



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



NOTICE OF ADOPTED AMENDMENT

04/26/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Boardman Plan Amendment  
DLCD File Number 001-11

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: Wednesday, May 11, 2011

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

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

<paa> YA

# FORM 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

(See reverse side for submittal requirements)

DEPT OF

APR 22 2011

LAND CONSERVATION  
AND DEVELOPMENT

Jurisdiction: CITY OF BOARDMAN Local File No.: PAPA 01-2011  
(If no number, use none)

Date of Adoption: APRIL 19, 2011 Date Mailed: APRIL 21, 2011  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: JANUARY 7, 2011

Comprehensive Plan Text Amendment  Comprehensive Plan Map Amendment  
 Land Use Regulation Amendment  Zoning Map Amendment  
 New Land Use Regulation  Other: \_\_\_\_\_  
(Please Specify Type of Action)

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

THE ADOPTED MAP AMENDMENTS ADD 1.08 ACRES OF COMMERCIAL TO A LOT ZONED BOTH MULTI-FAMILY AND COMMERCIAL TO ALLOW FOR CONSTRUCTION OF A 15,394 SQ. FT. MEDICAL CLINIC FACILITY

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

SAME

Plan Map Changed from : MULTI-FAMILY to COMMERCIAL

Zone Map Changed from: MULTI-FAMILY to COMMERCIAL

Location: 4N 25 16 BC Acres Involved: 1.08

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: 1,2,12

Was an Exception Adopted? Yes:  No:

DLCD File No.: 001-11 (18671) [16617]



Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: BOARDMAN RURAL FIRE PROTECTION DISTRICT

Local Contact: BARRY BEYELER Area Code + Phone Number: 541 481-9252

Address: P.O. BOX 964

City: BOARDMAN, OR Zip Code+4: 97818

### 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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

**CITY OF BOARDMAN  
ORDINANCE NO. 1-2011**

**AN ORDINANCE APPROVING POST ACKNOWLEDGEMENT PLAN AMENDMENT 01-2011  
AMENDING THE BOARDMAN ZONING AND COMPREHENSIVE PLAN MAP.**

**WHEREAS**, the City of Boardman Planning Commission held a public hearing and approved Post Acknowledgement Plan Amendment 01-2011, changing 1.08 acres from Multi-Family Sub-district to Commercial District to accommodate the construction of the Columbia River Community Health Services Clinic, and;

**WHEREAS**, the Boardman Planning Commission forwarded a recommendation to the City Council for approval and implementation by Ordinance of Post Acknowledgement Plan Amendment 01-2011, and;

**WHEREAS**, a Notice of Proposed Amendment was mailed to the Oregon Department of Land Conservation and Development on January 7, 2011, 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 March 15, 2011, and posted on the site and at 4 public places on September 29, 2010, and;

**WHEREAS**, on April 5, 2011, 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.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BOARDMAN HEREBY  
ORDAINS:**

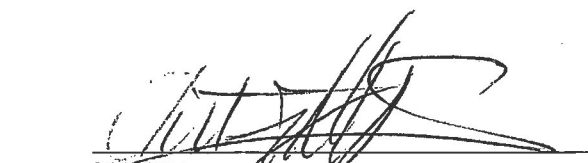
Section 1. The City Council of the City of Boardman hereby finds agreement with the proposed amendments to the City of Boardman Zoning and Comprehensive Plan Map and hereby adopts the above recitals and findings and incorporate them by reference in support of this ordinance.

Section 2. The Boardman Zoning and Comprehensive Plan Map is amended and a new map shall be created reflecting the amendment.

Passed by the Council and approved by the Mayor this 19<sup>th</sup> day of April, 2011.

ATTEST:

  
CITY RECORDER

  
MAYOR



# **CITY of BOARDMAN**

## **Community Development**

### **STAFF REPORT**

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**DATE: March 30, 2011**

**TO: Boardman City Council and Other Parties of Interest**

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

**SUBJECT: Post Acknowledgement Plan Amendment 01-2011 (PAPA 01-2011)  
Amending Zoning Map and Comprehensive Plan Map for the Construction of a  
Medical Clinic**

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#### **BACKGROUND**

As part of conditions placed, by the Planning Commission following the hearing of December 15, 2010, upon Columbia River Community Health Services Site Design Review approval (SDR 02-2010), this Post Acknowledgement Plan Amendment (PAPA 01-2011) is to change 1.08 acres of tax lot #1901 on Morrow County Tax Map 4N 25 16BC from Multi-Family Sub-district to Commercial District, in conjunction with a partition (PAR 01-2011), to create the 2.25 acre parcel on which a 15,395 square foot medical clinic will be located upon. The existing tax lot #1901 is dual zoned, with 1.17 acres being zoned Commercial and 2.93 acres zoned Multi-Family Sub-district. Partition PAR 02-2011, upon approval, will create a 2.25 acre parcel upon which the medical clinic will be located. This parcel would contain the 1.17 acres currently zoned Commercial and the balance of the created parcel, 1.08 acre, would be zoned Multi-family Sub-district leaving a dual zoned lot. Amending the zoning map to follow the boundaries of the created parcel for the medical clinic to be a single zone allows for the clinic to be constructed under the provisions of the majority portion zoning of the parcel. A Map of the proposed partition and map/zone change is included with this report as Exhibit "A".

It should also be noted, a medical clinic is an allowable use in both the Multi-Family Sub-District and the Commercial District. In the Multi-Family sub-district there is a limitation of 5,000 square feet on building size, which is just slightly over the outgrown facility the medical clinic is in currently. The commercial district does allow greater flexibility to meet the desires of Columbia River Community Health Services to have an adequately sized facility for the needs of the community, and allow for future expansion as the community grows.

#### **PARTITIONING**

As was noted in the background section of this report, one of the conditions placed upon Columbia River Community Health Services, in the Site Design Review approval hearing of December 15, 2010, was to partition the property so a Post Acknowledgment Plan Amendment and a Zoning and Comprehensive Plan Map Amendment could be accomplished on the minimum amount of additional land necessary for the construction of the medical clinic facility. This partition leaves a 1.85 acre Multi-Family Sub-district buffer between a Commercial District zoning and a Residential District with elementary schools directly across Wilson Rd. The 1.85 acre parcel would be large enough to accommodate up to 20 additional multi-family living units,

although this density might be restricted by existing easements for utility infrastructure. The configuration is shown on the map included with this report as Exhibit "A".

#### **SITE DESIGN REVIEW PROCESS**

On November 5, 2010, an application for Site Design Review was submitted to the city by Pinnacle Architecture, acting as an agent for Columbia River Community Health Services, for a 15,395 square foot medical clinic. Federal grant funding agencies required land use approval prior to approval of grant funds for the medical clinic project, so the Site Design Review and conditional approval would provide the necessary approvals for the grant funding. The Site Design Review followed a Type III hearing process with a public hearing at the Planning Commission level, consistent with the provisions of Section 4.2.400(B) of the Boardman Development Code. The Site Design Review is to assure the development of the site will be consistent and comply with the development standards in the Boardman Development Code and Boardman Comprehensive Plan policies. A copy of the Site Design Review Staff Report is included as Exhibit "B". The submitted site plan map and plans are included as Exhibit "C".

#### **FINDINGS OF FACT**

- 1) On November 5, 2010, Pinnacle Architecture acting as an agent for the Columbia River Community Health Services, submitted an application for Site Design Review.
- 2) Notice was mailed to all property owners within 250' of the subject property as required by §4.1.500(C), on November 19, 2010, notifying them of the Type III Planning Commission public hearing on December 15, 2010, concerning the decision to be made on the Site Design Review.
- 3) The property of the applicant and public reader boards were posted on November 19, 2010, notifying the public of the Type III Planning Commission public hearing on December 15, 2010, concerning the decision to be made on the Site Design Review.
- 4) Notification of the Type III Planning Commission public hearing on December 15, 2010, concerning the decision to be made on the Site Design Review was published in a regional paper of daily circulation was published on November 19, 2010, in the East Oregonian.
- 5) The Site Design Review Staff Report was made available for review on December 8, 2010, on the Community Development Page of the city's website located at [www.cityofboardman.com](http://www.cityofboardman.com), and paper copies made available at Boardman City Hall.
- 6) On December 15, 2010, The Boardman Planning Commission held a Type III public hearing for the Site Design Review of the Columbia River Community Health Services medical clinic.
- 7) On December 15, 2010, the Planning Commission, after a Type III public hearing, deliberated the decision on the Site Design Review for the medical clinic and approved the facility with nine conditions to attain the approval. Included in the conditions were the partition and changing of the entire 2.25 acre parcel, upon which the clinic would be located, be zoned Commercial District. Minutes of the December 15, 2010, Planning Commission minutes, which include the public hearing, deliberation, approval decision and the subsequent conditions of approval, are included as Exhibit "D".



- 8) On January 7, 2011, the City of Boardman submitted a Notice of Proposed Amendment for a Zoning and Comprehensive Map change associated with Post Acknowledgment Plan Amendment 01-2011 with a first evidentiary hearing date of February 23, 2011, meeting the minimum 45-day notice to the Department of Land Conservation and Development.
- 9) On January 24, 2011, Columbia River Community Health Services submitted an application to partition the 2.25 acre parcel necessary for the construction of the medical clinic in accordance with the conditions of the Planning Commission conditional approval of the Site Design Review.
- 10) Notice was mailed to all property owners within 250' of the subject property as required by §4.1.500(C), on January 26, 2011, notifying them of the Type II Administrative Decision on the Partition request to be made on February 18, 2011, concerning the decision to be made on the partition.
- 11) The property of the applicant and public reader boards were posted on January 26, 2011, notifying the public of the Type II Administrative Decision on the partition request to be made on February 18, 2011, concerning the decision to be made on the partition request.
- 12) Notification of the Type II Administrative Decision on the partition request to be made on February 18, 2011, was published in a regional paper of daily circulation was published on January 26, 2011, in the East Oregonian.
- 13) On February 10, 2011, the Site Team Review with emergency services, utilities providers the applicant and their engineers and the city was conducted. This review is to assure any conflicts with utility infrastructure or emergency access or services are identified and mitigated prior to construction. This step was another condition of approval by the Planning Commission.
- 14) On February 16, 2011, the Staff Report on Post Acknowledgement Plan Amendment 01-2011, was posted on the Community Development page of city's website at [www.cityofboardman.com](http://www.cityofboardman.com) and paper copies made available for review at Boardman City Hall.
- 15) On February 23, 2011, the Boardman Planning Commission conducted a public hearing on the Post Acknowledgment Plan Amendment 01-2011 and forwarded the recommendation to the City Council for approval of PAPA 01-2011, and implementation by approval of an Ordinance.
- 16) Meeting Minutes of the February 23, 2011 Planning commission Meeting are attached as Exhibit "E".

#### **PUBLIC COMMENTS RECEIVED**

As of the writing of this staff report, March 30, 2011, the only comment received was from Mindy Binder, of Columbia River Community Health Services, in support of PAPA 01-2011.

No other comments have been received from all parties notified or from posted and published notification.

#### **SUMMARY, CONCLUSIONS AND RECOMMENDATIONS**

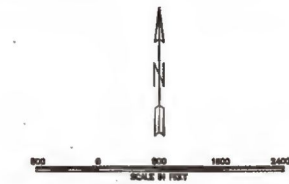
Performance of the Site Design Review on this facility presented interesting challenges in the timing of events, as Site Team review usually precedes the Site Design Review decision process in either a Type II Administrative Decision process or a Type III Quasi-Judicial process before the Planning Commission. The approvals necessary for the federal grant funding necessitated Site Design approvals to attain the grant funds in the current funding cycle, of which, could not be met without assessing the Site Design Review and application of the conditions of approval.

The conditions of approval for Site Design Review of this facility provide the necessary review and proper information of support of this map amendment, changing the zone of the parcel to be created by the partition tentatively to be approved on February 18, 2011, allow for Columbia River Community Health Services to construct a 15,395 square foot medical clinic capable of providing medical services to the community for years to come. By the time of the Planning Commission public hearing on this map amendment the Type II decision process for the partition will be completed and will provide guidance for the decision on the map amendment.

It is the recommendation of staff map amendment PAPA 01-2011, changing from Multi-Family Sub-district to Commercial District 1.08 acres on the parcel to be created by partition request PAR 02-2011, be approved by the City Council and implementation by approval of an implementation ordinance.

Suggested motion: ***I move map amendment PAPA 01-2011, changing from Multi-Family Sub-district to Commercial District 1.08 acres on the parcel created by partition request PAR 02-2011, be approved by the City Council with implementation by approval of Ordinance 1-2011.***

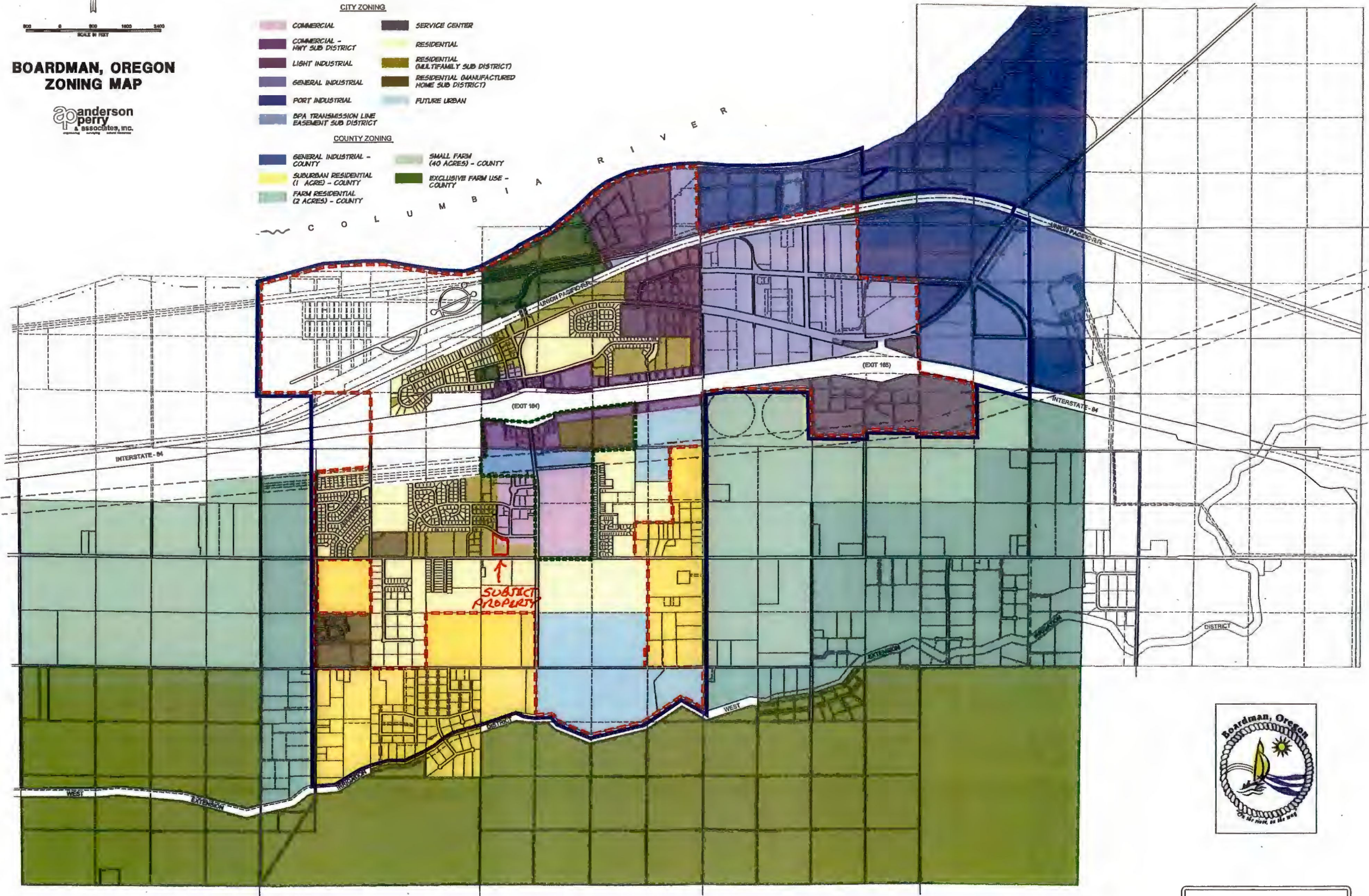




# BOARDMAN, OREGON ZONING MAP



- LEGEND**
- - - - - CITY LIMITS
  - URBAN GROWTH BOUNDARY
  - PUBLIC/OPEN SPACE
  - - - - - URBAN RENEWAL DISTRICT
- CITY ZONING**
- COMMERCIAL
  - COMMERCIAL - HWY SUB DISTRICT
  - LIGHT INDUSTRIAL
  - GENERAL INDUSTRIAL
  - PORT INDUSTRIAL
  - BPA TRANSMISSION LINE EASEMENT SUB DISTRICT
  - SERVICE CENTER
  - RESIDENTIAL
  - RESIDENTIAL (MULTIFAMILY SUB DISTRICT)
  - RESIDENTIAL (MANUFACTURED HOME SUB DISTRICT)
  - FUTURE URBAN
- COUNTY ZONING**
- GENERAL INDUSTRIAL - COUNTY
  - SUBURBAN RESIDENTIAL (1 ACRE) - COUNTY
  - FARM RESIDENTIAL (2 ACRES) - COUNTY
  - SMALL FARM (40 ACRES) - COUNTY
  - EXCLUSIVE FARM USE - COUNTY



PLANNING COMMISSION CHAIR \_\_\_\_\_ DATE \_\_\_\_\_



THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

SW1/4 NW1/4 SEC. 16 T.4N. R.25E. W.M.  
MORROW COUNTY  
1" = 100'

4N 25 16BC

SCALE IN FEET  
0 100 200

PROPERTY SUBJECT  
= TO ZONE CHANGE  
TO COMMERCIAL FROM  
MULTI-FAMILY

 = COMMERCIAL DISTRICT  
ZONED PROPERTY

 = PARTITION LINE

 = PARCEL MEDICAL  
CLEARC TO BE LOCATED



Revised  
8/27/2008, DBJ  
4N 25 16BC



MAP AS AMENDED APRIL 19, 2011

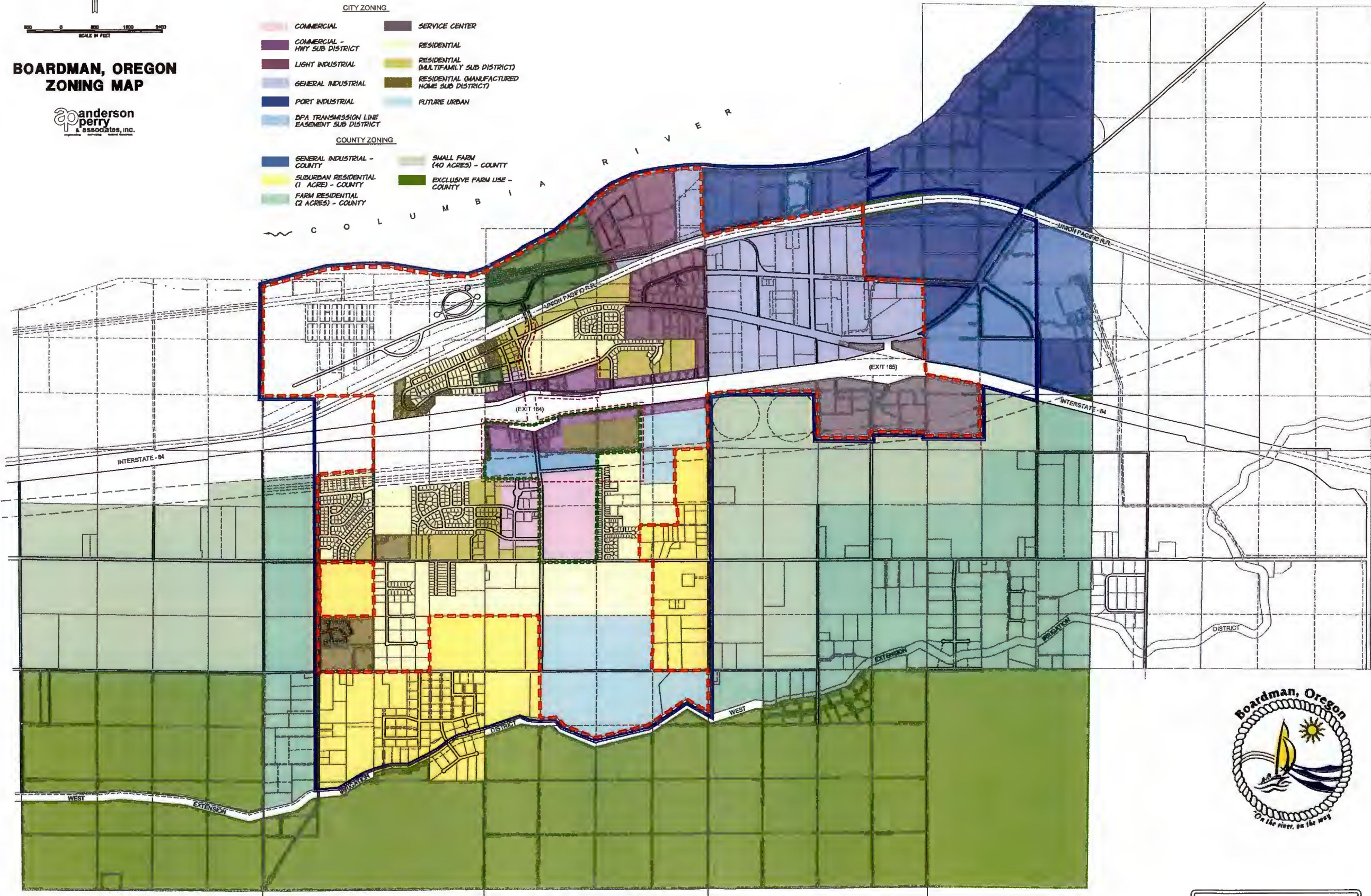


SCALE IN FEET  
0 500 1000 2000

# BOARDMAN, OREGON ZONING MAP



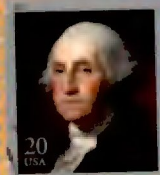
- LEGEND**
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  - URBAN GROWTH BOUNDARY
  - PUBLIC/OPEN SPACE
  - - - - INTERCHANGE AREA MANAGEMENT PLAN BOUNDARIES
  - - - - URBAN RENEWAL DISTRICT
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  - SMALL FARM (40 ACRES) - COUNTY
  - EXCLUSIVE FARM USE - COUNTY



PLANNING COMMISSION CHAIR \_\_\_\_\_ DATE \_\_\_\_\_

DATE: 11/15/10 11:58 AM BY: JAC





DEPT OF  
APR 22 2011

LAND CONSERVATION  
AND DEVELOPMENT



*City of Boardman*

200 City Center Circle  
P.O. Box 229  
Boardman, Oregon 97818  
Phone (541) 481-9252  
Fax (541) 481-3244

**TO: ATT: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION & DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OR 97301-2540**

