

## Olivia Glantz

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**From:** Jackie Leung  
**Sent:** Saturday, June 22, 2019 2:10 PM  
**To:** Amy Johnson  
**Subject:** Fwd: Request for City Council Review of Notice of Decision Pursuant to SRC 300.1050  
**Attachments:** City of Salem Appeal Final - w exhibit.pdf; Salem Heights App Notice Of Decision 6-6-19.pdf

Hi Amy,

Please add into the agenda.

Jackie

Sent from my Verizon, Samsung Galaxy smartphone

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

From: NATHAN RIETMANN <nathan@rietmannlaw.com>

Date: 6/22/19 10:31 AM (GMT-08:00)

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 directed 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



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