



# 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](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

July 18, 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 001-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 30, 2007**

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 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 DATE SPECIFIED ABOVE.**

Cc: Barry Beyeler, City of Boardman

<paa> n

# 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

JUL 11 2007

LAND CONSERVATION  
AND DEVELOPMENT

Jurisdiction: CITY OF BARDMAN Local File No.: 02-2007  
(If no number, use none)

Date of Adoption: MAY 15 2007 Date Mailed: JULY 6, 2007  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: MARCH 21, 2007

- 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."

PAPA 02-2007 WAS A CHANGE OF LANGUAGE TO CHAPTER  
1.3 - ENFORCEMENT TO ALLOW LOCAL JUSTICE COURT TO RECOGNIZE  
A VIOLATION UNDER ORS 153.

ORDINANCE 05-2007 BECAME EFFECTIVE ON JUNE 14, 2007

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: N/A to N/A

Zone Map Changed from: N/A to N/A

Location: ENTIRE CITY Acres Involved: N/A

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

Applicable Statewide Planning Goals: N/A

Was an Exception Adopted? Yes: \_\_\_\_\_ No: X

DLCD File No.: 001-07(15878)

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: \_\_\_\_\_

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

Address: PO Box 229

City: BOARDMAN, OREGON 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. 5- 2007**

**AN ORDINANCE APPROVING POST ACKNOWLEDGEMENT PLAN AMENDMENT  
02-2007 AND AMENDING THE BOARDMAN DEVELOPMENT CODE**

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

WHEREAS, a Notice of Proposed Amendment was mailed to the Oregon Department of Land Conservation and Development on February 13, 2007, and;

WHEREAS, on Wednesday, March 21, 2007, the Boardman Planning Commission held a public hearing on the proposed amendment to the Boardman Development Code and Boardman Zoning Map and voted to recommend approval to the Boardman City Council of the proposed 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 April, 12, 2007, and posted on the site and at 4 public places on April, 12, 2007, and;

WHEREAS, on May 1, 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.

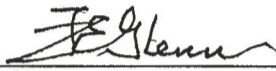
THE PEOPLE OF THE CITY OF BOARDMAN DO ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Boardman hereby finds the proposed amendments within Boardman Development Code Chapter 1.3, to correct enforcement language in accordance with Oregon Revised Statute Chapter 153, to be consistent with the Comprehensive Plan of the City of Boardman and hereby adopt the above recitals and findings and incorporate them by reference in support of this ordinance.

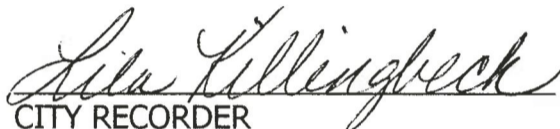
Section 2. The City Council of the City of Boardman accepted the recommendations of the City Planning Commission and adopt the remaining proposed amendments to Boardman Development Code Chapter 1.3 concerning enforcement of violation of the Development Code.

Section 3. Chapter 1.3 of the Boardman Development Code is hereby amended as set forth in Exhibit "A" attached hereto and by this reference made a part thereof.

Passed by the Council and approved by the Mayor this 1<sup>ST</sup> day of May, 2007.

  
\_\_\_\_\_  
MAYOR

ATTEST:

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

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, Randy Yates, LuAnn Huffman, and Steve Doherty

Youth Advisory: All were absent due to conflicting school activities

Staff: Rex Mather-City Manager, Lila Killingbeck-Recorder, Tom Kligel, Brett Cook, Dave Winters, Barry Beyeler, John Zeiler, Frank Rivera, John Russell, Jackie McCauley, and Angie Hughes

Audience: Dr. Robert Boss and Mindy Binder of CRCHD, Nancy Snider, CCIS rep., Karen Pettigrew

Councilor Perry moved to approve the minutes of May 1, 2007 as presented. Councilor Doherty seconded the motion. All were in favor.

#### **PUBLIC COMMENT**

##### City County Insurance Services

City Manager Mather introduced Nancy Snider of Wheatland Insurance, Heppner, OR. She is City of Boardman's City County Insurance Services agent. She reviewed the Annual Insurance coverage and explained that City of Boardman had had an appraisal to keep the property values at the correct levels should damage occur. Mayor Glenn asked if our insurance had coverage for computer system theft and identity theft. She will be researching this and contact City Manager Mather with the information. Councilor Huffman asked about deductibles and liability coverage. The deductible is 1000/100/500 and the liability is \$5,000,000. League of Oregon Cities and the Association of Counties have formed an Insurance Pool which gives those participants opportunity to have the most coverage for an economical price.

##### Columbia River Community Health Service

Mindy Binder thanked the Council for their support over the last 2 1/2 years. The service at the facility has grown over the past 2 1/2 years, which includes: double the patient load, more staff, 3 year planning for larger building, and participation in the BMCC Medical Assistance program. Dr. Boss asked that the Council to support CRCHS as they have in the past. Councilor Hollandsworth clarified that CRCHS is independent from the Morrow County Health District. Dr. Boss will be continuing negotiations with MCHD about the level of funding that will be received from them. Councilor Perry asked if the \$20,000 request was for each year. It would be for one budget year for the City. CRCHS budget is on a calendar year. CRCHS feels that this contribution would show community support for the Grants that have been received. Mayor Glenn declared that there may be an appearance of conflict of interest on his part. He is on the Board of Directors of CRCHS. City Manager Mather reminded the Council that the City can not contribute to the CRCHS without an Intergovernmental Agreement in place with the Morrow County Health District. City Manager Mather will contact David Blanc, City Attorney, to begin the process, and then the Council will have the ability to contribute if they choose. Dr. Boss expressed concerns that if the City contribution isn't made then the County contribution also maybe gone. The announcement was made that CRCHS budget meetings would begin on June 5<sup>th</sup> for the public to attend.

**ACTION ITEMS**ORD. 5-2007-PAPA 02-2007

This is would change the Development Code to match the state statues in the Enforcement of Citations. The citation would be a Class D violation, which would be a fine in accordance with ORS 153 which could be assessed on a daily basis until compliance achieved. Councilor Hollandsworth moved Ordinance 5-2007, approving Post acknowledgement Plan Amendment 02-2007 to the seconded reading by title only. Councilor Huffman seconded the motion. All were in favor. City Manager Mather read Ordinance 5-2007 by title only. Councilor Hollandsworth moved to adopt Ordinance 5-2007, approving Post Acknowledgement Plan Amendment 02-2007 and amending the Boardman Development Code. Councilor Huffman seconded the motion. All were in favor.

**REPORTS, CORRESPONDENCE AND DISCUSSION**Interchange Access Management Plan

On May 30<sup>th</sup> there will be a Joint Workshop at 7:00 p.m. with the Council and the Planning Commission regarding the IAMP. After the workshop the Council will be excused, so that the Planning Commission can conduct the Public Hearing. At the June 19<sup>th</sup> meeting the Council will hold a Public Hearing to consider adoption of the IAMP. Mayor Glenn declared a conflict of interest in the Council discussion and left the room at 7:45 p.m. There was discussion regarding the traffic issues and how the IAMP would be implemented. Councilor Hollandsworth feels that the ODOT is not open to outside ideas. Councilor Yates clarified that the IAMP was in addition to our previously adopted Transportation System Plan that was adopted in 2001. There was discussion of how there was flexibility in the 1,320 ft. intersection spacing in ODOT Transportation System Plan. The IAMP proposes some street accesses on S. Main at less than 1320 ft., streets on the South side of the freeway, other possibility of Front St. when traffic warrants change. The North side would be affected when traffic increases. Councilor Docken asked why this point had not been explained to the Council earlier. City Manager Mather pointed out that there had been a problem with communication to the Council regarding this issue and there will be great steps taken to improve communications. Karen Pettigrew encouraged the Council to stay on the timeline for an IAMP approval so that development in Boardman would not be stopped.

Recess was called at 8:10 p.m.

Meeting reconvened at 8:20 p.m. and Mayor Glenn returned.

LUBA Appeal on SE Front Street Zone Change

The Mediation Committee met with LUBA regarding the DLCD and ODOT Appeal of SE Front Street Zone Change. There is a willingness to negotiate on both sides. Another meeting will be scheduled as soon as a date can be agreed upon. Mayor Glenn told the Council that the way the Ordinance had been presented had been the best deal, but now DLCD probably will not agree to this zone change without the IAMP being in place. Mayor Glenn apologized for the problems that have developed because of statements that he has made regarding this matter.

Youth Advisory

City Manager Mather gave an update. The three officers were absent due to school conflicts. The game night that has been trying to be planned maybe planned for a summer activity later. Councilor Docken asked that a Certificate of Participation be prepared for each student who

participated in the Youth Advisory Council. The certificate will be handed out at the school awards assembly next week. Councilor Perry, Councilor Huffman, and City Manager Mather will attend to pass out these awards.

City Manager

- Working with Attorney Blanc to prepare a draft Ord. for Sexual Oriented Business regulations
- Police report/Discussion regarding school speed zone/speeding tickets/warnings
- Spring Cleanup was a success with over 100 participated
- PW working on lawn maintenance/pocket park development on N. Main Street
- CAPCO possible purchase of Sandpiper Apartments and renovations.
- Senator Nelson-additional \$150,000,000 helps with the state financial report. Next teleconference will be on May 29<sup>th</sup> at 7:30 a.m.
- Interchange Access Management Plan meeting will be on May 30<sup>th</sup> at 7:00
- Morrow County Mayor meeting will be on Thursday, May 17
- Out of the office on May 17<sup>th</sup> and 18<sup>th</sup>

Council

Docken-asked for clarification regarding the Intergovernmental Agreement with the CRCHS and Morrow County Health District's contribution. There was discussion regarding the Health District taxing district and Boardman's position on this matter. There were questions about the fire violation/code compliance at the Sandpiper Apartments.

Mayor

- Morrow County budget has increased the line item for disbursement through the Needs and Issues process. It was budgeted at \$235,000. This is an improvement over past years' budgets.
- May 17<sup>th</sup> is Morrow County Mayors meeting

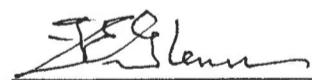
Mayor recessed the meeting for Executive Session.

**EXECUTIVE SESSION**

Executive Session was called at 9:05 p.m. stating ORS 192.660 section (2) subsection (b) personnel.

Executive session closed at 9:50 p.m.

**Council Meeting was adjourned at 9:52 p.m.**



F.E. Glenn-Mayor



Lila Killingbeck, Recorder



## Chapter 1.3 - Enforcement

### Sections:

- 1.3.100 - Provisions of this Code Declared to be Minimum Requirements
- 1.3.200 - Violation of Code Prohibited
- 1.3.300 - Penalty
- 1.3.400 - Complaints Regarding Violations
- 1.3.500 - Inspection and Right of Entry
- 1.3.600 - Abatement of Violations
- 1.3.700 - Stop-Order Hearing

### 1.3.100 Provisions of this Code Declared to be Minimum Requirements

**A. Minimum requirements intended.** In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare

**B. Most restrictive requirements apply.** When the requirements of this Code vary from other provisions of this Code or with other applicable standards, the most restrictive or that imposing the highest standard shall govern.

### 1.3.200 Violation of Code Prohibited

No person shall erect, construct, alter, maintain or use any building or structure or shall use, divide or transfer any land in violation of this Code or any amendment thereto.

### 1.3.300 Penalty

- A. Class D Violations.** A violation of this Code shall constitute a Class D violation as defined in Chapter 153 of the Oregon Revised Statutes or as hereafter amended and the fine for such a violation shall be set forth in Chapter 153 of the Oregon Revised Statutes for a Class D violation as presently defined or as hereafter amended.
- B. Each violation a separate infraction.** Each violation of a separate provision of this Code shall constitute a separate infraction, and each day that a violation of this Code is committed or permitted to continue shall constitute a separate infraction.
- C. Abatement of violation required.** A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the City.
- D. Responsible party.** If a provision of this Code is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

**1.3.400 Complaints Regarding Violations**

- A. **Filing written complaint.** Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a signed, written complaint.
- B. **File complaint with City Manager.** Such complaints, stating fully the causes and basis thereof, shall be filed with the City Manager. The City Manager or his/her designee shall properly record such complaints, investigate and take action thereon as provided by this Code.

**1.3.500 Inspection and Right of Entry**

*[customize this section, as necessary, with assistance of the City attorney]*

**1.3.600 Abatement of Violations**

Any development or use which occurs contrary to the provisions of this Code or contrary to any permit or approval issued or granted under this Code is unlawful, and may be abated by appropriate proceedings.

**1.3.700 Stop-Order Hearing**

- A. **Stop order issued.** Whenever any work is being done in violation of the provisions of the Code or a condition of any permit or other approval granted pursuant hereto, the City Manager or his/her designee may order the work stopped by notice in writing served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval shall cease until it is authorized to continue.
- B. **Stop order hearing.** The City Manager shall schedule a hearing if requested on the stop order for the earliest practicable date, but not more than 30 days after the effectiveness of any required notice. At the discretion of the City Manager such hearing shall be either of the following:
1. Part of a hearing on revocation of the underlying development approval; or
  2. Solely to determine whether a violation has occurred. The City Manager shall hold this hearing and shall make written findings as to the violation within 30 days of issuing the stop-work order. Upon a finding of no violation, the Planning Commission shall require the issuance of a resume work order. Upon finding a violation, the stop order shall continue to be effective until the violating party furnishes sufficient proof to the Planning Commission that the violation has been abated. The Planning Commission decision is subject to review under Chapter 4.1.500 - Type III (Public Hearing) Procedure.