



# Oregon

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

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## NOTICE OF ADOPTED AMENDMENT

April 11, 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 003-06

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: April 26, 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: Gloria Gardiner, DLCD Urban Planning Specialist  
Darren Nichols, DLCD Regional Representative  
Matthew Crall, Dlcd Transportation Planner  
Barry Beyeler, City of Boardman

<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 09 2007

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: CITY OF BOARDMAN Local File No.: 01-2007 (If no number, use none)

Date of Adoption: APRIL 3, 2007 (Must be filled in) Date Mailed: (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD:

- 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 BOARDMAN CITY COUNCIL, BY UNANIMOUS VOTE, APPROVED ORDINANCE 3-2007 TO IMPLEMENT THE ZONE CHANGES ASSOCIATED WITH THIS PLAN AMENDMENT. SUPPORTING DOCUMENTS ATTACHED INCLUDE: ORDINANCE 3-2007, STAFF REPORT, DLCD RESPONSE LETTER OF JAN. 17, 2007, DLCD RESPONSE VERSION 3, DEPARTMENT OF TRANSPORTATION RESPONSE

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."

ADOPTED AMENDMENT IS THE SAME AS PROPOSED.

Plan Map Changed from: to

Zone Map Changed from: MANUFACTURED HOME PARK SO to TOURIST COMMERCIAL SO
FUTURE URBAN SO to MANUFACTURED HOME PARK SO.

Location: 4N2509 #411 & 4N2516 #101 Acres Involved: 107 +/-

Specify Density: Previous: New:

Applicable Statewide Planning Goals: 9, 10, 11, 12

Was an Exception Adopted? Yes: No: X

DLCD File No.: 003-06 (15724)

DEPT OF

APR 09 2007

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: OREGON DEPARTMENT OF TRANSPORTATION

Local Contact: Barry Beyeler Area Code + Phone Number: 541-481-9252

Address: P.O. Box 229

City: BOAROMAN, 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. 3 - 2007**

**AN ORDINANCE APPROVING POST ACKNOWLEDGEMENT PLAN AMENDMENT  
001-2007 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 December 1, 2006, and;

WHEREAS, on Wednesday, January 17, 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 March 1, 2007, and posted on the site and at 4 public places on March 1, 2007, and;

WHEREAS, on March 20, 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 30.5 acres of Manufactured Home Park Sub-district to Tourist Commercial Sub-district on tax lot #411 of Morrow County Tax Map 4N 25 9 and 15.74 acres of Future Urban Sub-district to Manufactured Home Park Sub-district on tax lot #101 of Morrow County Tax Map 4n 25 16 with the condition listed in Section 2 of this ordinance.

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

- a) Further subdivision of the property will meet all criterion for a Type - III Subdivision process and be conducted through a Type - III subdivision process.

- b) Utility master plan meeting all city standards and approved by the Public Works Director will be submitted with future subdivision plans.
- c) Transportation system plan consistent with City of Boardman Transportation System Plan Amendments of the Interchange Area Management Plan will be submitted with future subdivision plans.

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 3<sup>rd</sup> day of April, 2007.



MAYOR

ATTEST:



CITY RECORDER

The meeting was called to order by Mayor Ed Glenn at 7:00 p.m. and he led the group in the Pledge of Allegiance. Roll call was taken:

Council members: Ed Glenn, Jim Hollandsworth, Christie Perry, Randy Yates, LuAnn Huffman, and Steve Doherty

Absent: Pam Docken

Youth Advisory: Eduardo Lezama

Staff: Rex Mather-City Manager, Lila Killingbeck-Recorder, Brett Cook, Barry Beyeler, John Zeiler, Loren Dieter, John Russell, and Jackie McCauley

Audience: Jessica Smith-Hermiston Herald, LaVern Gertlar

Councilor Docken was out of town on business. The Council excused her absence.

The minutes of March 20<sup>th</sup> were not available.

#### **ACTION ITEMS**

##### Ordinance 3-2007

##### Post Acknowledgement Plan Amendment-001-2007

Councilor Perry asked for clarification regarding paragraph (d) in Section 2. It was language to meet the zone change transportation planning rule 0060. There was a discussion regarding the advantages or disadvantages of the paragraph in the Ordinance. Councilor Huffman moved to adopt Ordinance 3-2007, approving Post Acknowledgement Plan Amendment 001-2007 and amending the Boardman Zoning Map by Title only. Councilor Doherty seconded the motion. Mayor Glenn moved to amend the Ordinance by deletion of Section 2, subparagraph (d). Councilor Yates seconded the motion. All were in favor. Ordinance 3-2007 as amended was adopted. All were in favor. City Manager Mather read Ordinance 3-2007 by title only.

##### Ordinance 4-2007-Disruption of School Activity

This Ordinance would give Boardman Police Dept. another tool for maintaining order on School property, because many disruptions are not crimes. Person or persons causing disruptions could then be escorted off the property by Police without arrests being made. City Manager Mather explained that this Ordinance is being supported by Boardman Police Dept and the Youth Advisory Board. There was a discussion regarding the maximum citation amount. It was determined that it would be \$500.00 and there would be a discussion with Judge Gray about the Ordinance before the seconded reading. There was a suggestion by Community Development Director Beyeler to tie the fee to the established citation fee schedule. That suggestion will be considered. Councilor Hollandsworth moved to adopt Ordinance 4-2007 prohibiting a person from disrupting an educational setting to the 1<sup>st</sup> reading by title only. Councilor Yates seconded the motion. All were in favor. City Manager Mather read Ordinance 4-2007 by title only. Council suggested that the Youth Advisory Board have Superintendent and Principals review before the next Council meeting on April 17<sup>th</sup>.

Budget Committee Appointment

City Manager Mather had contacted Mr. Chavez regarding him serving on both the Planning Commission and the Budget Committee. Mr. Chavez chose to serve on the Planning Commission. City Manager Mather had received a letter of interest in serving on the Budget Committee from Mr. LaVern Gertlar. Councilor Hollandsworth moved to appoint Mr. LaVern Gertlar to a 3 year (12/31/2009) term on the Budget Committee. Councilor Perry seconded the motion. All were in favor.

Mayor Glenn thanked Jackie McCauley for the minutes of the March 27<sup>th</sup> Joint Workshop for the City Council and Planning Commission regarding the Interchange Management Plan.

**REPORTS, CORRESPONDENCE AND DISCUSSION**Youth Advisory Board

Mr. Eduardo Lezama reported that they had not met because of Spring Vacation last week. They were going to be quest speaker's at the Kiwanis meeting on Thursday, April 6 at 6:30 a.m.

City Manager

- 2007 City Hall Day at the Capitol, April 25, Applications are in the packet, Deadline on the 17<sup>th</sup>
- Rapid Cable notified the City that there will be a 5% increase in fees as of May 1<sup>st</sup>
- Planning commission minutes will be distributed by email to the Council and packets will be discontinued
- Spring Cleanup coupons are available to residential customers for the month of April
- Basketball post and backboards have been delivered, installation hasn't been scheduled. Basketball Court restroom facilities have not been determined at this time.
- City/County/Port meeting will be Wed, April 11 at 6:00
- Legislative video conference will be at the Port April 17<sup>th</sup> at 7:00 a.m.
- Joint Workshop memo from Mr. Beyeler at your stations
- Finance Director Kligel's shoulder surgery went well today
- Officer Teal has resigned to take a Code Compliance position with Morrow County
- Advertising will begin soon for the vacated patrolman position
- April 9<sup>th</sup> out of the office.

Council

Councilor Hollandsworth attended a Kiwanis Conference in Kennewick, WA on March 31. He attended a session regarding parliamentary procedure. The speaker was Margie Price, who is a parliamentarian. He would like all of the groups in Morrow County that use parliamentary procedures to conduct their meetings to jointly pay for Margie Price to give her 6 hr class on Parliamentary procedure. The short version was very informative and worth while.

Councilor Perry would like to address a growing problem regarding basketball hoops on the sidewalks. This blocks the sidewalk for pedestrians but also encourages children to play in the streets. She feels that this is a safety hazard. There was a discussion regarding how restrictive of an ordinance the Council would consider. At this time the Council is most interested in safety aspect of playing in the street and blocking sidewalks with portable hoops. Community Development Director Beyeler will prepare some language and bring it to the Council as soon as

possible. Some of the Council remembered a discussion about this problem a few years ago and think it maybe in the code somewhere already.

Councilor Yates thanked the Public Works Dept for prompt attention to problem that was located on Main Street.

Councilor Huffman asked about the letter to OR State Parks and Rec. Dept. City Manager Mather explained that it was a letter of support for a playground equipment grant that Boardman Marina Park has applied for.

Mayor

Mayor Glenn will be out of town on April 25<sup>th</sup> and won't be attending the City Hall Day at the Capitol in Salem nor the Joint workshop for the Interchange Management Plan.

**Council Meeting was adjourned at 7:50 p.m.**

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F.E. Glenn-Mayor

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Lila Killingbeck, Recorder



# **CITY of BOARDMAN**

## **Community Development**

### **STAFF REPORT**

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**DATE: February 9, 2007**

**TO: Boardman Planning Commission**

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

**SUBJECT: Post Acknowledgement 01-2007 – Zone Change Tax Lot #411 of 4N 25 9 and Tax lot #101 of 4N 25 16**

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On November 20, 2006, the city received an application for a zone change for tax lot #411 of Morrow County Tax map 4N 25 9 to change 30.5 (+-) acres from Manufactured Home Park Sub-district to Tourist Commercial Sub-district. The Proposal is to rezone only the 30.5 acres of Manufactured Home Park Sub-district of tax lot #411. In a meeting with the applicant an additional change of zone From Future Urban Sub-district to Manufactured Home Park Sub-district was proposed for Tax Lot #101 of Morrow County Tax Map 4N 25 16.

December 1, 2006, the city filed a 45-day notice to the Department of Land Conservation and Development for the change of zone and associated map amendment. First hearing was scheduled for January 17, 2007.

#### **APPLICANT'S PROPOSAL**

1) The applicant proposes to change the zone of the 30.5 acres identified as Manufactured Home Park Sub-district to Tourist Commercial sub-district, to leave the existing approximately 37 acres of Future Urban Sub-district to remain in this zoning, to change the zone of an adjacent 15.74 acre parcel to Manufactured Home Park Sub-district from Future Urban Sub-district and to partition a single parcel in the NW corner of the existing Tax lot #411 into an approximately 2.8 acre parcel, which is currently in the Tourist Commercial Sub-district, for the construction of a 65-unit, three story motel of 33,000 square feet and a future restaurant site of 6,000 square feet. The change of zone is to create additional Tourist Commercial type development adjacent to the site and facilitate the ability to spread overall development costs to similar properties.

2) Off-site Site improvements proposed include:

- a) Installation of an extension of SE Front St. which realigns SE Front St. to a point approximately 305' south of the Interstate 84 Right-of-Way jurisdictionally controlled by ODOT.
- b) Installation of utilities for provisions of necessary services to support the current proposed development.
- c) Dedication of rights-of-way for SE Front St. to the east terminus of the proposed development.

3) Information submitted by the applicant:

- a) Applicant submitted application form and required fees for the zone change process.
- b) Applicant has submitted a shadow plat of the entire 91 + acres of property to indicate an approximate density of the property in a Tourist Commercial format.
  - 1) The shadow plat indicates location and approximate alignments of transportation routes through the property.
  - 2) The shadow plat indicates the approximate size of each parcel to be created at the point of subdivision of the property.
- c) Applicant has submitted a site plan for a 65-unit motel with provisions for a 6,000 square foot restaurant on the site with includes the following:
  - 1) parking layout
  - 2) landscaping
  - 3) access & circulation patterns

**Overview of Existing Conditions**

Tax lot #411 is a 91.63 acre parcel, which currently has three different zones. Approximately the 27.4 acres is zoned Tourist Commercial sub-district (300 feet south from the south boundary of the Oregon Department of Transportation (ODOT) Right-of-Way for Interstate 84), approximately 30.5 acres of Manufactured Home Park Sub-district and approximately 37 acres of Future Urban Sub-district.

The proposal is to change the 30.5 acres of Manufactured Home Park Sub-district zone to Tourist Commercial Sub-district, to leave the existing 27.4 acres of Tourist Commercial sub-district as it is and the remaining, approximately 37 acres, of Future Urban Sub-district as is. The proposed development is an outright use in the Tourist Commercial Sub-district.

The applicant also owns a 15.74 acre parcel identified as Tax Lot #101 of Morrow County Tax map 4N 25 16 currently zoned Future Urban Sub-district which is to be changed to Manufactured Home Park Sub-district. This change is due to the total of available Manufactured Home Park Sub-district zoned land was the 30.5 acres being targeted for Tourist Commercial Sub-district. As a result of discussion with City planning staff, this 15.74 acre parcel is proposed to be changed from Future Urban Sub-district to Manufactured Home Park Sub-district to provide land available with this zoning.

Transportation linkages for the property(ies) included in this zone change will be integral with the Interchange Area Management Plan process. Transportation mitigation for the area around the I-84 interchange, at Mile Post 164, will include revision of the current transportation connectivity map with the land use assumptions of the 30.5 acres in Tourist Commercial Sub-district zone. This public process is scheduled to be completed by June 30, 2007, and will allow the public to identify locally acceptable solutions. In addition to the connectivity map changes, capital improvement projects will be identified as a result of the Interchange Area Management Plan.

## **Applicable Goals Overview**

The four land use Planning Goals affected by this proposal are Goal IX: Economic Needs, Goal X: Housing, Goal XI: Public Facilities and Goal XII: Transportation.

**Goal IX: Economic Needs:** In the April, 2003, revision of the Boardman Comprehensive Plan there is an ample supply of vacant commercially zoned land within the city. Of the land identified in the Comprehensive Plan much of the available acreage is zoned General Commercial, approximately 78 acres, and to a lesser extent Tourist Commercial Sub-district zoned, approximately 60 acres. Of the available General Commercial zoned land approximately 74 acres or 95%, are owned by two individuals, which have not sold property in the last 5 years.

This proposal is only the second commercial proposal for new construction in the last five years. Economic conditions for commercial investment have been difficult and commercial development has lagged behind residential and industrial growth.

This proposal meets the Economic Policies #1 and #2 in the Chapter IX of the Boardman Comprehensive Plan.

**Goal X: Housing:** The proposal has approximately 37 acres of tax lot #411 of Morrow County Tax Map 4N 25 9 remaining in Future Urban Sub-district with an underlying Residential zoning. In addition The proposal to create 15.74 acres of Manufactured Home Park Sub-district on tax lot #101 of Morrow County Tax map 4N 25 16, in a location adjacent to similar housing types, replacing the lost acreage of Manufactured Home Park Sub-district in the zone change request provides for this housing type within the city limits.

The proposal is consistent with policies #1, #2 and #3 contained within Chapter X of the Boardman Comprehensive Plan.

**Goal XI: Public Facilities:** The city is committed to serve water and wastewater services to the properties within the City limits. The properties involved in this land use action are entirely within the city limits. There are topographical conditions on the property which will necessitate significant review for further subdivision of the property. In any subsequent subdivision plan the utility layout to provide service will be identified and funding mechanisms to support their placement will be accomplished. The placement of these utilities will be of a cost requiring higher value developments to facilitate their installation.

The proposal is consistent with policies contained within Chapter XI of the Boardman Comprehensive Plan.

**Goal XII: Transportation:** The city is currently in the process of completing an Interchange Area Management Plan to identify appropriate transportation connectivity, standards, configuration and funding mechanisms to be incorporated into the city's Capital Improvement Plan to meet the balance of local desires and Transportation Planning Rule criteria. Within this process, the land use assumptions of this zone change proposal are being assessed and accounted for. Although this work is not completed, the results of this public process are scheduled to be completed and ultimately implemented by June 30, 2007.

This zone change proposal, and the partition in the existing Tourist Commercial zoned land for an outright allowable use, will allow for higher value properties to create transportation linkages more consistent with the Transportation Planning Rule guidelines. The current access is limited and these higher value target developments will assist in creation of the linkages identified in the public process of the Interchange Area Management Plan. The increased connectivity being identified in the Interchange Area Management Plan will be the basis for future subdivision of the property.

The review of Transportation policies is complicated by the current public process of creation of the Interchange Area Management Plan. However, upon completion of the Interchange Area Management Plan, the framework for assessing the overall development of these transportation linkages will be addressed in the sub-division of the property. This overall framework is consistent with policies of Chapter XII of the comprehensive Plan

### **Traffic Generation**

Review of the traffic generation of a motel and restaurant combination have been completed, further mitigation efforts will be taken at the time of sub-division. The items reviewed are as follows.

- 1) Motel; ITE Trip Generation Manual Land Use 320 – “Rooms” average occupancy 78%  
*(Note: The Boardman Chamber of Commerce Director states an annual average occupancy rate of between 60% and 65% for Boardman.)*
- 2) Motel; ITE Trip Generation Manual Land Use 320 – “Employees” 15-20 as referenced by developer
- 3) Restaurant; ITE Trip Generation Manual Land Use 832 – “High Turnover Sit Down Restaurant” – per 1,000 square foot floor space.
- 4) Existing Traffic Volumes of SE Front; Traffic Counts taken in October of 2006 were reviewed
- 5) Existing Traffic Volumes of S. Main St.: Traffic counts taken in October of 2006 were reviewed.

Through review of these traffic volumes it is determined the peak hour generation of traffic would be 212 vehicle trip ends when existing and proposed vehicle trips ends are added together. This represents 192 vehicle trips ends for the proposed development and 20 vehicle trip ends existing peak hour. This equates to 3.5 vehicle trip ends per minute during peak hour. Current peak hour volume on S. Main St. at the intersection with SE Front St. is 585 vehicles per hour or 9.75 vehicles per minute.

Chapter 4.10.200 of the Boardman Development Code requires the performance of a Traffic Impact Analysis for any zone change or increase in Average Daily Traffic increases on Oregon Department of Transportation (ODOT) facilities of 20% or greater. The city is currently working on an Interchange Area Management Plan to address many of the issues associated with ODOT facilities within the City. The land use assumptions for the Milepost 164 Interchange include the change of zone for this area and will identify mitigation options to address these parameters. In addition to mitigation being identified through the Interchange Area Management Plan the city has identified a Capital Improvement project to address mitigation by creating an additional street access to these properties from Oregon Trail Blvd. The Interchange

Area Management Plan is an open public process to identify the locally preferred mitigation criteria to allow development in this area and maintain the function of Main St.

### **Findings of Fact**

- 1) Applicant has met minimal requirements for proceeding with this application.
- 2) Applicant has submitted required fees for proceeding with this application.
- 3) Notification to the Department of Land Conservation and Development was made on December 1, 2006, meeting the 45-day notification requirements.
- 4) Notification of the zone change was posted on the property and other public information locations, posted on the city's website and published in the East Oregonian on December 29, 2006, meeting the 20-day notification requirements.
- 5) Applicant has submitted sufficient information to proceed with partitioning of a single lot for the proposed development of a motel and restaurant.
- 6) Applicant has submitted a shadow plat for the entirety of the property 4N 25 9 #411. Shadow plat shows 19 lots of 3-5 acres in size, with transportation routes.
- 7) Traffic counts calculated from the ITE Trip Generation Manual indicate the total volumes for weekday peak hour, for a motel and restaurant combined to be 179 vehicle trip ends and for Saturday peak hour to be 192 vehicle trip ends. Traffic counts taken in October of 2006 indicate peak hour vehicle traffic of 285 vehicles northbound and 300 vehicles southbound.
- 8) The proposal is consistent with Economic Policies encouraging tourist commercial activity near Interstate 84 identified in Chapter IX of the Boardman Comprehensive Plan.
- 9) The proposal is consistent with Housing Policies providing for a variety of living environments and providing for lower income housing opportunities by maintaining available land for Manufactured Home Parks within the city in accordance with Chapter X of the Boardman Comprehensive Plan.
- 10) The proposal is consistent with Public Facilities Policies contained in Chapter XI of the Boardman Comprehensive Plan.
- 11) The proposal, although complicated by the current Interchange Area management Plan project, will be consistent with Transportation Policies contained in Chapter XII of the Boardman Comprehensive Plan.
- 12) On January 17, 2007, the City received correspondence from the Department of Land Conservation & Development concerning this proposal. In this letter additional suggested conditions were forwarded for consideration by the Planning Commission. (DLCD letter attached as Attachment "A")
- 13) On January 17, 2007 The Boardman Planning Commission held a public hearing to hear the request for change of zone on this proposal.
- 14) On January 17, 2007, the Boardman Planning Commission Approved the zone change request with four conditions and forwarded the proposal to a second public hearing before the City Council with a Recommendation for Approval. (Planning Commission meeting minutes attached as Attachment "B")
- 15) On January 29, 2007, Community Development Director held a phone conversation with Cheryl Jarvis-Smith of the Oregon Department of Transportation (ODOT) and Matt Crall – Transportation Planner for the Department of Land Conservation and Development (DLCD) concerning the proposal and concerns of the DLCD about the request meeting Oregon Administrative Rule 660-012-0060 concerning the Transportation Planning Rule.

- 16) On January 30, 2007, Community Development Director met with Cheryl Jarvis-Smith of ODOT, Matt Crall of DLCD and Darren Nichols – Eastern Regional Cities Representative for DLCD concerning the proposed zone change and the language contained in the approval. DLCD had recommended language changes for the 4<sup>th</sup> condition in the Planning Commission Approval. (The text of the recommended changes is attached as Attachment "C").

#### **Conditions of Approval for Consideration**

Conditions of approval of the proposed zone change request for consideration of the Commission:

- 1) Further subdivision of the property will meet all criterion for a Type III Subdivision process and be conducted through a Type III sub-division process.
- 2) Utility master plan meeting all city standards and approved by the Public Work Director will be submitted with future sub-division subdivision plans.
- 3) Transportation system plan consistent with the City of Boardman Transportation System Plan Amendments of the Interchange Area Management Plan will be submitted with future sub-division plans.
- 4) Approved with no development in rezoned area until the Transportation Planning Rule criteria can be met through the Interchange Area Management Plan approval & Adoption, where transportation mitigations and funding will be clearly identified. *Note: This language was added during the meeting to address DLCD concerns and approved by the Planning Commission January 17, 2007.*

#### **Additional Conditions Requested by DLCD**

On January 30, 2007, the Department of Land Conservation and Development and Oregon Department of Transportation requested the fooling conditions be placed on the zone change request.

"4) The zone change shall not take effect until Transportation Planning Rule 0060 criteria are met through an Interchange Area Management Plan adopted by the City of Boardman, adopted by the Oregon Transportation Commission (if warranted), and acknowledged by the Oregon Department of Land Conservation and Development, where transportation mitigation and funding will be clearly identified. If the TPR 0060 criteria have not been met by February 6, 2009 this zone change shall be null and void and the zoning shall remain as it was before approval of this zone change."

The DLCD provided additional clarification of process to be followed in the communication with the city. This communication is attached as Attachment "C". The recommendations are as follows:

"#2) The condition must be included within the text of the ordinance itself. Not as a 'whereas' clause. Not in a Staff Report, exhibit, attachment, or appendix incorporated by reference."

"#3) The city need to clearly understand that once enacted as law, the condition could only be removed by a new ordinance, which would be subject to notice as a PAPA and subject to the TPR."

"4) Transportation analysis with and without the amendment will be necessary to establish what mitigation the developer is responsible for."

### **Summary and Recommendations**

This zone change request is a complex land use action creating the basic framework for meeting development challenges for this property. The large size of the properties being reviewed in this application, approximately 107 acres, provides for meeting 4 different State of Oregon Land Use Goals and is, or will be, consistent with existing Boardman Comprehensive Plan Chapters 9-12.

The proposal assists in breaking a commercial development stalemate by allowing development to split costs of development more effectively and allow for a business prospectus to show profitability in the economic conditions faced locally.

The additional condition language and clarifications from the DLCD are more prescriptive than the language approved by the Planning Commission on January 17, 2007; however, they are consistent with the recommendation from the Commission. The approval of the Commission recognized the need to assure the traffic generation of the zone change was consistent with the Transportation Planning Rule (TPR) and the current Interchange Area Management Plan (IAMP) development will address the requirements of the TPR for this zone change request. The additional language of the DLCD delays the effective approval of the zone change from approval of the ordinance until no sooner than July 1, 2007 (date the City is required to have completed and adopted the IAMP) and more likely September 1, 2007, (for DLCD acknowledgment and Transportation Commission adoption). The DLCD does agree the deferral of immediate transportation impact analysis on this request is appropriate given the circumstances of the current IAMP.

Additional work from the applicant will be necessary to effectively market the property as there are other utility provision issues to be addressed for subdivision of the rezoned area of the property. Transportation infrastructure, sewer infrastructure and water infrastructure planning and installation are all necessary to effectively allow for resale of the properties in question.

Recommendation of staff is for approval of this zone change request with the conditions for approval noted in the report, approval with the additional language requested by the DLCD or other conditions the City Council may wish to consider.



# 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)

January 17, 2007



Barry C. Beyeler  
Community Development Director  
City of Boardman  
PO Box 229  
Boardman OR 97818

Also via email and FAX: [bbeyeler@cityofboardman.com](mailto:bbeyeler@cityofboardman.com) and 541.481.3244

**Re: Rezone to Tourist Commercial**

**(Boardman File 01-2007; DLCD File 003-06)**

Dear Barry,

We appreciate the opportunity to provide comments on the proposal to rezone 30.5 acres from Manufactured Home Park to Tourist Commercial to accommodate a motel and restaurant. In our review of the application and staff report dated January 9, 2007, we noted a concern with transportation issues that warrants further consideration by the City.

The City of Boardman has a commercially zoned area on South Main Street with existing transportation infrastructure to serve uses such motels and restaurants. The City also has a Transportation System Plan (TSP) adopted in 2002, which assumes that commercial development will be centered on South Main Street. This proposal would change that assumption and would shift commercial development into an area that does not currently have adequate transportation infrastructure.

The staff report addresses transportation needs and includes findings that the rezoning would have a significant effect on the transportation system. We agree with this finding and note that such a finding triggers the Transportation Planning Rule (TPR). Specifically, section 0060 of the TPR addresses plan amendments and subsection (2)(e) specifies an option to maintain consistency between land use and transportation plans:

“(e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand 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.”

The Staff Report includes a condition of approval addressing the need to mitigate the effect of the rezoning on the transportation system:



Barry C. Beyeler, City of Boardman  
January 17, 2007  
Regarding: Rezone to Tourist Commercial

Page 2 of 2

(Boardman File 01-2007; DLCD File 003-06)

“3) Transportation system plan consistent with the City of Boardman Transportation System Plan Amendments of the Interchange Area Management Plan will be submitted with future sub-division plans.”

While we appreciate its intent, the condition does not meet the requirements of the TPR because it does not identify specific transportation improvements. Further, the improvements conditioned are not required with the current development, although the development would immediately impact the transportation system. Funding responsibility is also not clearly identified.

We offer below suggested conditions that would, in our judgment, clarify the requirements placed on the property owner and comply with the TPR:

- a) A new street will be constructed to connect Front Street to Oregon Trail Drive prior to occupancy of any development in the rezoned area. The street will be constructed to City of Boardman standards and include a sidewalk or separate multi-use path.
- b) All development in the rezoned area will construct extensions of South Front Street through the property, parallel to Interstate 84 towards an eventual connection with Olson Drive.
- c) The property owner will sign a non-remonstrance agreement agreeing to pay a share of any future improvement to the intersection of South Front Street and South Main Street and improvements to the interchange with Interstate 84. That share will be determined by the portion of traffic with an origin or destination in the proposed development.

We request that this letter be entered into the record of the proceedings. When additional information such as staff reports or revised drafts becomes available, we would appreciate receiving a copy. If there are significant changes to the proposal or significant new evidence, we request that the record be held open at least seven days (but preferably fifteen days) pursuant to Oregon Revised Statutes (ORS) 197.763(4)(b), to allow time to review and respond. Submitting files via email can speed our review. Naturally, we also request a copy of the final decision within five working days as required by ORS 197.610.

If you have any questions please contact me (541-663-1393, cell 541-420-2280, darren.nichols@state.or.us), or for specific questions related to the TPR, contact Matt Crall (503-373-0050 extension 272, matthew.crall@state.or.us).

Sincerely,

Darren Nichols  
Regional Representative

cc: Matt Crall, Land Use and Transportation Planner  
Cheryl Jarvis-Smith, ODOT Region 5 Planner

**CITY OF BOARDMAN  
PLANNING COMMISSION MINUTES  
MEETING JANUARY 17, 2007**

1. **CALLED TO ORDER** – Meeting was called to order at 7:08 p.m.

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

Commissioners Absent: Vice Chair Dan Daltoso and Dagoberto Hernandez.

Staff Present: Community Development Director Barry Beyeler, Secretary Angie Hughes and John Russell.

Audience: Stan & Linda Toms, Richard Giardena, Dean Wallace, Lee Docken, Jerry Johnson and Dwight & Janell Bailey.

2. **APPROVAL OF MINUTES**

**December 20, 2006** – Commissioner Chapman made a motion to approve the minutes as written. Commissioner Chavez seconded the motion and it was approved by a unanimous vote.

3. **APPOINTMENT OF COMMISSION MEMBERS**

**Election of Officers-** Commissioner Watson made a motion to keep the Chair and Vice Chair the same as last year. Commissioner Chavez seconded the motion and it was approved by a unanimous vote.

4. **OLD BUSINESS**

**Interchange Area Management Plan Status** – Mr. Beyeler informed the Commissioners that on January 10, 2007, Carl Springer with DKS Associates and Mr. Beyeler conducted 15 interviews with Citizens from throughout the community. There were many questions asked during these interviews such as where the funding should come from, what the project is intended to do and etc. The results of those interviews are being compiled and put into a report by Mr. Springer and should be given to us soon.

Mr. Beyeler also informed the Commissioners that on the evening of January 10, 2007, there as a public open house held and 30-35 people showed up and stayed the entire 2 hours. There was some great discussion among those present at the open house. Mr. Beyeler was very pleased with the turn out and with the discussion that went on.

**Lot Line Adjustments** – Re plats of Hillview Estates Subdivision will cost \$7,000 for just the surveying, this includes the entire property of the City of Boardman as well as the private home owners.

**5. NEW BUSINESS**

**FORMAL PROCEEDINGS**

**PUBLIC HEARING OF ZONE CHANGE/PARTITION REQUEST FOR 4N 25 9 #411 (91.63 ac.) AND 4N 25 16 #101 (15.74 ac.)**

The public hearing for the Zone Change/Partition Request was called to order at 7:21 p.m.

Abstentions – None

Objections – None

Staff Report – Mr. Beyeler went over the staff report thoroughly with the Commissioners and also brought to their attention the response letter that the Department of Land Conservation and Development (DLCD) had sent over regarding this issue. Mr. Beyeler also outlined the Conditions of Approval for Consideration within the staff report and DLCD's response letter.

Proponent's Case – Lee Docken showed up on behalf of the Developer to explain the idea and plan behind the zone change and land partition. The partition that the developer is requesting is to partition off 2.5-3 acres to put a hotel and restaurant on.

Opponent's Case – None

Cross Examination – None

Public Agencies – DLCD Letter

Rebuttal Evidence – None

**Hearing for the Zone Change/Partition Request was closed at 8:38 p.m.**

Commissioner Chapman made a motion to approve the zone change with the Conditions for Approval for Consideration in the staff report as well as the #4 condition added during the public hearing. Those conditions are as follows:

- 1) Further subdivision of the property will meet all criteria for the Type III Sub-division process.
- 2) Utility master plan meeting all city standards and approved by the Public Works Director will be submitted with future sub-division plans.

- 3) Transportation system plan consistent with the City of Boardman Transportation system Plan Amendments of the Interchange Area Management Plan will be submitted with future sub-division plans.
- 4) Approved with no development in rezoned area until the Transportation Planning Rule criteria can be met through the Interchange Area Management Plan Approval & Adoption, where transportation mitigations and funding will be clearly identified.

Commissioner Chavez seconded the motion. Roll Call was taken; Chavez-Yes, Chapman-Yes, Watson-No, Martin-No, Chair Baker-Yes. 3-2 in favor and the motion carries.

#### **Partition of 2.5-3 acres for Hotel and Restaurant**

Commissioner Watson made a motion to approve the land partition request for the Hotel and Restaurant. Commissioner Chapman seconded the motion and it was approved with a unanimous vote.

#### **6. DISCUSSION ITEMS**

##### **Parking on Lawns**

Mr. Beyeler informed the commissioners that he had a request from the Mayor to bring before the Commissioners the question of what to do with people who park their cars on their lawns. The commissioners discussed the issue and consensus of the Commissioners at the present time was to not take action on this item.

#### **7. ADJOURNED – Meeting was adjourned at 9:17 p.m.**

DLCD Response Version 3

#1 We recommend revising the condition as shown below

"4) This zone change shall not take effect until Transportation Planning Rule 0060 criteria are met through an Interchange Area Management Plan adopted by the City of Boardman, adopted by the Oregon Transportation Commission (if warranted), and acknowledged by the Oregon Department of Land Conservation and Development, where transportation mitigation and funding will be clearly identified. If the TPR 0060 criteria have not been met by February 6, 2009, this zone change shall be null and void and the zoning shall remain as it was before approval of this zone change."

#2 The condition must be included within the text of the ordinance itself. Not as a "whereas" clause. Not in a staff report, exhibit, attachment, or appendix incorporated by reference.

#3 The city needs to clearly understand that once enacted as law, the condition could only be removed by a new ordinance, which would be subject to notice as a PAPA and subject to the TPR.

#4 Transportation analysis with and without the amendment will be necessary to establish what mitigation the developer is responsible for.

Barry phone call

Partition needed

Utility issues, how to do? Grade issues, lift station, which properties , affects future phase, not motel / restaurant

Restaurant pad, not identified yet

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# Oregon

Theodore R. Kulongoski, Governor

## Department of Transportation

Region 5  
3012 Island Avenue  
La Grande, OR 97850  
541-963-3177  
FAX 541-963-9079

FILE CODE:

February 15, 2007

Barry Beyeler, Community Development Director  
City of Boardman  
P O Box 229  
Boardman, Oregon 97818  
Fax (541) 481-3244

Subject: Amendment of Zoning Map from Manufactured Home Park Sub-District to Tourist Commercial for 30.5 acres and Future Urban to Manufactured Home Park Sub-District for 15.74 acres, both located on the south side of the Main Street/I-84 Interchange

This letter is to supplement the January 2007 coordination meetings with the City regarding the proposed zone changes and joint agency concerns of the Oregon Department of Transportation (ODOT) and Department of Land Conservation and Development (DLCD). Unless access is carefully controlled, new development pressure could result in safety and operational problems that could impair the function of the Main Street/I-84 Interchange.

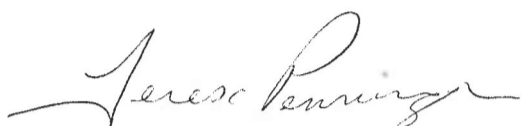
The Transportation Planning Rule (TPR) OAR 660-12-060 requires local government provide assurance that allowed uses are consistent with the identified function, capacity and level of service of the transportation facility. In order to make decisions about whether the proposed zone changes have a significant impact on the Main Street/I-84 Interchange, ODOT requests a Traffic Impact Study (TIS) be prepared by a registered traffic engineer in Oregon. It is our understanding that the City intends to coordinate the TIS with the Interchange Area Management Plan (IAMP) currently in progress.

However, the TPR criteria must be met, where the responsibility for transportation mitigation and funding are clearly identified. ODOT recommends as a condition of approval, the developer be responsible to mitigate the transportation impacts identified in the TIS/IAMP.

ODOT concurs with the City Staff Report that prior to the zone change taking effect, the IAMP would need to be adopted by the City, adopted by the Oregon Transportation Commission (if warranted), and acknowledged by DLCD. Affected parties need to work collaboratively to best achieve compliance with the City of Boardman's Transportation System Plan and Oregon Highway Plan policy objectives for the interchange.

Barry Beyeler, Community Development Director  
Page 2  
February 15, 2007

ODOT would welcome the opportunity to participate in a TPR Workshop with DLCD and the City. Thank you for the opportunity to review and comment on the proposed development.



Teresa Penninger  
Program/Planning Manager

CJS

cc: George Ruby, District 12 ODOT  
Tom Kuhlman, ODOT Region Traffic Engineer  
Cheryl Jarvis-Smith, Region Planner  
Darren Nichols, DLCD

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