

**Aaron Panko**

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**From:** Zach Pelz <pelzz@aks-eng.com>  
**Sent:** Monday, May 13, 2024 11:16 AM  
**To:** Aaron Panko  
**Cc:** Jeffrey Bivens  
**Subject:** RE: Northstar Apartments

Aaron,

Please enter the complete email thread below into the record for tonight's appeal hearing re: Case No. UGA-SPR-ADJ-DAP-DR-PLA2403, and provide a copy to the City Council, as evidence supporting our good faith efforts to respond to the Appellant's concerns.

Thank you,

**Zach Pelz, AICP – Principal**



**AKS ENGINEERING & FORESTRY, LLC**

3700 River Road N, Suite 1 | Keizer, OR 97303

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**From:** Yasha Renner <[yasha@rennerlawfirm.com](mailto:yasha@rennerlawfirm.com)>  
**Sent:** Friday, May 10, 2024 2:15 PM  
**To:** Zach Pelz <[pelzz@aks-eng.com](mailto:pelzz@aks-eng.com)>  
**Subject:** RE: [EXTERNAL] RE: Northstar Apartments

Zach,

My client intends to proceed with the appeal and then to LUBA, if need be. If you would like to reconsider our previous offer, I believe Mr. Schulke might still accept.

--  
Mr. Yasha Renner  
RENNER LAW FIRM, P.C.  
429 N. Water St. Suite B  
Silverton, OR 97381  
Phone: (503) 770-4040  
Fax: (503) 300-1784

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**From:** Zach Pelz <[pelzz@aks-eng.com](mailto:pelzz@aks-eng.com)>  
**Sent:** Friday, May 10, 2024 9:29 AM  
**To:** Yasha Renner <[yasha@rennerlawfirm.com](mailto:yasha@rennerlawfirm.com)>  
**Subject:** RE: [EXTERNAL] RE: Northstar Apartments

Yasha,

Please see attached, the pending land use agreement from BPA confirming that they will allow the fence but not trees.

**Zach Pelz, AICP – Principal**



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**From:** Zach Pelz <[pelzz@aks-eng.com](mailto:pelzz@aks-eng.com)>

**Sent:** Thursday, May 9, 2024 9:31 PM

**To:** Yasha Renner <[yasha@rennerlawfirm.com](mailto:yasha@rennerlawfirm.com)>

**Subject:** Re: [EXTERNAL] RE: Northstar Apartments

Yasha,

My client will agree to install the fence and shrubs in exchange for your client withdrawing the appeal. My client does not agree to the \$3,500 payment. Please let me know how you would like to proceed.

Thanks,

**Zach Pelz, AICP - Principal**

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**From:** Yasha Renner <[yasha@rennerlawfirm.com](mailto:yasha@rennerlawfirm.com)>

**Sent:** Thursday, May 9, 2024 1:37 PM

**To:** Zach Pelz <[pelzz@aks-eng.com](mailto:pelzz@aks-eng.com)>

**Subject:** RE: [EXTERNAL] RE: Northstar Apartments

Hi Zach,

I've been authorized to withdraw the appeal if your client will agree to install the fence and landscaping (not including trees) as shown in **Figure 1**, below, together with payment of \$3,500.

Thanks,

Yasha

--  
Mr. Yasha Renner  
RENNER LAW FIRM, P.C.  
429 N. Water St. Suite B  
Silverton, OR 97381

Phone: (503) 770-4040  
Fax: (503) 300-1784

**From:** Zach Pelz <[pelzz@aks-eng.com](mailto:pelzz@aks-eng.com)>  
**Sent:** Wednesday, May 8, 2024 1:47 PM  
**To:** Yasha Renner <[yasha@rennerlawfirm.com](mailto:yasha@rennerlawfirm.com)>  
**Subject:** RE: [EXTERNAL] RE: Northstar Apartments

Yasha,

We received a preliminary formal response this afternoon from BPA, via a phone call, confirming that they are agreeable to our request for a fence in their easement but will not allow any trees. We expect this written response later today or tomorrow. I will share this with you as soon as we receive it. Based on this information, please let me know if your client still desires to proceed with the appeal hearing.

Thank you,

**Zach Pelz, AICP – Principal**



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**From:** Zach Pelz  
**Sent:** Wednesday, April 24, 2024 8:23 AM  
**To:** Yasha Renner <[yasha@rennerlawfirm.com](mailto:yasha@rennerlawfirm.com)>  
**Subject:** RE: [EXTERNAL] RE: Northstar Apartments

Yasha,

Our client is not agreeable to these terms. I will keep you apprised of BPA's response to our request.

Thank you,

**Zach Pelz, AICP – Principal**



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**From:** Yasha Renner <yasha@rennerlawfirm.com>  
**Sent:** Tuesday, April 23, 2024 8:52 AM  
**To:** Zach Pelz <pelzz@aks-eng.com>  
**Subject:** RE: [EXTERNAL] RE: Northstar Apartments

Zach,

I certainly appreciate your effort on this. After consulting with my client, I have been authorized to settle on the following terms, subject to the execution of a written settlement agreement.

1. My client will agree to withdraw the appeal in exchange for payment of \$3,500, representing his costs and attorney fees paid to date.
2. In the event that BPA does not approve either the fence or the trees, developer to pay, as liquidated damages, the following amounts:
  - a. \$75,000 if the fence is not approved.
  - b. \$10,000 if the trees are not approved.

Let me know if these basic terms are acceptable and I will get started drafting the SA for your review.

Sincerely,  
Yasha

--  
Mr. Yasha Renner  
RENNER LAW FIRM, P.C.  
429 N. Water St. Suite B  
Silverton, OR 97381  
Phone: (503) 770-4040  
Fax: (503) 300-1784

**From:** Zach Pelz <pelzz@aks-eng.com>  
**Sent:** Thursday, April 18, 2024 10:39 AM  
**To:** Yasha Renner <yasha@rennerlawfirm.com>  
**Subject:** FW: [EXTERNAL] RE: Northstar Apartments

Yasha,

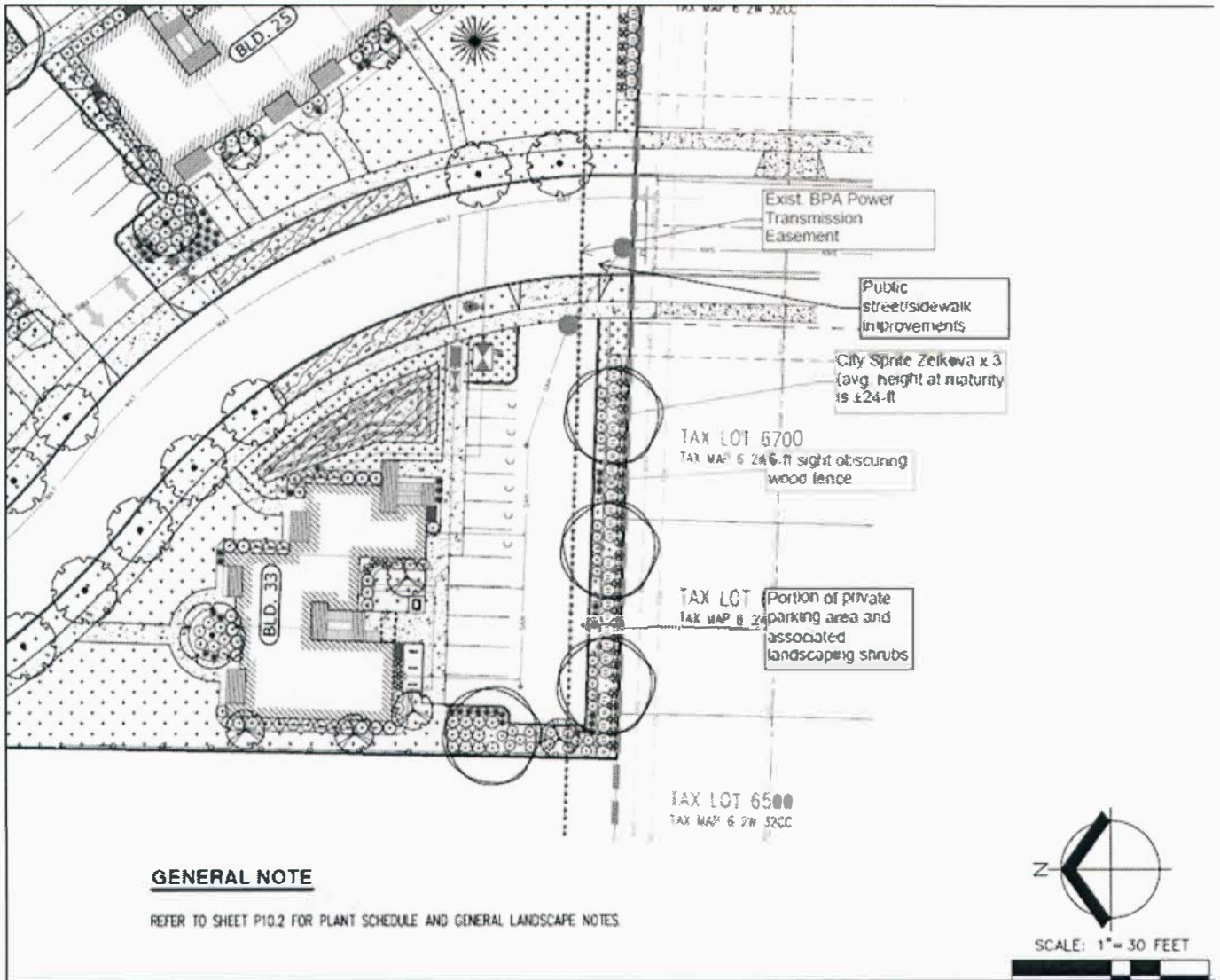
Please see below, recent correspondence with BPA regarding our request to install a fence and trees in their power transmission easement (illustrated in Figure 1 immediately below). Based on Darrin's response, it is possible that we will not have a formal decision from BPA on the question of whether they will allow our proposed fence and trees before the May 13 appeal hearing. However, because of our need to continue to move forward with certain construction on site, we cannot afford to push the hearing date back any further.

I would appreciate if you could please discuss with your client, their willingness to withdraw their appeal based on the good faith efforts we have made to-date, to accommodate their request and our commitment to installing the fence and/or trees to the extent they are allowed by BPA.

Please reach out with any questions.

Thank you,

**Figure 1** Proposed Fence and Trees included in request to BPA for use of Easement Right-of-Way



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**From:** Smith, Darin L (BPA) - TERR-CHEMAWA <[dxsmith@bpa.gov](mailto:dxsmith@bpa.gov)>

**Sent:** Tuesday, April 9, 2024 6:04 AM

**To:** Zach Pelz <[pelzz@aks-eng.com](mailto:pelzz@aks-eng.com)>

**Subject:** RE: [EXTERNAL] RE: Northstar Apartments

Standard response is 4-6 weeks, hopefully it will be sooner but get the application in ASAP to get that clock moving

**From:** Zach Pelz <[pelzz@aks-eng.com](mailto:pelzz@aks-eng.com)>  
**Sent:** Monday, April 8, 2024 3:26 PM  
**To:** Smith,Darin L (BPA) - TERR-CHEMAWA <[dxsmith@bpa.gov](mailto:dxsmith@bpa.gov)>  
**Subject:** RE: [EXTERNAL] RE: Northstar Apartments

Thank you, Darin. We will revise our application to include only low growing tree types. About how long do you suspect it will take to get a formal opinion on whether the fence and trees can be allowed?

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**From:** Smith,Darin L (BPA) - TERR-CHEMAWA <[dxsmith@bpa.gov](mailto:dxsmith@bpa.gov)>  
**Sent:** Monday, April 8, 2024 7:09 AM  
**To:** Zach Pelz <[pelzz@aks-eng.com](mailto:pelzz@aks-eng.com)>  
**Subject:** RE: [EXTERNAL] RE: Northstar Apartments

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The fence shouldn't be an issue, they will look at the accessibility mostly with placement, trees are not allowed though, they will give you height limitations for landscaping if there are dwarf varieties they will look at them but they will give height limitations and if they get higher there will be a warning to trim if not they get removed

**From:** Zach Pelz <[pelzz@aks-eng.com](mailto:pelzz@aks-eng.com)>  
**Sent:** Friday, April 5, 2024 2:41 PM  
**To:** Smith,Darin L (BPA) - TERR-CHEMAWA <[dxsmith@bpa.gov](mailto:dxsmith@bpa.gov)>  
**Cc:** Tyler Roth <[troth@aks-eng.com](mailto:troth@aks-eng.com)>  
**Subject:** [EXTERNAL] RE: Northstar Apartments

Good afternoon, Darrin –

I'm following up on my email from below. Please let me know if you have any questions and when we should expect a response.

Thanks,

**Zach Pelz, AICP – Principal**



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**From:** Zach Pelz  
**Sent:** Tuesday, April 2, 2024 1:15 PM  
**To:** [dxsmith@bpa.gov](mailto:dxsmith@bpa.gov)  
**Cc:** Tyler Roth <[rotht@aks-eng.com](mailto:rotht@aks-eng.com)>  
**Subject:** Northstar Apartments

Darrin,

In follow-up to our conversation from a couple of weeks ago regarding a request from an abutting property owner that we install a 6-ft tall sight obscuring fence and a few trees in the existing BPA easement to better screen our site from their property (tax lot 6700), we have attached an exhibit illustrating this request in the context of the existing easement and overhead power transmission lines.

The neighbor has submitted an appeal of our approved land use decision for our multi-family project but has agreed to withdraw the appeal if BPA will agree to the requested screening. We are simultaneously submitting an application for proposed use of BPA right-of-way for this request, but I wanted to send this to you directly in the hope that we can get some positive confirmation from BPA prior to the May appeal hearing. Please reach out with any questions.

Thank you,

**Zach Pelz, AICP – Principal**



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