



City of Boardman Land Use Application

Date: March 10, 2021

Owner: PROffutt Limited Partnership Phone: (701) 551-0354
Address: 225 Broadway N. City: Fargo State: ND Zip: 58102
Applicant or Agent: PROffutt Limited Partnership Phone: (701) 551-0354
Address: 225 Broadway N. City: Fargo State: ND Zip: 58102
Property Address: Parcel 2, Partition Plat 2019-9 Designed Zone: _____
Map Number: _____ Lot: _____ Block: _____
Subdivision: _____ Tax Lot(s): 96
Proposed Usage: Master Planned Development

Estimated Construction Cost Evaluation: \$ \$? Total Square Footage: 1,001,880 SF

Requested Action:

(Please circle one)

Zone Change

Variance

Conditional Use Permit

Property Line Adjustment

Partition

Subdivision

Preliminary Plat

Other: _____

The following material and supplemental information must be submitted with this application as a requirement for submittal to the Planning Commission:

- Plans and specifications, drawn to scale, showing the actual shape, setbacks and dimensions of the property to be used, together with a plot plan and vicinity map of the subject property.
- The size and location of the property, buildings, other structures; and use of buildings or structures, existing and proposed.
- Plot plan indicating all on/off-site improvements, including streets, fire hydrants, water and sewer facilities, etc.

I acknowledge that I am familiar with the standards and limitations set forth by the City of Boardman Zoning Ordinance, and that additional information and materials may be required. I fully intend to comply with plans and specifications submitted with this application. I do hereby certify that the above information is correct and understand that issuance of a permit based on this application will not excuse me from complying with the effective Ordinances and Resolutions of the City of Boardman and Statutes of Oregon, despite any errors on the part of the issuing authority in checking this application.

Signature: [Signature]
(Owner, Applicant, or Agent)

Date: 03-10-2021

Staff Comments: _____

Recommended Action: _____

Planning Commission: Approved

Not Approved

Date: _____

Signature: _____

PRELIMINARY PLAT OF TIDEWATER ADDITION

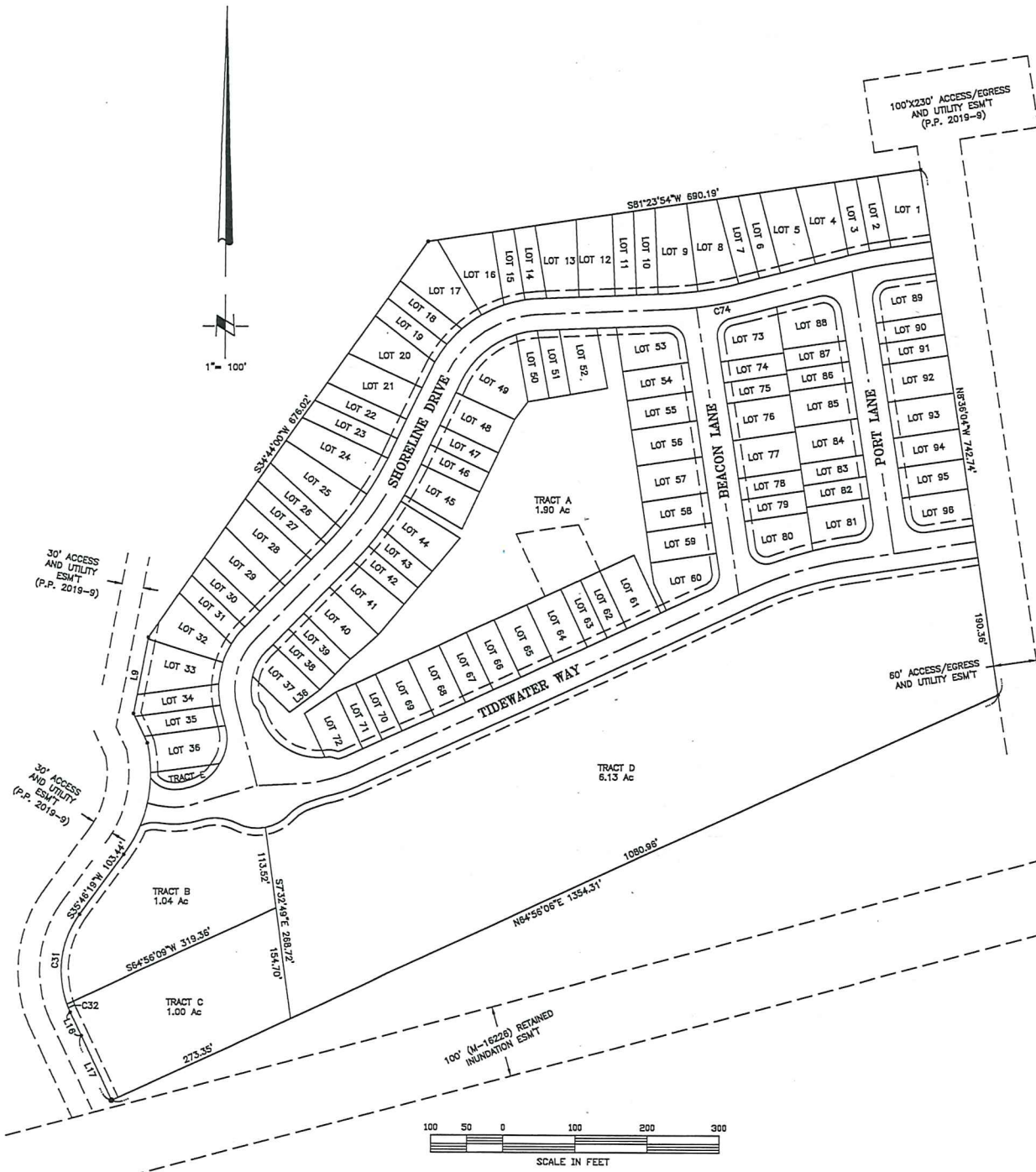
LOCATED IN THE SOUTHEAST 1/4 OF SECTION 4,
AND THE NORTHEAST 1/4 OF SECTION 9
TOWNSHIP 4 NORTH, RANGE 25 EAST, W.M.
CITY OF BOARDMAN, MORROW COUNTY, OREGON

LEGAL DESCRIPTION

PARCEL 2, PARTITION PLAT 2019-9, RECORDS OF MORROW COUNTY, OREGON.

SURVEYOR'S NOTES:

1. BASIS OF BEARING IS GRID, OREGON STATE PLANE, NORTH ZONE, NAD83(11), BASED ON GPS OBSERVATIONS. DISTANCES ARE "GROUND" SCALED FROM GRID USING A COMBINED FACTOR OF 0.99995506 (1.00004494).
2. ● = DENOTES FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED "PLS 2431".
3. ○ = DENOTES 5/8"x30" REBAR WITH PINK PLASTIC CAP STAMPED "RSI DPB 86848PLS" TO BE SET FOR FINAL PLAT
4. ⊙ = DENOTES 5/8"x30" REBAR W/ ALUMINUM CAP TO BE SET FOR FINAL PLAT
5. EQUIPMENT AND PROCEDURES USED: MULTI FREQUENCY GNSS RECEIVERS UTILIZING REAL TIME KINEMATIC METHODS.
6. (N) = MEASURED (R) = RECORD PER PARTITION PLAT NO. 2019-9, RECORDS OF MORROW COUNTY (2019-44546), FOLDER 1866.



SURVEYORS CERTIFICATE

I, DAVID P. BAALMAN, BEING FIRST DULY SWORN,
DEPOSE AND SAY THAT I AM A PROFESSIONAL
LAND SURVEYOR OF THE STATE OF OREGON, AND
THAT I HAVE CORRECTLY SURVEYED AND MARKED
WITH LEGAL MONUMENTS THE LAND REPRESENTED
ON THIS PLAT, THE EXTERIOR BOUNDARIES OF
WHICH ARE DESCRIBED HEREON.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
NOVEMBER 13, 2012
DAVID P. BAALMAN
86848PLS
RENEWALS: 12/31/2021

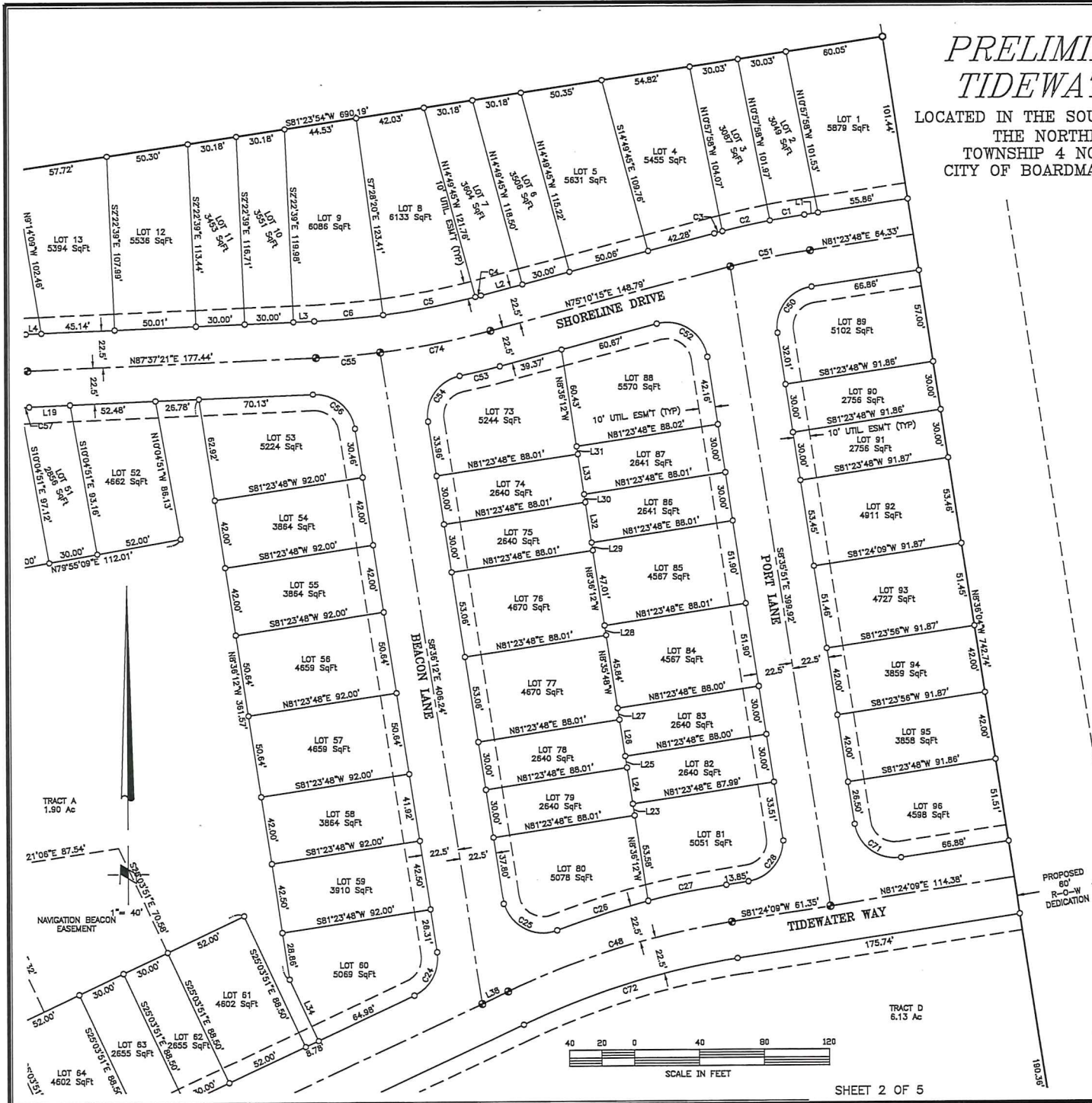
DATE

RSI ROGERS
SURVEYING INC., P.S.
1455 COLUMBIA PARK TRAIL
RICHLAND, WA 99362
PHONE (509) 783-4141
FAX: (509) 783-8894
www.rogerssurveying.com

2-24-21 DRN BY: ALM 05521--PREPLAT.DWG

PRELIMINARY PLAT OF TIDEWATER ADDITION

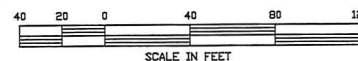
LOCATED IN THE SOUTHEAST 1/4 OF SECTION 4, AND
THE NORTHEAST 1/4 OF SECTION 9
TOWNSHIP 4 NORTH, RANGE 25 EAST, W.M.
CITY OF BOARDMAN, MORROW COUNTY, OREGON



REGISTERED
PROFESSIONAL
LAND SURVEYOR
PRELIMINARY
OREGON
NOVEMBER 13, 2012
DAVID P. BAALMAN
86848PLS
RENEW: 12/31/2021

DATE

PROPOSED
60'-
R-O-W
DEDICATION



SHEET 2 OF 5

RSI ROGERS
SURVEYING INC., P.S.
1455 COLUMBIA PARK TRAIL
RICHLAND, WA, 99362
PHONE (509) 783-4141
FAX: (509) 783-8884
www.rogerssurveying.com

2-24-21 DRN BY: ALM 05521-PREPLAT.DWG

PRELIMINARY PLAT OF TIDEWATER ADDITION

LOCATED IN THE SOUTHEAST 1/4 OF SECTION 4, AND
THE NORTHEAST 1/4 OF SECTION 9
TOWNSHIP 4 NORTH, RANGE 25 EAST, W.M.
CITY OF BOARDMAN, MORROW COUNTY, OREGON

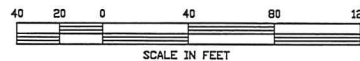
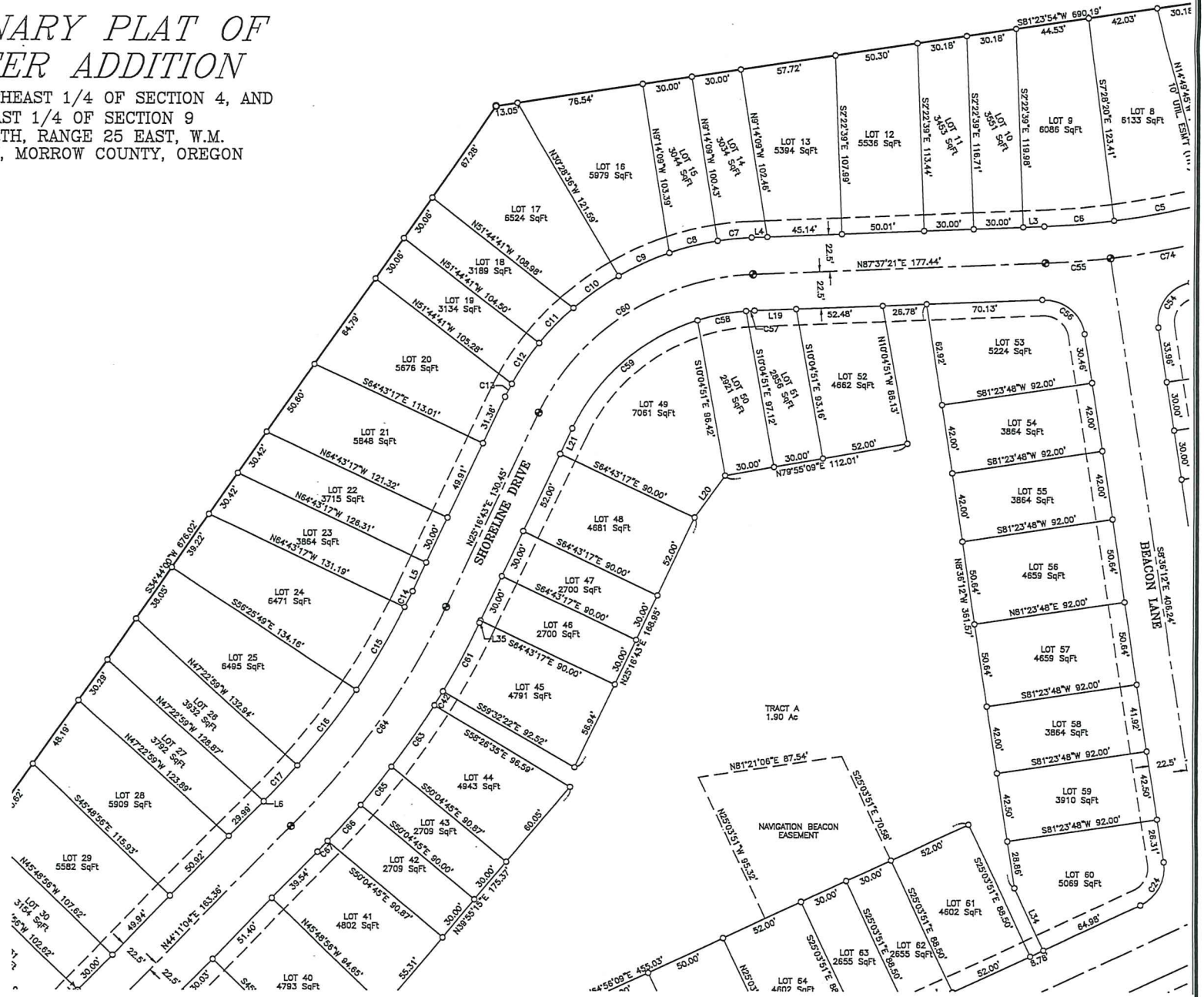


REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
NOVEMBER 13, 2012
DAVID P. BAALMAN
86848PLS
RENEW: 12/31/2021

DATE



SHEET 3 OF 5

RSI ROGERS
SURVEYING INC., P.S.
1465 COLUMBIA PARK TRAIL
RICHLAND, WA 99362
PHONE: (509) 783-4141
FAX: (509) 783-8994
www.rogerssurveying.com

2-24-21 DRN BY: ALM 05521-PREPLAT.DWG

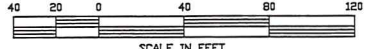
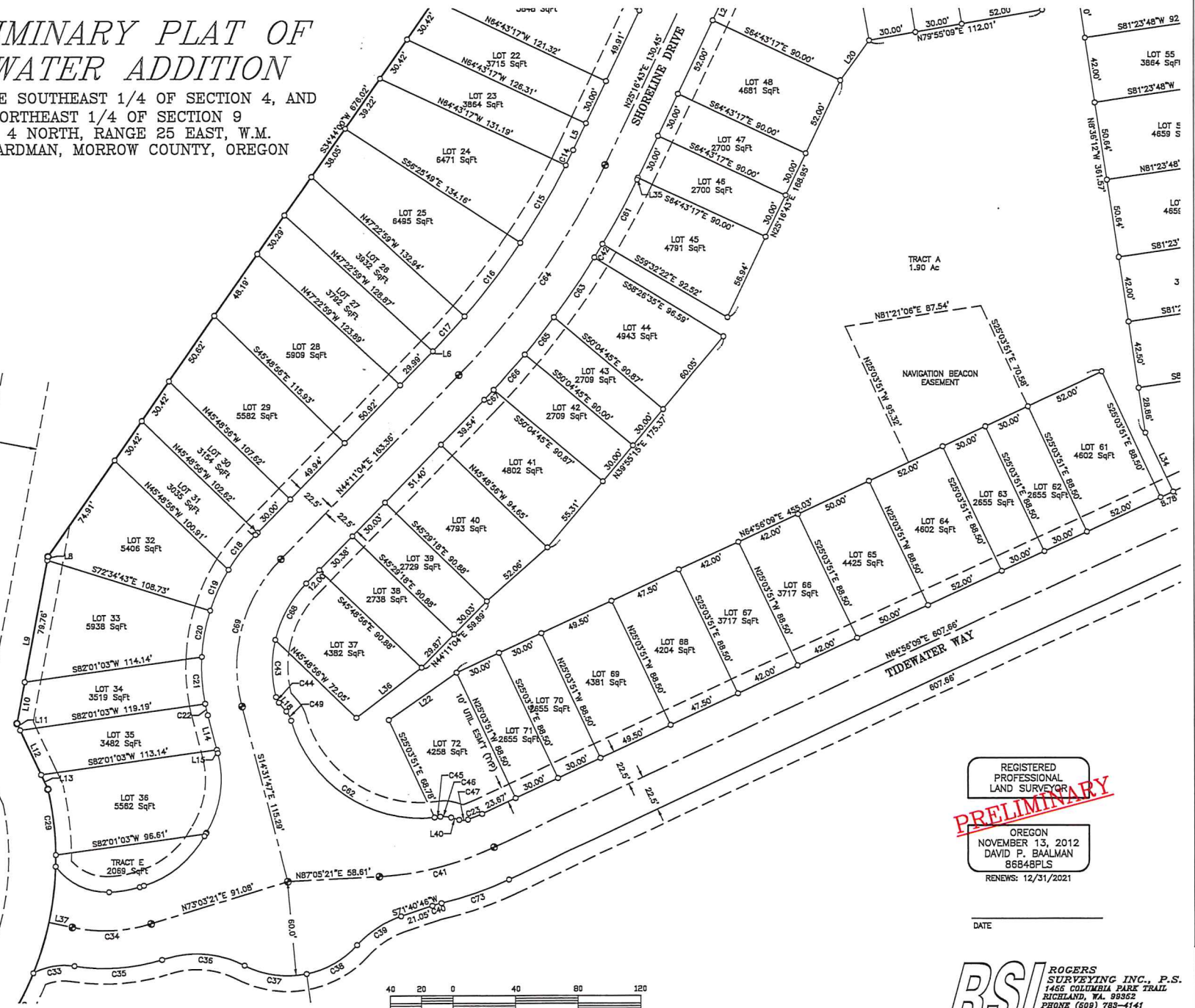
PRELIMINARY PLAT OF TIDEWATER ADDITION

LOCATED IN THE SOUTHEAST 1/4 OF SECTION 4, AND
THE NORTHEAST 1/4 OF SECTION 9
TOWNSHIP 4 NORTH, RANGE 25 EAST, W.M.
CITY OF BOARDMAN, MORROW COUNTY, OREGON

30' ACCESS
AND UTILITY
ESMT
(P.P. 2019-9)

1" = 40'

30' ACCESS
AND UTILITY
ESMT
(P.P. 2019-9)



REGISTERED
PROFESSIONAL
LAND SURVEYOR
PRELIMINARY
OREGON
NOVEMBER 13, 2012
DAVID P. BAALMAN
86848PLS
RENEWLS: 12/31/2021

DATE

RSI ROGERS
SURVEYING INC., P.S.
1455 COLUMBIA PARK TRAIL
RICHLAND, WA, 98362
PHONE (509) 783-4141
FAX: (509) 783-8984
www.rogerssurveying.com

PRELIMINARY PLAT OF TIDEWATER ADDITION

LOCATED IN THE SOUTHEAST 1/4 OF SECTION 4, AND
THE NORTHEAST 1/4 OF SECTION 9
TOWNSHIP 4 NORTH, RANGE 25 EAST, W.M.
CITY OF BOARDMAN, MORROW COUNTY, OREGON

Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CH. BRNG.	CHORD
C1	21.55	522.50	2°21'48"	S80°12'54"W	21.55
C2	30.02	522.50	3°17'30"	S77°23'14"W	30.01
C3	5.20	522.50	0°34'14"	S75°27'22"W	5.20
C4	3.55	477.50	0°25'36"	N75°23'03"E	3.55
C5	57.76	477.50	6°55'50"	N78°03'45"E	57.72
C6	42.46	477.50	5°05'41"	N85°04'31"E	42.45
C7	20.66	172.50	6°51'38"	S84°11'32"W	20.64
C8	30.16	172.50	10°00'59"	S75°45'14"W	30.12
C9	33.79	172.50	11°13'21"	S65°08'04"W	33.73
C10	33.87	172.50	11°15'01"	S53°53'53"W	33.82
C11	30.16	172.50	10°00'58"	S43°15'54"W	30.12
C12	30.16	172.50	10°00'58"	S33°14'55"W	30.12
C13	8.92	172.50	2°57'43"	S26°45'35"W	8.92
C14	10.82	477.50	1°17'55"	N25°55'41"E	10.82
C15	58.27	477.50	6°59'32"	N30°04'25"E	58.24
C16	59.10	477.50	7°05'28"	N37°06'55"E	59.06
C17	29.37	477.50	3°31'25"	N42°25'21"E	29.36
C18	28.42	122.50	1°31'26"	S37°32'20"W	28.35
C19	28.80	122.50	1°32'28"	S24°09'27"W	28.74
C20	30.56	122.50	1°41'32"	S10°16'31"W	30.48

Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CH. BRNG.	CHORD
C61	47.25	522.50	5°10'54"	N27°52'10"E	47.24
C62	120.17	86.00	80°03'30"	S55°48'01"E	110.63
C63	46.25	522.50	5°04'20"	N34°05'35"E	46.24
C64	164.98	500.00	18°54'20"	N34°43'53"E	164.24
C65	30.02	522.50	3°17'30"	N38°16'30"E	30.01
C66	30.02	522.50	3°17'30"	N41°34'01"E	30.01
C67	8.86	522.50	0°58'18"	N43°41'55"E	8.86
C68	42.03	77.50	31°04'28"	S28°38'50"W	41.52
C69	102.48	100.00	58°42'51"	S14°48'38"W	98.05
C71	39.27	25.00	90°00'00"	S53°35'51"E	35.36
C72	138.24	481.00	16°28'00"	S73°10'09"W	137.76
C73	45.75	219.00	11°58'08"	N70°55'13"E	45.87
C74	69.04	500.00	7°54'43"	N79°07'36"E	68.99

Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CH. BRNG.	CHORD
C21	30.15	122.50	1°40'13"	S3°55'21"E	30.08
C22	7.60	122.50	3°33'19"	S12°45'07"E	7.60
C23	9.80	92.00	6°06'16"	N67°59'17"E	9.80
C24	32.09	25.00	73°32'21"	N28°09'58"E	29.93
C25	44.39	25.00	101°44'17"	S59°28'20"E	38.78
C26	58.60	526.00	6°23'01"	S72°51'02"W	58.57
C27	49.21	526.00	5°21'37"	S78°43'20"W	49.19
C28	39.27	25.00	89°59'58"	N36°24'10"E	35.36
C29	42.45	194.78	12°29'12"	N6°40'15"W	42.37
C30	46.39	194.78	13°38'46"	N28°57'59"E	46.28
C31	143.24	135.05	60°46'17"	S5°19'58"W	136.62
C32	11.94	135.05	5°03'50"	S22°31'15"E	11.93
C33	27.07	41.50	37°22'27"	S80°28'25"W	26.59
C34	50.85	100.00	29°08'04"	N87°37'23"E	50.30
C35	56.50	124.00	26°06'17"	N86°06'29"E	56.01
C36	51.44	66.50	44°19'22"	N84°46'58"W	50.17
C37	40.88	60.00	38°50'47"	S82°02'41"E	39.91
C38	37.73	60.00	36°01'41"	N60°31'05"E	37.11
C39	33.86	66.50	29°10'31"	S57°05'30"W	33.50
C40	6.06	66.50	5°13'31"	S74°17'31"W	6.06

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	S81°23'48"W	8.46
L2	S75°10'15"W	26.45
L3	S87°37'21"W	12.82
L4	S87°37'21"W	9.46
L5	S25°16'43"W	19.18
L6	S44°11'04"W	0.64
L7	S44°11'04"W	1.84
L8	S10°38'21"W	2.48
L9	S10°38'21"W	106.63
L10	S10°38'21"W	26.87
L11	S25°07'33"E	4.75
L12	S25°07'33"E	31.40
L13	S25°07'33"E	10.10
L14	S14°31'47"E	22.58
L15	S14°31'47"E	2.31
L16	N25°00'38"W	35.63
L17	S25°04'04"E	99.98
L18	S39°46'37"E	7.35
L19	S87°37'21"W	25.21
L20	S35°33'51"W	31.48

LINE TABLE		
LINE	DIRECTION	LENGTH
L21	S25°16'43"W	17.05
L22	S55°11'54"W	52.76
L23	N8°36'12"W	7.22
L24	N8°35'31"W	22.78
L25	N8°35'31"W	7.22
L26	N8°36'12"W	22.78
L27	N8°36'12"W	7.22
L28	N8°35'48"W	6.06
L29	N8°36'12"W	4.89
L30	N8°36'12"W	4.89
L31	N8°36'12"W	4.89
L32	N8°36'12"W	25.11
L33	N8°36'12"W	25.11
L34	S25°03'51"E	41.55
L35	S25°16'43"W	1.40
L36	N52°37'02"E	52.57
L37	S77°48'36"E	15.22
L38	N64°56'09"E	17.64
L40	N73°26'53"W	5.36

REGISTERED
PROFESSIONAL
LAND SURVEYOR
PRELIMINARY
OREGON
NOVEMBER 13, 2012
DAVID P. BAALMAN
86848PLS
RENEWS: 12/31/2021

DATE

LEGEND

4 PLEX

CLUBHOUSE

APARTMENTS

RETAIL

EXISTING TOWER

GARAGES

SITE INFORMATION:

TOTAL ACREAGE:
 TOTAL UNITS: 240
 DENSITY:
 RETAIL: 11,100 SF

UNIT INFORMATION:

APARTMENTS:
 6 BLDGS X 24 UNITS = 144 TOTAL UNITS
 UNIT BREAKDOWN PER BLDG:
 1 BDRM = 13 X 6 BLDGS = 78 TOTAL
 2 BDRM = 5 X 6 BLDGS = 30 TOTAL
 3 BDRM = 6 X 6 BLDGS = 36 TOTAL
 144 TOTAL

4 PLEX:
 UNIT A: 20 BLDGS X 4 UNITS = 80 UNITS
 UNIT B: 4 BLDGS X 4 UNITS = 16 UNITS
 TOTAL: 24 BLDGS 96 UNITS

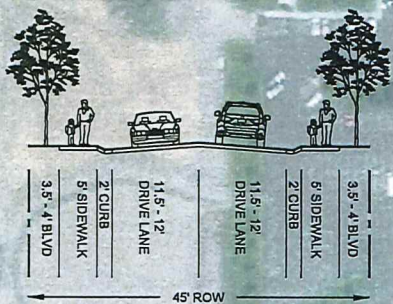
PARKING SUMMARY FOR MULTI-FAMILY:

REQUIRED: 2 STALLS/UNIT
 144 UNITS X 2 = 288 STALLS

PROVIDED:
 60 GARAGES (10 PER BULD)
 OFF-STREET = 235 STALLS
 295 TOTAL

ADA STALLS = 2 / BUILDING

PARKING STALL SIZE: 9 X 20 TYP.



H:\URB\6823\6823-0020\CAUD\Concept\Concept 111.dwg, Layout3, Layout1, 3/10/2021 2:07 PM, [Johnson]

No.	Revision	Date	By

PRELIMINARY
 Not for Construction



Fargo

Drawn by JJJ Date 11-19-2020

P: 701.237.5065
 F: 701.237.5101

Checked by JJJ Scale AS SHOWN

TIDEWATER DEVELOPMENT
 BOARDMAN, OREGON

SITE PLAN

PROJECT NO. 6823-0020

SHEET
 1 of 1

Tidewater Phasing

The Tidewater Development consists of approximately 23 acres and will be constructed in 3 phases. The First phase (13 acres) will consist of roadway Tidewater Way (1255 lf), Port Lane (400 lf), and a portion of Shoreline Drive (360 lf) easterly of the intersection of Beacon Lane. The first phase will consist of nine – 4-Plex Buildings and six – Apartments (24-unit), and a Club House. The roundabout at the intersection of Tidewater Way and Shoreline Drive will be constructed in its entirety.

Phase 2 (4.5 acres) of the development will consist of the construction of Beacon Lane and a portion of Shoreline Lane (390 lf west of Beacon Lane). Phase 2 will have eight – 4-plex buildings. Phase 3 (4.5 acres) of the development will consist of construction of the remaining Shoreline Drive (530 lf) and seven – 4 plex building. The development has space for a future commercial property (1 acre) in the southwest corner.

Sanitary Sewer will drain by gravity to a proposed lift station to be located on Port of Morrow (POM) property adjacent in the southwest corner. An existing sanitary sewer that serves the Port of Morrow Administration building and River Lodge crosses the proposed development. This existing line will be rerouted in the proposed gravity system. This gravity system will drain into the proposed lift station that will be lower in elevation to serve the Tidewater Development and future development in the area along Marine Drive. A Utility Easement will be granted by the POM for the lift station, forcemain and gravity sewer located on POM property. A Watermain will be constructed in the right of way to provide a potable water service to the property. Individual sanitary sewer and watermain services will be extended out to serve each unit of the 4-plex buildings.



Land Use Compatibility Statement

What is a Land Use Compatibility Statement?

A LUCS is a form developed by DEQ to determine whether a DEQ permit or approval will be consistent with local government comprehensive plans and land use regulations.

Why is a LUCS required?

DEQ and other state agencies with permitting or approval activities that affect land use are required by Oregon law to be consistent with local comprehensive plans and have a process for determining consistency. DEQ activities affecting land use and the requirement for a LUCS may be found in Oregon Administrative Rules (OAR) Chapter 340, Division 18.

When is a LUCS required?

A LUCS is required for nearly all DEQ permits and certain approvals of plans or related activities that affect land use prior to issuance of a DEQ permit or approval. These permits and activities are listed in section 1.D on p. 2 of this form. A single LUCS can be used if more than one DEQ permit or approval is being applied for concurrently.

Permit modifications or renewals also require a LUCS when any of the following applies:

1. Physical expansion on the property or proposed use of additional land;
2. Alterations, expansions, improvements or changes in method or type of disposal at a solid waste disposal site as described in OAR 340-093-0070(4)(b);
3. A significant increase in discharges to water;
4. A relocation of an outfall outside of the source property; or
5. Any physical change or change of operation of an air pollutant source that results in a net significant emission rate increase as defined in OAR 340-200-0020.

How to complete a LUCS:

Step	Who does it?	What happens?
1.	Applicant	Applicant completes Section 1 of the LUCS and submits it to the appropriate city or county planning office.
2.	City or County Planning Office	City or county planning office completes Section 2 of the LUCS to indicate whether the activity or use is compatible with the acknowledged comprehensive plan and land use regulations, attaches written findings supporting the decision of compatibility, and returns the signed and dated LUCS to the applicant.
3.	Applicant	Applicant submits the completed LUCS and any supporting information provided by the city or county to DEQ along with the DEQ permit application or approval request.

Where to get help:

For questions about the LUCS process, contact the DEQ staff responsible for processing the permit or approval. DEQ staff may be reached at 1-800-452-4011 (toll-free, inside Oregon) or 503-229-5630. For general questions, please contact DEQ land use staff listed on our [Land Use Compatibility Statement page](#) online.

Cultural resources protection laws:

Applicants involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction, or alteration of an archeological site or object or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking, to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, ext. 232.

Land Use Compatibility Statement

Section 1 – To be completed by the applicant

1A. Applicant Name: PROffutt Limited Partnership

Contact Name: Stan Hanson

Mailing Address: 1401 21st Avenue North

City, State, Zip: Fargo, ND 58102

Telephone: 701.237.5065

Tax Account #:

1B. Project Name: Tidewater Development

Physical Address: Parcel 2, Partition Plat 2019-9

City, State, Zip: Boardman, OR 97818

Tax Lot #: 109

Township: 04 Range: 25 Section: 4

Latitude: 45.8494

Longitude: -119.6918

1C. Describe the project, include the type of development, business, or facility and services or products provided (attach additional information if necessary):

Multi-family residential development - 6 - Apartment buildings, 24 - 4 Plex Homes, Club House, and a commercial building. Sanitary sewer, watermain, storm sewer, private utilities and a public roadway will be constructed.

1D. Check the type of DEQ permit(s) or approval(s) being applied for at this time.

☐ Air Quality Notice of Construction

☐ Air Contaminant Discharge Permit

☐ Air Quality Title V Permit

☐ Air Quality Indirect Source Permit

☐ Parking/Traffic Circulation Plan

☐ Solid Waste Land Disposal Site Permit

☐ Solid Waste Treatment Facility Permit

☐ Solid Waste Composting Facility Permit
(includes Anaerobic Digester)

☐ Conversion Technology Facility Permit

☐ Solid Waste Letter Authorization Permit

☐ Solid Waste Material Recovery Facility Permit

☐ Solid Waste Energy Recovery Facility Permit

☐ Solid Waste Transfer Station Permit

☐ Waste Tire Storage Site Permit

☐ Pollution Control Bond Request

☐ Hazardous Waste Treatment, Storage or
Disposal Permit

☐ Clean Water State Revolving Fund Loan
Request

☒ Wastewater/Sewer Construction Plan/
Specifications (includes review of plan
changes that require use of new land)

☐ Water Quality NPDES Individual Permit

☐ Water Quality WPCF Individual Permit (for
onsite construction-installation permits use
the DEQ [Onsite LUCS form](#))

☒ Water Quality NPDES Stormwater General
Permit (1200-A, 1200-C, 1200-CA,
1200-COLS, and 1200-Z)

☐ Water Quality General Permit (all general
permits, except 600, 700-PM, 1700-A, and
1700-B when they are mobile)

☐ Water Quality 401 Certification for federal
permit or license

This application is for: ☐ Permit Renewal ☒ New Permit ☐ Permit Modification ☐ Other:

Section 2 – To be completed by city or county planning official		
Applicant name:	Project name:	
<p>Instructions: Written findings of fact for all local decisions are required; written findings from previous actions are acceptable. For uses allowed outright by the acknowledged comprehensive plan, DEQ will accept written findings in the form of a reference to the specific plan policies, criteria, or standards that were relied upon in rendering the decision with an indication of why the decision is justified based on the plan policies, criteria, or standards.</p>		
<p>2A. The project proposal is located: <input type="checkbox"/> Inside city limits <input type="checkbox"/> Inside UGB <input type="checkbox"/> Outside UGB</p>		
<p>2B. Name of the city or county that has land use jurisdiction (the legal entity responsible for land use decisions for the subject property or land use):</p>		
<p>2C. <input type="checkbox"/> This project is not within the jurisdiction of any other land use, zoning, or planning entity <input type="checkbox"/> This project is also within the jurisdiction of the following land use, zoning, or planning entity _____</p>		
<p>2D. Is the activity allowed under Measure 49 (2007)? <input type="checkbox"/> No, Measure 49 is not applicable <input type="checkbox"/> Yes, if yes, then check one:</p>		
<p><input type="checkbox"/> Express; approved by DLCD order #:</p>		
<p><input type="checkbox"/> Conditional; approved by DLCD order #:</p>		
<p><input type="checkbox"/> Vested; approved by local government decision or court judgment docket or order #:</p>		
<p>2E. Is the activity a composting facility? <input type="checkbox"/> No <input type="checkbox"/> Yes; Senate Bill 462 (2013) notification requirements have been met.</p>		
<p>2F. Is the activity or use compatible with your acknowledged comprehensive plan as required by OAR 660-031? Please complete this form to address the activity or use for which the applicant is seeking approval (see 1.C on the previous page). If the activity or use is to occur in multiple phases, please ensure that your approval addresses the phases described in 1C. For example, if the applicant's project is described in 1C. as a subdivision and the LUCS indicates that only clearing and grading are allowed outright but does not indicate whether the subdivision is approved, DEQ will delay permit issuance until approval for the subdivision is obtained from the local planning official.</p>		
<p><input type="checkbox"/> The activity or use is specifically exempt by the acknowledged comprehensive plan; explain:</p>		
<p><input type="checkbox"/> Yes, the activity or use is pre-existing nonconforming use allowed outright by (provide reference for local ordinance):</p>		
<p><input type="checkbox"/> Yes, the activity or use is allowed outright by (provide reference for local ordinance):</p>		
<p><input type="checkbox"/> Yes, the activity or use received preliminary approval that includes requirements to fully comply with local requirements; findings are attached.</p>		
<p><input type="checkbox"/> Yes, the activity or use is allowed; findings are attached.</p>		
<p><input type="checkbox"/> No, see 2D. above, activity or use allowed under Measure 49; findings are attached.</p>		
<p><input type="checkbox"/> No, (complete below or attach findings for noncompliance and identify requirements the applicant must comply with before compatibility can be determined): Relevant specific plan policies, criteria, or standards:</p>		
<p>Provide the reasons for the decision:</p>		
<p>Additional comments (attach additional information as needed):</p>		
Planning Official Signature:		Title:
Print Name:	Telephone #:	Date:
<p>If necessary, depending upon city/county agreement on jurisdiction outside city limits but within UGB:</p>		
Planning Official Signature:		Title:
Print Name:	Telephone #:	Date:

Alternative formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.



Oregon
Kate Brown, Governor

Department of Land Conservation and Development

Community Services Division
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD

April 29, 2021

Barry Beyeler
Community Development Director
City of Boardman
200 City Center Circle
PO Box 229
Boardman, OR 97818

SENT VIA Email



Re: City of Boardman, Notice of Plan Amendment File 1-2021 (DLCD File No. 001-21); Described as a Zone Change

Mr. Beyeler,

Thank you for the subject Post Acknowledgement Plan Amendment (PAPA) notice to rezone approximately 23 acres from Light Industrial zoned land to Master Planned Development. Please include these comments in the record for both this plan amendment and the proceedings of the scheduled May 26, 2021 Planning Commission hearing and June 1, 2021 City Council hearing.

The notice from the city indicated that the requested land use change is from Light Industrial to Master Planned Development. Oregon Administrative Rule 660-018-0020 (2) and linked [here](#) identifies that a PAPA notice must include the following:

(b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the relevant portion of the map that is created or altered;

In addition to the above, there are three main areas of concern and where we would expect to see detailed findings prior to the planning commission hearing:

Employment Land (Goal 9)

The city will need to make findings for Goal 9, Economic Development, which address the proposed loss of employment lands, which in this case is identified as Light Industrial lands. Specifically, the city must comply with the Goal 9 implementing rule in Oregon Administrative Rule (OAR) 660-009-0010 that states the following:

(4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another

employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:

(a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or

(b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or

(c) Adopt a combination of the above, consistent with the requirements of this division.

As it appears that the city does not have an adopted Economic Opportunities Analysis (EOA), findings for subsection (b) are needed. *Chapter 9 – Economic Needs* of Boardman's Comprehensive Plan identifies development of the Port of Morrow industrial park as a priority for the city's economic growth. The plan includes policies to promote cooperation among the city, the Port, and other stakeholders for industrial development. It additionally calls for the city to monitor supply and demand of industrial land. The city should address in its findings how the proposed amendment is consistent with policies in its comprehensive plan.

Chapter 9 – Economic Needs also includes reference to a buildable lands inventory conducted in 1997 that indicated 96 acres of industrial land were available for development within the City at that time. Findings should identify the remaining acreage of vacant industrial and commercial land and confirm that prioritized economic development objectives could be met with other land zoned for employment use.

The city should also address in its findings any existing or anticipated use that is incompatible with residential development on nearby or adjacent parcels. Boardman's existing zoning map appears to show a General Industrial zone directly adjacent to the proposed Master Plan Development, with land owned by the Port of Morrow and zoned for Port Industrial nearby.

Housing (Goal 10)

The city will need to make findings for Goal 10, Housing, which is intended to ensure the opportunity for adequate numbers of needed housing. The purpose of Goal 10 Housing is described in OAR 660-008 and included below.

660-008-0000

Purpose

(1) The purpose of this division is to ensure opportunity for the provision of adequate numbers of needed housing units, the efficient use of buildable land within urban growth boundaries, and to provide greater certainty in the development process so as to reduce housing costs. This division is intended to provide standards for compliance with Goal 10 "Housing" and to implement ORS 197.303 through 197.307.

Chapter X of the Boardman Comprehensive Plan identifies housing needs and policies for the City of Boardman. Based on this document, it appears that the most recent study of the city's housing needs was adopted in 1997, the "North Morrow County TGM Project, Community Visioning Analysis of Buildable Lands and Housing Needs." Chapter X notes that this study was incorporated into the Comprehensive Plan by reference. Unless there have been subsequent updates to this study that have been adopted, the 1997 study provides the basis for analysis of Boardman's residential land needs. If you want to update their BLI or provide supplemental information about development activity that has occurred since 1999 that helps to inform this decision, you may do so.

Additionally, Chapter X identifies a number of housing policies to inform land use decisions regarding housing in Boardman. The findings for the subject land use decision should reference both the residential housing needs from the 1997 study, as well as all applicable housing policies from the comprehensive plan, and address whether the proposed land use decision is consistent with the needs and policies identified in the comprehensive plan and 1997 housing study.

Transportation (Goal 12)

The city will also need to make findings for Goal 12, Transportation. Specifically OAR 660-012-0060 states:

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
 - (b) Change standards implementing a functional classification system; or*
 - (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
- (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

*(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

The rule continues with guidance on how to proceed if the local government determines that the amendment does have a significant effect on a transportation facility. Therefore it is important that this significant affect determination be made with substantive findings, which often includes a traffic analysis.

Based on the lack of a proposed comprehensive plan and zone change map and the three main concerns outlined above, we recommend the city consider the application carefully and provide sufficient findings to support the decision. Overall, the findings need to balance employment land and housing needs and make findings for why housing is a greater need, or is a better fit for this location, without compromising the overall employment land needs.

I encourage the city to apply for a code assistance grant through our Transportation and Growth Management Program with information linked [here](#). In addition, we anticipate Technical Assistance Grant funding for the 2021-2023 biennium and I also encourage the city to consider applying for a grant for an Economic Opportunities Analysis or a Housing Needs Analysis.

Let me know how I can help.

Best Regards,



Anne Debbaut
Regional Representative

cc: Email
Courtney Warner-Crowell, Regional Solutions Coordinator, Eastern Oregon
Kenneth Patterson, ODOT, Area Manager, Region 5, Eastern Oregon RST
Cheryl Jarvis-Smith, ODOT, Region 5
Ryan Degrofft, Business Oregon, Eastern Oregon RST
Tamra Mabbott, Morrow County Planning Director
Leigh McIlvaine, Kevin Young, Gordon Howard, DLCD