November 19<sup>th</sup>, 2013

**Wasco County Planning Commission** 

Attn: Carol Trautman

Re: Planning meeting 11/21/13

#### Carol:

I am writing to you to ask that you include this letter to the planning commissioners prior to Thursday's meeting in regards to the costs to land owners for street improvements. I am not only a resident on East 10<sup>th</sup> in a possibly affected area, but also a local loan officer and would like to express some concerns for any affected citizen.

If street improvements were made and each landowner assessed a charge at \$351 per linear foot, many owners of these larger lots would face costs exceeding \$35,000 for example. It would be unrealistic to think that very many would have the means to instantly pay for those charges. Some may even chose to sell at a loss to cover the charge. For a typical owner who does not wish to sell, and does not have sufficient cash lying around, the only other option is financing. In this size range typically only a real estate secured loan is an option. How many people will willingly wish to apply for and pay on a new loan in the size range considered for improvements they do not own?

In the last several years we are all aware of the country's economic changes, and many to the lending community. Qualifying for all loans has seen increased qualifications needed. Borrower's that may have qualified a few years ago may not find the same ease in current times. I have a concern on the number of people that would actually meet the equity and loan to value ratios necessary, along with meeting other lending requirements, and with the desire to even complete such a transaction. Those that could qualify may better serve the big picture with new additions and other improvements to current properties with that same lendable equity, and an increase to property taxes and such. For the people that won't qualify what are they left to do? A lien on their home they cannot pay, or worse yet for those that may already be over financed, with decreased home values in the last few years, an actual upside down position?

Since there are lots of loan options to choose from at many lenders, and with each borrower's personal situation being different, it would be difficult to provide any exact figures to work with. I would be

happy to discuss sample loan sizes and payments with any interested persons, but this is really a lower priority issue. The homeowners in these areas, myself included, purchased these somewhat rural homes for the unique attributes they provide. Updated improved streets and sidewalks are unnecessary in these locations. I am concerned for a number of reasons for any affected person and their ability, or lack there of, to solve this possible unnecessary burden.

Sincerely,

Damon R. Hulit

Vice President/Commercial Loan Officer



#### Damon Hulit

Vice President Commercial Banking Officer

The Dalles Branch 316 East 3rd Street PO Box 1030 The Dalles, OR 97058

p. (541) 387-3443 c. (541) 400-0468 f. (541) 296-1372

dhulit@columbiabank.com

## PC 11.21.13 Supplemental Information Letter #2 w/attachments

November 19, 2013

City of The Dalles Planning Commission
Work Session Nov. 21, 2013

Honorable chair and commissioners,

A look back at every effort taken regarding the attempts by the City manager and planning staff, highlights all of the testimony given by citizens, and champions the homeowner.

Our continuous and present stance, in defense of our liberty, which has not varied prior to or since the recommendations of the 2007 task force, remains intact and visible and still workable.

The outstanding recommendation that rose out of the task force duties, were that the further function of council and staff operate without the use of waivers of remonstrance (w of r); and the need to newly establish development per foot cost, and provide for some manners of relief. These recommendations died at the hands of staff and management. Had we, at that time as we must now, come together as a team, each factor; city manager, planning staff, council, mayor, outside advice, community voice, we would have come to a workable solution had not the city manager enforced a single ill-advised agenda.

This move which has proven to be time consuming and unnecessarily expensive has left the community grieved, and holding steadfast to our original solutions, with no remedy in place save HB 3479.

At this time, the city manager has made no real progress toward his own agenda nor provided relief from the two most vivid points of contention.

I attended and testified on behalf of the citizens of The Dalles at both the land-use committee and the Oregon House of Representatives, and spoke before the Senate Committee. I also performed a great deal of listening while in the company of both committees. In particular and of importance to all of us is that representatives and senators alike were seriously taken aback by their own acknowledgement of The Dalles city staff's controlling and pervasive manner. They openly voiced their opinions that the citizens should fire or recall every staff or other representative that failed to see the incomprehensible manner of their offenses. Senator Jinny Burdick, while listening to our testimonies, rose up and stated that if she were placed in a position which demanded 'w of r' or extremely excessive and unjustifiable infrastructure charges, she would not be in Salem that day, but out on the streets of The Dalles in full protest seeking replacements for management, staff and council. Saying "What is wrong with these people?"

We heard a series of comments – suggestions that identified that both committees recognized that Oregon land use statutes presently contain every bit of language necessary for the development of infill and infrastructure improvements. They could conclude that the only reason any municipality would ever select this use of 'w of r' was out of a recognition that the lineal footage price tag in The Dalles was so high, that no one would ever vote for improvements. "Fear must be driving their thinking."

We came home from Salem with a new clear understanding that 'w of r' were being unjustly imposed on people and their homes and only served to strip individuals of their right to vote. "When forty nine percent of the people can't vote, the other fifty one percent can be used to force them all into debt."

Remove all waivers and discontinue their use clearing all property titles.

Eliminate the lien docket pertaining to the above.

Assist in the elimination of city positions and policy that fail to serve to the citizen's benefit.

Locate, utilize, every source of funding identifiable for a prioritized infill program; see my letter to Dick Gassman September 5, 2013 and my letter to the planning commission October 4,2013.

Our new aquatic center bond identifies that the citizenry of The Dalles can come together collectively to support good interests. Even though only a small minority of the population of The Dalles uses the aquatic center, every tax payer within the district performs their financial support through property tax payments. The cost for use would be so enormous, if only the few users were required to foot the bill, that no pool could exist. Likewise with street and infrastructure improvements which belong to the entirety of the region, and any foreign or domestic can travel upon any or all of our improvements, there is our collective duty to sustain infrastructure, for no individual can carry the burden on his own. Once again, statute provides for local improvement function and costs, and protects the individual from tyranny and the hardship of financial burdens.

Halt any further city annexation until we can collectively sustain our present duties.

Halt any urban growth area expansion efforts. We must be able to manage what we have neglected before we can take on more new.

Support the continuation of rural streets in rural areas. Visit the City of Portland rural streets swale objectives.

Uniqueness of The Dalles needs must be considered in any resolution exclusive of an attempt to say "Every one does it this way." Some other Oregon communities utilize waivers of remonstrance for completion of infrastructure details unlike The Dalles structuring the beginning and overall plan and schedule of procedures.

Eliminate and discontinue development of ordinances and resolutions fraught with controversy and that place unbearable burdens of hardship on homeowners.

Please take into consideration that these points come from a broad spectrum of home owners and citizens of The Dalles.

Sincerely,

Dick Gassman
Director of Planning
City of The Dalles, OR 97058

Re: Financial Restructuring

Dear Dick,

Be it known by our presence that:

We the undersigned citizens of The Dalles/Wasco County Oregon, do herein present for the sake of consideration and as to our benefit in defense of our civil rights and on behalf of the civil duties of all councilmen, staff, planners, and commissioners, having attempted to establish a multitude of land-use ordinances, whose enactment has or will cause unbearable financial/emotional hardship; present the following available or viable sources of financial funding which given due consideration appear readily available and suitable for bearing costs or assisting in anticipated local improvements and associated infrastructure projects, thereby reducing or eliminating municipal demands and/or eliminating lien structures on privately held properties in ours and others' ownership.

- 1. Held and available city/county capital infrastructure funds.
- 2. Local and state available gas tax revenues.
- 3. Corrected, restructured for availability urban renewal funds.
- 4. Funds redirected from collected revenue for discontinued projects.
- 5. Future potential revenues resulting at the termination of tax-exempt business enterprise zones.

These potentially available funds, and others which may accumulate as a result of our patience in place of the defects of present urgency.

To: Planning Commission

Regards: HB 3479 vs. City of The Dalles, Wasco County Intergovernmental Agreement and Partition Justisdiction

Planning Commission, City staff, City Council, Community and Honorable Mayor Lawrence

Records will disclose that the intergovernmental agreement recognizes the jurisdiction the City of The Dalles planning staff has over all planning actions and decisions governing my home and property at 2804 East 10<sup>th</sup> street within the urban growth boundary.

This city planning jurisdiction was in place at the time of my 2002 purchase at which time I received and verified signed paperwork on City of The Dalles public works letterhead identifying a requested 3-lot partition and the costs pertaining to that partition all under the jurisdiction of the city planning office with no mention of non-remonstrance, LIDs, or fees or funds for street improvements.

I was required to purchase a building permit under city jurisdiction for the construction of my art studio in approximately 2003 with no mention or demands for signing non-remonstrance or notice of any payment into a fund or a planning action for streets or infrastructure improvements.

In 2011 after multiple visits over three years with Dick Gassman requesting a move toward partitioning for further construction we had determined that I could, and did build a 600 square foot accessory dwelling over a garage at 2804 E. 10<sup>th</sup> street, all under the jurisdiction of city planning with no mention of fees or funds or infrastructure, or street improvements, as a consequence of the building permit.

Shortly following my move-in in September 2012, city council directed staff to provide for 3-lot partitions to occur under city ordinance with the elimination of a demand for non-remonstrance or pre payments or for demands for infrastructure improvements. There would be no need or request for city services on my property as each dwelling was served by its own domestic well and septic system. I understand that I was still postured to look to the future should a LID ever become formed. My conversations with Dick indicated that the present rate of development may indicate that east 10<sup>th</sup> street could get and LID in 50 to 100 years.

Staff failed to provide the requested ordinance change which met with disapproval by the planning commission spring of 2013 with a directive to "go back and do it right".

Presentations were then made to the Oregon Legislature and HB 3479 became LAW in June 2013 which directed the city planning authority to 'cease the demand' for non-remonstrance, and the demands for specific fee payments for infrastructure improvements, in the case of partitions up to 3 lots.

City planning staff then determined that due to the wording "within a city" that they, even though they have jurisdiction over city/county planning authority, would disallow the authority of the new law to govern their jurisdiction outside city limits within the urban growth boundary.

As a result of the new law | wrote Mr. Gassman of June 26, 2013 and requested clarity as to the present implications regarding my partition request at 2804 east 10<sup>th</sup>.

His response was to specify that HB 3479 did not provide me any protection from city ordinance that the city had jurisdiction over and that clarity could only be had by submitting an application for a minor partition.

At this point the incomprehensible becomes apparent. The city planning staff handles jurisdiction of authority. City council directs that authority to cease specific actions and provide an ordinance of recognition. Staff refuses to take the directive of city council and refuses to apply the law to the extent of their jurisdiction. The entirety of ordinance and jurisdiction becomes so thwarted that the planning commission and again the city council and the entire community have to face the insult and embarrassment of mis-guided actions and unfulfilled obligations.

#### My question right here is:

WILL YOU AS PLANNING COMMISIONERS, WITNESS TO THIS DISARRAY, IN THE PRESENCE OF THIS COMMUNITY AND ON MY BEHALF, AND ON BEHALF OF SO MANY OTHERS WHO COULD PROCEED AND PROSPER WITH THE WILL OF THEIR OWN LIVES, STAND AND CORRECT THESE INJUSTICES AND BREACH OF DUTY WHILE IT IS APPAERENT WHAT FAILS TO BE CORRECTED.

I have worked to have the development of the law on partitions; I seek the protection of the law on partitions; and do herein request your support in observation of the intent of the law.

PC 11.21.13
Supplemental Information
Letter #3 w/attachments

Dear Planning Commissioners,

November 21, 2013

At the November 7<sup>th</sup> City Planning Commission meeting, Dick Gassman admitted waivers of remonstrance do not work. Previously there was a name change to, "deferred development agreement" when an advisory committee objected to waivers of remonstrance being forced on citizens. Both names equate to the same thing, which is a lien attached on ones deed. Both names need to be removed once and for all.

In 2005 our small neighborhood was forced into an LID. We are on the county line and Wasco County takes care of the streets surrounding our neighborhood. Why does the city focus on an area with very few homes and in an area where the county is doing a good job of maintaining these streets? Property owners fought to keep from paying tens of thousands of dollars for something we did not need or request; fees that equal or surpass 40% of property owners' total value.

Much discussion has been focused on the east edge of town where orchards comprise a great deal of property and in reality has few buildable lots. The lots that are available are larger lots and the city expected fees will render these properties impossible to develop.

When House Bill 3479 passed overwhelming, Dave Hunnicut knew it did not cover all the problems but felt it might prompt staff to fix them without further interference. Not one member of the cit staff was present for the Town Hall meeting hosted to explain the intent of the bill. A very discouraging sign of the city's own agenda.

New tax monies that would add to the city tax roles are not being generated due to the inability of individuals and contractors to pay the unfair street costs. The city owns our streets; residents of the city travel the streets, brutal fees should not be the responsibility of so few.

Jeff Stiles suggestion of taxes collected on newly built homes could be earmarked for street improvements are an innovative solution to assist in this city-wide problem. Innovative ideas can lead to other ideas for improvements.

We are attaching two articles written by The Dalles Chronicle earlier this year that bear reading again. The reporting accurately depicts beliefs of many who are following this difficult topic.

Sincerely, Loyal and Linda Quackenbush 1005 Richmond Street

# Dialogue

# Look for alternatives

Most of us use them day in and day out without a second thought. They are a part of the landscape, given little thought until—

"K-THUNK!"

We land in a bone-jarring, teeth-rattling, axle-breaking pothole.

Streets take a beating every winter from chains and studded tires, then spring reveals not only daffodils and tulips, but chewedup, torn-down asphalt, too.

The problem grows worse
— and more costly — if
street maintenance has been
deferred.

That's what has happened in The Dalles. Revenues to support road maintenance haven't kept pace with the costs to repair them.

Even though gallon prices for gasoline have skyrocketed, pushing more and more people to reduce their driving and buy more fuel-efficient vehicles, The Dalles' gas tax has remained a measley 3 cents per gallon—not 3 percent of the price, 3 cents. That's 36 cents off a 12-gallon fill-up.

It doesn't take a math genius to arrive at the conclusion that the numbers just don't add up and maybe that figure needs to be reconsidered.

But The Dalloe City com



cil has before it a range of other road budget-increasing options that raise a lot of questions about what they have been doing all along regarding road funding.

City staff is proposing to shift some franchise fee funding from the general fund to the road fund, then add or increase other franchise fees to make up the budget gap.

The question is, why haven't those franchise fees been going into the road

fund all along.

One former city staff member explained the purpose of franchise fees some years ago in a way that made sense. They are not just a way for a city to benefit from the profits made within its boundaries. Instead, they are a way of compensating the city for the extraordinary wear and tear put on public facilities by the heavy equipment these businesses often use.

It's an alegant equation

cause-and-effect, cost-andbenefit.

Yet instead of putting that money into the cost of maintaining those facilities, The Dalles chose to backfill its general fund, even when it was clear road conditions were eroding.

We hope councilors will give close scrutiny to any proposals brought forward. The city has already raised household costs significantly in the past year.

The site save its con and

fund budget is in good shape
— and it should be. Over the
past 30-some years, the city
has divested itself of its
parks department, fire department and much of its library costs — all major city
departments with big budgets.

It's not difficult to conceive that they should be able to make general fund ends meet without the franchise fees that the road department desperately needs—and by rights should have.

We shouldn't have to remind the city that per capita income has declined by 17 percent over the past five years and that rural, less densely populated regions like ours are lagging behind the national average.

Every rate hike or franchise fee levied comes directly out of your constituents' bottom line.

The city's situation isn't as desperate as Wasco County's, where loss of federal payments has effectively gutted the road budget. The county has almost no alternative to looking for other revenue sources. But if the city sharpens its pencils and looks as closely at its budget as local residents do, we think they'll find other alternatives.

# Dialogue

# An unreasonable burden to bear

Admittedly, The Dalles City Council was following a certain logic when it decided to tie system development charges for streets, stormwater and sidewalks to lot partition applications.

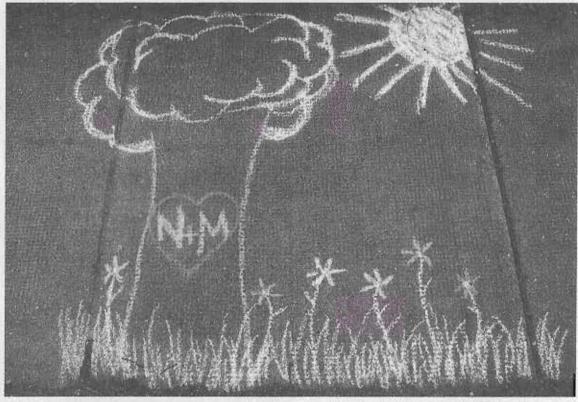
Minor partitions — where land is divided into two or three parcels — are the first step toward future development. Getting the money up front eliminates a nasty future surprise for property purchasers who want to build.

With the exception of the Second Street Streetscape early in the last decade, the city has been — at least in recent memory — largely unsuccessful in implementing local improvement districts for street improvements. The other exception was on First Street where the city's public works office was a major property owner.

Even nonremonstrance agreements didn't help much. Prevented from officially protesting improvements, residents simply pleaded poverty or other objections before the city council and let political will do the rest.

No wonder they were looking for another solution to bring more streets up to city code.

The problem is that local



land owners are learning that what they had planned as a retirement nest egg has seen its value gutted by exorbitant system development fees.

The fee estimate on some properties is more than the value of the property.

Don't get us wrong, property owners should be responsible for bringing their properties up to city code, including streets and sidewalks, when they develop or significantly improve their land. But the city's intractable desire to see city improvements move along whether development is moving apace simply doesn't make sense.

The dollar figure attached to that partition, estimated at \$350 per linear foot, is far beyond reason and beyond what owners would expect to pay a local contractor for such a project, based on recent private projects.

The city has annexed many rural neighborhoods over the years, but that doesn't mean those neighborhoods have lost their rural character and rural-style roads. And why should they, until the residents agree that their lower level of development has become an issue?

It may tax some folks' memories, but think back to the days when much of east The Dalles around Old Dufur Road relied on septic tanks. When the tanks started failing, residents began talking about making the financial commitment to hook up to the city's sewer system.

When residents find the current level of street development no longer serves their needs — when residential flooding and too much traffic on dusty or muddy roads becomes a problem — residents can form a local improvement district to deal with the issue.

As we've said over and over, the city fathers should not make their proposals and decisions in a vacuum. In particular, they need to give more consideration for the financial conditions that exist in the city. Land values simply aren't high enough to support this level of fee — and they never will be if the city council exacts fees higher than any other municipality in the state.

Other cities charge nominal fees for lot partitions, which alone generate no revenue for their owners.

Local residents have sought the state's intervention to resolve this problem. It's no wonder. Government costs that strip all value from property are an unreasonable burden. November 20, 2013

Planning Commission
The Dalles, Oregon
Reference: Ben & Debbie Rivers
2809 E 12<sup>th</sup> Street
The Dalles, OR.

#### **Dear Planning Commission,**

I would like to make a statement to the Planning Commission regarding the city requirements for minor land partition. In the area of The Dalles I live in it should not be required to put in sidewalks, curbs and storm sewers and pave out to the existing pavement to be granted a building permit. Those improvements are simply not needed in our area and would in fact conflict with the rural feeling and ambiance that makes our neighborhood appealing.

The costs of requirements of the city have forced me to abandon my plans to build two (2) new homes on the two lots I had on 2800 block of East 10<sup>th</sup> Street. The result of my decision to abandon this project results in the city losing approximately \$10,000.00 per year in tax revenue (\$5000.00 per home) and my losing over \$100,000. In costs of acquisition, power installation, surveying, retaining walls, septic permits and landscaping.

I have given the property back to the person I bought it from as it is simply not viable with the costs imposed by the city. I bring this to your attention so you know I have nothing to gain from any action or inaction you choose. The city is simply blowing it on this issue.

### PC 11.21.13 Supplemental Information Letter #5

#### **Carole Trautman**

From: Jeff < jrenard84@gmail.com>

Sent: Thursday, November 21, 2013 3:26 PM

To: Carole Trautman Subject: Property Issues

To all city of The Dalles planning commissioners and city councilor members

This is Jeff Renard and I am writing in regards to the waiver I was force to sign many years ago when I needed to go from my septic system to the city sewer. I would like to have that removed from my property. I also am concerned with the planning commission position on the forced LID

Issue. I lost the sale of my property on the corner of 12th and Morton due to the cities unrealistic cost projection for my buyer of about 27,000 dollars. I received 2 private bids for for 6-8 thousand dollars yet had already lost the sale. I feel that there is no benefit to anyone by developing these remote small sections without having the core of the city developed first.

Please forego anymore pursuit of forcing us too develop streets and services that truly do not benefit our communities best interests.

Sincerely concerned citizen Jeff Renard 2708 e 12th street

Sent from my iPad

### H B

### Hageman Builders Ilc.

1320 Sterling Dr., The Dalles, OR 97058 Bld #159621
Phone or Fax 541 296 2404
Cell 541 993 3352
www.hagemanbuildersllc.com
4-16-13

I purchased 3.7 acres at the corner of 13<sup>th</sup> & Lambert 6 years ago with the intent of developing a 21 lot subdivision. Which meant I needed to extend the city water, sewer, and repair the street from Old Dufur Road to the corner of the property line, which is approximately 900 feet, at cost to me of \$210,000.00. In addition, on the frontage of my property I needed to install 650 feet of the city service and road improvements at a cost of about \$230,000.00. This does not include or address the water run-off from the improved street since there is no storm sewer anywhere close.

Adding the two costs together, the off-site improvements, would add \$440,000.00 to my project. 6 years ago the lot appraisals were coming in at approximately \$65,000 per lot. With land costs and improvements the costs just barely penciled out. Today I can purchase a building lot for under 45,000. Due to the economy and city requirements, this project is dead.

Had this project been completed, it would have increased the property values from \$330,000 to approximately \$6,000,000.00. At the tax rate today, that is about \$75,000 tax revenue lost to the city annually, plus the city improvement fees totaling over \$100,000.00. Over a 10 year period, this is a loss of revenue to the city of approximately \$850,000. I would think the city would want to help the developer succeed by supplying all and/or part of the required frontage improvements due to the increase of long term tax revenue to the city.

Moving on to plan B, which is to build fewer homes on larger lots.

To build homes without city water and sewer services available and due to the amount of land area needed for drain fields and wells, the land area is only large enough for 7 - ½ acre lots. The city is requiring all of the street improvements to be made at the time of dividing the land, whether it is one lot or all seven lots. This would be a cost of about \$200,000 of frontage improvements. There are 4 lots bordering the county road needing frontage improvements at a cost of \$50,000 per lot. A lot of this size should sell for about \$65,000. The \$15,000 left-over does not come close to covering the land costs. Not counting the interest to be paid. Also, once the street is improved there is no where for the water run-off to go since there is no storm sewer currently in place. From what I can see, most likely storm sewer never will be installed. The expense to the frontage land owners is just too costly. The city does have a plan in process to make a change to defer the street improvements until the time of building the homes.

Hopefully, this will come into effect sometime this coming February. But the \$50,000 improvements still need to be made. Basically, the frontage lots are worth nothing. And once again, after all the costs of improvements, where is the water run-off from the street going to go? This is the question I have been asking for over 6 years.

My intent is to build 7 new homes on this land. The average sale price will be about \$350,000 per home which is a total of \$2,450,000.00. This figures to about \$28,000 tax revenue to the city per year and \$280,000 over a 10 year period. With the current policies in place, this plan is also dead.

At this time it make more sense to me, to do what the Wasco County Road Department prefers. Leave the open ditches as they are. They absorb most of the rain water run-off. Have large open lots which will also absorb the rain water. At some point, if the land owners want to improve the street and services let them make that decision. Requiring land owners to making improvements they don't want is not working. We need to make changes to the policies currently in place that help development of new homes. The policies currently in place are slowing and/or halting property development and costing the city and land owners to lose countless thousands of dollars.

PC 11.21.13

Dick Gassman
Director of Planning
City of The Dalles, OR 97058

Re: Financial Restructuring

Dear Dick,

Be it known by our presence that:

Supplemental Information
Letter #7 w/attachments

We the undersigned citizens of The Dalles/Wasco County Oregon, finding agreement with Mr. Hager's letter September 4, 2013 addressed to Mr. Dick Gassman Director of Planning for the City of The Dalles:

Do herein present for the sake of consideration and as to our benefit in defense of our civil rights and on behalf of the civil duties of all councilmen, staff, planners, and commissioners, having attempted to establish a multitude of land-use ordinances, whose enactment has or will cause unbearable financial/emotional hardship; present the following available or viable sources of financial funding which given due consideration appear readily available and suitable for bearing costs or assisting in anticipated local improvements and associated projects, thereby reducing or eliminating municipal demands and/or eliminating lien structures on privately held properties in ours and others' ownership.

- 1. Held and available city/county capital infrastructure funds.
- 2. Local and state available gas tax revenues.
- 3. Corrected, restructured for availability urban renewal funds.
- 4. Funds redirected from collected revenue for discontinued projects.
- 5. Future potential revenues resulting at the termination of tax-exempt business enterprise zones.

These potentially available funds, and others which may accumulate as a result of our patience in place of the defects of present urgency.

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