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June 6, 2024

BY UPLOAD TO CITIZEN PORTAL

City Council of the City of Boardman
c/o Mike Lees
200 City Center Circle
P.O. Box 229
Boardman, OR 97818

Re: Appeal of Planning Commission's Decision on File Number CUP24-000001

Dear Mayor Keefer and Council Members:

This office represents Hattenhauer Distributing Co. ("Appellant" or "Hattenhauer"), the owner of the Sinclair gas station located at 100 North Main Street, Boardman, Oregon 97818. Hattenhauer's mailing address is PO Box 1397, The Dalles, OR 97058. This letter is submitted in support of Hattenhauer's appeal application for the above-referenced file and the Planning Commission decision dated May 16, 2024 ("Decision"), with mailed notice sent by the City on May 17, 2024. The application submitted by the City of Boardman (the "Applicant") is referenced as File No. CUP24-000001 and involves rights-of-way for both Main Street and Boardman Avenue north of Main Street Interchange ("subject property") and proposes a conditional use transportation improvement to install a High-Intensity Activated CrossWalk ("HAWK") signal with related street improvements, including a partially contemplated median along Main Street and other related Street Improvements (collectively, the "Project"). Please include this appeal in the record for the above referenced file.

While the Appellant generally agrees with the concept that a HAWK signal should be installed at the corner of North Main Street and the intersection of NW Boardman, the application is not fully thought out, supported, or clear as to its proposal, extent, and impact. The decision of the Planning Commission should be overturned, or the matter continued for a full analysis of impacts and options.

Appellant requests *de novo* review by the City Council because the Planning Commission's findings about the applicable criteria are inadequate, are not supported by substantial evidence, and fail to adequately consider alternatives that reduce impacts to surrounding businesses. The *de novo* review will allow Appellant an opportunity to address design and scope of the Project, rather than suffer adverse impacts to its business resulting from a piecemeal, incomplete application

submittal. The appeal should be reviewed with the purpose to prepare a decision to limit the scope of the application to the HAWK signal and not include the median installation and right-in/right-out at North Main Street and North Front Street at this time for the following reasons, and additional reasons to be raised at the hearing:

- While right-in/right-out at North Front Street may have been identified as part of the solution for traffic control along North Main Street under the 2009 IAMP, the timing for such decision should not occur as part of a piecemeal approach. Rather the traffic signal at N.E. Boardman should be installed and then the level of service at North Front Street should be revisited, prior to installing a median to accomplish right-in/right-out access. Further, ODOT's work on the overpass should occur before the right-in/right-out decision is made.
- The City is exceeding its authority to propose the median as part of the contemplated scope of improvements.
- Full analysis should be done to ensure the City is not creating a stacking issue on Main Street that does not currently exist.
- A consistency finding is required for existing uses and there is no analysis that removal of parking from the C & D Drive-in will be consistent with current parking requirements for that use.
- The proposal is too premature because the Applicant has no authority over the school property for which it proposes to convert to parking, no basis to turn public school property into parking, and there is no finding of consistency with the school use and whether the proposed parking is allowed on school property.
- The Planning Commission decision is tainted by allowing Planning Commissioner Jennifer Leighton to vote and participate in deliberations when she has a financial benefit from the proposed parking on the school property, and a direct interest as her business will be impacted by the proposal.
- Even if a median at North Main Street and North Front Street is approved, the application should not be approved without significant design constraints imposed through this review process to preserve full access to Appellant's property along North Main Street.

TOMASI BRAGAR DUBAY

June 6, 2024

Page 3

Appellant will provide additional information during the appeal to augment the issues raised in this appeal. The appeal fee and appeal form have been submitted through the City's portal. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer M. Bragar". The signature is stylized and cursive.

Jennifer M. Bragar

cc: (by e-mail)
client