

Olivia Glantz

From: Rhiya M. Grimmiett <rgrimmiett@sglaw.com>
Sent: Monday, July 29, 2019 10:18 AM
To: CityRecorder; Olivia Glantz
Cc: Mark D. Shipman; Alan M. Sorem; Jennifer S. Marshall; Hannah F. Stevenson
Subject: Case No. SUB-ADJ19-02 (Wren Heights Subdivision)
Attachments: Letter to City Council, 4828-2493-3789, 4.pdf

Dear Olivia,

Please accept the attached letter into the record from Mark Shipman for the above referenced case and forward it to Mayor Bennett and the City Council. The original will follow by mail this afternoon.

We would appreciate it if you could confirm receipt at your earliest availability.

Sincerely,

Rhiya M. Grimmiett

Legal Assistant – Real Estate & Land Use Practice Group



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July 29, 2019

VIA ELECTRONIC MAIL: cityrecorder@cityofsalem.net; OGlantz@cityofsalem.net
Original to follow via first class mail



Honorable Mayor Chuck Bennett
City Council Members
City of Salem
c/o Community Development Department
Attn: Olivia Glantz
555 Liberty St. SE, Room 305
Salem, OR 97301

RE: SUB-ADJ19-02 (Wren Heights Subdivision)
Our File No: 30650

Dear Honorable Mayor and City Council Members:

I represent the Thomas Kay Co., an Oregon corporation ("**Applicant**"), which is the applicant under that certain consolidated land use application for Subdivision and Class 1 Adjustment identified as City of Salem Case No. SUB-ADJ19-02 (the "**Application**"). At the City Council hearing on July 22, 2019, appellants of the Application requested that the City Council modify the Planning Administrator's approval of the Application (herein the "**Decision**"). This request was consistent with an earlier proposal of Applicant's during the pre-application process, but it was not incorporated into the Application. During the hearing, Applicant did not expressly object to the appellants' requested condition of approval but stated that it would request a further modification to the conditions of approval in the event that the City Council were to modify the Decision by closing the proposed access onto Salem Heights Avenue. Specifically, in response to the appellants' proposal, Applicant requested that it would be relieved of any obligation to construct road improvements and sidewalks along Salem Heights Avenue in light of the elimination of all traffic impact. On July 24, 2019, Applicant received correspondence from the City of Salem's planning staff that enumerated several reasons why the Decision cannot be modified by the City Council without requiring both a traffic impact analysis and supplemental notice to neighbors in the surrounding areas. Planning staff's correspondence stated that it was staff's position that it would not support such an additional modification to the Decision.

Applicant greatly appreciates the time and consideration put forth by the Mayor, City Council members, planning staff, legal counsel, public works' staff, and staff for the City of Salem's Fire Department in their full and complete analysis of the appellants' requested modification. Applicant objects to the requested modification because such proposed changes, eliminating connectivity onto Salem Heights Avenue and the resultant need for additional notice, are counterproductive to Applicant's goals in this matter. The opportunity for exploring such substantial modifications as a condition of the Decision has passed, and

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the respective parties must now move forward based upon the tentative plans submitted by Applicant and the Decision.

Applicant notes that if the City desires to study the needs for traffic calming measures to address the pre-existing conditions, the City's staff, elected officials, and area residents have opportunities to do so independently of this quasi-judicial review of the Decision.

Therefore, Applicant respectfully requests that the Mayor and the City Council affirm the Decision without modification and without any new conditions of approval.

Sincerely,



MARK D. SHIPMAN
mshipman@sglaw.com
Voice Message #310

MDS:AMS:jsm/rmg