

CITY of BOARDMAN

Community Development

Staff Report Appeal PAR 5-2021

DATE: October 1, 2021

TO: Boardman Planning Commission and Interested Parties

FROM: Barry C. Beyeler, Community Development Director

SUBJECT: PAR 5-2021 Glenn Partition Appeal

On May 19, 2021, the city received a zoning permit request and preliminary plat from F. E. and Frances Glenn for tax lot #3201 of Morrow County Tax Map 4N 25 10, which is owned by the Glenn's. This tax lot is 7.61 acres in size. The purpose of this partition is to separate the lot into two parcels, Parcel 1 being 3.591 acres and Parcel 2 being 4.208 minus a 60-foot-wide roadway dedication. Both lots would be in the Service Center Subdistrict, which is a Commercial zone.

On October 6, 2021. The Boardman Planning Commission deliberated the evidence submitted of the appeal of ZP21-031 by 1st John 2:17 LLC, represented by Kellington Law Group. At hearing the Public Hearing held on September 15, 2021, the Planning Commission agreed to allow for general comments on the record for seven days, the Appellant for an additional 7 days, and 7 days for Applicant to produce their final legal arguments. This closed the hearing on the 29th of September, 2021.

At the October 6, 2021, Boardman Planning Commission, deliberated the evidence submitted by all persons of standing in the appeal. After their deliberation, a motion was made to adopt the Findings below, and deny the Appeal by 1st John 2:17 LLC. The Planning Commission then voted 5-0, with two Commissioners absent, to approve this motion. **This Appeal has been DENIED.**

File: PAR 5-2021

Applicant: F.E. Glenn and Frances Glenn

Project: Partition and Road dedication

PRELIMINARY FINDINGS OF FACT:

- 1) On June 3, 2021, Frances Glenn delivered, on behalf of herself and her Husband FE Glenn, an application to partition tax lot #3201 of Morrow County Tax Map 4N 25E 10 into two parcels. Parcel 1 being 3.591 acres, Parcel 2 being 4.208 acres, with the dedication of a 60' Rights-of-Way which is 1.05 acres in size.
- 2) The partition is subject to a Type II – Administrative decision process by the Boardman Development Code.

- 3) Public Notice was posted on the property, posted on line at the City of Boardman website, and was mailed to all adjoining properties and interested parties on July 1, 2021.
- 4) Public Notice was mailed to Terry and Cheryl Tallman, which were the owners of record on the Tax lot information the city had on July 1, 2021.
- 5) Public Notice was published in the East Oregonian newspaper on July 3, 2021.
- 6) The R-O-W dedication is for the purpose of meeting the 2009 Port of Morrow Interchange Area Management Plan, which calls for alternate access to the properties in the Service Center Subdistrict zoning.
- 7) Upon completion of this alternate access the existing Yates Lane will become right-in right-out only.
- 8) The property is zoned Service Center Subdistrict, which is part of the Commercial district.
- 9) Although the BPA Transmission Line Easement does cross the property, no part of the property is in the BPA Transmission Easement Sub District.
- 10) A significant portion of Parcel 2 is under three Bonneville Power Administration (BPA) Transmission lines. One 500kv, and two 230kv lines. The BPA easement has significant restrictions as to allowance of activities and structures
- 11) Parcel 2 also contains a 100-foot-wide strip of land which has an Umatilla Electric (UEC) Option Agreement for a 230kv transmission line.
- 12) Parcel 1 would be outside of the BPA and UEC easements and free of those restrictions.
- 13) On July 14, 2021, the city received a letter from Sarah Mitchell of Kellington Law Group, on behalf of 1st John 2:17, L.L.C., concerning Umatilla Electric's application for the Olson Rd. 230kv Transmission Line Project. In this letter the Glenn's property is also mentioned as prejudice to the Tallman's substantial rights. (see attached)
- 14) On Wednesday, July 21, 2021, the city received a letter from Morrow County Planning Director Tamra Mabbot, in support of the Glenn partition and roadway dedication. (see attached).
- 15) On August 5, 2021, The City obtained agreements for the Rights-of-Way from F.E. and Frances Glenn, and Rich Devin for the construction of a roadway to meet the locations consistent with the Port of Morrow Interchange Area Management Plan (IAMP)
- 16) On August 9, 2021, Sarah Mitchell of Kellington Law Group emailed paperwork to Appeal the Type II Decision on PAR 5-2021

- 17) Public Notice of the Appeal of F.E. and Frances Glenn was mailed to necessary property owners and interested parties, posted on line on the City's website on August 13, 2021, posted on the property, and was published in the East Oregonian newspaper on August 14, 2021.
- 18) On September 1, 2021, Cheryl Tallman submitted testimony via email claiming the application is in violation of BDC Chapter 3.4 - Public Utilities.
- 19) On September 1, 2021, Sarah Mitchell, of Kellington Law Group, representing 1st John 2:17 LLC, submitted a letter via email, and 9 exhibits to add to the record.