

To: MAYOR & CITY COUNCIL

From: E.M. Easterly

Date: October 26, 2015

Re: River Valley Subdivision obligations

3. Construct Marine Drive NW along the entire frontage of the subject property as a full 28-foot provide a left-turn lane at the intersection with Hope Lane NW. The applicant may defer the improvement through a reimbursement district as specified in SRC 66.510 or through an alternate deferral mechanism as approved by the Public Works Director.

Two weeks ago I submitted written testimony relating to a \$1.5 million tax payer liability created by planning errors associated with the River Valley subdivision in West Salem. Tonight I shall supplement those materials.

The option to create a Reimbursement District was adopted in the SRC Urban Growth Management Chapte in 2005. In August 30, 2006 the River Valley subdivision Developers submitted a request to form a Reimbursement District citing 150,000 plus dollars expense amount to meet the Marine Drive Construction requirements detailed in Development Permit 06-06.

In 2010 a staff memo to the River Valley subdivision file stated that the City legal department rejected the Reimbursement District proposal. The report also stated that the Marine Drive Development Permit obligation was to be addressed in the Phase II Improvement Agreement.

In 2013 Chapter 66 was replaced by Chapter 200 when Council adopted the Unified Development Code. One of the changes approved in Chapter 200 was the logical requirement that adopted Development Permit requirements must be cited as subdivision conditions.

That was not the case in 2006 when Development Permit 06-06 was issued. The Phase II Improvement Agreement was issued in 2015 with no reference to a Marine Drive construction or deferment agreement.

For more than six months I have been asking why. Silence. Then City Attorney Atchison cited Chapter 200 and the need to include Development Permit obligations as subdivision conditions. The light went off. The City changed the rules in 2013 and the River Valley developer benefited.

I have a serious problem with this "interpretation". If the City stopped collecting property taxes next year that would not cancel prior City property taxes I owned. Similarly, the River Valley Developers still owe their 2006 development permit obligation.

I again invite the Council to collect those monies.

[illegible]

Age Group	Gender	Percentage of respondents who believe that the U.S. should take action to reduce global warming
18-29	Male	~45%
	Female	~55%
30-49	Male	~55%
	Female	~65%
50-69	Male	~65%
	Female	~75%
70+	Male	~75%
	Female	~85%

100