Dowd | 503-540-2303 or ext. 2303

From: Lisa Anderson-Ogilvie
Sent: Friday, June 28, 2019 1:56 PM
To: Irma Dowd <IDowd@cityofsalem.net>
Cc: Olivia Glantz <OGlantz@cityofsalem.net>
Subject: RE: Salem Heights Project planner

Irma,

Olivia is the planner but she is on vacation this week. I have copied her so we can discuss this next week when she is back. This case has been appealed and will have a public hearing at City Council so I am not sure if we want to attend, i.e. we don't want to debate the case at the NA meeting a week before we do it at Council. But it also might be helpful for us to explain the process. We'll get back to you early next week.

- Lisa | 503-540-2381

From: Irma Dowd
Sent: Friday, June 28, 2019 12:55 PM
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Subject: Salem Heights Project planner

Hi Lisa,

Could you help me schedule (if possible) the planner for Salem Heights project to appear at SWAN's board meeting on the 9th of July at Salem Heights School? They have requested their presence. They are meeting to discuss this project.

Thank you,

Irma O. Dowd
Neighborhood Services Coordinator
City of Salem | Community Development Dept.
555 Liberty St SE, Suite 305, Salem OR 97301
idowd@cityofsalem.net | Direct: 503-540-2303 | Office: 503-588-6207
[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#) | [Neighborhood Services Mailings](#)

Olivia Glantz

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Subject: Re: City council hearing

Dear Lisa,

Good morning and thank you for promptly putting this together. I am checking with my group's respective schedules and should know this afternoon. Will that be early enough?

Tom Kay

Thokay@comcast.net
503 931-4433

> On Jun 27, 2019, at 9:43 AM, Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net> wrote:

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> Tom,

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> We can have it on July 22nd. Will that work for you?

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> Lisa Anderson-Ogilvie, AICP

> Deputy Community Development Director Planning Administrator City of

> Salem | Community Development Department

> 555 Liberty St SE, RM 305, Salem, OR 97301 lmanderson@cityofsalem.net

> | 503-540-2381

>

>

> -----Original Message-----

> From: Thomas Kay [mailto:thokay@comcast.net]

> Sent: Wednesday, June 26, 2019 3:42 PM

> To: Olivia Glantz <OGLantz@cityofsalem.net>

> Cc: Mark B. Ferris <markf@pdgnw.com>; Jeffrey Tross

> <jefftross@msn.com>; Lisa Anderson-Ogilvie

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>> If you have any questions please feel free to contact me.
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>> Thank you,
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>> Olivia Glantz
>> Planner III
>> City of Salem
>> Community Development Dept.
>> 555 Liberty St SE / Room 305
>> Salem, OR 97301
>> 503-540-2343
>> oglantz@cityofsalem.net
>

Olivia Glantz

From: Lisa Anderson-Ogilvie
Sent: Thursday, June 27, 2019 12:47 PM
To: Tom Kay
Cc: Olivia Glantz; Mark B. Ferris; Jeffrey Tross; G
Subject: RE: City council hearing

Tom,

That sounds fine.

Thanks,

- Lisa | 503-540-2381

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

From: Tom Kay [mailto:thokay@comcast.net]
Sent: Thursday, June 27, 2019 11:20 AM
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
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>> City of Salem

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>> 555 Liberty St SE / Room 305

>> Salem, OR 97301

>> 503-540-2343

>> oglantz@cityofsalem.net

>

Olivia Glantz

From: Lisa Anderson-Ogilvie
Sent: Thursday, June 27, 2019 9:48 AM
To: Amy Johnson
Cc: Olivia Glantz; Angela Williamson
Subject: July 22nd CC - Wren Heights Council call up

Amy,

The applicant and the appellants for SUB-ADJ19-02 have requested July 22nd for the Council hearing date. The Augusts dates do not work for them. Is it okay to schedule for this date?

Lisa Anderson-Ogilvie, AICP
Deputy Community Development Director
Planning Administrator
City of Salem | Community Development Department
555 Liberty St SE, RM 305, Salem, OR 97301
manderson@cityofsalem.net | 503-540-2381
[Facebook](#) | [Twitter](#) | [YouTube](#) | CityofSalem.net

Olivia Glantz

From: Lisa Anderson-Ogilvie
Sent: Thursday, June 27, 2019 9:43 AM
To: Thomas Kay; Olivia Glantz
Cc: Mark B. Ferris; Jeffrey Tross; G
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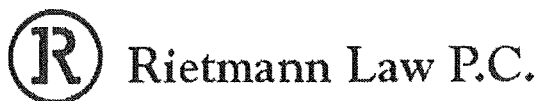
Olivia Glantz

From: NATHAN RIETMANN <nathan@rietmannlaw.com>
Sent: Wednesday, June 26, 2019 1:56 PM
To: Lisa Anderson-Ogilvie
Cc: Olivia Glantz
Subject: Re: Hearing scheduling

Lisa -

Thanks. If by some chance the developer does happen to be available July 22nd, that date would work on this end and actually serve to lessen the concerns about satisfying the 120-day requirement. Also, I checked with Ron and while it would be a very major logistical problem, he says he could make the 26th work if push came to shove.

Nathan



NATHAN R. RIETMANN
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1270 Chemeketa St. NE
Salem, Oregon 97301
Ph: 503-551-2740
Fax: 1-888-700-0192
nathan@rietmannlaw.com

On Jun 26, 2019, at 1:26 PM, Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net> wrote:

Nathan,

Council meets twice a month. The July 22nd date is the soonest we could schedule it but I assume Olivia did not pick that due to the applicant's availability. The August options are the 12th or the 26th. September meetings are: 9th and 23rd.

Like I said before, I will check in with the applicant but it is up to them to extend the 120 days or not. The City cannot, and will not, put itself in the position of violating the 120 days. Additionally, I will not schedule a hearing date that does not allow the Council sufficient time to review the case. That means I will not schedule a date that requires them to decide that night and adopt the final order at the next Council meeting in order to meet the 120 day deadline, if I can help it. I want to allow them time to continue the hearing or request additional information if they deem that necessary.

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August 12th hearing date could result in a September decision which is quite a delay for an application that was approved June 6th. The applicant holds the cards when it comes to the timeline and is entitled to a timely review under state law. I will speak with him and see what he says about the hearings dates.

Thanks,

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From: NATHAN RIETMANN [<mailto:nathan@rietmannlaw.com>]
Sent: Wednesday, June 26, 2019 12:46 PM
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Cc: Olivia Glantz <OGLantz@cityofsalem.net>
Subject: Re: Hearing scheduling

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Ron just sent me his schedule and while I could do August 26th, he can't. I recognize there are notices and so forth the City has to send out, which take time to do and may limit the City's ability to have the hearing sooner, but in looking at our respective schedules (and assuming we are limited to every other Monday), July 29th is a Monday that would be mutually workable on our end and not require an extension from the Applicant.

If dates other than every other Monday are possible, and I understand they may not be, any day between July 29 and August 7th could be made to work on our ends. It also appears August 19th would be mutually workable as would any work day between August 30th and September 3rd.

Feel free to give me a call, or I'll try calling you sometime after 1pm, to discuss. I appreciate your trying to work with us to find a day that works.

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As Dan stated we are subject to the 120-day rule. We can ask the applicant if they are willing to give us an extension and move the hearing date.

Does August 26th work for the two of you? Please let me know if it does and we can check in with the applicant. I cannot promise you that date will work but we are happy to try.

Thanks,

- Lisa | 503-540-2381

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Sent: Wednesday, June 26, 2019 10:22 AM
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Subject: Fwd: Hearing scheduling

Lisa -

Upon pushing send on the last email, I was notified that I now have a meeting at 11am - (so I am now unavailable form 11am to 1pm).

Nathan

<image001.png>

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Ph: 503-551-2740
Fax: 1-888-700-0192
nathan@rietmannlaw.com

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From: NATHAN RIETMANN <nathan@rietmannlaw.com>

Subject: Re: Hearing scheduling

Date: June 26, 2019 at 10:19:16 AM PDT

To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>

Cc: Dan Atchison <DAtchison@cityofsalem.net>

Lisa -

Is there a time today when you would be available to discuss scheduling in the appeal of the Wren Heights Notice of decision? I am generally available all day with the exception of 11:30am to 1pm.

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On Jun 25, 2019, at 7:14 PM, Nathan Rietmann
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Hi Dan -

I am at the street planning meeting regarding Salem Heights Ave and learned from Anthony Gamallo that the hearing on the development is currently set for August 12, 2019. I am out of town that entire week and my understanding is that Ron Eachus (who is also here at this meeting) is also out of town that entire week also. At this point he and I have not had a chance to compare calendars, however, I was hoping it might be possible to work with the city to find a date that is mutually workable for the Applicant, Mr. Eachus, myself, and the City Council. If the City would be amenable to trying to find a mutually workable date, please let me know and I'll coordinate schedules with Ron and follow up further with you (whoever else at the City would be most appropriate).

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Olivia Glantz

From: Lisa Anderson-Ogilvie
Sent: Friday, June 28, 2019 4:43 PM
To: NATHAN RIETMANN
Cc: Olivia Glantz
Subject: RE: Hearing scheduling

Nathan,

Sorry for taking so long to get back to you but we just finally heard back from the developer that July 22nd will work for him. I could not find Ron's email in my records, so can you let him know? We will be sending out the official notice next week but I know the two of you wanted the 22nd for the hearing, so he would probably like to know the date works.

Thanks and have a good weekend.

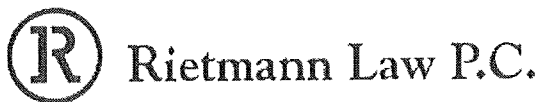
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nathan@rietmannlaw.com

Olivia Glantz

From: Lisa Anderson-Ogilvie
Sent: Friday, June 28, 2019 3:31 PM
To: Irma Dowd
Cc: Olivia Glantz
Subject: RE: City council hearing

Irma,

Yes please do ask them. I know he wants to attend a meeting if he can.

Thanks!

- Lisa | 503-540-2381

From: Irma Dowd
Sent: Friday, June 28, 2019 3:06 PM
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Cc: Olivia Glantz <OGlantz@cityofsalem.net>
Subject: RE: City council hearing

Yes SWAN canceled their July 2nd meeting. The one on the 9th is a special board meeting specifically scheduled to discuss the project.

If he is the applicant they may choose to have him attend. Would you like me to ask if he is welcome to attend on the 9th?

- Irma O. Dowd | 503-540-2303 or ext. 2303

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

From: Lisa Anderson-Ogilvie
Sent: Friday, June 28, 2019 2:44 PM
To: Irma Dowd <IDowd@cityofsalem.net>
Cc: Olivia Glantz <OGlantz@cityofsalem.net>
Subject: FW: City council hearing

Irma,

The applicant for that Salem Heights subdivision seems to think the SWAN meeting was canceled. Is it okay to tell him it is still scheduled for the 9th? Is there any chance they just asked him not to come?

- Lisa | 503-540-2381

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

From: Tom Kay [mailto:thokay@comcast.net]
Sent: Friday, June 28, 2019 2:01 PM
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>

Cc: Olivia Glantz <OGlantz@cityofsalem.net>; Mark B. Ferris <markf@pdgnw.com>; Jeffrey Tross <jefftross@msn.com>;
G <gailtkco@comcast.net>
Subject: Re: City council hearing

Hello Lisa,

Thank you again for "shoehorning" this hearing date. Please do schedule the 22nd for us.
I have tried to get a second audience with SWAN though their July meeting has been canceled. Alternately I am trying to have additional conversations so I am more aware of neighborhood concerns.
Have a great weekend.

Tom Kay.

Thokay@comcast.net
503 931-4433

> On Jun 28, 2019, at 1:50 PM, Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net> wrote:
>
> Tom,
>
> Can you please let me know if the July 22nd hearing date will work. Public Hearings require a 20-day notice so we need to start preparing the notice, posting signs and staff report as soon as possible if we are going with the 22nd.
>
> Thanks,
>
> - Lisa | 503-540-2381
>
> -----Original Message-----
> From: Tom Kay [mailto:thokay@comcast.net]
> Sent: Thursday, June 27, 2019 11:20 AM
> To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
> Cc: Olivia Glantz <OGlantz@cityofsalem.net>; Mark B. Ferris
> <markf@pdgnw.com>; Jeffrey Tross <jefftross@msn.com>; G
> <gailtkco@comcast.net>
> Subject: Re: City council hearing
>
> Dear Lisa,
>
> Good morning and thank you for promptly putting this together. I am checking with my group's respective schedules and should know this afternoon. Will that be early enough?
>
> Tom Kay
>
> Thokay@comcast.net
> 503 931-4433
>
>> On Jun 27, 2019, at 9:43 AM, Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net> wrote:
>>
>> Tom,
>>
>> We can have it on July 22nd. Will that work for you?
>>

>> Lisa Anderson-Ogilvie, AICP
>> Deputy Community Development Director Planning Administrator City of
>> Salem | Community Development Department
>> 555 Liberty St SE, RM 305, Salem, OR 97301 lmanderson@cityofsalem.net
>> | 503-540-2381
>>
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>> -----Original Message-----
>> From: Thomas Kay [mailto:thokay@comcast.net]
>> Sent: Wednesday, June 26, 2019 3:42 PM
>> To: Olivia Glantz <OGlantz@cityofsalem.net>
>> Cc: Mark B. Ferris <markf@pdgnw.com>; Jeffrey Tross
>> <jefftross@msn.com>; Lisa Anderson-Ogilvie
>> <LMAnderson@cityofsalem.net>; G <gailtkco@comcast.net>
>> Subject: Re: City council hearing
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>> Re: Hearing date, Wren Heights
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>>> On Jun 26, 2019, at 1:51 PM, Olivia Glantz <OGlantz@cityofsalem.net> wrote:
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>>> August options are the 12th or the 26th. September meetings are: 9th and 23rd.
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>>> I do not believe August 12th will work, at this time and would like to know if the other three dates are options for
you and your team. Both September dates would require some sort of time extension for the 120 days.
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>>> Can you please respond to this email so we can get things started.
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>>> If you have any questions please feel free to contact me.
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>>> Thank you,
>>>
>>> Olivia Glantz
>>> Planner III
>>> City of Salem
>>> Community Development Dept.
>>> 555 Liberty St SE / Room 305
>>> Salem, OR 97301
>>> 503-540-2343
>>> oglantz@cityofsalem.net
>>
>

Olivia Glantz

From: Irma Dowd
Sent: Friday, June 28, 2019 3:06 PM
To: Lisa Anderson-Ogilvie
Cc: Olivia Glantz
Subject: RE: City council hearing

Yes SWAN canceled their July 2nd meeting. The one on the 9th is a special board meeting specifically scheduled to discuss the project.

If he is the applicant they may choose to have him attend. Would you like me to ask if he is welcome to attend on the 9th?

- Irma O. Dowd | 503-540-2303 or ext. 2303

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

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Sent: Friday, June 28, 2019 2:44 PM
To: Irma Dowd <IDowd@cityofsalem.net>
Cc: Olivia Glantz <OGlantz@cityofsalem.net>
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Irma,

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Thokay@comcast.net
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>> Lisa Anderson-Ogilvie, AICP

>> Deputy Community Development Director Planning Administrator City of

>> Salem | Community Development Department

>> 555 Liberty St SE, RM 305, Salem, OR 97301 lmanderson@cityofsalem.net

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>>> Planner III
>>> City of Salem
>>> Community Development Dept.
>>> 555 Liberty St SE / Room 305
>>> Salem, OR 97301
>>> 503-540-2343
>>> oglantz@cityofsalem.net
>>
>

Olivia Glantz

From: Amy Johnson
Sent: Friday, June 28, 2019 3:04 PM
To: Lisa Anderson-Ogilvie
Cc: Olivia Glantz; Angela Williamson
Subject: RE: July 22nd CC - Wren Heights Council call up

Thanks, I'll revise what I threw together and slapped on the Fly Sheet for the docket agenda.

From: Lisa Anderson-Ogilvie
Sent: Friday, June 28, 2019 2:56 PM
To: Amy Johnson <AJohnson@cityofsalem.net>
Cc: Olivia Glantz <OGlantz@cityofsalem.net>; Angela Williamson <AWilliamson@cityofsalem.net>
Subject: RE: July 22nd CC - Wren Heights Council call up

Amy,

We have confirmed July 22nd for the Council call up of Wren Heights. Can you edit the language on the fly sheet as shown below:

City Council review of the Planning Administrator's Decision approving a consolidated application for a proposed 34-lot Subdivision (Wren Heights) and a Class 1 Adjustment located in the 500 to 600 blocks of Salem Heights Avenue S. (Case No. SUB-ADJ19-02).

Thanks,

- Lisa | 503-540-2381

From: Amy Johnson
Sent: Thursday, June 27, 2019 11:47 AM
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Cc: Olivia Glantz <OGlantz@cityofsalem.net>; Angela Williamson <AWilliamson@cityofsalem.net>
Subject: RE: July 22nd CC - Wren Heights Council call up

It's okay with me.

From: Lisa Anderson-Ogilvie
Sent: Thursday, June 27, 2019 9:48 AM
To: Amy Johnson <AJohnson@cityofsalem.net>
Cc: Olivia Glantz <OGlantz@cityofsalem.net>; Angela Williamson <AWilliamson@cityofsalem.net>
Subject: July 22nd CC - Wren Heights Council call up

Amy,

The applicant and the appellants for SUB-ADJ19-02 have requested July 22nd for the Council hearing date. The Augusts dates do not work for them. Is it okay to schedule for this date?

Lisa Anderson-Ogilvie, AICP

Deputy Community Development Director
Planning Administrator
City of Salem | Community Development Department
555 Liberty St SE, RM 305, Salem, OR 97301
Imanderson@cityofsalem.net | 503-540-2381
[Facebook](#) | [Twitter](#) | [YouTube](#) | [CityofSalem.net](#)

Olivia Glantz

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Lisa Anderson-Ogilvie, AICP
Deputy Community Development Director
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555 Liberty St SE, RM 305, Salem, OR 97301
lmAnderson@cityofsalem.net | 503-540-2381
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Lisa Anderson-Ogilvie, AICP
Deputy Community Development Director
Planning Administrator
City of Salem | Community Development Department
555 Liberty St SE, RM 305, Salem, OR 97301
manderson@cityofsalem.net | 503-540-2381
[Facebook](#) | [Twitter](#) | [YouTube](#) | CityofSalem.net

Olivia Glantz

From: Lisa Anderson-Ogilvie
Sent: Thursday, June 27, 2019 9:42 AM
To: Olivia Glantz
Subject: RE: City council hearing

O-

Okay, I can have the notice sent out for July 22nd. I will let Nathan and Ron know.

- Lisa | 503-540-2381

From: Olivia Glantz
Sent: Wednesday, June 26, 2019 3:47 PM
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Subject: Fw: City council hearing

I can do the 22nd, but someone would have to get the notice out?

If you have any questions please feel free to contact me.

Thank you,

Olivia Glantz

Planner II

City of Salem

Community Development Dept.

555 Liberty St SE / Room 305
Salem, OR 97301
503-540-2343

oglantz@cityofsalem.net

www.cityofsalem.net/planning

Follow us [@Salem_Planning](#)

From: Thomas Kay <thokay@comcast.net>
Sent: Wednesday, June 26, 2019 3:41 PM
To: Olivia Glantz
Cc: Mark B. Ferris; Jeffrey Tross; Lisa Anderson-Ogilvie; G
Subject: Re: City council hearing

Re: Hearing date, Wren Heights

Hello Olivia,

We are contacting counsel, but the earlier the better. Anything before August 12th?

Tom Kay

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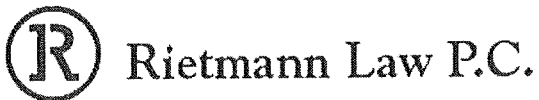
Olivia Glantz

From: NATHAN RIETMANN <nathan@rietmannlaw.com>
Sent: Wednesday, June 26, 2019 1:56 PM
To: Lisa Anderson-Ogilvie
Cc: Olivia Glantz
Subject: Re: Hearing scheduling

Lisa -

Thanks. If by some chance the developer does happen to be available July 22nd, that date would work on this end and actually serve to lessen the concerns about satisfying the 120-day requirement. Also, I checked with Ron and while it would be a very major logistical problem, he says he could make the 26th work if push came to shove.

Nathan



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

On Jun 26, 2019, at 1:26 PM, Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net> wrote:

Nathan,

Council meets twice a month. The July 22nd date is the soonest we could schedule it but I assume Olivia did not pick that due to the applicant's availability. The August options are the 12th or the 26th. September meetings are: 9th and 23rd.

Like I said before, I will check in with the applicant but it is up to them to extend the 120 days or not. The City cannot, and will not, put itself in the position of violating the 120 days. Additionally, I will not schedule a hearing date that does not allow the Council sufficient time to review the case. That means I will not schedule a date that requires them to decide that night and adopt the final order at the next Council meeting in order to meet the 120 day deadline, if I can help it. I want to allow them time to continue the hearing or request additional information if they deem that necessary.

We have to assume 2 Council meetings (one for the hearing and one for the order) but, like I said, we really need 3 meeting dates in case they need more time for consideration. Having said that, even the

August 12th hearing date could result in a September decision which is quite a delay for an application that was approved June 6th. The applicant holds the cards when it comes to the timeline and is entitled to a timely review under state law. I will speak with him and see what he says about the hearings dates.

Thanks,

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Deputy Community Development Director
Planning Administrator
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555 Liberty St SE, RM 305, Salem, OR 97301
lmmanderson@cityofsalem.net | 503-540-2381
[Facebook](#) | [Twitter](#) | [YouTube](#) | CityofSalem.net

From: NATHAN RIETMANN [<mailto:nathan@rietmannlaw.com>]
Sent: Wednesday, June 26, 2019 12:46 PM
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Cc: Olivia Glantz <OGLantz@cityofsalem.net>
Subject: Re: Hearing scheduling

Lisa -

Ron just sent me his schedule and while I could do August 26th, he can't. I recognize there are notices and so forth the City has to send out, which take time to do and may limit the City's ability to have the hearing sooner, but in looking at our respective schedules (and assuming we are limited to every other Monday), July 29th is a Monday that would be mutually workable on our end and not require an extension from the Applicant.

If dates other than every other Monday are possible, and I understand they may not be, any day between July 29 and August 7th could be made to work on our ends. It also appears August 19th would be mutually workable as would any work day between August 30th and September 3rd.

Feel free to give me a call, or I'll try calling you sometime after 1pm, to discuss. I appreciate your trying to work with us to find a day that works.

Nathan

<image001.png>

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<LMAnderson@cityofsalem.net> wrote:

Nathan,

As Dan stated we are subject to the 120-day rule. We can ask the applicant if they are willing to give us an extension and move the hearing date.

Does August 26th work for the two of you? Please let me know if it does and we can check in with the applicant. I cannot promise you that date will work but we are happy to try.

Thanks,

- Lisa | 503-540-2381

From: NATHAN RIETMANN [<mailto:nathan@rietmannlaw.com>]

Sent: Wednesday, June 26, 2019 10:22 AM

To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>

Subject: Fwd: Hearing scheduling

Lisa -

Upon pushing send on the last email, I was notified that I now have a meeting at 11am - (so I am now unavailable form 11am to 1pm).

Nathan

<image001.png>

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nathan@rietmannlaw.com

Begin forwarded message:

From: NATHAN RIETMANN <nathan@rietmannlaw.com>

Subject: Re: Hearing scheduling

Date: June 26, 2019 at 10:19:16 AM PDT

To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>

Cc: Dan Atchison <DAtchison@cityofsalem.net>

Lisa -

Is there a time today when you would be available to discuss scheduling in the appeal of the Wren Heights Notice of decision? I am generally available all day with the exception of 11:30am to 1pm.

Nathan

<image001.png>

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Salem, Oregon 97301
Ph: 503-551-2740
Fax: 1-888-700-0192
nathan@rietmannlaw.com

On Jun 25, 2019, at 8:55 PM, Dan Atchison
<DAtchison@cityofsalem.net> wrote:

Nathan:

Feel free to contact Lisa Anderson to discuss scheduling. As you may be aware the city is subject to a 120 day deadline to issue a final decision in the matter and we have limited flexibility to schedule appeals, give proper notice, and issue a final written decision.

Dan

On Jun 25, 2019, at 7:14 PM, Nathan Rietmann
<nathan@rietmannlaw.com> wrote:

Hi Dan -

I am at the street planning meeting regarding Salem Heights Ave and learned from Anthony Gamallo that the hearing on the development is currently set for August 12, 2019. I am out of town that entire week and my understanding is that Ron Eachus (who is also here at this meeting) is also out of town that entire week also. At this point he and I have not had a chance to compare calendars, however, I was hoping it might be possible to work with the city to find a date that is mutually workable for the Applicant, Mr. Eachus, myself, and the City Council. If the City would be amenable to trying to find a mutually workable date, please let me know and I'll coordinate schedules with Ron and follow up further with you (whoever else at the City would be most appropriate).

Nathan

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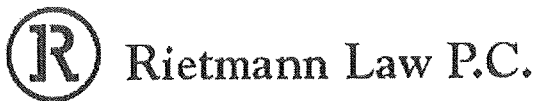
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Date: June 26, 2019 at 10:19:16 AM PDT
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Cc: Dan Atchison <DAtchison@cityofsalem.net>

Lisa -

Is there a time today when you would be available to discuss scheduling in the appeal of the Wren Heights Notice of decision? I am generally available all day with the exception of 11:30am to 1pm.

Nathan

<image001.png>

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

On Jun 25, 2019, at 8:55 PM, Dan Atchison
<DAtchison@cityofsalem.net> wrote:

Nathan:

Feel free to contact Lisa Anderson to discuss scheduling. As you may be aware the city is subject to a 120 day deadline to issue a final decision in the matter and we have limited flexibility to schedule appeals, give proper notice, and issue a final written decision.

Dan

On Jun 25, 2019, at 7:14 PM, Nathan Rietmann
<nathan@rietmannlaw.com> wrote:

Hi Dan -

I am at the street planning meeting regarding Salem Heights Ave and learned from Anthony Gamallo that the hearing on the development is currently set for August 12, 2019. I am out of town that entire week and my understanding is that Ron Eachus (who is also here at this meeting) is also out of town that entire week also. At this point he and I have not had a chance to compare calendars, however, I was hoping it might be possible to work with the city to find a date that is mutually workable for the Applicant, Mr. Eachus, myself, and the City Council. If the City would be amenable to trying to find a mutually workable date, please let me know and I'll coordinate schedules with Ron and follow up further with you (whoever else at the City would be most appropriate).

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nathan@rietmannlaw.com

Olivia Glantz

From: Lisa Anderson-Ogilvie
Sent: Wednesday, June 26, 2019 12:48 PM
To: Olivia Glantz
Subject: FW: Phone message Appeal - Council item 6.b - File 19-274
Attachments: Eachus Appeal.pdf

For the record.

- Lisa | 503-540-2381

From: Dan Atchison
Sent: Monday, June 24, 2019 11:17 AM
To: Steve Powers <SPowers@cityofsalem.net>; Chuck Bennett <CBennett@cityofsalem.net>
Cc: Amy Johnson <AJohnson@cityofsalem.net>; Norman Wright <NWright@cityofsalem.net>; Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Subject: FW: Phone message Appeal - Council item 6.b - File 19-274

I just spoke with Mr. Eachus. He would like to make comments tonight to request council call up this decision. I informed him, as we discussed at pre-council, that persons may appear at a council meeting and make that request. However, they cannot comment on the substance of the proposal. This would include comments about what items are at issue, or their positions on those items. This is because of the ex parte rule, which discourages communications regarding the substance of a pending quasi-judicial land use matter with decision makers.

The "cure" for ex parte contacts is to disclose them at a hearing (not just a public meeting). Potentially, council could agree to hear ex parte contacts, then simply disclose them at the hearing when an item is called up. This creates two issues: 1) If council adopts this practice, each council meeting would likely be turned into a series of mini-hearings on land use decisions, and; 2) If parties are allowed to make this ex parte contacts, the applicant will be at a disadvantage once the item is called up; receiving this type of evidence and argument outside of a hearing can be used to show bias and pre-judgment by decision makers.

Mr. Eachus was insistent that he will attempt to testify regarding the issues of the application and said we may have to "gavel him down." The Mayor presides over council meetings and the City Manager is the Master of Arms. I'm just the attorney and parliamentarian. My advice is that we limit anyone making comment on quasi-land use issues at city council meetings to making simple requests and not to testify on the substance of an application. I'm happy to explain this at the meeting if asked.

Dan

Dan Atchison
Salem City Attorney
503-588-6003

From: Amy Johnson
Sent: Monday, June 24, 2019 10:10 AM
To: Dan Atchison <DAtchison@cityofsalem.net>
Subject: RE: Phone message Appeal - Council item 6.b - File 19-274

FYI - It's Eachus, not Enchus (as spelled below) and yes, I just found out there are two appeals that were filed.

From: Amy Johnson
Sent: Monday, June 24, 2019 10:02 AM
To: Dan Atchison <DAtchison@cityofsalem.net>
Subject: FW: Phone message Appeal - Council item 6.b - File 19-274

Dan:

Mr. Enchus is calling about his appeal relating to council agenda item 6.b. He has questions regarding the appeal process, should I refer him to Lisa or would you like to contact him?

Amy

From: Kim Pinson
Sent: Monday, June 24, 2019 8:58 AM
To: Amy Johnson <AJohnson@cityofsalem.net>
Subject: Phone message

Ron Enchus called with questions regarding the council meeting tonight. 503-991-0283.

Kim M. Pinson
Prosecution Legal Assistant
City Attorney's Office
City of Salem
PH: (503) 588-6003
EM: kpinson@cityofsalem.net

Olivia Glantz

From: Lisa Anderson-Ogilvie
Sent: Wednesday, June 26, 2019 12:21 PM
To: NATHAN RIETMANN
Cc: Olivia Glantz
Subject: RE: Hearing scheduling

Nathan,

As Dan stated we are subject to the 120-day rule. We can ask the applicant if they are willing to give us an extension and move the hearing date.

Does August 26th work for the two of you? Please let me know if it does and we can check in with the applicant. I cannot promise you that date will work but we are happy to try.

Thanks,

- Lisa | 503-540-2381

From: NATHAN RIETMANN [mailto:nathan@rietmannlaw.com]
Sent: Wednesday, June 26, 2019 10:22 AM
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Subject: Fwd: Hearing scheduling

Lisa -

Upon pushing send on the last email, I was notified that I now have a meeting at 11am - (so I am now unavailable from 11am to 1pm).

Nathan



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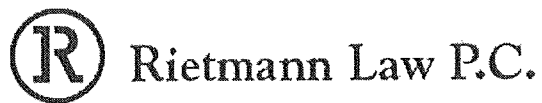
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Ph: 503-551-2740

Fax: 1-888-700-0192

nathan@rietmannlaw.com

Olivia Glantz

From: NATHAN RIETMANN <nathan@rietmannlaw.com>
Sent: Wednesday, June 26, 2019 12:46 PM
To: Lisa Anderson-Ogilvie
Cc: Olivia Glantz
Subject: Re: Hearing scheduling

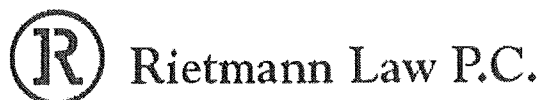
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If dates other than every other Monday are possible, and I understand they may not be, any day between July 29 and August 7th could be made to work on our ends. It also appears August 19th would be mutually workable as would any work day between August 30th and September 3rd.

Feel free to give me a call, or I'll try calling you sometime after 1pm, to discuss. I appreciate your trying to work with us to find a day that works.

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<nathan@rietmannlaw.com> wrote:

Hi Dan -

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nathan@rietmannlaw.com

Olivia Glantz

From: Lisa Anderson-Ogilvie
Sent: Wednesday, June 26, 2019 12:48 PM
To: Olivia Glantz
Subject: FW: Request for City Council Review of Notice of Decision Pursuant to SRC 300.1050

For the record.

- Lisa | 503-540-2381

From: Dan Atchison
Sent: Saturday, June 22, 2019 3:37 PM
To: Nathan Rietmann <nathan@rietmannlaw.com>
Cc: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Subject: Re: Request for City Council Review of Notice of Decision Pursuant to SRC 300.1050

You are correct. It's the decision makers obligation to disclose when they have ex parte contacts and the failure to do so can lead to demand of a decision.

By only sending your communication to council you put them in a difficult position and potentially jeopardized any final decision.

We advise councilors not to read or listen to such contacts but when they occur to disclose them. We also ask parties not to commit ex parte contacts in the first place.

You are welcome to attend the council meeting and ask for a call up, however you will not be permitted to make any comments on the substance of the application.

On Jun 22, 2019, at 11:42 AM, Nathan Rietmann <nathan@rietmannlaw.com> wrote:

Dan -

My understanding of SRC 300.930 is that ex-parte contacts simply have to be disclosed, not that they are impermissible. Is that incorrect or is there another rule I am unaware of?
My intent is to attend the city council meeting Monday to make the same request in person. However, if there is some rule prohibiting that, please let me know.

Nathan



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Ph: 503-551-2740
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Salem, Oregon 97301
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Fax: 1-888-700-0192
nathan@rietmannlaw.com

nathan@rietmannlaw.com

On Jun 22, 2019, at 11:00 AM, Dan Atchison <DAtchison@cityofsalem.net> wrote:

Nathan:

The your email to city council is an impermissible ex parte contact. Please do not communicate with members of council, the planning commission or hearings officer regarding the substance of a pending land use matter outside of a hearing.

Your communication will be included in the record of the proceeding.

If you have any questions please contact me at your convenience.

On Jun 22, 2019, at 10:52 AM, Chris Hoy <CHoy@cityofsalem.net> wrote:

Sent from my iPhone

Begin forwarded message:

From: "NATHAN RIETMANN"
<nathan@rietmannlaw.com>
To: "Chuck Bennett"
<CBennett@cityofsalem.net>, "Cara Kaser"
<CKASER@cityofsalem.net>, "Tom Andersen"
<TAndersen@cityofsalem.net>, "Brad Nanke"
<BNanke@cityofsalem.net>, "Jackie Leung"
<JLeung@cityofsalem.net>, "Matthew Ausec"
<MAUSEC@cityofsalem.net>, "Chris Hoy"
<CHoy@cityofsalem.net>, "Sally Cook"
<SCOOK@cityofsalem.net>, "Jim Lewis"
<JLewis@cityofsalem.net>
**Subject: Request for City Council Review of
Notice of Decision Pursuant to SRC 300.1050**

Mayor and City Council Members -

The purpose of this email is to respectfully request that you call the attached Notice of Decision up for City Council review at your next regular meeting on Monday. The Thomas Kay. Co. proposal seeks to turn eight (8) unique acres of trees and wildlife in the middle of Salem Heights into an 33 lot subdivision that is completely incompatible with the surrounding neighborhood, unnecessarily destroys significant white oaks, and will exacerbate what are already very dangerous driving conditions on Salem Heights Ave. without requiring the developer to

mitigate the safety issues appropriately. As far as I can tell, the development is universally opposed by the local community. While myself and others recognize the property at issue is entitled to be reasonably developed, this particular proposal is wholly incompatible with the neighborhood and the developer has not expressed any genuine interest in coming up with a more compatible plan that would enable him to earn a profit without destroying the neighborhood and increasing already significant safety concerns on Salem Heights.

Despite the above, the Notice of Decision from the City approving the subdivision bends over backwards to enable the development. The Notice of Decision does so by making numerous determinations that are legally flawed and by making numerous findings that are not supported by substantial evidence. Consequently, I have filed an appeal of the subdivision as has another neighbor, Ron Eachus.

The purpose of this email is to respectfully request that you call the Notice of Decision up for City Council review pursuant to SRC 300.1050 at your regular on Monday (which I believe may be the deadline for doing so). If you call up the decision at the meeting, this would then afford you time to review the Notice of Decision more carefully and decide at a subsequent meeting whether you want to continue with City Council review or abandon the review (in which case my appeal and Mr. Eachus's would be reinstated). In short, the decision I am asking you to make on Monday would not be irreversible and, as a practical matter, would really just be a decision to keep the possibility of City Council review open and give you time to carefully review the Notice of Decision and the related appeals and make an informed decision on whether you actually want to move forward with City Council review.

I am a constituent of Councilor Cook and recognize this request for City Council review would ordinarily be most appropriately directly to her. However, I am directing this all to you as I understand she is dealing with a personal tragedy at the moment.

To assist you in deciding whether to call up the Notice of Decision for Council review at your

upcoming meeting, a copy of the Notice of Decision and the appeal I have filed are attached. As explained in the appeal document, the City's decision is not supported by substantial evidence and is legally flawed in numerous respects. I suspect that Mr. Eachus would be willing to provide you with a copy of his appeal also, although I do not yet have a copy of it. I will forward you all a separate email momentarily that contains the numerous comments the City received from community members regarding the proposal (there are too many to include them all as attachments to this email).

Once again, my request is simply that you call up the Notice of Decision for review pursuant to SRC 300.1050 at your meeting on Monday (which I believe is the deadline for doing so). This would then afford you time to further evaluate whether you truly wish to proceed with Council review and, if you do not, you could dismiss the review at a subsequent meeting (although I would hope that you would not). In that event, the appeals that Mr. Eachus and I have filed would continue the way they are currently.

While this matter is extremely important to me, it is also important to many other people in the neighborhood who will be adversely affected by the proposed development and are extremely concerned by the proposal and the ultimate decision in this matter will have profound effects on the Salem Heights Community for years to come.

If you would like to speak with me further regarding this matter, my contact information is provided below.

I greatly appreciate your consideration.

Nathan



NATHAN R. RIETMANN
Rietmann Law, P.C.
1270 Chemeketa St. NE

Salem, Oregon 97301
Ph: 503-551-2740
Fax: 1-888-700-0192
nathan@rietmannlaw.com

<City of Salem Appeal Final - w exhibit.pdf>

<Salem Heights App Notice Of Decision 6-6-19.pdf>

Olivia Glantz

From: NATHAN RIETMANN <nathan@rietmannlaw.com>
Sent: Wednesday, June 26, 2019 12:46 PM
To: Lisa Anderson-Ogilvie
Cc: Olivia Glantz
Subject: Re: Hearing scheduling

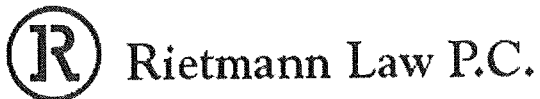
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nathan@rietmannlaw.com

Olivia Glantz

From: Mark B. Ferris <markf@pdgnw.com>
Sent: Monday, June 24, 2019 11:50 AM
To: Olivia Glantz; Tom Kay
Cc: Gail Jones
Subject: RE: Appeal Sub-Adj19-02

Olivia,

We have read the emails and correspondence pertaining to the two appeals files last Friday and wanted to share our thoughts as well.

The assertion by Rex Anderson that PDG or Mr. Kay would start any site clearing or tree removal is absolutely ridiculous! We are all aware of the process and would not jeopardize our project by doing anything that wasn't approved by the city. We have been diligent in complying with the city's approval process and will continue to do so. Additionally, Mr. Anderson's claim that he had a previous sales contract and threatened legal action appears baseless and without any merit.

We look forward to hearing back from you regarding our hearing. It would be great if we could go straight to Council and substantively address Mr. Reitman's concerns.

Mark

Mark B. Ferris, RLA
Director of Planning & Development
PROJECT DELIVERY GROUP, LLC
503-364-4004 (Salem) | 530-215-1024 (Redding) | 503-939-3723 (Cell)
Salem Office | 200 Hawthorne Ave. SE, Suite A-100 Salem, OR 97301
Redding Office | 1890 Park Marina Drive Suite 210 Redding, CA 96001
www.PDGNW.com

From: Olivia Glantz <Oglantz@cityofsalem.net>
Sent: Friday, June 21, 2019 9:17 PM
To: Mark B. Ferris <markf@pdgnw.com>; Tom Kay <thokay@comcast.net>
Subject: FW: Appeal Sub-Adj19-02

Two appeals were received today. I have attached one and will forward the other when I am back in the office.

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

Olivia Glantz

From: Tom Kay <thokay@comcast.net>
Sent: Monday, June 24, 2019 8:42 AM
To: Olivia Glantz
Cc: Mark B. Ferris (markf@pdgnw.com); Mark Hoyt; jefftross@msn.com; G
Subject: Re: Appeal Sub-AdJ19-02

Good morning Olivia,

The attached appeal is from a neighbor who lives immediately adjacent to Wren Heights. This same neighbor also appealed this project when it was first brought to planning a couple years ago. He has been threatening to appeal for some time if I wouldn't agree to at least one of his several demands. Including, to buy and disrupt part of this project and or my buying his property. Neither proposal is of interest to me, especially when couched with this threat and bullying tactic of an appeal. Wren Heights remains a very carefully conceived and complementary, public benefiting project.

I have sent this appeal to both my land use lawyer and to Jeff Tross for their input. Thank you.

Tom Kay

Thokay@comcast.net
503 931-4433

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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

<City of Salem Appeal Final - w exhibit.pdf>

Olivia Glantz

From: H Thomas Harvey <htharv@att.net>
Sent: Monday, June 24, 2019 8:31 AM
To: Olivia Glantz; Thomas Kay
Subject: Tom Kay development

Dear Ms Glantz,

I represent the Jane Harvey Trust and we are in the process of selling our orchard to Thomas Kay.

10 days ago I cut down a fir tree on my property at 625 Salem Heights Ave which was damaging my driveway in preparation for repaving my driveway. This tree is on my property which is adjacent to the orchard which we are selling to Thomas Kay.

My neighbor Rex Anderson is delusional, and I do not understand his motivation. Mr Anderson has never signed a contract nor has he ever paid any earnest money or deposit for purchase of the orchard.

Sincerely,

Harmon T Harvey Jr
Succ TTE
Jane Harvey Trust

Olivia Glantz

From: Tom Kay <thokay@comcast.net>
Sent: Monday, June 24, 2019 8:14 AM
To: Olivia Glantz
Cc: Mark B. Ferris (markf@pdgnw.com); Lisa Anderson-Ogilvie; Jennifer Scott; G
Subject: Re: Tree Removal

Good morning Olivia,

Please know that in no way have we started work on Wren Heights. This email, and likely any subsequent appeal, is from a disgruntled neighbor and is groundless and without merit. Dr. Thomas Harvey, from whom we bought the property, will be sending you an email stating this later this morning. The photo is apparently taken of a nuisance tree on the adjacent property.

Not until we hear from you and from the public works department, and not before all proper protocol is followed, would we set foot on the project.

Sincerely,

Thomas Kay

Thokay@comcast.net
503 931-4433

On Jun 21, 2019, at 3:08 PM, Olivia Glantz <OGLantz@cityofsalem.net> wrote:

Mark and Tom,

Staff has not approved the Tree Conservation Plan nor the Street Tree Removal permit for the property. The subdivision approval is not a final land use decision. The council has the opportunity to call the application up on Monday.

PLEASE STOP ALL WORK AND REMOVAL OF TREES.

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

From: Rex Anderson [<mailto:rdammg@comcast.net>]
Sent: Friday, June 21, 2019 3:01 PM
To: Olivia Glantz <OGLantz@cityofsalem.net>
Subject: Tree Removal

Picture of one of the fir trees recently removed before June 21 deadline. PS-I have a signed document from Tom Harvey (Jane Harvey Trust) selling the property to my wife and I. We were in the process of due diligence (EPA soil testing) when Dr. Harvey said they couldn't wait for us to conclude our tests and therefore sold the property to another party. We will be filing the lawsuit to honor the previous sale contract for the Salem Heights property (500-600 blocks of Salem Heights). We would hope that you will

grant a hearing on the development so our grievance (along with others) might be heard before you grant the development 100%. There are several species of trees that are protected under City of Salem ordinances. This is why we were alarmed when the fir trees were removed before the June 21 deadline! Thank you for your time with my concerns over the development on Salem Heights. Rex Anderson.

<IMG_3606.jpg>

Sent from my iPhone

Olivia Glantz

From: Mark B. Ferris <markf@pdgnw.com>
Sent: Monday, June 24, 2019 11:50 AM
To: Olivia Glantz; Tom Kay
Cc: Gail Jones
Subject: RE: Appeal Sub-Adj19-02

Olivia,

We have read the emails and correspondence pertaining to the two appeals files last Friday and wanted to share our thoughts as well.

The assertion by Rex Anderson that PDG or Mr. Kay would start any site clearing or tree removal is absolutely ridiculous! We are all aware of the process and would not jeopardize our project by doing anything that wasn't approved by the city. We have been diligent in complying with the city's approval process and will continue to do so. Additionally, Mr. Anderson's claim that he had a previous sales contract and threatened legal action appears baseless and without any merit.

We look forward to hearing back from you regarding our hearing. It would be great if we could go straight to Council and substantively address Mr. Reitman's concerns.

Mark

Mark B. Ferris, RLA
Director of Planning & Development
PROJECT DELIVERY GROUP, LLC
503-364-4004 (Salem) | 530-215-1024 (Redding) | 503-939-3723 (Cell)
Salem Office | 200 Hawthorne Ave. SE, Suite A-100 Salem, OR 97301
Redding Office | 1890 Park Marina Drive Suite 210 Redding, CA 96001
www.PDGNW.com

From: Olivia Glantz <OGlantz@cityofsalem.net>
Sent: Friday, June 21, 2019 9:17 PM
To: Mark B. Ferris <markf@pdgnw.com>; Tom Kay <thokay@comcast.net>
Subject: FW: Appeal Sub-Adj19-02

Two appeals were received today. I have attached one and will forward the other when I am back in the office.

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
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Olivia Glantz

From: Tom Kay <thokay@comcast.net>
Sent: Monday, June 24, 2019 8:42 AM
To: Olivia Glantz
Cc: Mark B. Ferris (markf@pdgnw.com); Mark Hoyt; jefftross@msn.com; G
Subject: Re: Appeal Sub-Adj19-02

Good morning Olivia,

The attached appeal is from a neighbor who lives immediately adjacent to Wren Heights. This same neighbor also appealed this project when it was first brought to planning a couple years ago. He has been threatening to appeal for some time if I wouldn't agree to at least one of his several demands. Including, to buy and disrupt part of this project and or my buying his property. Neither proposal is of interest to me, especially when couched with this threat and bullying tactic of an appeal. Wren Heights remains a very carefully conceived and complementary, public benefiting project.

I have sent this appeal to both my land use lawyer and to Jeff Tross for their input. Thank you.

Tom Kay

Thokay@comcast.net
503 931-4433

On Jun 21, 2019, at 9:16 PM, Olivia Glantz <OGlantz@cityofsalem.net> wrote:

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Olivia Glantz
Planner III
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<City of Salem Appeal Final - w exhibit.pdf>

Olivia Glantz

From: H Thomas Harvey <htharv@att.net>
Sent: Monday, June 24, 2019 8:31 AM
To: Olivia Glantz; Thomas Kay
Subject: Tom Kay development

Dear Ms Glantz,

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Subject: Re: Tree Removal

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Olivia Glantz

Planner III

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<IMG_3606.jpg>

Sent from my iPhone



LAND USE APPEAL APPLICATION

1. **GENERAL DATA REQUIRED** *[to be completed by the appellant]*

Case No: SUB-ADJ19-02

June 6, 2019

Case # Being Appealed

Decision Date

500 to 600 Blocks of Salem Heights Avenue S. Salem, Oregon 97302

Address of Subject Property

475 Salem Heights Ave. S. Salem, Oregon 97302

Appellants Mailing Address with zip code

nathan@rietmannlaw.com

503-551-2740

Appellant's E-mail Address

Day-time Phone / Cell Phone

Appellant's Representative or Professional to be contacted regarding matters on this application, if other than appellant listed above:

Name

Mailing Address with ZIP Code

E-Mail Address

Day-time Phone / Cell Phone

2. **SIGNATURES OF ALL APPELLANTS**

Signature:

Nathan R. Rietmann

Date: June 21, 2019

Printed Name:

Signature:

Date:

Printed Name:

3. **REASON FOR APPEAL** Attach a letter, briefly summarizing the reason for the Appeal. Describe how the proposal does not meet the applicable criteria as well as verification establishing the appellants standing to appeal the decision as provided under SRC 300.1010

FOR STAFF USE ONLY

Received By: _____

Date: _____

Receipt No: _____

Appeal Deadline: _____

Case Manager: _____