

**CITY OF BOARDMAN
PLANNING COMMISSION MINUTES
MEETING APRIL 16, 2008**

- 1. CALLED TO ORDER-** Meeting was called to order at 7:00 p.m.

Commissioners Present: Chair Glaya Baker, Jerry Johnson, Kevin Gilbertson, Scott Martin.

Commissioners Absent: Grant Chapman

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

Audience: Dagoberto Hernandez (Mr. Beyeler accepted letter of resignation before meeting), Carla Mclane Morrow County Planning, Matt Jurchich and Mike Allison.

- 1. APPROVAL OF MINUTES**

March 19, 2008- Commissioner Johnson made a motion to approve the minutes as written. Commissioner Martin seconded the motion and it was approved unanimously.

- 2. OLD BUSINESS**

None

- 3. NEW BUSINESS**

-Resignation letters from planning commissioners:

-Commissioner Watson submitted a letter of resignation from the commission due to moving out of the area.

-Commissioner Hernandez submitted his letter of resignation from the commission due to time constraints.

FORMAL PROCEEDINGS

PUBLIC HEARING OF PAPA 01-2008 REMOVAL OF .77 OF AN ACRE FROM BOARDMAN CITY LIMITS.

-The public hearing for PAPA 01-2008 was called to order at 7:05 p.m.

ABSTENTIONS:

None

OBJECTIONS:

None

STAFF REPORT:

Mr. Beyeler explained the reason for the Post Acknowledgement Plan Amendment is to fix the city/county boundary so that it no longer runs through the middle of the applicants shop. The process will be taken before both the City of Boardman and Morrow County Commissioners. The Boardman City Council passed a resolution on April 15, 2008 to get the process started; pending approval from planning commission this evening it will go before City Council for approval on May 6, 2008. The Morrow County Planning Commission is scheduled to have the first of two hearing on April 29, 2008. Staff recommends accepting and approving PAPA 1-2008.

Proponents Case – Mr. Allison explained how he built the shop based on what the neighbors told him was the survey marker. He apologized for the complicated process and thanked the commissioners for being so understanding.

Opponents Case – None

Cross Examination- None

Public Agencies- None

Rebuttal Evidence –none

Closed hearing at 7:15 p.m.

Commissioner Martin made a motion to approve PAPA 1-2008. Commissioner Gilbertson seconded the motion and it was approved unanimously.

PUBLIC HEARING OF SUNSET SUBDIVISION – 4N 25 09 #116 & #501.

-The public hearing of Sunset Subdivision was called to order at 7:24 p.m.

Postponed until May 21, 2008 at 7 p.m.

-Variance request notice of decision- 306 NW Boardman Ave.

Notice of Decision was done on April 16, 2008 by staff. Staff approved the variance request for the placement of a shop at 306 NW Boardman Ave. Due to the owner having 5 significantly mature trees, chapter 5.1 allows for a special variance for the placement of the shop on limited setbacks. The owner will be required to leave the current trees standing unless it poses a safety hazard, he is able to start construction after the appeal period has passed; the date construction can begin is May 8, 2008.

-Partition request – tax lot #411 of 4N 25 09 –

Notice of decision was made on April 16, 2008 to approve the partition request with three conditions of approval. Those conditions can be found in the notice of decision report that is attached. The applicant is able to start construction on May 8, 2008 which will mark the end of the appeal period.

DISCUSSION ITEMS –

-Commissioner reporting to secretary of state –

Mr. Beyeler informed the commissioners that they should have had the ethic forms filled out and sent in by April 15, 2008 and if they didn't already have them done to take care of them otherwise they would be fined for late submittal.

4. ADJOURNED – Meeting was adjourned at 7:53 p.m.

CITY of BOARDMAN

Community Development

LAND USE

NOTICE OF DECISION

DATE: April 16, 2008

TO: All Affected and Interested parties

FROM: Barry C. Beyeler, Community Development Director for City Manager Karen Pettigrew

SUBJECT: Partition Request for tax lot #411 of Morrow County Tax Map 4N 25 9

The Request:

On March 13, 2008, the owner of tax lot #411 of Morrow County Tax Map 4N 25 9, requested the partitioning of tax lot #411, a 91.63 acre parcel into three parcels, Parcel #1 is approximately 87.86 acres in size and is the balance of existing 91.63 acre parcel. Parcel #2 is Approximately 1.94 acres in size and is the lot for a 71-unit motel and parcel #3 is approximately 1.08 acres in size is for a 4,000 – 6,000 square foot restaurant. In addition approximately 0.75 acres is being dedicated as public Rights-of-Way.

The current 91.63 acre parcel, 4N 25 9 #411 see "Attachment A", has three different zoning districts on the property. A strip of land beginning at the southern edge of the Interstate 84 Rights-of-Way and going south a distance of 300 feet comprising approximately 27.4 acres are zoned as Tourist Commercial Sub-district. Approximately 30.5 acres of Manufactured Home Park Sub-district and the balance of approximately 37 acres is Future Urban Sub-district. See "Attachment B" and "Attachment C" for the location of the property being partitioned and areas of each respective zone.

Development Code Chapters for Review of Request:

The following chapters of the Boardman Development Code were reviewed in the course of this decision: Chapter 2.2 – Commercial District, specifically Section 2.2.180 – Tourist Commercial Sub-District; Chapter 4.1 – Types of Applications and Review; Chapter 4.3 – Land Division and Lot Line Adjustments; and Chapter 4.10 Traffic Impact Study.

Chapter 2.2 – Commercial District:

There are several portions of this chapter which are relevant to the decision. The use is allowed in accordance with Table 2.2.180.A for the "Tourist Commercial Sub-district" of which the proposed partitions would be contained upon.

Chapter 4.3 – Land Division and Lot Line Adjustments

The submitted site plan has been reviewed against provisions of Chapter 4.3 – Land Divisions and Lot Line Adjustments. Section 4.3.140, concerning general approval criteria reads as follows:

- A. General Approval Criteria.** The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:
1. The proposed preliminary plat complies with all of the applicable Development Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, and the applicable sections of Chapter 2.0 (Land Use Districts) and Chapter 3.0 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 5.0 (Exceptions);
 2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;
 3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat; and
 4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat.

This decision will be made with conditions stipulated to allow for meeting the criteria in 4.1.140(A), due to the work being done on the Interchange Management Plan (IAMP) for the Main St. Overpass and Transportation System Plan updates by the city. Until these updates and the IAMP are completed and approved, the transportation and utility connections for further development of this property are difficult to design or implement.

Chapter 4.1 - Types of Applications and Review:

In accordance with the language contained in Table 4.1.200, this partition is classified as an Administrative Decision through a Type II Procedure. Public notice was mailed to all property owners within 250 feet of tax lot 411 of Morrow County Tax map 4N 25 9 on March 26, 2008,, was posted on the property on March 26, 2008, was posted in public location reader boards on March 26, 2008, and was published in the East Oregonian newspaper on March 26, 2008, meeting the public notification requirements.

Chapter 4.10 – Traffic Impact Study

Review of the traffic generation of a motel and restaurant combination have been completed, further mitigation efforts will be taken at the time of further subdivision. 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 and 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 St.; Traffic counts taken in October 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 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 trip 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. The October 2006 peak hour volume on Main St. at the intersection with SE Front St. was 585 vehicle per hour or 9.75 vehicles per minute.

Chapter 4.10 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 two uses for this partition 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 some Capital Improvement Projects to address mitigation by increasing connectivity with additional streets; however, additional projects may be defined through the Interchange Area Management Plan approval process of the City Council and Oregon Transportation Commission joint approval.

Decision:

Upon review of the relevant chapters of the Boardman Development Code and following the provisions contained within those chapters, **this partition request is APPROVED**. This approval has been determined to be consistent with allowable uses in the zone with the conditions listed in the "Conditions of Approval" section of this decision.

A copy of the file on this decision will be on file with the City Clerk in Boardman City Hall for review. The decision will be final on May 8, 2008, unless there are appeals.

Conditions of Approval:

In review of the body of Development Code necessary for approval of this partition request several elements of the code could not be met by the developer because of the status of ongoing planning efforts by the city. Key among these is an approved connectivity map of the transportation network, which also functions as the utility routing corridors necessary to support growth and traffic management. Identification of the possible future restrictions of SE Front St. will impact accessibility to the balance of the property for future development, without an approved Interchange Area Management Plan adopted by the Boardman City Council and Oregon Transportation Commission. Without these essential elements, identification of street and utility locations can not be adequately determined. Additionally, probable future zone changes to portions of the property will also be considered to facilitate appropriate development and infrastructure capacity requirements. In order to address these concerns and requirements the following conditions will apply to this decision.

- 1) No further development of the property, beyond the 71 unit motel and 4,000 – 6,000 square foot restaurant proposed in this partition request, will be allowed until an Interchange Area Management Plan or an approved Transportation Impact Analysis is completed for the property.
- 2) Further development will require the submission, and approval of a subdivision plan in accordance with relevant chapters of the Boardman Development code.
- 3) Applicant will enter a signed Waiver of Remonstrance to assure participation in any transportation or utility improvements to support future development of the property through a Local Improvement District process. This Waiver can be rescinded at the time an alternative funding mechanism or mechanisms are identified, i.e. subdivision plan with exactions for public streets and utilities.

Appeal Process

This decision may be appealed in accordance with 4.1.400 (G) which reads as follows:

G. Appeal. A Type II administrative decision may be appealed to the Planning Commission as follows:

1. Who may appeal. The following people have legal standing to appeal a Type II Administrative Decision:
 - a. The applicant;
 - b. Any person who was mailed written notice of the Type II administrative decision;
 - c. Any other person who participated in the proceeding by submitting written comments.
2. Appeal procedure.
 - a. *Notice of appeal.* Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type II Administrative Decision by filing a Notice of Appeal according to the following procedures;
 - b. *Time for filing.* A Notice of Appeal shall be filed with the City Manager within 14 days of the date the Notice of Decision was mailed;
 - c. *Content of notice of appeal.* The Notice of Appeal shall contain:
 - (1) An identification of the decision being appealed, including the date of the decision;
 - (2) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
 - (3) A statement explaining the specific issues raised on appeal;
 - (4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period;
 - (5) Filing fee.
3. Determination of Filing Fee. The amount of the filing fee shall be established by the City. The maximum fee for an initial hearing shall be the City's cost for preparing and for conducting the hearing, or the statutory maximum, whichever is less.
4. Scope of appeal. The appeal of a Type II Administrative Decision by a person with standing shall be limited to the specific issues raised during the written comment period, as provided under Section 4.1.400.C, unless the Planning Commission allows additional evidence or testimony concerning any other relevant issue. The Planning Commission may allow such additional evidence if they determine that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of Type II Administrative Appeals by encouraging persons with standing to submit their specific concerns in writing during the comment period. The written comments received during the comment period will usually limit the scope of issues on appeal. Only in extraordinary circumstances should new issues be considered by the hearings body on appeal of a Type II Administrative Decision;

5. Appeal procedures. Type III notice and hearing procedures shall be used for all Type II Administrative Appeals, as provided in Sections 4.1.500.C - E;
6. Appeal to City Council. The decision of the Planning Commission regarding an appeal of a Type II Administrative Decision is the final decision of the City unless appealed to City Council. An appeal to City Council shall follow the same notification and hearing procedures as for the Planning Commission hearing.

Karen Pettigrew, City Manager

Date: _____