



## TIMMONS LAW PC

June 13, 2022

**VIA EMAIL and First Class Mail to:**

City of The Dalles  
Community Development Department  
Attention: Joshua Chandler  
313 Court Street  
The Dalles, Oregon 97058  
[jchandler@ci.the-dalles.or.us](mailto:jchandler@ci.the-dalles.or.us)

Re: *Amerco/U-Haul CUP Application 202-22*  
*Response to Objections and Comments*

Dear Mr. Chandler and Planning Commission,

I represent Amerco (hereinafter referred to as U-Haul) in the above referenced Conditional Use Permit application process.

U-Haul has been working closely with the City of The Dalles Community Development Department to first establish the correct procedure based on the facts, and then satisfactorily complete the associated application for CUP 202-22, which constitutes a major modification of a previous CUP. U-Haul hired local engineering firm Tenneson Engineering to assist with application preparation, and to navigate the application process. U-Haul has been candid and transparent throughout the process and, to the best of U-Haul's knowledge, has submitted a CUP application that meets all relevant City Requirements.

I am in receipt of written objections to U-Haul's CUP application filed on behalf of Pomona Street, LLC, and Norm Brock. Pomona Street and Mr. Brock own property in the Columbia River Commercial Subdivision where the subject property is located. The objections rely on the Columbia River Commercial Subdivision CC&Rs. The objections are without merit, as they do not pertain in any way to the CUP application under consideration and instead are limited to their interpretation of a private deed restriction, the Columbia River Commercial Subdivision CC&Rs.



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U-Haul does not agree that it is in violation of the CC&Rs. Regardless, the resolution of any dispute or issue concerning the CC&Rs is a *private contractual matter between private property owners and is not an issue before the Planning Commission*. The Oregon Land Use Board of Appeals has, time and time again refused, to investigate or resolve private contractual disputes. *See; Reeves v. Yamhill County*, 55 Or LUBA 452, 463, 2007 WL 4662097, at \*9 (*finding that the county did not have an affirmative obligation to inquire into the terms of private contracts between parties*); *Curl v. City of Bend*, 57, Or LUBA 358, 362–63, 2008 WL 4111468, at \*4 (*finding that the city lacked authority to resolve disputes among parties regarding private contractual agreements*); *Curl v. City of Bend*, 56 Or LUBA 746, 759, 2008, WL 2683222, at \*10 (*finding that lease agreements are private civil matters and not regulated as a use under the city's development code, therefore the city has no authority to approve or deny an application based on the terms of lease agreements between parties*).

U-Haul takes these objections seriously. UHaul has been working, and will continue to work toward resolution with the objecting parties, outside of municipal land use hearings.

The decision before the Planning Commission is limited to whether U-Haul has met the requirements for a Conditional Use Permit under the City of The Dalles Municipal Ordinances. A private contractual dispute should not be considered by the Planning Commission in the course of reviewing U-Haul's CUP application.

Sincerely,

TIMMONS LAW PC

Meredith J. Smith

Attorney for U-Haul/Amerco

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