



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

### AMENDED NOTICE OF ADOPTED AMENDMENT

August 20, 2007



TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Boardman Plan Amendment  
DLCD File Number 002-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

### DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: September 4, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Mark Radabaugh, DLCD Regional Representative  
Barry Beyeler, City of Boardman

<paa> ya/

PROP **2**

# DLCD

## Notice of Adoption



THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: **City of Boardman**

Local file number: **03-2007**

Date of Adoption: **8/7/2007**

Date Mailed: **8/9/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: 6/5/2007

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

This zoning map amendment changes 76.96 acres of a 154.36 Acre parcel from "Future Urban Sub-district" (FU) to "Residential District" (R) for the purpose of construction of a multi-phase residential subdivision.

Does the Adoption differ from proposal? Yes, Please explain below:

Preliminary plat has not been submitted at this time. Review based on a shadow plat. Planning commission and City Council included provision of open space for parks to be included in subsequent submission of subdivision preliminary plat.

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **Future Urban (F)**

to: **Residential (R)**

Location: **4N 25 16 #407 of Morrow County Tax Maps**

Acres Involved: **77**

Specify Density: Previous: **0**

New: **Approximately 4.5**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

*DLCD #002-07 (15958)*

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**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Boardman, Morrow County, Boardman Fire Protection District, Oregon Trail Library District,  
Boardman Parks & Recreation District, North Morrow Vector Control District, Port of Morrow

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Local Contact: **Barry Beyeler**

Phone: **(541) 481-9252** Extension: **213**

Address: **P.O. Box 229**

Fax Number: **541-481-3244**

City: **Boardman, Oregon**

Zip: **97818-**

E-mail Address:

**bbeyeler@cityofboardman.com**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **[webserver.lcd.state.or.us](http://webserver.lcd.state.or.us)**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **[mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us)**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax

## **LIST OF ATTACHMENTS**

- 1) Existing Zoning Map with location of proposed Zoning Map Amendment
- 2) Planning Commission Staff Report - April 24, 2007
- 3) Boardman Planning Commission Minutes – May 16, 2007
- 4) Boardman Ordinance 1-2008 as submitted with Planning Commission Recommendations
- 5) Boardman City Council Staff Report – July 6, 2007
- 6) Boardman City Council Minutes – July 17, 2007 where Ordinance #1-2008 was amended to include Council decision on open space requirements.
- 7) Ordinance #1-2008 as amended and approved by Boardman City Council
- 8) Zoning Map as amended by PAPA 03-2007 approval

**BOARDMAN, OREGON  
ZONING MAP**



**LEGEND**

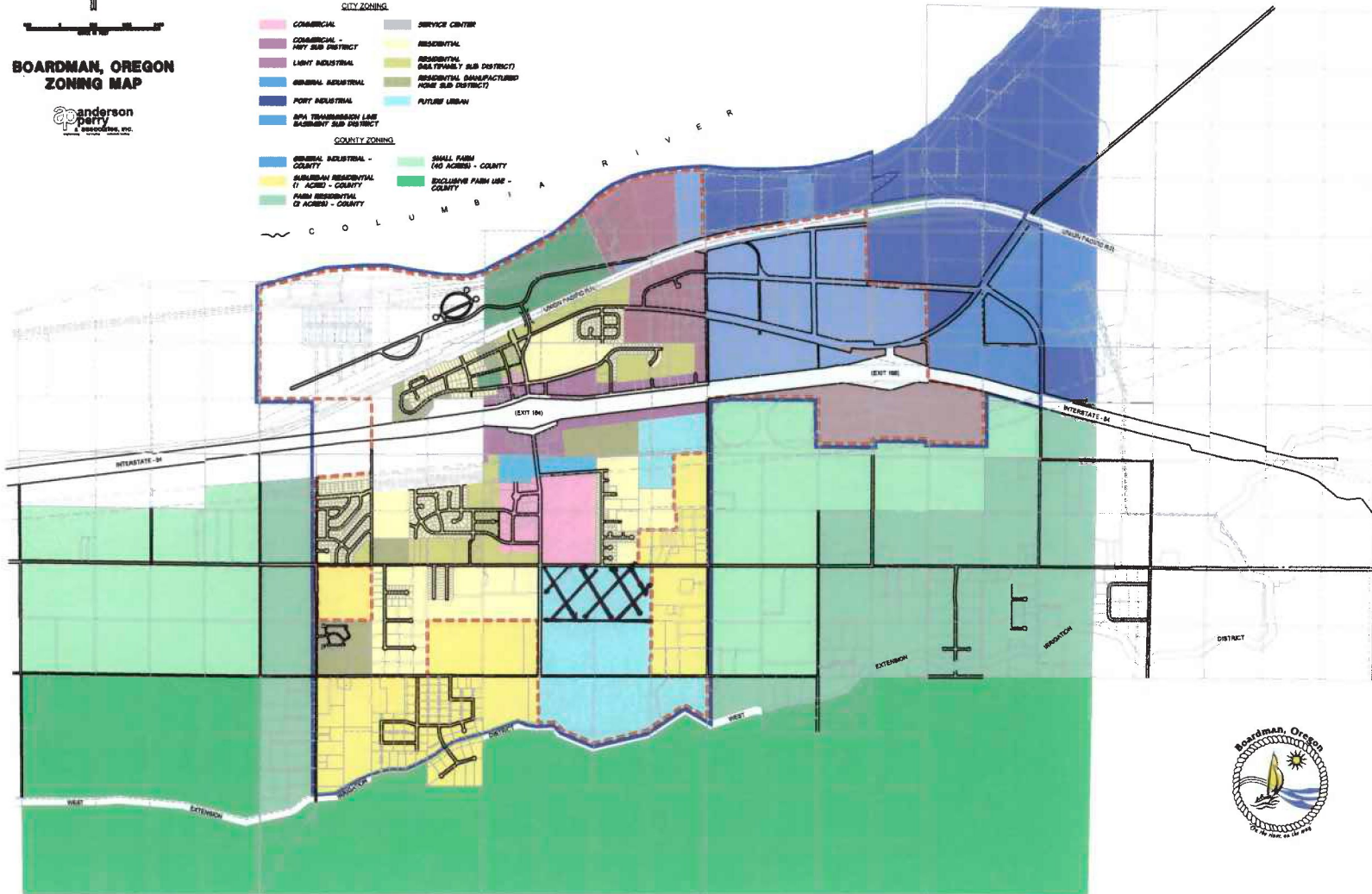
- CITY LIMITS
- URBAN GROWTH BOUNDARY
- PUBLIC/OPEN SPACE

**CITY ZONING**

- |  |  |
|--|--|
| <span style="color: pink;">■</span> COMMERCIAL                                   | <span style="color: grey;">■</span> SERVICE CENTER                                     |
| <span style="color: purple;">■</span> COMMERCIAL - HWY SUB DISTRICT              | <span style="color: yellow;">■</span> RESIDENTIAL                                      |
| <span style="color: blue;">■</span> LIGHT INDUSTRIAL                             | <span style="color: olive;">■</span> RESIDENTIAL (MULTIFAMILY SUB DISTRICT)            |
| <span style="color: darkblue;">■</span> GENERAL INDUSTRIAL                       | <span style="color: lightgreen;">■</span> RESIDENTIAL (MANUFACTURED HOME SUB DISTRICT) |
| <span style="color: navy;">■</span> PORT INDUSTRIAL                              | <span style="color: cyan;">■</span> FUTURE URBAN                                       |
| <span style="color: blue;">■</span> SPA TRANSMISSION LINE BASINMENT SUB DISTRICT |  |

**COUNTY ZONING**

- |   |  |
|---|--|
| <span style="color: blue;">■</span> GENERAL INDUSTRIAL - COUNTY                 | <span style="color: lightgreen;">■</span> SMALL FARM (40 ACRES) - COUNTY |
| <span style="color: yellow;">■</span> SUBURBAN RESIDENTIAL (1/2 ACRES) - COUNTY | <span style="color: green;">■</span> EXCLUSIVE FARM USE - COUNTY         |
| <span style="color: lightgreen;">■</span> FARM RESIDENTIAL (2 ACRES) - COUNTY   |  |



**/// = AREA OF PROPOSED ZONE CHANGE**

# CITY of BOARDMAN Community Development STAFF REPORT

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**DATE: April 24, 2007**

**TO: Boardman Planning Commission**

**FROM: Barry C. Beyeler, Community Development Director**

**SUBJECT: Post Acknowledgement Plan Amendment 03-2007**

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On March 14, 2007, the city delivered to the Department of Land Conservation and Development (DLCDD) a Notice of Proposed Amendment for a zone change of 76.96 acres of Morrow County Tax Map 4N 25 16 Tax lot #407 to be changed from the Future Urban (FU) zone to Residential (R) District, which is the underlying zoning district for FU. The application for this change was made by Hawksflight & Associates of Sisters, Oregon, for the purpose of construction of a single family residential home sub-division.

**APPLICANT'S PROPOSAL**

The applicant proposes to build an eleven to twenty year phased, 965 lot single family residential sub-division on two properties, Tax lot # 407 of 4N 25 16 which is 154.36 acres in size and Tax lot #101 of 4N 25 21 which is 89.62 acres in size. This Post Acknowledgement Plan Amendment (PAPA) is the first phase of three PAPA's which will need to be made to realize the completion of the proposal. This amendment would change a total of 76.96 acres into Residential (R) District to allow for the first phases of the subdivision to proceed.

The applicant plans residential home sites averaging 7,500 square feet in size with lot frontages of 80 feet, which is in accordance with Chapter 2.1 of the Boardman Development Code minimum lot size standards. The applicant plans to build framed construction single family residential homes ranging from 1,200 square feet to 2,500 square feet in size. The applicant plans on phasing the subdivision in 25 - 30 lots at a time.

The applicant has submitted a shadow plat of the entire 243.98 acres of property encompassed in the project proposal. This shadow plat indicates the proposed number of lots, transportation network, and approximate alignments and sizes of each parcel to be created.

The Future Urban designation allows for agricultural uses within the city limits and the applicant wishes to break out the property in a manner which allow for agricultural uses to continue until subsequent phases of the development preclude these activities. The applicant desires to keep the agricultural practices in effect on the portion of the property of which phases of construction have not started to remain in agricultural practices by conditions of approval. This is necessitated because of current language which restricts agricultural practices

in a residential zone. By establishing this condition in approvals the practice can remain in this portion of residential zone only and not within the residential zones throughout the city.

## **OVERVIEW OF EXISTING CONDITIONS**

The existing conditions on the 76.96 acres of property associated with this amendment are part of a total 154.36 acre parcel under an irrigated farm circle within the city limits of Boardman zoned as Future Urban, which allows for such agricultural use. The 76.96 represents approximately ½ of the total of the parcel's acreage 154.36 acres.

## **APPLICABLE GOALS OVERVIEW**

There are five planning Goals of the Boardman Comprehensive Plan directly applicable in this application. They are; Goal 1 Citizen Involvement, Goal 10: Housing; Goal 11: Public Facilities; Goal 12 Transportation; and Goal 14 Urbanization.

**GOAL 1: CITIZEN INVOLVEMENT:** Notification of all potential affected property owners has been accomplished by notice letters to each property, posting of the property and publication in the East Oregonian daily newspaper. In addition the City has the notice available on the city's website at [www.cityofboardman.com](http://www.cityofboardman.com) along with the staff report for the applicant's request of change of zone.

The request is consistent with Goal 1 Citizen Involvement policies of the Boardman Comprehensive Plan.

**GOAL 10: HOUSING:** This application opens up 76.96 acres of Future Urban (FU) to Residential (R) land for construction of single family homes meeting existing Residential density provisions within the Development Code of the City of Boardman. This amendment will open up land for up to 300 residential lots meeting provisions of the Boardman Development Code. This Post Acknowledgement Plan Amendment represents 10 to 12 phases of the overall subdivision which has been shadow platted.

The proposal is consistent with applicable Goal 10 policies #1, #6, #8, and #11, as it provides for a location of higher value homes than the current norm, promotes energy efficient programs, provides residential housing within easy walking distances to schools and shopping, and developing land which has always been intended for residential use.

**GOAL 11: PUBLIC FACILITIES:** The city is committed to serve water and wastewater services to the properties within the city limits of Boardman. The properties involved in this land use action are located entirely within the city limits of Boardman. There are topographical conditions which will necessitate further review prior to any site development or subdivision of the property. In any subsequent subdivision plan the utility layout to provide services will be identified and funding mechanisms to support their placement will be accomplished. These are engineering design level reviews and will not be available until after the zone change is completed.

The proposal is consistent with applicable Goal 11 policies #1, #2, #3, #6, #10, and #18, as it assures urban services inside current city limits, will require installation of the

infrastructure by the developer for the lands within the subdivision, supports development compatible with city's ability to provide services, will comply with state and federal regulations for water and wastewater services, and plans for storm drainage management within the subdivision.

**GOAL 12: TRANSPORTATION:** This proposal will create 300 additional residential lots with densities consistent with other subdivisions within the community. The initial shadow plat and preliminary plat indicate street location spacing at or greater than required by Boardman Development Code Chapter 3.1 for Arterial street designations such as S. Main St. and Wilson Rd. The street network within the subdivision is laid out in a grid to provide more than one access-egress option for homes within the proposed sub-division.

In the completion of the city's initial Transportation System Plan, the property in question was assessed as Residential zone densities to indicate future traffic impact conditions. The phasing of this entire zone change may be accomplished in the 20-year planning window. The current Interchange Area Management Plan and Transportation System Plan Updates also include the properties in question at Residential zoning densities.

The proposal is consistent with applicable Goal 12 policies concerning transportation as the request is consistent with the Boardman Development Code requirements, into which the approved Transportation System Plan findings were incorporated.

**Goal 14: URBANIZATION:** This proposal will create up to 300 single family residential lots on land within the City limits of Boardman and will allow for logical extension of water and wastewater lines from Anderson Rd. and S. Main St. The S. Main Street water extension projects are identified in the City's Capital Improvement Plan as project #11105 and #13605, The sewer line is included as part of project #11305 in the CIP. On-site utility locations and subsequent development have not been finalized as they are engineering design level and will be part of the subdivision approval process.

The proposal is consistent with applicable Goal 14 policies concerning Urbanization. The proposal is within city limits and begins phasing of both the zone changes and the subdivision process at the nearest point to existing utility location, transportation connections and then works further distally by future subdivision extensions.

## **TRAFFIC GENERATION**

This proposed zone change is consistent with density provisions which have been reviewed in prior Transportation System Plan approval processes. The projected 300 lots, using average trip ends per day, indicate an increased traffic count at the S. Main and Wilson Rd. interchange to be 10.09 trip ends per unit (Saturday average which is highest average). This is derived from the 6<sup>th</sup> Edition of the Trip Generation Manual of the Institute of Transportation Engineers. The 300 lots would be projected to generate 3027 trip ends per day. The Peak hour generation would be 1.01 trip ends per unit for peak hour on adjacent streets which would equate to a peak hour generation of 303 trip ends at peak hour. Again, this projection is at densities consistent with previous Transportation System Plan projections for future conditions.



The current Level of Service (LOS) for the S. Main St. and Wilson Rd. interchange is Level C for the Major Street LOS and Level C for the Critical Movement LOS, with an average delay of 17.3 seconds. It would take the peak hour traffic in this intersection from 525 vehicle movements to 828 traffic movements. The projected additional traffic generation could decrease this LOS to a Level D without provision of a center turn lane or turn pockets at this intersection.

## **FINDINGS OF FACT**

- 1) On December 13, 2006 the city met with the applicant about the process for converting 243.96 acres, 154.36 acres from tax lot #407 of Morrow County Tax Map 4N 25 16 and 89.62 acres from tax lot #101 of Morrow County Tax Map 4N 25 21, from Future Urban (FU) zone to Residential (R) District for the purpose of construction of a single family housing subdivision.
- 2) There were several discussions and communications between the applicant and city staff working out details of the process and required information to proceed with an application between December 2006, and March 2007.
- 3) On February 28, 2007, the city received a "shadow plat" of the entire acreage of the two properties in question with a proposed layout of lots, street locations and transportation connections, which meet current provisions of the Boardman Development Code.
- 4) On March 12, 2007, the applicant indicated the desire to proceed with the application and schedule a hearing as soon as possible.
- 5) The City filed a Notice of Proposed Amendment with the Department of Land Conservation and Development on March 14, 2007, meeting the 45 day notice requirement provisions of law.
- 6) The applicant's proposal is to phase the zone changes into either 3 or 4 separate land use actions as needed to allow for further development. This proposal will allow for 10 to 12 subdivision phases per zone change.
- 7) The applicant's proposal is to phase the subdivision in 25 to 30 lots per phase within each of the larger zone change land use actions.
- 8) On April 12, 2007, the city posted and published the notice of a public hearing to be held before the Boardman Planning Commission on May 2, 2007, meeting the 20-day public notice required by Chapter 4.1.600 of the Boardman Development Code.
- 9) City staff has prepared this Staff Report for public view on April 24, 2007, to allow the minimum of 1 week prior to hearing for the public to review the proposal specifics and findings of fact associated with the request. The written copy is available in City Hall and the report is on line at [www.cityofboardman.com](http://www.cityofboardman.com) for review.
- 10) The applicant's proposal, with this request, is for up to 300 lots in 10-12 phases on 76.96 acres should the change of zone from Future Urban (FU) to Residential (R) district be successful.
- 11) The applicant has provided a narrative and a "shadow plat" for the property to indicate the location of lots, streets and transportation connection points to the existing transportation network.
- 12) The proposal meets the minimum lots size requirements under Boardman Development Code Chapter 2.1.130 by using a minimum 80 foot street

- frontage on the proposed local street network. Lots will be an average of 7,500 square feet in size with lot dimensions being 80 feet by 80 to 100 feet.
- 13) The proposal meets transportation access spacing for arterial and collector streets by maintaining a minimum spacing of 600 feet as described in 3.1.200(G)(2), through the entire "shadow plat" of the property.
  - 14) The applicant's proposal, upon build out of this zone change, would have 300 single family residential lots which would produce 303 Peak Hour vehicular trip ends at the intersection of S. Main St. and Wilson Rd. This represents a 58% increase in traffic at Peak Hour from existing conditions.
  - 15) The increase in traffic at the Wilson Rd. and S. Main St. intersection would drop the Level of Service (LOS) from a Level C to a Level D.
  - 16) In previous Transportation System Plan (TSP) efforts, the property in question has been assessed at the residential densities being proposed and proposed mitigations for this intersection have been identified. These mitigations are to provide for center turn lanes or turn pockets at the intersection to allow for the greater traffic generation. These mitigations are incorporated into several projects identified in the city's Capital Improvement Plans.
  - 17) The applicant's proposal increases Average Daily trip ends by 3,027 from existing conditions which would require a traffic impact analysis by Chapter 4.10.200 of the Boardman Development Code. However, the previous TSP efforts identification of mitigations have indicated the mitigation of widening and installing center turn lanes and/or turn pockets at the S. Main St. and Wilson Rd. intersection would mitigate these impacts.
  - 18) The traffic generation from the applicant's proposal could begin to exceed the LOS criteria at the end of the third phase or start of the 4<sup>th</sup> phase of construction of single family homes based on the current phasing criterion outlined in the applicant's narrative of 25-30 lots per phase. The benchmark of 500 daily trips would be exceeded at 49 lots and the peak hour of 20% of current traffic would be met at 104 homes.
  - 19) Oregon Administrative Rule 660-12-0060 (2) establishes criterion for compliance with the Transportation Planning Rule when significant effect on function of the transportation network is identified in review of an application. In particular 660-12-060(2)(e) states: *"Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management or minor transportation improvements. Local governments shall as apart of the amendment specify when measures or improvements provided pursuant to this subsection will be provided."*
  - 20) In January, 2004, the Land Use Board of Appeals (LUBA) heard an appeal known as Jacqua v. City of Springfield, LUBA #2003-072 et seq. As a result of this appeal, the decision of the City of Springfield to approve a development without having identified the development agreements to assure Capital Improvement Projects for transportation, which would mitigate the significant impact of development, would be accomplished prior to exceeding Level of Service criterion in the city's Transportation System Plan were remanded back to the City for correction under appeal.

## **CONDITIONS OF APPROVAL FOR CONSIDERATION**

After reviewing the desires of the applicant, the facts associated with this application, the current language of the Boardman Development Code, the current Transportation System Plan policies, the Comprehensive Plan policies and the fact the application meets most criterion for approval, the following conditions of approval are offered for consideration to assure compliance with the Transportation Planning Rule criteria, desires of the applicant and the success of the zone change. The city having mitigation projects identified in previous Transportation System Plan efforts will likely be a participant in the identified mitigations; however, no particular amount of participation has been established by the City Council. In addition, the city will continue to seek available grant or loan opportunities which MAY be available for this project.

- 1) Approval on the condition of allowing agricultural practices on the portion of the residentially zoned land resulting from the approval until the actual site construction of subsequent subdivision phases of the request are constructed precluding the agricultural practice.
- 2) Approval with one or a combination of the following conditions to meet the provisions of the Transportation Planning Rule:
  - a. Applicant or individual lot owners be required to sign a "waiver of remonstrance" for the identified widening and installation of center turn lanes or turn pockets for the intersection of S. Main St. and Wilson Rd for a proportional share of a Local Improvement District to accomplish these identified mitigations for the traffic created by the development.
  - b. Applicant be required to install the identified widening and installation of center turn lanes or turn pockets for the intersection of S. Main St. and Wilson Rd. as part of development of the subdivision.
  - c. Applicant be required to enter into development agreement to develop the identified widening and installation of center turn lanes or turn pockets for the intersection of S. Main St. and Wilson Rd. prior to the development of phase 4 of the subdivision.
  - d. Applicant be required to enter into development agreement to financially participate in a proportional share of the costs associated with the identified widening and installation of center turn lanes or turn pockets for the intersection of S. Main St. and Wilson Rd. based upon the traffic generation volumes identified in this report.
- 3) Approval with the condition the two streets, identified in the shadow plat, which meet at the center of the tax lot be designated as "collector" streets in the subdivision. All other streets within this portion of the zone change will be considered as "local" streets.
- 4) Other conditions as identified by the Planning Commission.

## **SUMMARY AND RECOMMENDATIONS**

In summary, this proposal meets most of the requirements of the Boardman Development code and should proceed with the conditions identified above. Any one or combination of the four conditions identified under #2 above should meet the requirements of the Transportation Planning Rule. Item #1 is essential to allow for agricultural activities on the residentially zoned portion of the land without allowing agricultural practices in other residentially zoned lands within the city limits. This is a strong proposal which meets the majority of the Boardman Development Code.

It is staff recommendation to approve this application with Conditions 1-4 above with one of the options in condition #2 being chosen to meet the mitigations required by the Transportation Planning Rule.

**CITY OF BOARDMAN  
PLANNING COMMISSION MINUTES  
MEETING MAY 16, 2007**

1. **CALLED TO ORDER** – Meeting was called to order at 7:02 p.m.

Commissioners Present: Joel Chavez, Grant Chapman, Vice Chair Dan Daltoso, Chair Glaya Baker, Debi Watson & Scott Martin.

Commissioners Absent: Dagoberto Hernandez.

Staff Present: Community Development Director Barry Beyeler, Secretary Angie Hughes and Jackie McCauley

2. **APPROVAL OF MINUTES**

**March 21, 2007** – Commissioner Martin made a motion to approve the minutes as written. Commissioner Watson seconded the motion and it was approved by a unanimous vote.

3. **OLD BUSINESS**

**IAMP/TSP Update Status** – Mr. Beyeler informed the Commissioners that ODOT and DLCDC are putting the finishing touches on the DRAFT IAMP/TSP plan. The plan is going to be presented on May 30<sup>th</sup> for Planning Commission as well as City Council. Afterwards the Planning Commission will hold their public meeting for adoption.

**PAPA 02-2007 Status** – Mr. Beyeler informed the Commissioners that City Council has adopted PAPA 02-2007, and that code change will take effect Thirty days from May 16, 2007.

4. **NEW BUSINESS**

**FORMAL PROCEEDINGS**

**PUBLIC HEARING OF PAPA 03-2007 PROPOSED ZONE CHANGE  
FROM FUTURE URBAN TO RESIDENTIAL.**

**The public hearing for PAPA 03-2007 proposed zone change from Future Urban to Residential was called to order at 7:15 p.m.**

Abstentions – None

Objections – None

Staff Report – Mr. Beyeler went over the staff report and the findings of fact within the staff report. This PAPA is to change the zone of 76.96 acres from Future Urban to Residential for construction of approximately 300 homes.

Opponent's Case – None  
Cross Examination – None  
Public Agencies – None  
Rebuttal Evidence – None

**Hearing for PAPA 03-2007 Proposed Zone Change from Future Urban to Residential was closed at 7:46 p.m.**

Commissioner Daltoso made a motion to require 1 lot for each 25 lots developed, be dedicated for future use of an aggregated, centrally located park with approximate size being 2 acres be installed by the developer upon completion of phase 3 (75 lots); this condition would become #4 under Conditions of Approval for Consideration in the Staff report. The motion was seconded by Commissioner Chavez motion was approved unanimously.

Commissioner Daltoso made a motion to approved PAPA 03-2007 Zone change of 76.96 acres from Future Urban to Residential with the Conditions of Approval in the Staff report number one thru four and option C under number two; be recommended to City Council for approval. Commissioner Watson seconded the motion and was approved unanimously.

**PAPA 04-2007**

Mr. Beyeler informed the Commissioners that PAPA 04-2007 will not have a hearing tonight but rather it has been tentatively rescheduled for June 20, 2007.

**Department of Land Conservation & Development and Oregon Department of Transportation Appeal of Post Acknowledge Plan Amendment 01-2007 and Boardman Ordinance 3-2007.**

Mr. Beyeler informed the Commissioners that PAPA 01-2007 was approved through first reading at the City Council on March 18, 2007 with the second reading on April 3, 2007 where it was read and approved by title only. On April 23, 2007 DLCD and ODOT appealed the decision of City Council and have asked that the City of Boardman and DLCD and ODOT negotiate to work out the issue.

**5. DISCUSSION ITEMS**

**Upcoming Schedule** – Mr. Beyeler informed the Commissioners that they have special meeting on May 30, 2007 regarding the adoption of the IAMP/TSP plan and stressed that everyone needs to be there.

6. **ADJOURNED** – Meeting was adjourned at 9:05 p.m.

**CITY OF BOARDMAN  
ORDINANCE NO. \_\_- 2008**

**AN ORDINANCE APPROVING POST ACKNOWLEDGEMENT PLAN AMENDMENT  
003-2007 AND AMENDING THE BOARDMAN ZONING MAP**

WHEREAS, the City of Boardman staff has reviewed the Boardman Zoning Map and pursuant to a staff report made recommendation to amend the Boardman Zoning Map, and;

WHEREAS, a Notice of Proposed Amendment was mailed to the Oregon Department of Land Conservation and Development on March 14, 2007, and;

WHEREAS, on Wednesday, May 2, 2007, the Boardman Planning Commission held a public hearing on the proposed zone change and map amendment to the Boardman Zoning Map and voted to recommend approval to the Boardman City Council of the proposed zone change and map amendments, and;

WHEREAS, notice for the public hearing before the City Council for consideration of the recommendations of the Boardman Planning Commission was in a newspaper of general circulation on June 22, 2007, and posted on the site and at 4 public places on June 22, 2007, and;

WHEREAS, on July 17, 2007, a public hearing was held before the Boardman City Council, and, at the hearing the Council received the recommendation of the Boardman Planning Commission and heard testimony from the public.

**THE PEOPLE OF THE CITY OF BOARDMAN DO ORDAIN AS FOLLOWS:**

Section 1. The City Council of the City of Boardman hereby finds the proposed zone change and map amendments meet the criteria for approval of the zone change of 76.96 acres of Future Urban Sub-district to Residential District on tax lot #407 of Morrow County Tax Map 4N 25 16 with the conditions listed in Section 2 of this ordinance.

Section 2. Conditions for approval of this zone change are as follows:

- 1) Approval on the condition of allowing agricultural practices on the portion of the residentially zoned land resulting from the approval until the actual site construction of subsequent subdivision phases of the request are constructed precluding the agricultural practice.
- 2) Approval with the following condition to meet the provisions of the Transportation Planning Rule:



- a. Applicant be required to enter into development agreement to develop the identified widening and installation of center turn lanes or turn pockets for the intersection of S. Main St. and Wilson Rd. prior to the development of phase 4 of the subdivision.
- 3) Approval with the condition the two streets, identified in the shadow plat, which meet at the center of the tax lot be designated as "collector" streets in the subdivision. All other streets within this portion of the zone change will be considered as "local" streets.
- 4) Require the applicant to dedicate 1 lot for each 25 lots developed for future use as an aggregated and centrally located park to be installed by the developer upon completion of Phase 3 (75 lots).

Section 3. The City Council of the City of Boardman accepted the recommendations of the City Planning Commission and adopt the zone changes and associated amendments, consistent with the conditions in Section 2 of this Ordinance, to the Boardman Zoning Map.

Passed by the Council and approved by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY RECORDER

# CITY of BOARDMAN Community Development STAFF REPORT

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**DATE: July 6, 2007**

**TO: Boardman City Council**

**FROM: Barry C. Beyeler, Community Development Director**

**SUBJECT: Post Acknowledgement Plan Amendment 03-2007**

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On March 14, 2007, the city delivered to the Department of Land Conservation and Development (DLCD) a Notice of Proposed Amendment for a zone change of 76.96 acres of Morrow County Tax Map 4N 25 16 Tax lot #407 to be changed from the Future Urban (FU) zone to Residential (R) District, which is the underlying zoning district for FU. The application for this change was made by Hawksflight & Associates of Sisters, Oregon, for the purpose of construction of a single family residential home sub-division.

**APPLICANT’S PROPOSAL**

The applicant proposes to build an eleven to twenty year phased, 965 lot single family residential sub-division on two properties, Tax lot # 407 of 4N 25 16 which is 154.36 acres in size and Tax lot #101 of 4N 25 21 which is 89.62 acres in size. This Post Acknowledgement Plan Amendment (PAPA) is the first phase of three PAPA’s which will need to be made to realize the completion of the proposal. This amendment would change a total of 76.96 acres into Residential (R) District to allow for the first phases of the subdivision to proceed.

The applicant plans residential home sites averaging 7,500 square feet in size with lot frontages of 80 feet, which is in accordance with Chapter 2.1 of the Boardman Development Code minimum lot size standards. The applicant plans to build framed construction single family residential homes ranging from 1,200 square feet to 2,500 square feet in size. The applicant plans on phasing the subdivision in 25 - 30 lots at a time.

The applicant has submitted a shadow plat of the entire 243.98 acres of property encompassed in the project proposal. This shadow plat indicates the proposed number of lots, transportation network, and approximate alignments and sizes of each parcel to be created.

The Future Urban designation allows for agricultural uses within the city limits and the applicant wishes to break out the property in a manner which allow for agricultural uses to continue until subsequent phases of the development preclude these activities. The applicant desires to keep the agricultural practices in effect on the portion of the property of which phases of construction have not started to remain in agricultural practices by conditions of approval. This is necessitated because of current language which restricts agricultural practices

in a residential zone. By establishing this condition in approvals the practice can remain in this portion of residential zone only and not within the residential zones throughout the city.

## **OVERVIEW OF EXISTING CONDITIONS**

The existing conditions on the 76.96 acres of property associated with this amendment are part of a total 154.36 acre parcel under an irrigated farm circle within the city limits of Boardman zoned as Future Urban, which allows for such agricultural use. The 76.96 represents approximately 1/2 of the total of the parcel's acreage 154.36 acres.

## **APPLICABLE GOALS OVERVIEW**

There are six planning Goals of the Boardman Comprehensive Plan directly applicable in this application. They are; Goal 1 Citizen Involvement, Goal 10: Housing; Goal 11: Public Facilities; Goal 12 Transportation; and Goal 14 Urbanization.

**GOAL 1: CITIZEN INVOLVEMENT:** Notification of all potential affected property owners has been accomplished by notice letters to each property, posting of the property and publication in the East Oregonian daily newspaper. In addition the City has the notice available on the city's website at [www.cityofboardman.com](http://www.cityofboardman.com) along with the staff report for the applicant's request of change of zone.

The request is consistent with Goal 1 Citizen Involvement policies of the Boardman Comprehensive Plan.

**GOAL 8: RECREATIONAL NEEDS:** In Chapter 8 of the Boardman Comprehensive plan calls for a dedication of 0.015 acres per lot to be dedicated for open space or parks to fulfill Goal 8 requirements. The proposal as submitted by the developer had no open space dedication identified. The Planning Commission, by Condition #4 of the recommendation to the City Council for approval calls for dedication and development of 1 lot per 25 developed lots to be aggregated to a park of approximately 2 acres in size, which is centrally located within the development to provide recreational opportunity for the development and the community at large.

The proposal as submitted is not consistent with Goal 8. The proposal as conditioned by the Planning Commission with the addition of Condition #4 is consistent with the policies identified in Chapter 8 of the Comprehensive Plan; however, the identified area for dedication is not consistent with policy set forth in Chapter 8 of the Boardman Comprehensive Plan.

**GOAL 10: HOUSING:** This application opens up 76.96 acres of Future Urban (FU) to Residential (R) land for construction of single family homes meeting existing Residential density provisions within the Development Code of the City of Boardman. This amendment will open up land for up to 300 residential lots meeting provisions of the Boardman Development Code. This Post Acknowledgement Plan Amendment represents 10 to 12 phases of the overall subdivision which has been shadow platted.

The proposal is consistent with applicable Goal 10 policies #1, #6, #8, and #11, as it provides for a location of higher value homes than the current norm, promotes energy efficient

programs, provides residential housing within easy walking distances to schools and shopping, and developing land which has always been intended for residential use.

**GOAL 11: PUBLIC FACILITIES:** The city is committed to serve water and wastewater services to the properties within the city limits of Boardman. The properties involved in this land use action are located entirely within the city limits of Boardman. There are topographical conditions which will necessitate further review prior to any site development or subdivision of the property. In any subsequent subdivision plan the utility layout to provide services will be identified and funding mechanisms to support their placement will be accomplished. These are engineering design level reviews and will not be available until after the zone change is completed.

The proposal is consistent with applicable Goal 11 policies #1, #2, #3, #6, #10, and #18, as it assures urban services inside current city limits, will require installation of the infrastructure by the developer for the lands within the subdivision, supports development compatible with city's ability to provide services, will comply with state and federal regulations for water and wastewater services, and plans for storm drainage management within the subdivision.

**GOAL 12: TRANSPORTATION:** This proposal will create 300 additional residential lots with densities consistent with other subdivisions within the community. The initial shadow plat and preliminary plat indicate street location spacing at or greater than required by Boardman Development Code Chapter 3.1 for Arterial street designations such as S. Main St. and Wilson Rd. The street network within the subdivision is laid out in a grid to provide more than one access-egress option for homes within the proposed sub-division.

In the completion of the city's initial Transportation System Plan, the property in question was assessed as Residential zone densities to indicate future traffic impact conditions. The phasing of this entire zone change may be accomplished in the 20-year planning window. The current Interchange Area Management Plan and Transportation System Plan Updates also include the properties in question at Residential zoning densities.

The proposal is consistent with applicable Goal 12 policies concerning transportation as the request is consistent with the Boardman Development Code requirements, into which the approved Transportation System Plan findings were incorporated.

**Goal 14: URBANIZATION:** This proposal will create up to 300 single family residential lots on land within the City limits of Boardman and will allow for logical extension of water and wastewater lines from Anderson Rd. and S. Main St. The S. Main Street water extension projects are identified in the City's Capital Improvement Plan as project #11105 and #13605, The sewer line is included as part of project #11305 in the CIP. On-site utility locations and subsequent development have not been finalized as they are engineering design level and will be part of the subdivision approval process.

The proposal is consistent with applicable Goal 14 policies concerning Urbanization. The proposal is within city limits and begins phasing of both the zone changes and the subdivision process at the nearest point to existing utility location, transportation connections and then works further distally by future subdivision extensions.

## **TRAFFIC GENERATION**

This proposed zone change is consistent with density provisions which have been reviewed in prior Transportation System Plan approval processes. The projected 300 lots, using average trip ends per day, indicate an increased traffic count at the S. Main and Wilson Rd. interchange to be 10.09 trip ends per unit (Saturday average which is highest average). This is derived from the 6<sup>th</sup> Edition of the Trip Generation Manual of the Institute of Transportation Engineers. The 300 lots would be projected to generate 3027 trip ends per day. The Peak hour generation would be 1.01 trip ends per unit for peak hour on adjacent streets which would equate to a peak hour generation of 303 trip ends at peak hour. Again, this projection is at densities consistent with previous Transportation System Plan projections for future conditions.

The current Level of Service (LOS) for the S. Main St. and Wilson Rd. interchange is Level C for the Major Street LOS and Level C for the Critical Movement LOS, with an average delay of 17.3 seconds. It would take the peak hour traffic in this intersection from 525 vehicle movements to 828 traffic movements. The projected additional traffic generation could decrease this LOS to a Level D without provision of a center turn lane or turn pockets at this intersection.

## **FINDINGS OF FACT**

- 1) On December 13, 2006 the city met with the applicant about the process for converting 243.96 acres, 154.36 acres from tax lot #407 of Morrow County Tax Map 4N 25 16 and 89.62 acres from tax lot #101 of Morrow County Tax Map 4N 25 21, from Future Urban (FU) zone to Residential (R) District for the purpose of construction of a single family housing subdivision.
- 2) There were several discussions and communications between the applicant and city staff working out details of the process and required information to proceed with an application between December 2006, and March 2007.
- 3) On February 28, 2007, the city received a "shadow plat" of the entire acreage of the two properties in question with a proposed layout of lots, street locations and transportation connections, which meet current provisions of the Boardman Development Code.
- 4) On March 12, 2007, the applicant indicated the desire to proceed with the application and schedule a hearing as soon as possible.
- 5) The City filed a Notice of Proposed Amendment with the Department of Land Conservation and Development on March 14, 2007, meeting the 45 day notice requirement provisions of law.
- 6) The applicant's proposal is to phase the zone changes into either 3 or 4 separate land use actions as needed to allow for further development. This proposal will allow for 10 to 12 subdivision phases per zone change.
- 7) The applicant's proposal is to phase the subdivision in 25 to 30 lots per phase within each of the larger zone change land use actions.
- 8) On April 12, 2007, the city posted and published the notice of a public hearing to be held before the Boardman Planning Commission on May 2, 2007, meeting the 20-day public notice required by Chapter 4.1.600 of the Boardman Development Code.

- 9) City staff has prepared this Staff Report for public view on April 24, 2007, to allow the minimum of 1 week prior to hearing for the public to review the proposal specifics and findings of fact associated with the request. The written copy is available in City Hall and the report is on line at [www.cityofboardman.com](http://www.cityofboardman.com) for review.
- 10) The applicant's proposal, with this request, is for up to 300 lots in 10-12 phases on 76.96 acres should the change of zone from Future Urban (FU) to Residential (R) district be successful.
- 11) The applicant has provided a narrative and a "shadow plat" for the property to indicate the location of lots, streets and transportation connection points to the existing transportation network.
- 12) The proposal meets the minimum lots size requirements under Boardman Development Code Chapter 2.1.130 by using a minimum 80 foot street frontage on the proposed local street network. Lots will be an average of 7,500 square feet in size with lot dimensions being 80 feet by 80 to 100 feet.
- 13) The proposal meets transportation access spacing for arterial and collector streets by maintaining a minimum spacing of 600 feet as described in 3.1.200(G)(2), through the entire "shadow plat" of the property.
- 14) The applicant's proposal, upon build out of this zone change, would have 300 single family residential lots which would produce 303 Peak Hour vehicular trip ends at the intersection of S. Main St. and Wilson Rd. This represents a 58% increase in traffic at Peak Hour from existing conditions.
- 15) The increase in traffic at the Wilson Rd. and S. Main St. intersection would drop the Level of Service (LOS) from a Level C to a Level D.
- 16) In previous Transportation System Plan (TSP) efforts, the property in question has been assessed at the residential densities being proposed and proposed mitigations for this intersection have been identified. These mitigations are to provide for center turn lanes or turn pockets at the intersection to allow for the greater traffic generation. These mitigations are incorporated into several projects identified in the city's Capital Improvement Plans.
- 17) The applicant's proposal increases Average Daily trip ends by 3,027 from existing conditions which would require a traffic impact analysis by Chapter 4.10.200 of the Boardman Development Code. However, the previous TSP efforts identification of mitigations have indicated the mitigation of widening and installing center turn lanes and/or turn pockets at the S. Main St. and Wilson Rd. intersection would mitigate these impacts.
- 18) The traffic generation from the applicant's proposal could begin to exceed the LOS criteria at the end of the third phase or start of the 4<sup>th</sup> phase of construction of single family homes based on the current phasing criterion outlined in the applicant's narrative of 25-30 lots per phase. The benchmark of 500 daily trips would be exceeded at 49 lots and the peak hour of 20% of current traffic would be met at 104 homes.
- 19) Oregon Administrative Rule 660-12-0060 (2) establishes criterion for compliance with the Transportation Planning Rule when significant effect on function of the transportation network is identified in review of an application. In particular 660-12-060(2)(e) states: *"Providing other measures as a condition of development or through a development agreement or*

*similar funding method, including transportation system management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided."*

- 20) In January, 2004, the Land Use Board of Appeals (LUBA) heard an appeal known as Jacqua v. City of Springfield, LUBA #2003-072 et seq. As a result of this appeal, the decision of the City of Springfield to approve a development without having identified the development agreements to assure Capital Improvement Projects for transportation, which would mitigate the significant impact of development, would be accomplished prior to exceeding Level of Service criterion in the city's Transportation System Plan were remanded back to the City for correction under appeal.
- 21) On May 16, 2007, the Boardman Planning Commission conducted a public hear concerning this request. The Planning Commission deliberated the request with no public comment as no public comment was presented. The applicant was not present for the hearing.
- 22) On May 16, 2007, the Planning Commission unanimously made a decision to forward a recommendation for approval to the Boardman City Council with the following conditions:
  - a. Condition #1 in the Staff Report
  - b. Condition #2C in the Staff Report
  - c. Condition #3 in the Staff Report
  - d. A condition #4 not in the Staff Report was developed and required by the Commission. This conditions is for 1 lot for each 25 lots developed be dedicated for future use of a aggregated, centrally located park with an approximate size of 2 acres being installed by the developer upon completion of phase 3 (75 lots).
- 23) Boardman Development Code Chapter 3.4.200 states:

**A. Dedication Requirements.**

1. **Where a proposed park, playground or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City may require the dedication or reservation of this area on the final plat for the subdivision.**
2. **If determined by the Planning Commission to be in the public interest in accordance with adopted comprehensive plan policies, and where an adopted plan of the City does not indicate proposed public use areas, the City may require the dedication or reservation of areas within the subdivision of a character, extent and location suitable for the development of parks and other public uses.**
3. **All required dedications of public use areas shall conform to Section 3.4.0.D (Conditions of Approval).**

**B. Acquisition by Public Agency. If the developer is required to reserve land area for a park, playground, or other public use, the land shall be acquired by the appropriate public agency within 24 months following**

final plat approval, at a price agreed upon prior to approval of the plat, or the reservation shall be released to the property owner.

C. **System Development Charge Credit.** Dedication of land to the City for public use areas shall be eligible as a credit toward any required system development charge for parks.

24) The Boardman Comprehensive Plan Chapter 8 – Recreational Needs, in the Section titled Future Park Land Development Standards, states:

**FUTURE PARK LAND DEVELOPMENT STANDARDS**

It is the City's decision that small neighborhood parks, as shown on the Land Use Plan, be provided rather than a large community park south of the freeway. It is further recommended that the major recreation facilities, ball fields, etc., be located on the Corps of Engineers waterfront property. The City has developed specific standards for park plan development and dedication to occur simultaneously with subdivision development. These are as follows:

1. **Require open space dedication for park land at the rate of 0.015 acre per lot per living unit created.**
2. **Make payment in lieu of dedication, based on current residential land values.**
3. **Funds generated from (in lieu of) payment shall be used only for acquisition of park land. The park land would then be developed as a park to benefit the property from which the payments were collected.**
4. **Where a park is indicated within a development, that land shall be reserved until funds are available to purchase it.**
5. **No more than 40 percent of a development can be required for dedication to open space and public use, including street right-of-way but not including easements.**  
**Lands in excess of 40 percent of development will have to be purchased by the City within two years after development approval**

In #1 of the above excerpt the Comprehensive Plan call for a dedication of 0.015 acres or 653.4 square feet per lot for open space/parks which would equate to 16,335 square feet per 25 lots. The Planning Commission Condition #4 recommendation is for 8,000 square feet per 25 lots or 0.0073 acres per lot or 318 square feet per lot.

- 25) The Boardman Development Code does not require open space/parks dedication; rather only stipulates the dedication requirements and the ability of the Planning Commission to determine public interest for dedication of parks where no plan currently exists. The Planning Commission recommendation for conditions #4 does meet the Development Code as set forth in Chapter 3.4.200.
- 26) The Planning Commission recommendation for Condition #4 does not meet the Comprehensive Plan policy standard for future park land development standards as set forth in Chapter 8.



- 27) On June 22, 2007, publication and public notification of the City Council public hearing for this application, set for July 17, 2007, was sent to individuals required to receive notification.
- 28) On July 6, 2007, this staff report was completed, sent to those required to receive the staff report, posted on the city's web site and a copy made available for review in Boardman City Hall.

### **CONDITIONS OF APPROVAL FOR CONSIDERATION**

After reviewing the desires of the applicant, the facts associated with this application, the current language of the Boardman Development Code, the current Transportation System Plan policies, the Comprehensive Plan policies and the fact the application meets most criterion for approval, the following conditions of approval are offered for consideration to assure compliance with the Transportation Planning Rule criteria, desires of the applicant and the success of the zone change. The city having mitigation projects identified in previous Transportation System Plan efforts will likely be a participant in the identified mitigations; however, no particular amount of participation has been established by the City Council. In addition, the city will continue to seek available grant or loan opportunities which MAY be available for this project.

- 1) Approval on the condition of allowing agricultural practices on the portion of the residentially zoned land resulting from the approval until the actual site construction of subsequent subdivision phases of the request are constructed precluding the agricultural practice.
- 2) Approval with one or a combination of the following conditions to meet the provisions of the Transportation Planning Rule:
  - a. Applicant or individual lot owners be required to sign a "waiver of remonstrance" for the identified widening and installation of center turn lanes or turn pockets for the intersection of S. Main St. and Wilson Rd for a proportional share of a Local Improvement District to accomplish these identified mitigations for the traffic created by the development.
  - b. Applicant be required to install the identified widening and installation of center turn lanes or turn pockets for the intersection of S. Main St. and Wilson Rd. as part of development of the subdivision.
  - c. **Applicant be required to enter into development agreement to develop the identified widening and installation of center turn lanes or turn pockets for the intersection of S. Main St. and Wilson Rd. prior to the development of phase 4 of the subdivision.** *(This is the condition forwarded to the City Council with recommendation from the Planning Commission)*
  - d. Applicant be required to enter into development agreement to financially participate in a proportional share of the costs associated with the identified widening and installation of center turn lanes or turn pockets for the intersection of S. Main St. and Wilson Rd. based upon the traffic generation volumes identified in this report.
- 3) Approval with the condition the two streets, identified in the shadow plat, which meet at the center of the tax lot be designated as "collector" streets in

- the subdivision. All other streets within this portion of the zone change will be considered as "local" streets.
- 4) Require the applicant to dedicate 1 lot for each 25 lots developed for future use as an aggregated and centrally located park to be installed by the developer upon completion of Phase 3 (75 lots). *This condition was developed and included by the Planning Commission in the recommendation for approval to the City Council.*
  - 5) Other conditions as may identified by the City Council.

## **SUMMARY AND RECOMMENDATIONS**

In summary, this proposal meets most of the requirements of the Boardman Development Code and should proceed with the conditions identified above. Any one or combination of the four conditions identified under #2 above should meet the requirements of the Transportation Planning Rule. Item #1 is essential to allow for agricultural activities on the residentially zoned portion of the land without allowing agricultural practices in other residentially zoned lands within the city limits. This is a strong proposal which meets the majority of the Boardman Development Code.

The recommendation of the Planning Commission of Condition #4 concerning dedication of 1 lot per 25 developed lots, for the provision of a centrally located park to be developed as part of the development of the subdivision, is just under 1/2 of the Comprehensive Plan policies in Chapter 8 – Recreational Needs. This recommendation of the Planning commission should be reviewed and discussed by Council prior to a decision.

It is staff recommendation to approve this application with Conditions 1-5 above with option "C" in condition #2 being chosen to meet the mitigations required by the Transportation Planning Rule.

The meeting was called to order by Mayor Ed Glenn at 7:05 p.m. and he led the group in the Pledge of Allegiance. Roll call was taken:

Council members: Ed Glenn, Jim Hollandsworth, Pam Docken, Christie Perry, LuAnn Huffman, and Steve Doherty

Absent: Randy Yates

Youth Advisory: Jordan Mittelsdorf and Eduardo Lezama

Staff: Rex Mather-City Manager, Lila Killingbeck-Recorder, Tom Kligel, Brett Cook, Dave Winters, Barry Beyeler, John Zeiler, and John Russell

Audience: Lavern Gertlar, Ray and Carol Michael, Harold Journey, Karen Pettigrew, Cameron Dobbins, and Tammy Malgesini-East Oregonian

Councilor Yates was out of town. His absence was excused.

Minutes were unavailable for review.

City Manager Mather introduced the City of Boardman's newest Police officer, Kyle Percy. He will be attending the Police Academy starting in August. He also introduced Officer Al Plum, who has recently graduated from the Police Academy. The Council welcomed them.

#### **PUBLIC COMMENT**

City Manager Mather introduced Carol Michael. The Corp of Engineers is in the process of turning over the Boardman Marina Park to the Boardman Park and Recreation District. The Corp has informed the Confederate Tribe of the Umatilla Indian Reservation that because of this change in ownership they will no longer be able to safeguard the petroglyphs that have been in the Park for almost 50 years. The Corp is paying for the removal of the petroglyphs and will move them for the Tribe per their wish to their desired locations. Two of the four may be dropped back in the river at a location off the riverbank near the Heppner Junction Interchange on Interstate 84. The other two will be moved to the Tamastslikt Cultural Center on the Umatilla Indian Reservation near Mission. Mrs. Michael feels that the City of Boardman, Boardman Park and Recreation District, many citizens and recently an Eagle Scout from Boy Scout Troop 602 have been safeguarding the petroglyphs. Andre Corpus of Boardman recently took on the project of design and construction of a shelter over the petroglyphs to protect them from the elements. She would like to have the City Council write a letter of support to keep the petroglyphs in their existing location. The Confederate Tribe of the Umatilla Indian Reservation Board of Trustees is who the Council should contact. Councilor Docken moved to direct the Mayor to contact the Confederate Tribe of the Umatilla Indian Reservation Board of Trustees and prepare a letter for the Councils' signatures. Councilor Huffman seconded the motion. All were in favor. There has been contact with the

Park that the tribe will be picking up the petroglyphs next weekend so Mayor Glenn will be contacting them tomorrow. There was discussion regarding the need for support of Morrow County Court and Boardman Park and Recreation District also.

### **ACTION ITEMS**

#### **Public Hearing-Rezone-Weber Plat**

Hearing opened at 7:30 p.m.

Mayor Glenn explained the procedures of the hearing. There were no abstentions from the Council due to conflicts of interest. There were no objections from the audience as to the Jurisdiction. He then called for the Staff Report. The property being discussed is located between Wilson and Kunze Lanes East of South Main. The Planning Commission has approved the application for rezone of 76.96 acres from Future Urban Sub-district to Residential with conditions: continuation of farming on the acreage not developed into homes, enter into a development agreement for the transportation planning rules, approval of two collector streets in subdivision, and dedicate 1 lot per every 25 lots to parks. It has been discovered after this approval that the Comprehensive Plan requires .015 acres per lot is dedicated to parks. Staff recommends that this language be changed to meet the Comprehensive Plan before Council approves the Ordinance. Mayor Glenn asked for Proponents: Karen Pettigrew asked about the problems with small lot sizes. City Manager Mather explained that the lots maybe smaller but because of an 80 ft frontage requirement for each lot it helps with the parking issues. There were no opponents.

Hearing was closed at 7:50 p.m.

There were concerns about the shadow plat which was shown for the rezone. The detail of the subdivision will be reviewed during the Preliminary Plat process. Some of the concerns were: lots sizes, parks, utilities, streets, etc. There was a discussion regarding public property dedication and if the city required more that 40% there could be a cost to the City. There was a discussion regarding the dedication of parks per phase so that there is a large park instead of several small parks. Councilor Perry moved to adopt Ordinance 1-2008, approving Post Acknowledgement Plan Amendment 3-2007 and map changes with language change to meet Comprehensive Plan requirements for Parks, to the First Reading by title only. Councilor Doherty seconded the motion. All were in favor. City Manager Mather read Ordinance 1-2008 by Title only.

#### Boardman Municipal Code-Sidewalks (Chapter 12.04)

Mayor Glenn declared that he may have a potential conflict of interest due to undeveloped sidewalks at his property on Laurel Lane. There was a discussion regarding adoption of this language requiring that established lots be required to install sidewalks. The Council consensus was to put language in this Ordinance clarifying that this may not be required on established lots. This Ordinance changes the code language to establish owner responsibility for construction and obstruction of sidewalks into Chapter 12.04. Councilor Hollandsworth moved to adopt Ordinance 2-2008 approving amendments to Boardman Municipal Code Chapter

12.04 concerning Sidewalks. Ordinance 2-2008 was moved to the first reading by title only. Councilor Perry seconded the motion. Roll call vote: Docken-yes, Hollandsworth-yes, Huffman-no, Perry-yes, Doherty-yes, Glenn-no. The vote was 4-2 in favor. Motion passed. City Manager Mather read Ordinance 2-2008 by Title Only.

#### Boardman Municipal Code-Sidewalks (Chapter 12.12)

This is a new chapter in the Municipal Code with language regarding obstructions in the street right-a-way. This would establish no portable basketball hoops in the streets and removal of garbage carts from the street within 24 hours. Councilor Hollandsworth moved to adopt Ordinance 3-2008 approving amendments to Boardman Municipal Code Chapter 12.12 sidewalk and street obstruction, and street and curb damage. Ordinance 3-2008 was moved to the first reading by title only. Councilor Perry seconded the motion. Roll call vote: Docken-yes, Hollandsworth-yes, Huffman-no, Perry-yes, Doherty-yes, Glenn Yes. The vote was 5-1 in favor. Motion passed. City Manager Mather read Ordinance 3-2008 by title only.

#### Boardman Municipal Code-Traffic Code Definitions Chapter 10.04

This would change the definition of a Motor Truck as being anything over 14001 GVRW. Councilor Huffman moved to adopt Ordinance 4-2008 approving amendments to the Boardman Municipal Code Chapter 10.04 concerning Traffic Code Definitions. Ordinance 4-2008 was moved to the first reading by title only. Councilor Hollandsworth seconded the motion. All were in favor. City Manager Mather read Ordinance 4-2008 by title only.

#### Boardman Municipal Code-Parking Motor Trucks Chapter 10.20

This would prohibit truck parking in residential zones and causing obstructed views. There was discussion regarding Desert Springs Estates residential areas that have established storage of trucks with fenced areas. This Ordinance would not change that allowance. Councilor Hollandsworth moved to adopt Ordinance 5-2008 approving amendments to Boardman Municipal Code Chapter 10.20 concerning parking of motor trucks and trailers in residential zones. Ordinance 5-2008 was moved to the first reading by title only. Councilor Doherty seconded the motion. All were in favor. City Manager Mather read Ordinance 5-2008 by title only.

#### Other Business

City Manager Mather explained to the Council that he had been contacted by CAPCO regarding a letter of support for the purchase and renovation for the Sandpiper Apartments located on North Main Street. It was the consensus of the Council that they would support this project, but would not waive associated fees. City Manager Mather had prepared a letter of support for Mayor Glenn's signature.

City Manager Mather had received communication from CASA Oregon, which is a federal program for housing. This is a group that works to provide transitional housing for families employed in farm labor. Their proposal is for a 40 unit complex located on the corner of South Main and Willowfork. CASA Oregon is applying for Community Development Block Grants for infrastructure and is requesting that the City of Boardman be their sponsor. They also will be re-applying for Federal Grants

for the complex construction. It was the consensus of the Council not to be the sponsor for the Community Development Block Grant.

#### REPORTS, CORRESPONDENCE AND DISCUSSION

Mayor Glenn asked if there had been any more correspondence regarding the ODOT and DLCD appeal on the SE Front Street rezoning. City Manager Mather said that there had not been any information.

#### Youth Advisory

They will be sponsoring a Car Wash at the Chevron Station next week to start raising funds for the "Shop with a Cop" program next fall. The 3 on 3 basketball tournament was cancelled due to the extreme heat. There is also a Funtastic program going on at the Boardman Marina Park, which includes some of the Youth Advisory Council.

#### City Manager

-League of Oregon Cities will be held in Bend this year on September 27-29<sup>th</sup>. There is a new reservation system at this conference and our reservations will need to be set before August 21<sup>st</sup>.

-LOC has published a brochure with a collection from LOC members regarding system development charges. If you would like to review this information see City Manager Mather for a copy.

-The paving project at the Post Office is completed. The patching from the travel lane to the right-away has been completed and stripping has been complete. Mayor Glenn asked about the progress on the 15 minute parking at the Post office. City Manager Mather explained that at this time there is not signage for this problem, but John Russell has been trying to inform patrons of the Post Office not stay longer than 15 minutes. Mr. Russell has also informed the owner of the store at that location that there has been concerns express about him parking during business hours which limits the parking spaces available. There is no solution at this time.

-He will be out of the office at a LOC meeting on Friday, July 20<sup>th</sup> and will also be gone on July 25-31 on personal business.

-Included in the packet is the annual building department reports

-Monthly Police report

-Information regarding the changes at Potlach.

-Larry Lindsay 40 yr celebration of being a Port Commissioner on July 18<sup>th</sup> from 4-6.


Mayor

- July Mayor's meeting will be on Wednesday, July 25<sup>th</sup>
- Thanks to Doherty, Perry, Docken, and Glenn the City for representing City at the City/County/Port meeting on July 11<sup>th</sup>. There were representatives from the Pacific NW Speedway.
- He will be attending the Summer Mayors' Conference on August 2-4. in Salem.

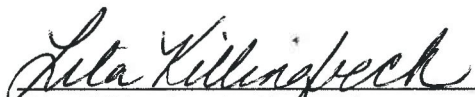
**EXECUTIVE SESSION-regarding 192.660 (2) (i) Personnel**

Executive session was called at 9:05 p.m.  
Executive session was adjourned at 9:33 p.m.

**Council Meeting was adjourned at 9:35 p.m.**



F.E. Glenn-Mayor



Lila Killingbeck, Recorder

**CITY OF BOARDMAN  
ORDINANCE NO. 1 - 2008**

**AN ORDINANCE APPROVING POST ACKNOWLEDGEMENT PLAN AMENDMENT  
003-2007 AND AMENDING THE BOARDMAN ZONING MAP**

WHEREAS, the City of Boardman staff has reviewed the Boardman Zoning Map and pursuant to a staff report made recommendation to amend the Boardman Zoning Map, and;

WHEREAS, a Notice of Proposed Amendment was mailed to the Oregon Department of Land Conservation and Development on March 14, 2007, and;

WHEREAS, on Wednesday, May 2, 2007, the Boardman Planning Commission held a public hearing on the proposed zone change and map amendment to the Boardman Zoning Map and voted to recommend approval to the Boardman City Council of the proposed zone change and map amendments, and;

WHEREAS, notice for the public hearing before the City Council for consideration of the recommendations of the Boardman Planning Commission was in a newspaper of general circulation on June 22, 2007, and posted on the site and at 4 public places on June 22, 2007, and;

WHEREAS, on July 17, 2007, a public hearing was held before the Boardman City Council, and, at the hearing the Council received the recommendation of the Boardman Planning Commission and heard testimony from the public.

THE PEOPLE OF THE CITY OF BOARDMAN DO ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Boardman hereby finds the proposed zone change and map amendments meet the criteria for approval of the zone change of 76.96 acres of Future Urban Sub-district to Residential District on tax lot #407 of Morrow County Tax Map 4N 25 16 with the conditions listed in Section 2 of this ordinance.

Section 2. Conditions for approval of this zone change are as follows:

- 1) Approval on the condition of allowing agricultural practices on the portion of the residentially zoned land resulting from the approval until the actual site construction of subsequent subdivision phases of the request are constructed precluding the agricultural practice.
- 2) Approval with the following condition to meet the provisions of the Transportation Planning Rule:



- a. Applicant be required to enter into development agreement to develop the identified widening and installation of center turn lanes or turn pockets for the intersection of S. Main St. and Wilson Rd. prior to the development of phase 4 of the subdivision.
- 3) Approval with the condition the two streets, identified in the shadow plat, which meet at the center of the tax lot be designated as "collector" streets in the subdivision. All other streets within this portion of the zone change will be considered as "local" streets.
- 4) Require the applicant to dedicate 0.015 acre per lot per living unit created to be developed for future use as an aggregated and centrally located park to be installed by the developer upon completion of Phase 3 (75 lots).

Section 3. The City Council of the City of Boardman accepted the recommendations of the City Planning Commission and adopt the zone changes and associated amendments, consistent with the conditions in Section 2 of this Ordinance, to the Boardman Zoning Map.

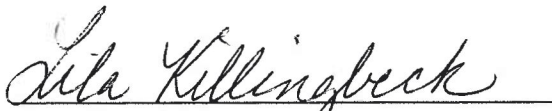
Passed by the Council and approved by the Mayor this 7<sup>th</sup> day of August, 2007.



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MAYOR

ATTEST:



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CITY RECORDER

**BOARDMAN, OREGON  
ZONING MAP**



**LEGEND**

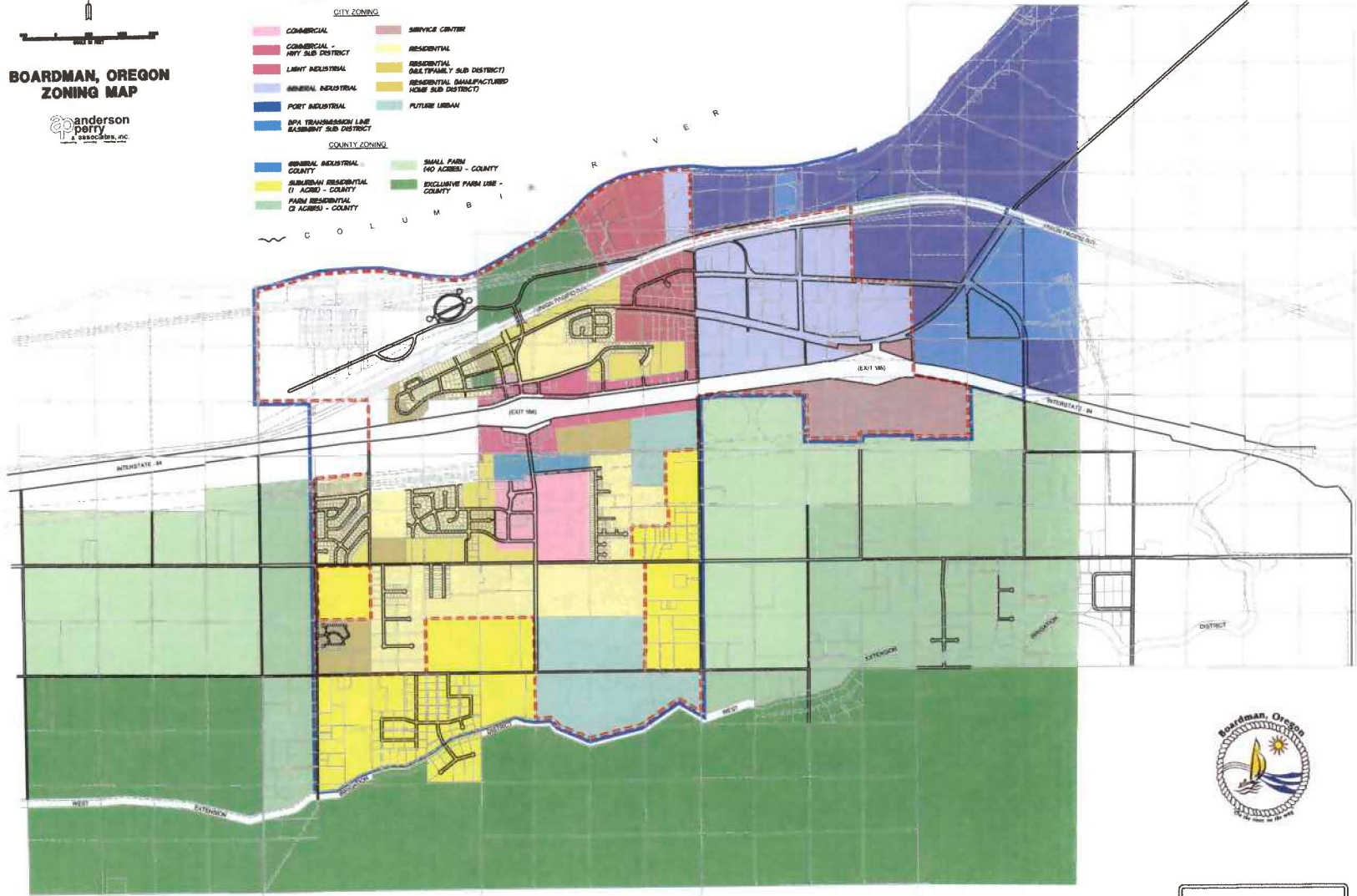
- CITY LIMITS
- URBAN GROWTH BOUNDARY
- PUBLIC/OPEN SPACE

**CITY ZONING**

- |  |   |
|--|---|
| <span style="color: pink;">■</span> COMMERCIAL                                       | <span style="color: yellow;">■</span> SERVICE CENTER                                    |
| <span style="color: lightpink;">■</span> COMMERCIAL - HWY SUB DISTRICT               | <span style="color: lightyellow;">■</span> RESIDENTIAL                                  |
| <span style="color: lightred;">■</span> LIGHT INDUSTRIAL                             | <span style="color: gold;">■</span> RESIDENTIAL (MULTIFAMILY SUB DISTRICT)              |
| <span style="color: lightblue;">■</span> GENERAL INDUSTRIAL                          | <span style="color: lightgreen;">■</span> RESIDENTIAL (SMALLFACTURED HOME SUB DISTRICT) |
| <span style="color: blue;">■</span> PORT INDUSTRIAL                                  | <span style="color: cyan;">■</span> FUTURE URBAN  |
| <span style="color: darkblue;">■</span> BPA TRANSMISSION LINE ALIGNMENT SUB DISTRICT |   |

**COUNTY ZONING**

- |   |  |
|---|--|
| <span style="color: blue;">■</span> GENERAL INDUSTRIAL COUNTY                 | <span style="color: lightgreen;">■</span> SMALL FARM (40 ACRES) - COUNTY |
| <span style="color: yellow;">■</span> SUBURBAN RESIDENTIAL (1 ACRE) - COUNTY  | <span style="color: green;">■</span> EXCLUSIVE FARM USE - COUNTY         |
| <span style="color: lightgreen;">■</span> FARM RESIDENTIAL (2 ACRES) - COUNTY |  |



PLANNING DEPARTMENT 2014