



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

November 3, 2008



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Boardman Plan Amendment
DLCD File Number 002-08

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: November 13, 2008

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
Grant Young, DLCD Regional Representative
Barry Beyeler, City of Boardman

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PROP **2**

DLCD

Notice of Adoption

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



Jurisdiction: **City of Boardman**

Local file number: **PAPA 02-2008**

Date of Adoption: **10/21/2008**

Date Mailed: **10/23/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **6/2/2008**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

This Plan Amendment changes language to Chapter 5.2 -Non-Conforming Uses and Developments and changes approximately 11 acres of numerous individually owned Manufactured Home Park Subdistrict lots to Residential District lots. These lots are currently developed as residential lots. One lot is changed from Manufactured Home Park Subdistrict to Multi-Family Subdistrict to reflect the current development on the property.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **Manufactured Home Park** to: **Residential and Multi-Family**

Zone Map Changed from: **Manufactured Home Park** to: **Residential and Multi-Family**

Location: **4N 25 8Db, 8DC & 9CB**

Acres Involved: **15**

Specify Density: Previous: **4/acre**

New: **4/acre**

Applicable statewide planning goals:

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

DLCD #002-08 (16938)

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. _____

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

None

Local Contact: **Barry Beyeler**

Phone: (541) 481-9252 Extension: 213

Address: **City of Boardman, PO Box 229**

Fax Number: 541-481-3244

City: **Boardman, OR** Zip: **97818**
bbeyeler@cityofboardman.com

E-mail Address:

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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

CITY of BOARDMAN

Community Development

STAFF REPORT

DATE: October 6, 2008

TO: Boardman City Council

FROM: Barry C. Beyeler, Community Development Director

SUBJECT: Post Acknowledgement Plan Amendment 02-2008

At the April 16, 2008, Planning Commission meeting, the Commission and staff discussed the possibility of beginning Post Acknowledgement Plan Amendment (PAPA) 02-2008 to address a map amendment to change the zoning of approximately 15.76 acres of property from Manufactured Home Park Sub-district to Residential District. There are 35 lots which are directly affected by this map amendment.

APPLICANT'S PROPOSAL

The City of Boardman has initiated this map amendment based upon requests received which have been complicated by the language of Chapter 5.2 – Non-Conforming Uses and Developments. The proposed changes are to amend the City of Boardman Zoning Map for the 34 of 35 identified lots from Manufactured Home Park Sub-district (MH) to Residential District (R), change one of the 35 lots (Tax Lot # 900 of Morrow County Tax map 4N 25 8DC) to Multi-Family Sub-District (MF) and to change language within Chapter 5.2 - Non-Conforming Uses and Developments to reflect actual conditions within the affected area of the map amendment.

BACKGROUND AND OVERVIEW OF EXISTING CONDITIONS

The North West area of the City is the major portion of the relocation of the city in the 1964 – 1966 timeline to allow for the impoundment of the waters behind the John Day Reservoir. The impounded waters inundated the existing town site and the US Army Corps of Engineers enacted a plan for the relocation of the affected properties to higher ground. There were numerous mobile homes in the old town site. As such, the replacement of these lots and homes were part of the relocation plan. There were several mobile homes which were relocated and numerous new mobile homes sites during the relocation of the town. These mobile homes were put on lots designed as residential lots similar to all other residential lots within the relocation area. Because there were mobile homes, those lots were designated as "mobile home lots" even though they were identical to residential lots. As a result of this original designation, when the current Development Code was adopted in 2000 most of these lots became subject to the provisions of Chapter 5.2 – Non-Conforming Uses and Developments because the mobile homes do not meet existing standards for Manufactured Home Parks or Manufactured Homes on individual lots. However, these lots are developed as single family home lots and uses such as "accessory structures" are not non-conforming; only the mobile



home is non-conforming. There are only 2 lots, of the 35 lots affected, which meet the existing Development Code standards of minimum of 1 acre for a Manufactured Home Park and these lots are already developed with single family residential homes meeting existing standards. One lot, Tax Lot 900 of Morrow County Tax Map 4N 25 8DC, has an apartment complex which was constructed in the mid-1970's which will be changed to Multi-Family Sub-district (MF) to reflect the current development. This change is intended to prevent reduction of existing development density in the future upon redevelopment. The Multi-Family Sub-district could allow for a slight increase in density on this particular property upon re-development, which the utility systems could adequately supply. The utility system is designed and built to service the current density and would require significant capital expenditure for upgrades to meet the service demands of the significantly increased density which would be experienced with MH zoning.

APPLICABLE GOALS OVERVIEW

GOAL 1: CITIZEN INVOLVEMENT: Goal 1 criteria has been met by notification of all properties within the NW section of the city, publication in the East Oregonian daily newspaper, and posting in all reader boards within the community.

GOAL 2 : LAND USE PLANNING: Goal 2 criteria is being met by adherence to existing Land Use Planning criteria and execution of this Post Acknowledgement Plan Amendment. Through PAPA 02-2008, the City will bring the existing non-conforming development and conditions more clearly into alignment of existing statutory and local development criteria.

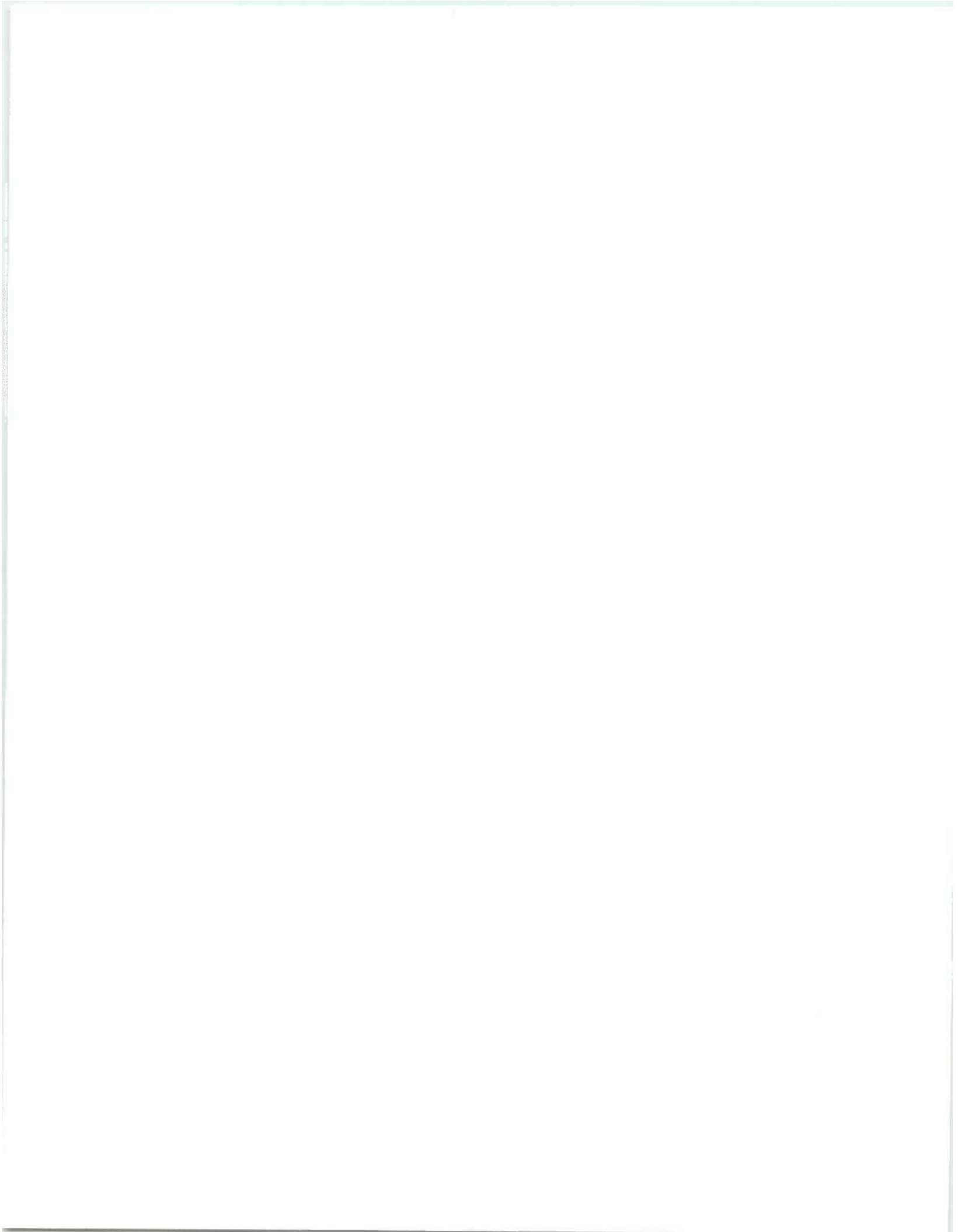
GOAL 10: HOUSING: Goal 10 – Housing is being met through this action and changes to Oregon Revised Statute which have taken place since the original designation of the property as mobile home lots was established in the 1964 -1966 time frame. The city currently has a large block of vacant property (29.5 acres) of property designated a Manufactured Home Park Sub-district for the location of additional Manufactured Home Parks; however, existing manufactured home parks are not at capacity and there has been no development speculation for a new manufactured home park for the last decade.

GOAL 11: PUBLIC FACILITIES: Goal 11 is better met through this Post Acknowledgement Plan Amendment because the existing infrastructure in the areas being changed is insufficient to support the increased density represented by building manufactured home parks on sub-standard lots for the type of development. The costs associated with bringing this area into a condition suitable for the increased density would defeat the affordable nature of manufactured homes bringing the cost per square foot of living space higher than new construction of single family residential units.

GOAL 12: TRANSPORTATION: Goal 12 would not be adversely affected with this amendment because the existing pattern of development within the affected areas would be maintained into the future.

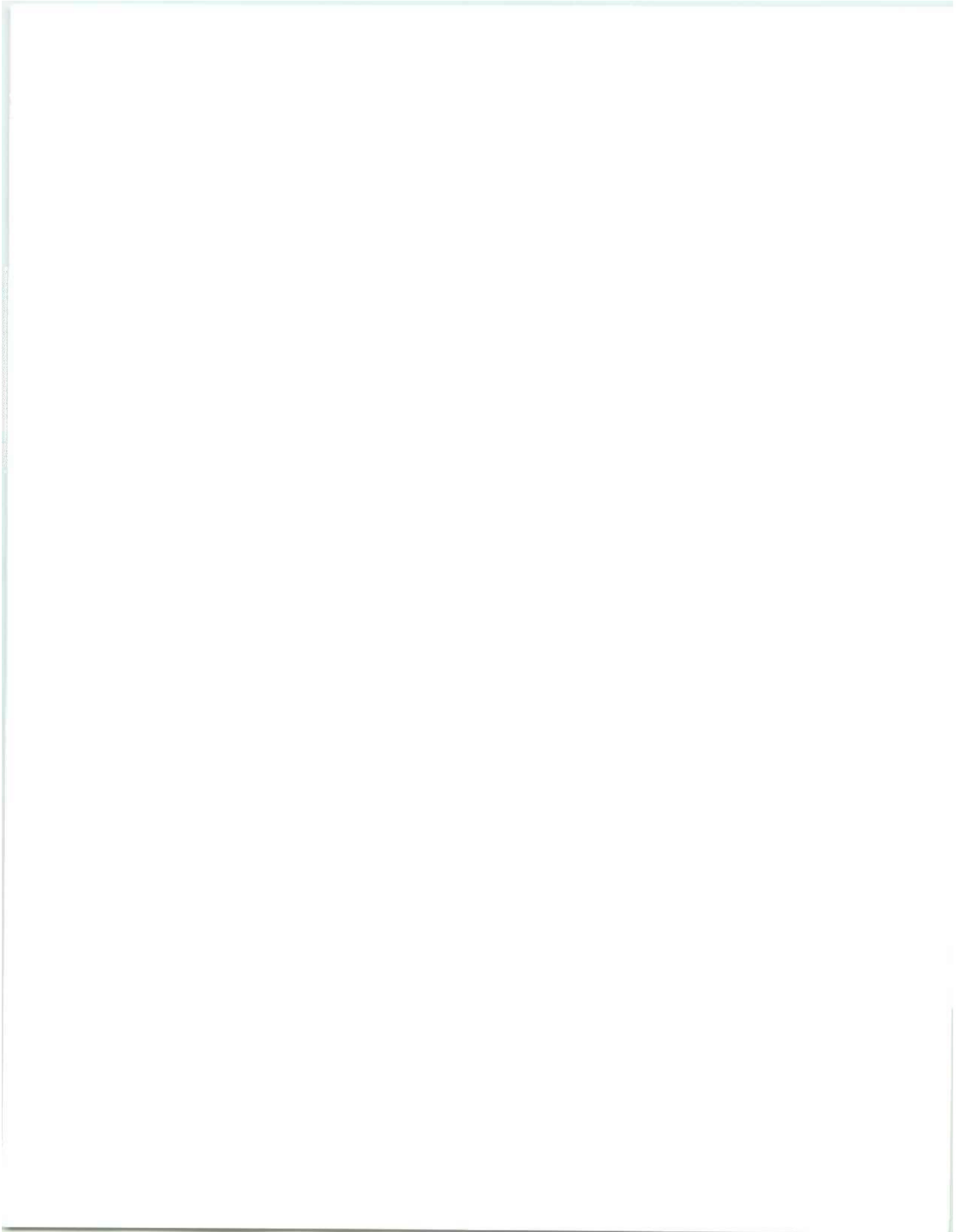
TRAFFIC GENERATION

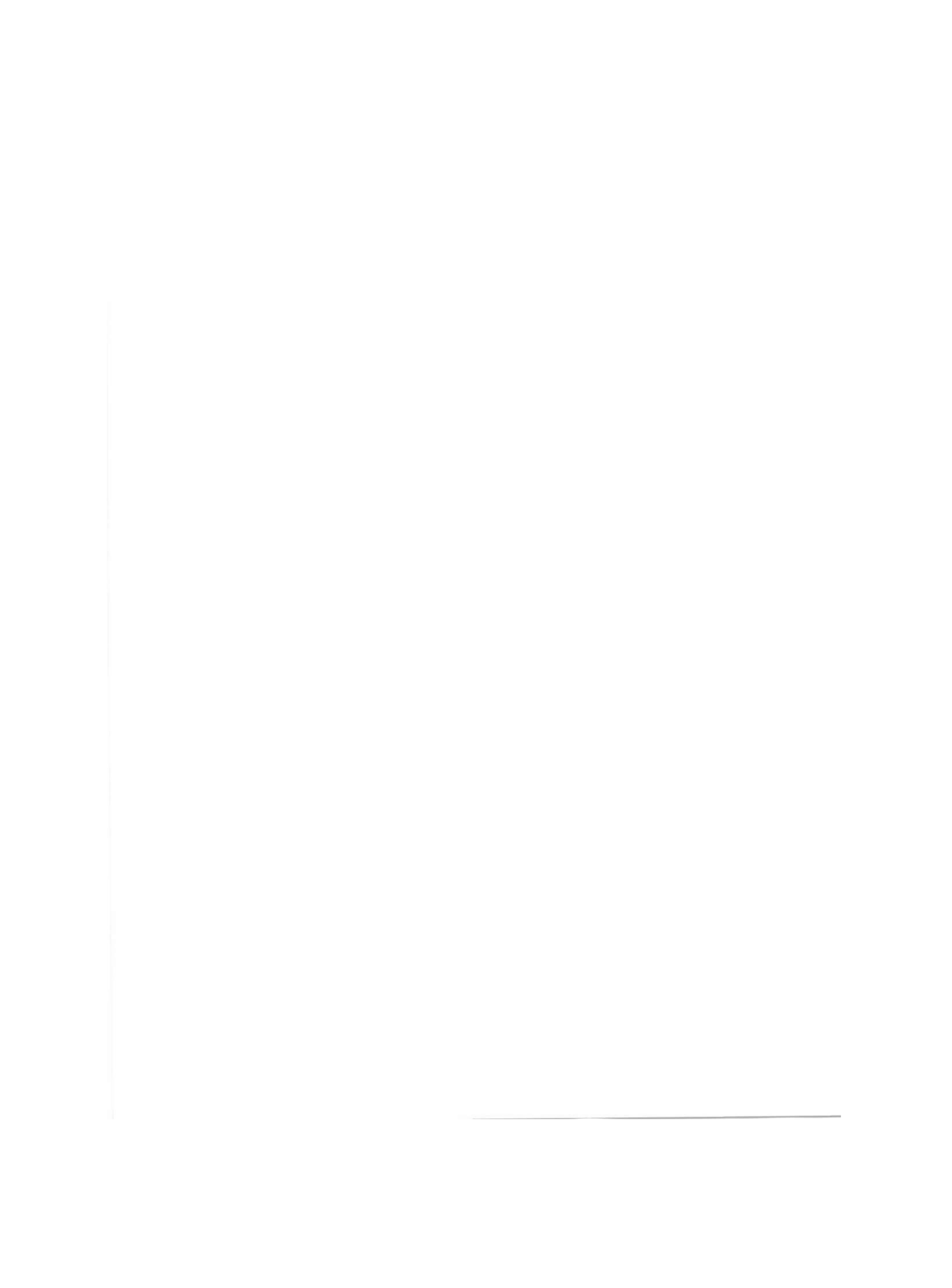
There will be no significant impact to traffic generation associated with this amendment because the existing residential development characteristics and density will be maintained.

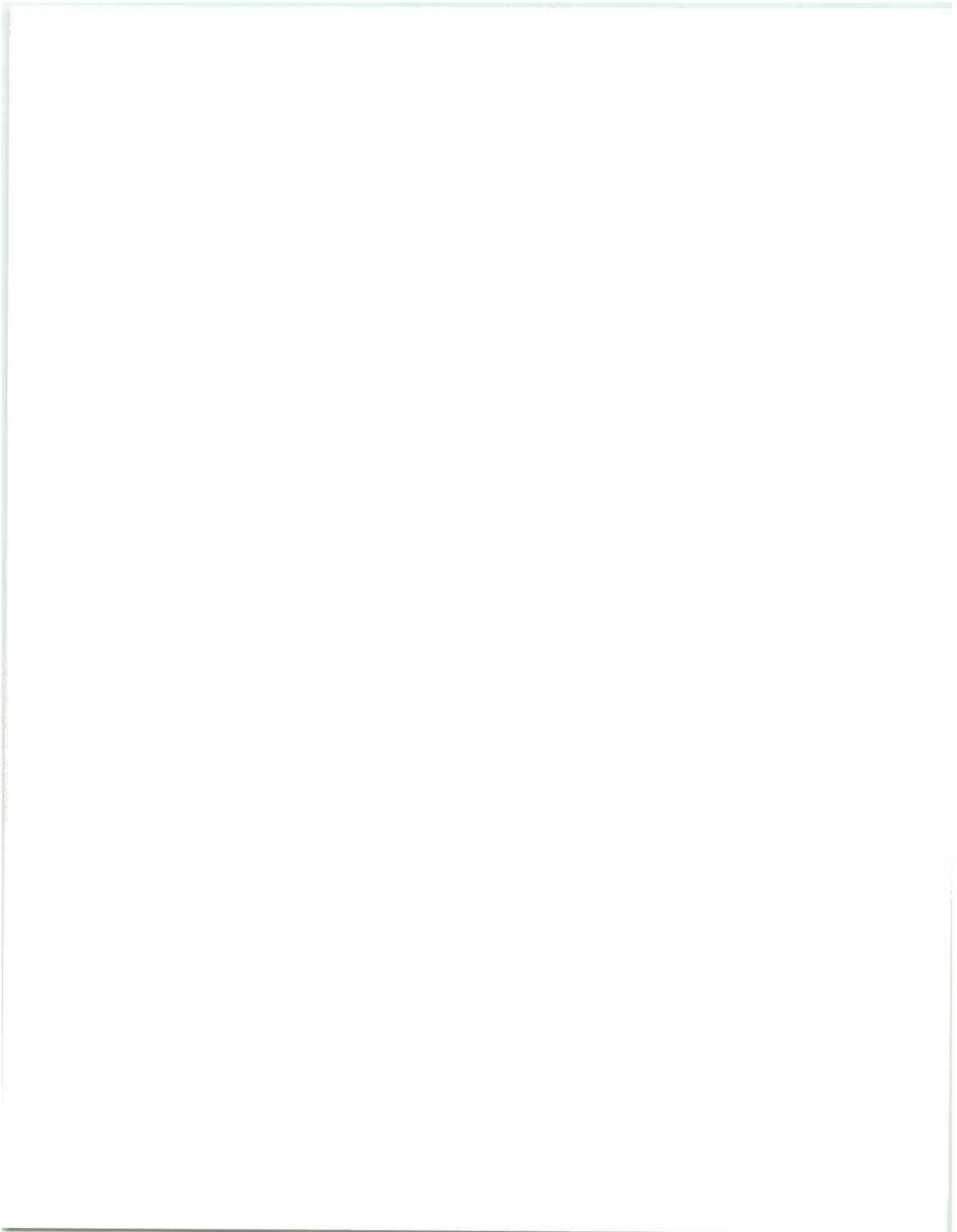


FINDINGS OF FACT

- 1) On June 2, 2008, Notice of Proposed Amendment was sent to the Department of Land Conservation and Development for this Amendment. The first evidentiary hearing was scheduled for July 16, 2008.
 - 2) On July 16, 2008, the Planning Commission rescheduled the first hearing to August 26, 2008, because of other hearings on the schedule for July 16, 2008.
 - 3) On August 5, 2008, required notification was established by the publishing of the hearing, set for August 26, 2008, before the Planning Commission, for this amendment in the East Oregonian newspaper, mailing of notification letters to all properties in the NW section of the city and all properties within 250' of those areas, and the posting of the hearing and proposed changes at 5 different public reader boards within the community.
 - 4) The availability of 29.5 acres of vacant Manufactured Home Park Sub-district land provides adequate available property for the development of a Manufactured Home Park Sub-district.
 - 5) There are 35 directly affected lots in the NW section of the city.
 - 6) Of the 35 directly affected properties only 2 would meet the existing requirements for the establishment of a manufactured home park in accordance with provisions of 2.1.500 of the Boardman Development Code concerning Manufactured Home Park Sub-district.
 - 7) Of the 35 directly affected lot only one, tax lot 3900 of Tax map 4N 25 8DC, would become Multi-Family (MF) Sub-district, all other affected lots would become Residential (R) District.
 - 8) The language changes to the existing provisions of Chapter 5.2 – Non-Conforming Uses and Developments, in conjunction with the map amendments, will allow for the establishment of the non-conforming mobile home only being identified as non-conforming, allowing for reasonable uses of lots within the affected area.
 - 9) The proposed changes, when completed, will meet the applicable statewide planning goals of 1, 2, 10, 11 and 12.
 - 10) As of the writing of this Staff Report no comments had been received on the proposed changes associated with this map amendment or the proposed changes to language in Chapter 5.2 - Non-Conforming Uses and Developments.
 - 11) At the August 26, 2008, Planning Commission Hearing on PAPA 02-2008, the Planning Commission Approved the amendment and recommended forwarding
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the matter to the City council with a recommendation for approval with the execution of an implementing ordinance.

- 12) There was one individual attending the hearing with questions about the amendment. These questions pertained to the ability to subdivide a larger parcel in the affected area to additional lots. The individual was informed this amendment would not preclude subdivision of the lot to residential lots. The individual did not object to the amendment with this clarification.

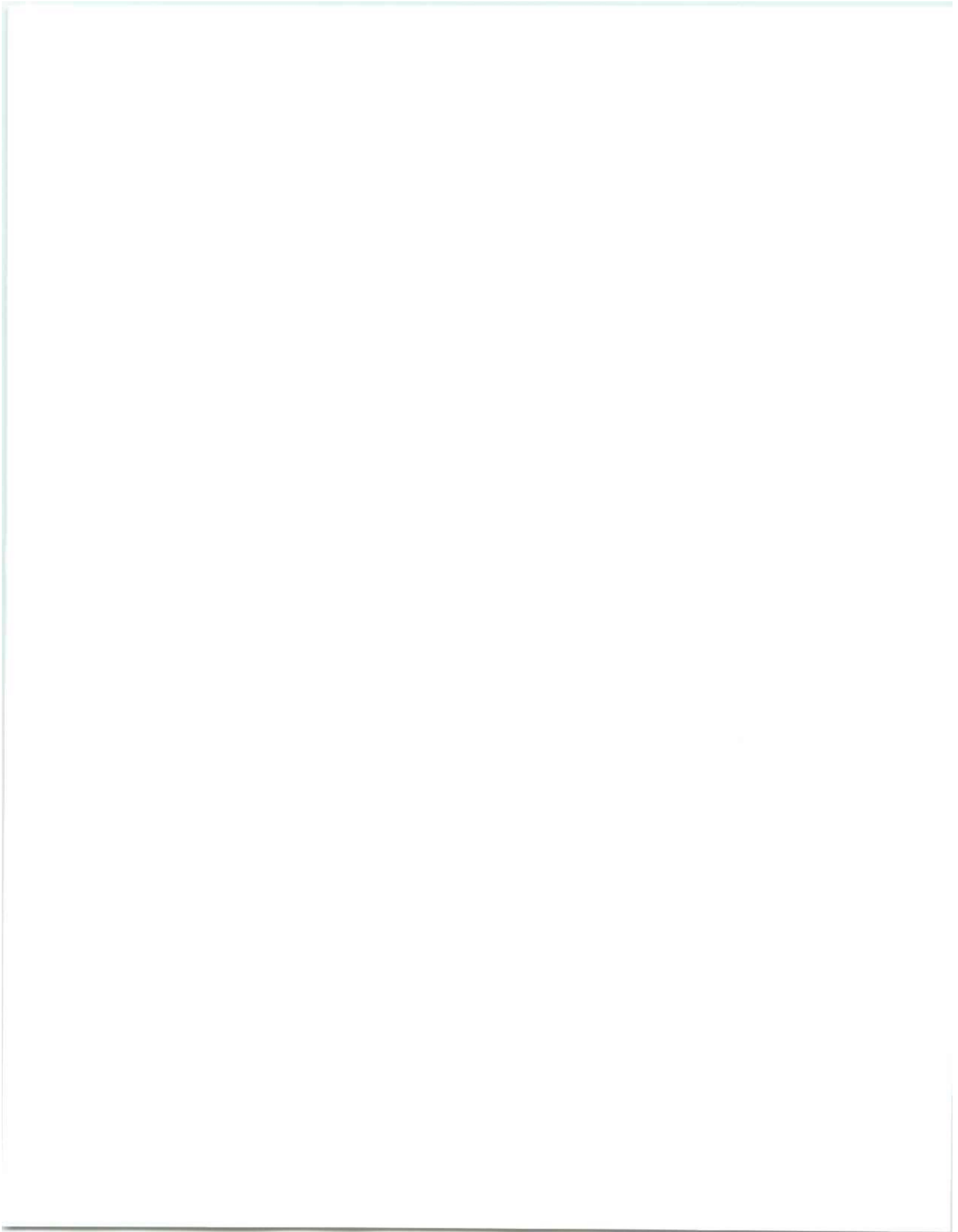
SUMMARY AND RECOMMENDATIONS

This Post Acknowledgement Plan Amendment, changing language in Chapter 5.2 – Non-Conforming Uses and Developments of the Boardman Development Code, coupled with the map amendment changing the 35 existing lots identified as Manufactured Home Park Sub-district in the NW section of the city, which are located on lots which are non-conforming to the zoning designation will allow for reasonable use of the lots by the lot owners. A total 34 of the 35 lots will be changed to Residential zone with on lot, tax lot #900 of Map 4N 25 8DC, being changed to Multi-Family (MF) Sub-district. The noted changes will also allow for the character of the existing neighborhood to be maintained, while allowing enhanced conditions in the future as identified non-conforming mobile homes are replaced, through attrition, with structures meeting today's code provisions.

The recommendation of staff is for Commission approval of this Post Acknowledgement Plan Amendment and to move the issue to the City Council with a recommendation for approval by implementing ordinance.

LIST OF ATTACHMENTS

- "A" = Changes to Chapter 5.2 – Non-Conforming Uses and Development
 - "B" = Existing Zoning Map
 - "C" = Proposed Zoning Map Changes
 - "D" = August 26, 2008, Planning Commission Meeting Minutes
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Chapter 5.2 - Non-Conforming Uses and Developments

Sections:

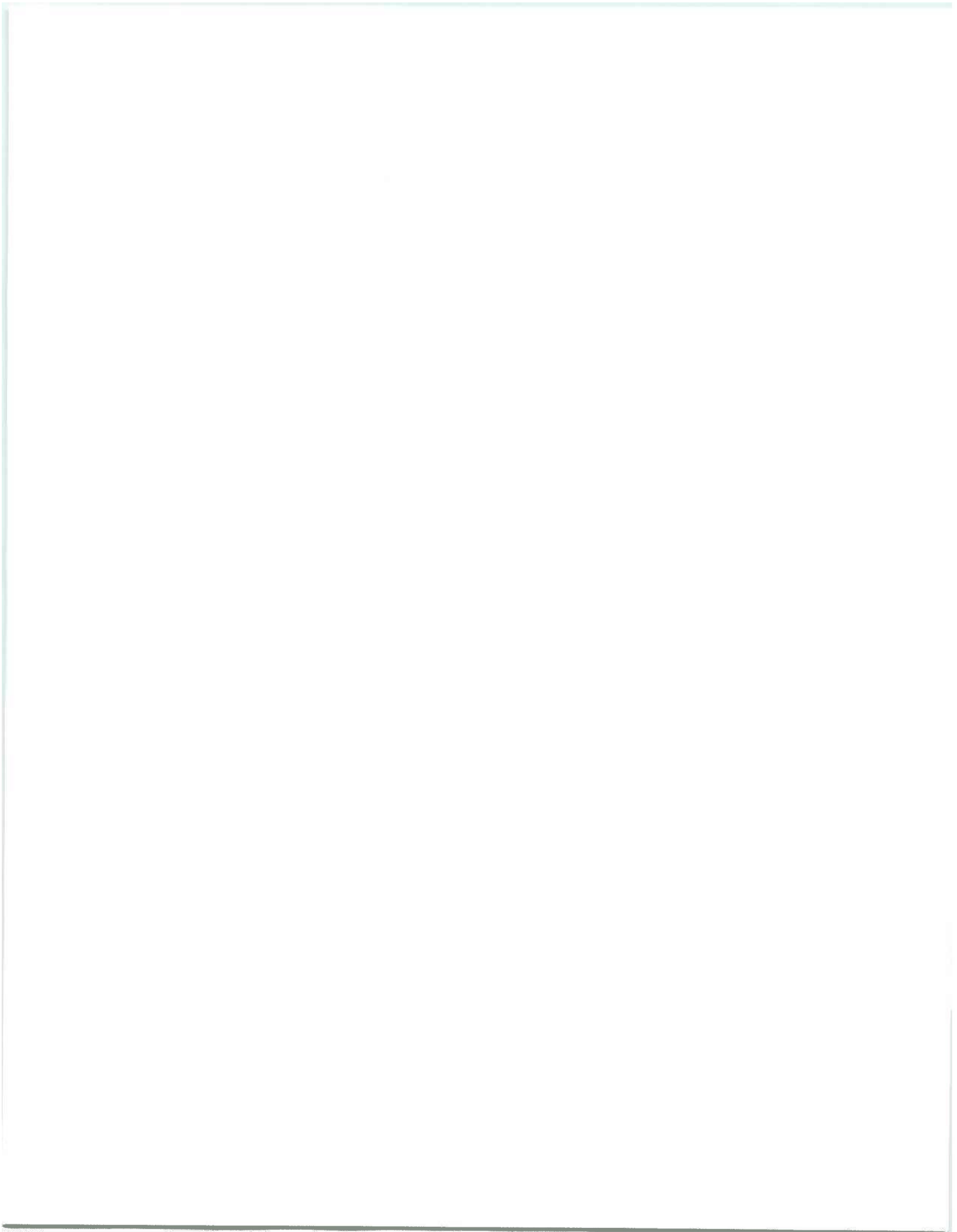
5.2.100 - Non-conforming Uses

5.2.200 - Non-conforming Developments

5.2.100 -- Nonconforming Uses

Where at the time of adoption of this Code a use of land exists which would not be permitted by the regulations imposed by this Code and was lawful at the time it was established, the use may be continued as long as it remains otherwise lawful, provided:

- A. Creation of nonconforming situations.** Within the districts established by this title or amendments that may later be adopted, there may exist lots, structure, uses of land, and structures which were lawful before the effective date of the ordinance codified in this title, but which would be prohibited regulated or restricted under the terms of the ordinance codified in this title or future amendment;
- B. Expansion Prohibited.** No such nonconforming use shall be enlarged, increased or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of this Code. No additional structure, building or sign shall be constructed on the lot in connection with such nonconforming use of land;
- C. EXCEPTIONS.** Within the Residential District and Sub-Districts the Non-conforming Use designation shall be applied consistent with the criteria within this section of Chapter 5.2;
1. Prior to any additions to a lot a plot plan shall be submitted to the City of Boardman to allow for identification of "non-conforming" uses or structures on the property.
 2. The non-conforming use shall apply only to the primary structure or other structures which are identified as non-conforming, to allow for typical residential uses such as accessory structures to be added to the property.
 3. Addition(s) shall comply with all current provisions of applicable Development Code language other than the exceptions identified in this section of Chapter 5.2.
- D. Location.** No such nonconforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this Code;
- E. Discontinuation or Abandonment.** The nonconforming use of land shall not be discontinued for any reason for a period of more than 12 months. For purposes of calculating the 12 month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:
1. On the date when the use of land is physically vacated;
 2. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;



5.2.200 Nonconforming Uses (continued)

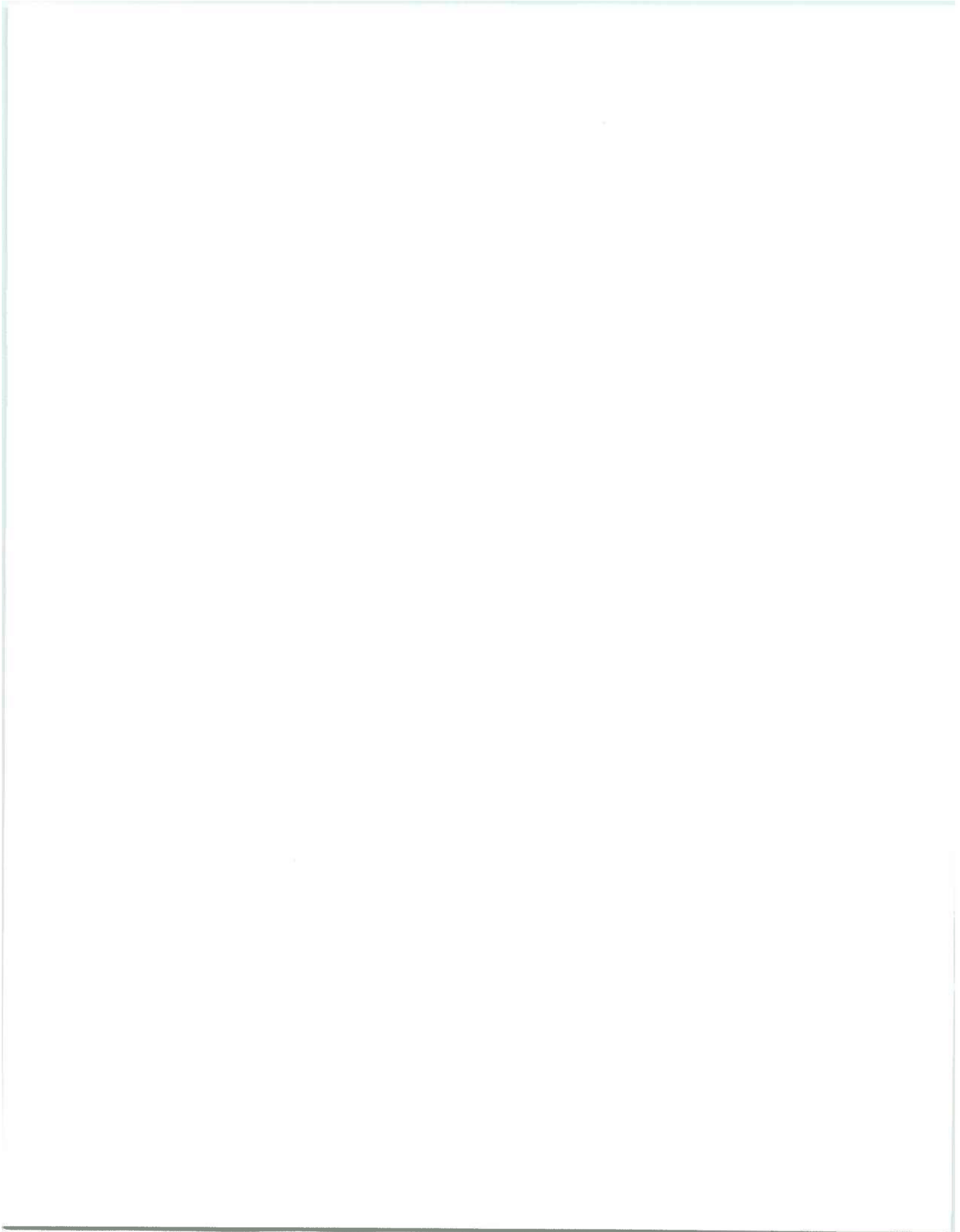
3. On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or
4. On the date a request for final reading of water and power meters is made to the applicable utility districts.

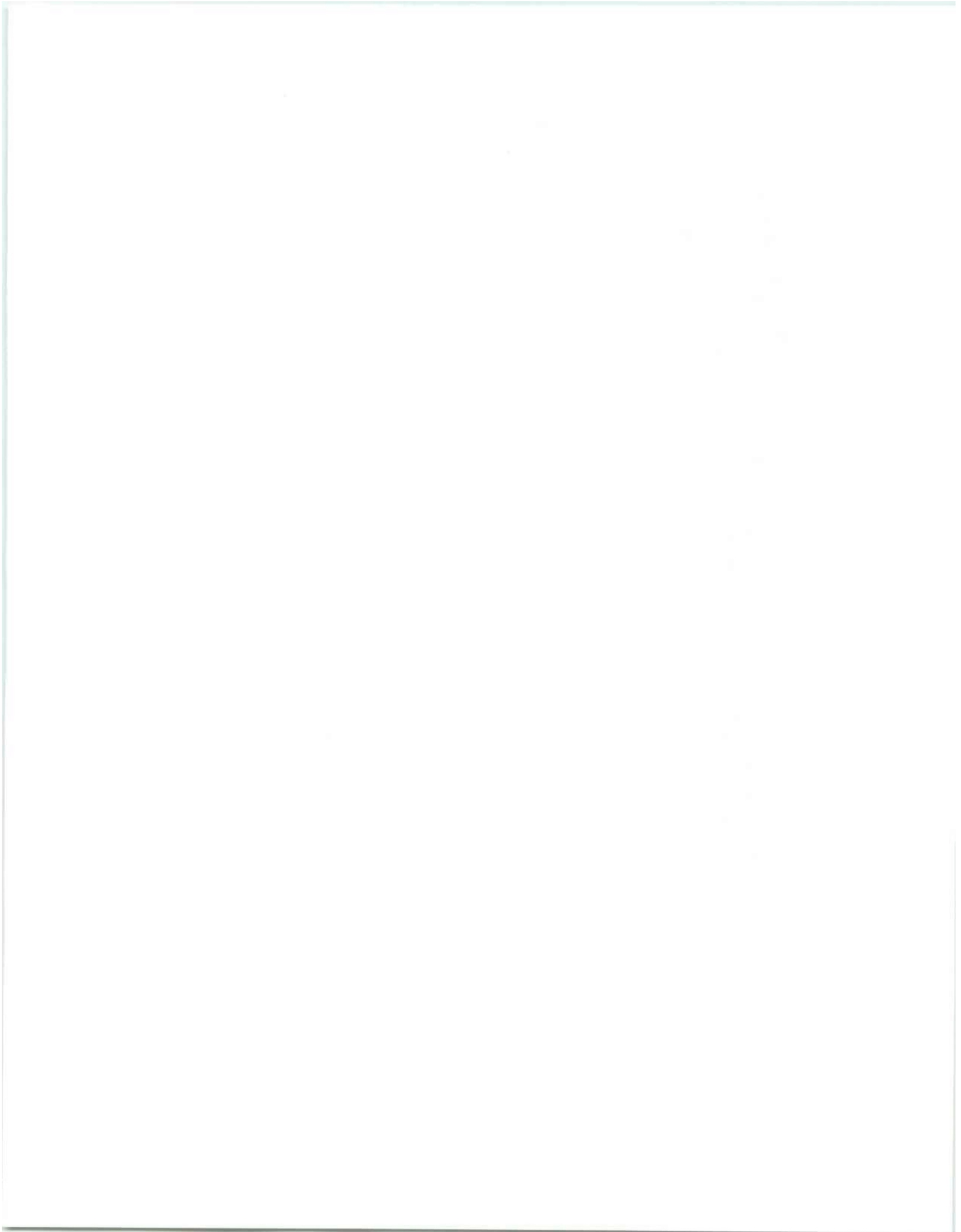
- F. Application of Code Criteria and Standards.** If the use is discontinued or abandoned for any reason for a period of more than 12 months, any subsequent use of land shall conform to the applicable standards and criteria specified by this Code for the land use district in which such land is located.

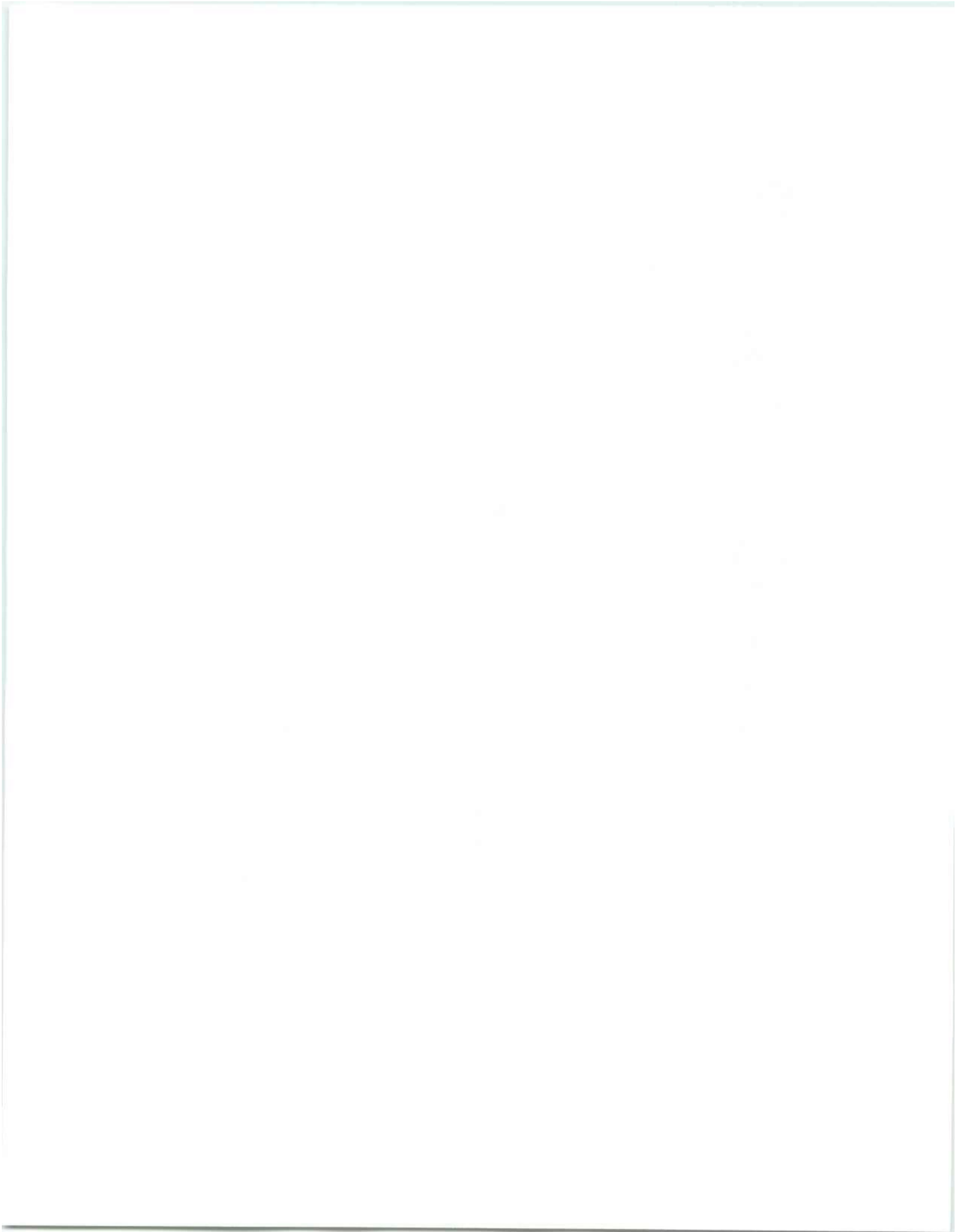
5.2.200 Non-conforming Development

Where a development exists at the effective date of adoption or amendment of this title that could not be built under the terms of this Ordinance by reason of restrictions on lot area, lot coverage, height, yard, equipment, its location on the lot or other requirements concerning the structure; and the structure was lawful when constructed, the development may remain on the site so long as it remains otherwise lawful, subject to the following provisions:

- A.** No such nonconforming development may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be enlarged or altered in a way that satisfies the current requirements of the Development Code or will decrease its nonconformity;
- B.** Should such nonconforming development or nonconforming portion of development be destroyed by any means to an extent more than 50 percent of its current value as assessed by the Morrow County assessor, it shall be reconstructed only in conformity with the Development Code; and
- C.** Should such development be moved for any reason and by any distance, it shall thereafter conform to the regulations of the Development Code.
- D.** Non-conforming street access connections that exist prior to July 1, 2003, which do not conform with the standards in Chapter 3.1 shall be brought into compliance when the following conditions exist:
 1. When a new access connection permit is requested for the subject property; or
 2. When a building permit or land use application is submitted that results in an increase of trip generation by 20% and 100 average daily trips (ADT)







**CITY OF BOARDMAN
ORDINANCE NO. 3-2009**

**AN ORDINANCE APPROVING POST ACKNOWLEDGEMENT PLAN AMENDMENT
02-2008 AMENDING THE BOARDMAN ZONING MAP AND CHANGES TO
CHAPTER 5.2 OF 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 Zoning Map, and;

WHEREAS, a Notice of Proposed Amendment was mailed to the Oregon Department of Land Conservation and Development on June 2, 2008, and;

WHEREAS, on Tuesday, August 26, 2008, the Boardman Planning Commission held a public hearing on the proposed amendment to the Boardman Zoning Map and language changes to Boardman Development code Chapter 5.2 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 September 16, 2008, and posted on the site and at 4 public places on September 16, 2008, and;

WHEREAS, on October 7, 2008, 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 to the Boardman Zoning Map and the Language Changes to Boardman Development Code Chapter 5.2 to be consistent with the Comprehensive Plan of the City of Boardman and hereby adopts the above recitals and findings and incorporate them by reference in support of this ordinance.

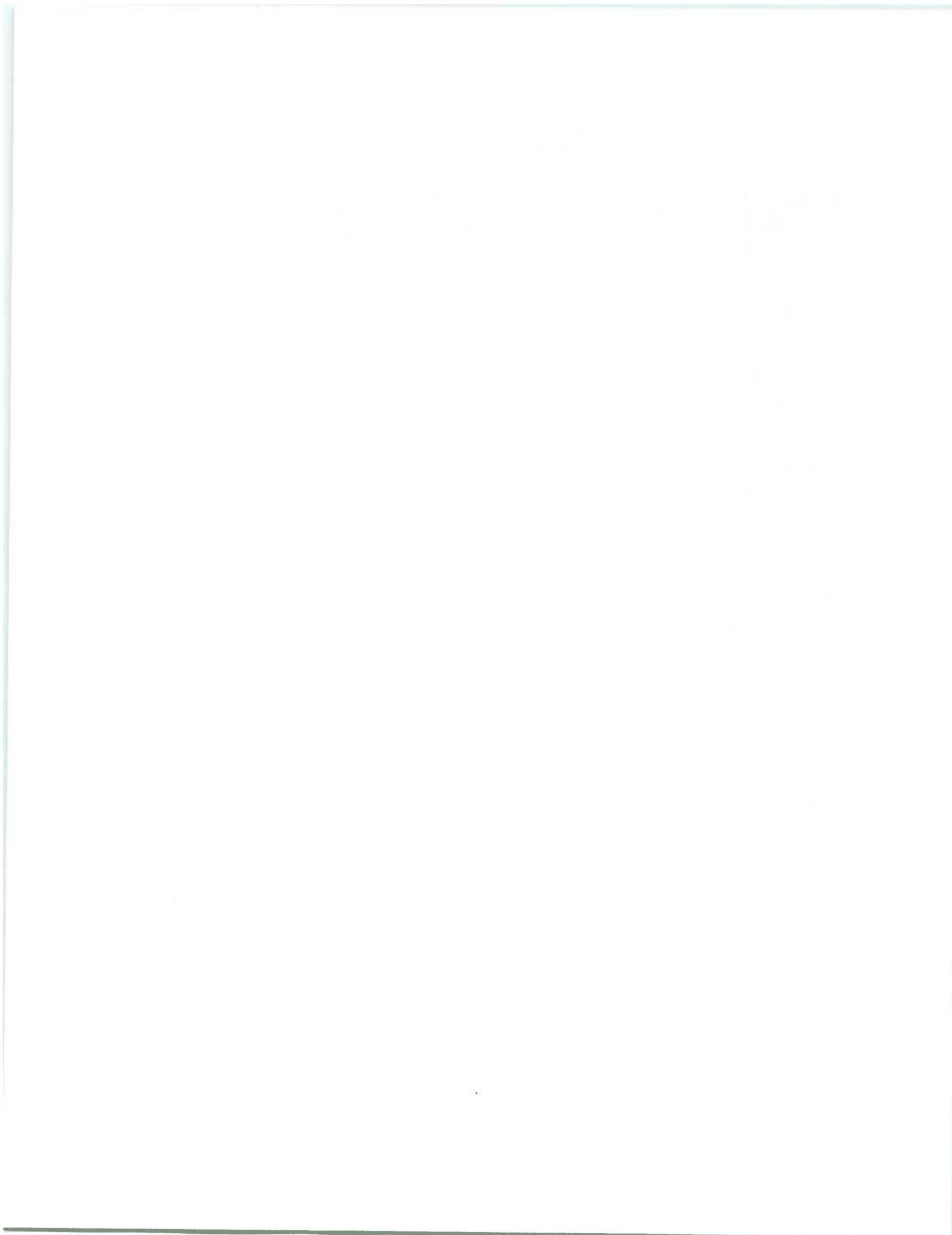
Section 2. The Boardman Zoning Map is hereby amended as set forth in Exhibit "A" and Boardman Development Code chapter 5.2 is amended as set forth in Exhibit "B" attached hereto and by this reference made a part thereof.

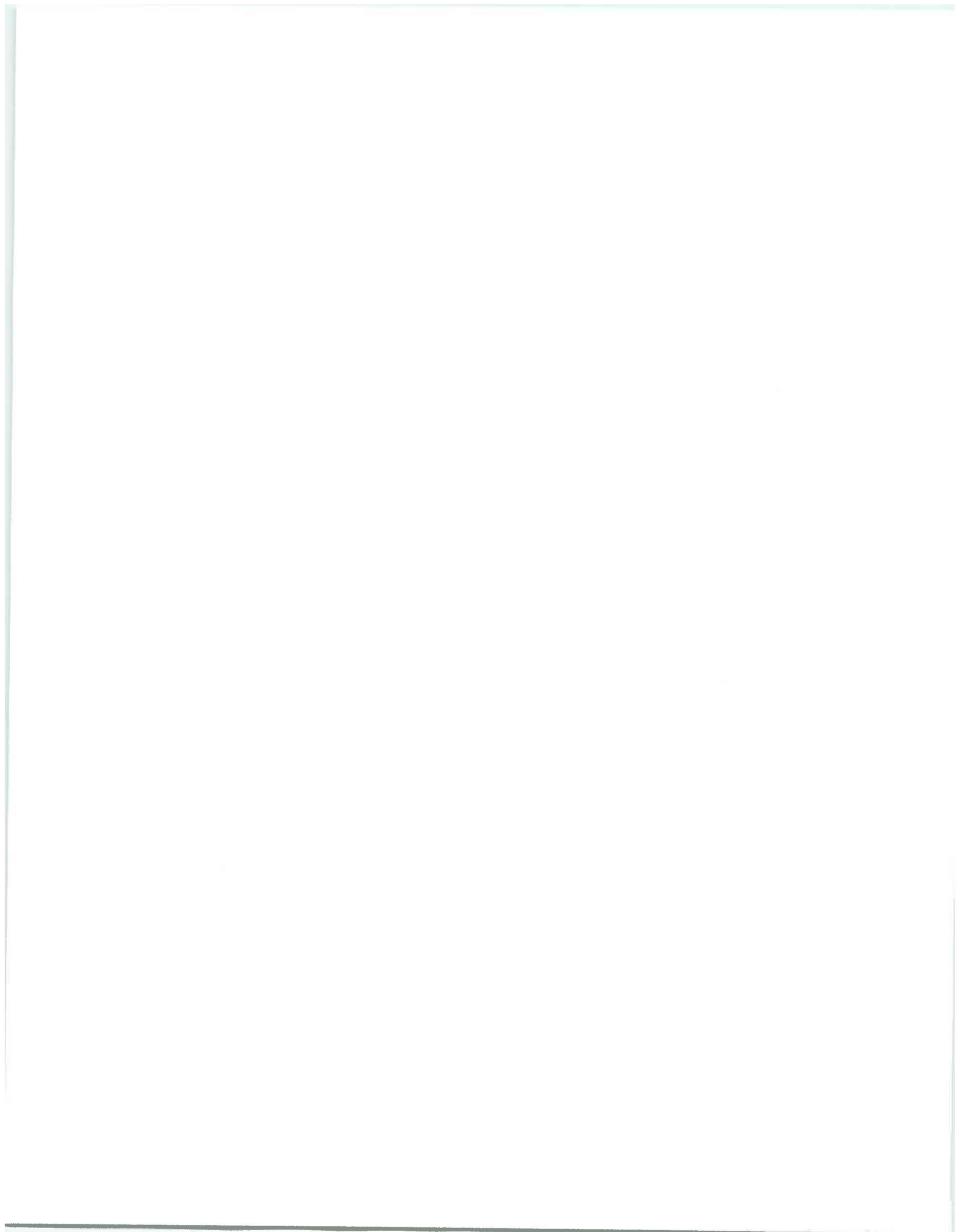
Passed by the Council and approved by the Mayor this 21st day of October, 2008.

MAYOR

ATTEST:

CITY RECORDER





Chapter 5.2 - Non-Conforming Uses and Developments

Sections:

5.2.100 - Non-conforming Uses

5.2.200 - Non-conforming Developments

5.2.100 -- Nonconforming Uses

Where at the time of adoption of this Code a use of land exists which would not be permitted by the regulations imposed by this Code and was lawful at the time it was established, the use may be continued as long as it remains otherwise lawful, provided:

- A. **Creation of nonconforming situations.** Within the districts established by this title or amendments that may later be adopted, there may exist lots, structure, uses of land, and structures which were lawful before the effective date of the ordinance codified in this title, but which would be prohibited regulated or restricted under the terms of the ordinance codified in this title or future amendment;
- B. **Expansion Prohibited.** No such nonconforming use shall be enlarged, increased or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of this Code. No additional structure, building or sign shall be constructed on the lot in connection with such nonconforming use of land;
- C. **EXCEPTIONS.** Within the Residential District and Sub-Districts the Non-conforming Use designation shall be applied consistent with the criteria within this section of Chapter 5.2;
1. Prior to any additions to a lot a plot plan shall be submitted to the City of Boardman to allow for identification of "non-conforming" uses or structures on the property.
 2. The non-conforming use shall apply only to the primary structure or other structures which are identified as non-conforming, to allow for typical residential uses such as accessory structures to be added to the property.
 3. Addition(s) shall comply with all current provisions of applicable Development Code language other than the exceptions identified in this section of Chapter 5.2.
- D. **Location.** No such nonconforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this Code;
- E. **Discontinuation or Abandonment.** The nonconforming use of land shall not be discontinued for any reason for a period of more than 12 months. For purposes of calculating the 12 month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:
1. On the date when the use of land is physically vacated;
 2. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;

5.2.200 Nonconforming Uses (continued)

3. On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or
4. On the date a request for final reading of water and power meters is made to the applicable utility districts.

F. Application of Code Criteria and Standards. If the use is discontinued or abandoned for any reason for a period of more than 12 months, any subsequent use of land shall conform to the applicable standards and criteria specified by this Code for the land use district in which such land is located.

5.2.200 Non-conforming Development

Where a development exists at the effective date of adoption or amendment of this title that could not be built under the terms of this Ordinance by reason of restrictions on lot area, lot coverage, height, yard, equipment, its location on the lot or other requirements concerning the structure; and the structure was lawful when constructed, the development may remain on the site so long as it remains otherwise lawful, subject to the following provisions:

- A.** No such nonconforming development may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be enlarged or altered in a way that satisfies the current requirements of the Development Code or will decrease its nonconformity;
- B.** Should such nonconforming development or nonconforming portion of development be destroyed by any means to an extent more than 50 percent of its current value as assessed by the Morrow County assessor, it shall be reconstructed only in conformity with the Development Code; and
- C.** Should such development be moved for any reason and by any distance, it shall thereafter conform to the regulations of the Development Code.
- D.** Non-conforming street access connections that exist prior to July 1, 2003, which do not conform with the standards in Chapter 3.1 shall be brought into compliance when the following conditions exist:
 1. When a new access connection permit is requested for the subject property; or
 2. When a building permit or land use application is submitted that results in an increase of trip generation by 20% and 100 average daily trips (ADT)

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, Randy Yates, Jill Pambrun, Christie Perry, Lavern Gertlar, and Steve Doherty

Absent: Jim Hollandsworth

Youth Advisory: P.J. Keefer and Tanner Wightman

Staff: Karen Pettigrew-City Manager, Lila Killingbeck-Recorder, and Barry Beyeler

Audience: Chet Phillips, Maria Richards, Karen Purcell, Don and Sue Russell, Gary and Kathy Neal, Art and Rose Kegler, Dean and Karen Kegler, Amy Kegler, Joe Wightman, Pam Docken, and Ilona McCracken, and Wendy Mittelsdorf (8:15 p.m.)

Councilor Hollandsworth was out of town and his absence was excused.

PRESENTATIONS

The City of Boardman received an Award for Good Governance at the League of Oregon Cities Conference. Mayor Glenn had nominated the Youth Advisory Program for this award. He explained that this group had been formed in response to a controversy surrounding a problem with curfew hours pertaining to Jr/Sr High School Students. Mayor Glenn introduced Pam Docken as a former Councilor that had been instrumental in forming the Youth Advisory Program. He also informed the audience that Miss Jordan Mittelsdorf had been instrumental in getting the program started from the student side. Miss Mittelsdorf graduated and has just started her 1st year of college. Accepting the award for the Youth Advisory Program was this year's President, P.J. Keefer.

The Mayor's Association, through the Governor's office, sponsored a Physical Activity and Wellness in Oregon Award. Mayor Glenn had nominated Karen Kegler for her contribution to the citizens of Boardman. At the League of Oregon Cities conference this last week the City of Boardman received the certificate from the Governor's office. This award was given to Karen Kegler for her many years of continual contributions to the Physical fitness and Wellness of the citizens of Boardman. This award was given to Karen in front of many friends and family present at the Council Meeting.

Councilor Perry moved to approve the minutes of the September 16th meeting as corrected. Councilor Yates seconded the motion. All were in favor.

ACTION ITEMS

Public Hearing-Opened at 7:20 p.m.

The hearing was to hear testimony on Post Acknowledgement Plan Amendment 2-2008 regarding a Re-Zone of the NW Columbia Avenue, NW Boardman Avenue and Park Avenue presently zoned Manufactured Home Park Sub-district. The re-zone would be to change the area to Residential District and change the language in Development Code Chapter 5.2 – Non-Conforming Uses and Developments to accommodate the map amendment. There were no

abstentions from the Council. There were no objections to the Jurisdiction. Mayor Glenn asked City Manager Pettigrew if there were any additional information to the staff report that was presented in the packet. There were none. Mr. Chet Phillips was in the audience. Mayor Glenn asked if he had any questions about this amendment. Mr. Phillips explained that as he understood the amendment it would have no effect on his property and he had no objection. There were no proponents or opponents to the amendment. There had been no public agencies make comment by mail or present to make comment. Mayor Glenn closed the hearing.

Public Hearing closed at 7:25 p.m.

There was a discussion regarding any possibility of the Hab-Doc apartment complex being able to expand. Community Development Director Beyeler felt that there would be a slim chance. This change would allow for accessory structures on lots that have non-conforming residential structures (M/H homes) pre-existing with approval from the City Planning Dept. This would also allow for a request from Hab-Doc apartments to change there existing office. The Ordinance will be ready at the October 21st meeting.

IAMP Funding Options

There was a discussion regarding the matrixes that were developed from the Workshop on the 20th. Mayor Glenn felt that there should be an additional 35% added into the IAMP sheet from Urban Renewal. There was a discussion regarding this, but Councilor Perry felt that this discussion should continue after the minutes were reviewed from the previous Urban Renewal workshop. There was a discussion about additional funding sources from the Morrow County Road Fund. There is a lot of the traffic that moves through Boardman city limits by residents that live or work outside the city in Morrow County. There may be options for Morrow County Road Funds to assist with an overpass expansion. There was a consensus that the City could always ask for funding from Morrow County but the chances are small of receiving it.

City Manager Evaluation Form

Mayor Glenn explained that evaluation of the City Manager could be done in Executive Session only after a public review of the Evaluation Form was agreed upon. A Council committee developed an Evaluation Form. There were seven questions on the form and a Council's standard for each questions. There was a discussion regarding the use of narrative evaluation forms versus ranked evaluation forms. Mr. Chet Phillips asked to be recognized from the audience. He felt that the ranking system was the best because of being able to see improvement, and the narrative could be subjective. Councilor Perry disagreed. Councilor Pambrun was more familiar with the ranking system and had been evaluated with this option. Councilor Gertlar had always used the narrative options in his previous employment and a narrative is needed before you can use the ranking system anyway. Councilor Yates agreed with the narrative option and so did Councilor Doherty. The narrative Evaluation Form will stand as corrected on item 1. Each Councilor will fill out their form as completely as possible by next meeting. Then at the October 21st meeting the Council will meet in Executive Session, and then there will be single Evaluation form combining the consensus of the Council. At the November 4th meeting there will be an Executive Session scheduled for the Council discuss the annual review evaluation with City Manager Pettigrew.

Need and Issues projects

City Manager Pettigrew passed out last years Need & Issues requests. The deadline for projects will be October 17th. The Boardman committee will be reviewing projects at a working lunch on October 20th. There has been a change in the funding process and amount available.

City Manager had met with Oregon Dept. of Transportation regarding the I-84 interchange grounds maintenance. There is a possibility that they would contract with the City to maintain that area, and the possibility of some landscaping improvements. If that becomes a reality, there maybe some projects to add to the Needs and Issues request list.

-8:15 p.m. Meeting was recessed.

-8:30 p.m. Meeting reconvened.

Identification Theft Protection Policy

City Manager informed the Council that this policy is in answer to Senate Bill 583 requiring all creditors, which includes Utilities, to have an ID Theft Policy in place. This policy will be put in place and reviewed on an annual basis. This will be added in with other employee policies.

Real Estate Transactions

City Manager Pettigrew explained that the Real Estate Documents are nearing completion on the property at Tower Road. She expects to have them before the end of the week. Mr. Doug Hojem, Attorney at Law, will probably have the documents ready for signatures by Mon. Oct 13th. The Council will receive the documents by email as soon as possible. They should respond with any changes or questions by Thurs. Oct 16th. The agreement is for Love's Travel Center to purchases 30.5 acres or the amount needed to meet the access distance requirements for the Oregon Dept of Transportation. The cost will be \$16,000 per acre with a non-refundable earnest money of \$20,000. If the City cannot provide clear title, the \$20,000 will be refunded. The closing period will be 365 days plus 2-45 day extension periods at the buyer's choice. Councilor Perry moved to authorize Mayor Glenn to execute the documents for the sale of 30.5 acres in the NW Corner the Tower Road Property at a cost of \$16,000 per acre to the Love's Travel Center, following the consensus of the Council. Councilor Pambrun seconded the motion. All were in favor.

REPORTS, CORRESPONDENCE AND DISCUSSIONIAMP

There is no new information. There was a discussion regarding the Dept. of Land Conservation and Development presentation at the Boardman Chamber Meeting last week. The topics of Earmarks and IAMP in the State of Oregon were brought up. City Manager Pettigrew and Community Development Director Beyeler will be attending an open forum with DLCD and the Eastern Oregon Planner in Baker City on Wednesday October 8th.

City Manager Pettigrew will be back for the City, County, Port meeting at 6:00 p.m. The items on the agenda are: J.R. Cook, Asst. Umatilla County Planner, with the 2050 water plan, Boardman Rural Fire Dept. with the Bond issue that is coming up on the November Ballot, etc.

Police Fact Finding

Councilor Pambrun is pleased with the progress that the committee has made. The surveys have been reviewed and a draft report is being prepared for the committee to review. Councilor Pambrun is hoping to have a draft ready for the Council to review at the November 4th meeting.

Sidewalk Committee

Councilor Yates will be resuming the Sidewalk Committee as soon as the Police Committee has finalized their report.

Youth Advisory

Home Coming weekend: Friday night football game, Saturday night dance. Youth Advisory Council will be October 14 or 15th. Mayor Glenn will attend to present the Good Governance Award to the Youth Council.

City Manager

- There will be a City Hall meeting through the League of Oregon Cities. It will be at City Hall in Pendleton on the 14th of October at 7:00 p.m. She encouraged Councilors to attend. She will be attending and invited Councilors to ride with her.
- City Manager Pettigrew pointed out that the September Financial Report is at each seat. If there are any questions, let her know.
- Oregon Dept of Energy-Idaho Power is purposing to build a power line from Boardman to Idaho and is having an informational meeting on October 30th from 4:00 to 7:00 at the Port of Morrow to discuss this proposal. There are maps for this purposed area available.

Council

Councilor Doherty had a question regarding the towed vehicles report. There was conflicting information and 2 different reports regarding this matter. City Manager Pettigrew will find out what the correct number will be. Councilor Doherty will be out of town for the October 21st meeting.

Mayor

- Mayor Glenn was ill and unable to attend the League of Oregon Cities Convention last week. He will be out of town on at the Waterfowl Festival next week.
- Council Meeting was recessed at 8:55 p.m.** to convene an organizational meeting of the newly formed Urban Renewal Agency.
- Council meeting was reconvened at 9:00 p.m.**


EXECUTIVE SESSION

Executive session was called at 9:00 p.m. to consider Labor Negotiations according to ORS 192.660 (2) (d) which should last approximately 15 minutes.

- Council meeting was reconvened at 9:20 p.m.**
- Council Meeting was adjourned at 9:20 p.m.**



F.E. Glenn-Mayor



Lila Killingbeck, Recorder




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