

Jamie Donaldson

From: Liday, Steven <Steven.Liday@MillerNash.com>
Sent: Thursday, September 22, 2022 5:25 PM
To: Jamie Donaldson
Cc: Olivia Dias
Subject: RE: Pause of Appeal in Case No. UGA-SPR-ADJ-DAP-TRV22-01 for 4400 Block of Turner Rd SE

Hi Jamie,

Thank you for the quick response. I think there is a little confusion over the withdraw/pause issue that I won't have time to discuss with my client before 10 am tomorrow.

Accordingly, could you confirm that the City is willing to grant a more specific request by Phelan to pause the appeal process for 30 days and extend the 120-day deadline by 30 days from November 5, 2022, to December 5, 2022?

It may be that Phelan wants to fully withdraw the appeal, but I will need to have further discussions before taking such a final step. I will let you know as soon as I get more clarity. In the meantime, have a great vacation.

Thanks,

Steven G. Liday

Special Counsel

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From: Jamie Donaldson <JDonaldson@cityofsalem.net>

Sent: Thursday, September 22, 2022 5:16 PM

To: Liday, Steven <Steven.Liday@MillerNash.com>

Cc: Olivia Dias <ODias@cityofsalem.net>

Subject: RE: Pause of Appeal in Case No. UGA-SPR-ADJ-DAP-TRV22-01 for 4400 Block of Turner Rd SE

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Hi Steven,

Yes, I was in that meeting but they seemed to indicate they were going to withdraw the request altogether. From what I understood, they came to an agreement where the condition doesn't need to be changed, so they are going to continue working with Public Works with how that will look for the development while the allowing the decision to become effective.

We can move forward with a pause on the appeal, but I need a more solid date for the 120-day extension; we cannot toll the date to an unknown arbitrary date. I will be leaving on vacation starting tomorrow, so I will need a date for the extension or the request to withdraw the appeal by 10am tomorrow please. I have cc'd my Supervisor, Olivia, for a contact while I am out, but I will also be in briefly tomorrow morning to check on this.

Thank you,

Jamie Donaldson

Planner II

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Due to limited staffing, the Planner's Desk has new temporary hours: 10am-4pm Monday-Friday
Questions on Zoning and Sign Permits can also be submitted by email to Planning@cityofsalem.net

From: Liday, Steven <Steven.Liday@MillerNash.com>

Sent: Thursday, September 22, 2022 4:48 PM

To: Jamie Donaldson <JDonaldson@cityofsalem.net>

Subject: Pause of Appeal in Case No. UGA-SPR-ADJ-DAP-TRV22-01 for 4400 Block of Turner Rd SE

Jamie,

I just received word from my client, Phelan-MJD2, that they were able to connect today with the City on the street improvement issues, and that they would like to pause the appeal in the subject case to allow for further discussion.

Accordingly, this constitutes a request by Phelan-MJD2 to pause the appeal in the subject case, as well as request for a corresponding extension of the 120-day deadline for a final decision on the underlying applications pursuant to ORS 227.178(5). Phelan specifically requests that the 120-day deadline be tolled until three days after it provides written notice to the City that it would like to recommence the appeal process.

Please let me know if email is sufficient for these purposes or if the City would like something further.

Thank you,

Steven G. Liday

Special Counsel

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