



City of Boardman

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MEMORANDUM

To: City Council
cc: Karen Pettigrew, City Manager
From: Carla McLane, Planning Official
RE: Amendment A-BDC22-002
Date: November 1, 2022

Good afternoon.

This memorandum is provided to assist in your review and consideration of an amendment to the Boardman Development Code (BDC) that codifies the recent interpretation that was included in the decision related to the Umatilla Electric Cooperative's (UEC) transmission line project. Other changes that could be called housekeeping are also included to modernize the BDC, removing some out-of-date language that is not currently being utilized and shortening some timelines to better assure that the City of Boardman can meet its obligations under state law to timely process land use requests. Attached you will find the Planning Commission Final Findings of Fact signed by the Planning Commission Chair with the following attachments: examples of ownership options; redline version of Chapter 4.1 Types of Applications and Review Procedures; letter dated September 28, 2022, from Sarah Mitchell, Kellington Law Group representing Jonathan Tallman, et al; and the Land Use Board of Appeals (LUBA) Final Opinion and Order No. 2022-029.

There have been accusations that the Planning Commission conducted an "illegal" meeting and therefore the action should not and cannot be acted upon by the City Council. That is incorrect and the City Council can be assured that the work of the Planning Commission was completed without procedural error. It is also important to note that if there were procedural error it can and would be corrected by the City Council procedures that are a requirement in a legislative action, of which this is. Your public hearing, scheduled for the evening of Tuesday, November 8, 2022, at 7:00 p.m. will allow for testimony and the submittal of evidence that is pertinent to the decision before you.

I would encourage you to review the attached packet. It is large and if you would like a copy can be provided for you to pick up at City Hall. The Findings of Fact, the first three pages, summarizes the applicable criteria that are applied to this action and provides a staff review of how the request complies. That is followed by a one-page listing of several jurisdictions

definition of owner as used for agencies or entities that have the power of condemnation. It was from this list that the Planning Commission created the recommended language in the redline version of Chapter 4.1. The largest part of the packet is this redline version that captures the proposed changes. As part of the staff report on November 8, I will walk you through the highlights of those proposed changes and the reasons for them. Also included in the packet is a letter from Sarah Mitchell, an attorney representing Jonathan Tallman, et al, and the LUBA decision affirming the City Council decision in the Zoning Permit appeals for the UEC transmission line.

Should you have any questions or want to talk about the proposed changes please feel free to reach out to me at City Hall at 541-481-9252 or by email at mclanec@cityofboardman.com.