CITY of BOARDMAN
Community Development
NOTICE OF DECISION

DATE: July 26, 2021

TO: Boardman Planning Commission and Interested Parties

FROM: Barry C. Beyeler, Community Development Director

SUBJECT: PAR 5-2021 Glenn Partition

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.

Approval of a Preliminary Plat is processed using a Type II - Administrative decision in accordance with Boardman Development Code (BDC) Chapter 4.1- Types of Applications and Review, and Chapter 4.3 – Land Divisions and Lot line Adjustments. The Type II decision process requires public notice to be sent to all properties within 250’ of the parent property and posting notice on local reader boards and on the property. Public notice was mailed and the proper posting was accomplished on October 1, 2020, meeting the 20-day notification requirements.

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 published in the East Oregonian newspaper on July 3, 2021.
5) 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.

6) Upon completion of this alternate access the existing Yates Lane will become right-in right-out only.

7) The property is zoned Service Center Subdistrict, which is part of the Commercial district.

8) 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.

9) Parcel 2 also contains a 100-foot-wide strip of land which has a Umatilla Electric (UEC) Option Agreement for 230kv transmission line.

10) Parcel 1 would be outside of the BPA and UEC easements and free of those restrictions.

11) 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)

12) 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.

13) The roadway dedication is identified in, and consistent with, the 2009 Port of Morrow Interchange Area Management Plan, agreed upon by the City, County, Port of Morrow, and the Oregon Department of Transportation.

In staff review of the preliminary plat all required items appear to be met and the Preliminary Plat is **APPROVED** as submitted. The city will review the final plat prior to recording the partition with the Morrow County Clerk’s Office.
City of Boardman Land Use Application

Date: 05/13/2021 6/13/21

Owner: F.E. Glenn and Frances T. Glenn   Phone: (541) 481-3151
Address: 105 Laurel Lane   City: Boardman   State: OR   Zip: 97818

Applicant or Agent:   Phone: ( )
Address:   City:   State:   Zip: 

Property Address: 105 Laurel Lane   Designed Zone: Service Area
Map Number: 04N 25E 10   Lot: 3201   Block: 
Subdivision:   Tax Lot(s): 
Proposed Usage: 

Estimated Construction Cost Evaluation: $   Total Square Footage: 

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:

1. 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.
2. The size and location of the property, buildings, other structures; and use of buildings or structures, existing and proposed.
3. 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 party of the issuing authority in checking this application.

Signature: Frances Glenn   Date: 6/1/2021
(Owner, Applicant, or Agent)

Staff Comments:
Recommended Action: 

Planning Commission:   Approved   Not Approved
Date:   Signature: 

Exhibit A - Page 1 of 1

FILE: 439-65 DEDICATION 04N25E10-3202 ExA
TAX LOT 4N25E10-3202- 2.18 acres +/-
GLENN – AP (JAM) 05-19-2021

Parcel 1 – RIGHT-OF-WAY DEDICATION

A parcel of land located in the Southeast One-quarter of Section 10, Township 4 North,
Range 25 East, Willamette Meridian and being a portion of that property described in that
Warranty Deed to F.E. Glenn and Frances T. Glenn, husband and wife, Recorded August
being that portion of said Property contained in a strip of land 60.00 feet in width. Said
60.00-foot wide strip of land being 60.00 feet on the Westerly side of the following
described line:

Beginning at the Northeast corner of said property, from which the Southeast One-
sixteenth corner of said Section 10, marked by a 2 1/2" brass cap as shown on Partition
Plat No. 2006-12 of Morrow County Records, bears N63°33'08"W, 750.11 feet; thence
along the Easterly line of said property, S01°54'05"E, 285.09 feet to the Southeast corner
of said property and the terminus of this description, from which the East One-sixteenth
corner common to Sections 10 and 15 of said Township and Range, marked by a 5/8" iron
rod, bears S42°21'15"W, 947.30 feet.

Parcel 1 contains 17,106 square feet, more or less.

Subject to all easement and encumbrances of record or in view

All easement lines being shortened or lengthened to intersect with the line calls of said
centerline as described at the beginning, angles, and terminus points of this description.

Bearings are based on the Oregon Coordinate System 1983(2011 adjustment) North zone.

For purposes of this description, said Southeast One-sixteenth corner, bears
N01°51'39"W, 1319.77 feet from said East One-sixteenth corner; All as shown on
Exhibit B, the easement sketch attached to this description.
Hello Barry and Jackie — Thank you for providing notice to Morrow County for the above referenced Land Use Partition application PAR 5-2021.

We note that the proposed roadway is in a location that is recommended in the Interchange Area Management Plan (IAMP). County is a party, along with City and Oregon Department of Transportation (ODOT) to the IAMP and we support the dedication of the roadway as proposed in the land partition application.

Morrow County requests that you add a condition of approval to your Preliminary Findings, requiring both an access and right of way permit from Morrow County Public Works prior to construction of the roadway. Please contact Matt Scrivner if you have any questions about the right of way permit.

Thank you.
Matt Scrivner and Tamra Mabbott

Tamra Mabbott
Planning Director
Morrow County
PO Box 40
205 Third Street NE
Irrigon, OR 97844
(541) 922-4624 X5505
July 14, 2021

Via Email
Barry Beyeler
Community Development Director
City of Boardman
200 City Center Circle
P.O. Box 229
Boardman, OR 97818
bbeyeler@cityofboardman.com

RE: Request for Zoning Approval for Umatilla Electric Cooperative to Construct Long Walk 230 kV Transmission Project (Local File No. ZP21-031) and Glenn Application for Partition (Local File No. unknown)

Dear Mr. Beyeler:

This firm represents 1st John 2:17, LLC ("the Tallmans"), the owner of tax lots 3302 and 3205, tax map 04N25E10, upon which lots Umatilla Electric Cooperative ("UEC") proposes to construct its Long Walk 230 kV Transmission Project ("Project"). Please include this letter in the records of the above-captioned matters.

1. UEC’s application is fatally flawed, should not have been accepted by the City and the City may not render a decision on the application.

The City’s Development Code ("BDC") 4.1.700(D)(1)(a) provides that land use applications like UEC’s may only be initiated by (1) Order of the City Council; (2) Resolution of the Planning Commission; (3) the City Manager; or (4) a record owner of property (person(s) whose name is on the most recently recorded deed), or contract purchaser with written permission from the record owner. An agent who represents a property owner is only allowed to submit an application if the agent is authorized in writing to make the application on the property owner’s behalf. BDC 4.1.700(D)(1)(b). UEC is not authorized to initiate the subject application. The Tallmans, who are the record owners of property that is the subject of UEC’s application (see Exhibit 1, deed for tax lots 3302 and 3205), did not initiate the application, nor have they authorized UEC to make the application on their behalf. Rather, the Tallmans have objected to UEC’s Project on their property since its inception and will object to any initiation of eminent domain proceedings by UEC to take their property for the Project in the future. Unless and until such proceedings are finalized and UEC has acquired the Tallmans’ property for its Project, UEC has no authority to initiate the subject application on the Tallmans’ land.
added). BDC Chapter 3.4 explains that its purpose is to provide planning and design standards for public and private utilities and that those standards are applicable to the construction of utilities. See BDC 3.4.000(A) and (B). Accordingly, it is of no consequence whether UEC is considered a “public” or “private” utility for purposes of the City’s code requirements. All utilities, whether public or private, are required to demonstrate compliance with the public facility requirements established in BDC Chapter 3.4. UEC in its application makes no attempt whatsoever to demonstrate such compliance.

The City should reject UEC’s application and should not render any decision on the application. If the City does render a decision, it should deny the application for failure to meet the BDC Chapter 3.4 requirements. Thank you for your consideration.

Very truly yours,

Sarah C. Mitchell

SCM: scm
CC: Client

Exhibits

Exhibit 1 – Deed tax lots 3302 and 3205
EXHIBIT A

Legal Description

PARCEL I:

Beginning at the Northeast corner of the Southwest Quarter of the Southeast Quarter of Section 10, Township 4 North, Range 25, East of the Willamette Meridian, Morrow County, Oregon; thence South along the East boundary of said Southwest Quarter of the Southeast Quarter 463.1 feet to the true point of beginning; thence South 89 degrees 31' West 470.3 feet; thence South 1 degree 43' East 81.4 feet; thence South 89 degrees 31' West 800 feet to a point 50 feet East of the West boundary of the South Half of the Southeast Quarter of said Section 10; thence South and parallel with said West boundary 566.8 feet to a point 200 feet North of the South boundary of said Section 10; thence East and parallel with said South boundary 1,272.4 feet to the East boundary of said Southwest Quarter of the Southeast Quarter of Section 10; thence North along said East boundary 649.6 feet to the true point of beginning.

EXCEPTING THEREFROM that portion conveyed to Morrow County by Roadway Dedication Deed Recorded April 20, 1984 as Microfilm No. M-23150, Morrow County Microfilm Records.

PARCEL II:

Beginning at the Northeast corner of the Southwest Quarter of the Southeast Quarter of Section 10, Township 4 North, Range 25 East of the Willamette Meridian, Morrow County, Oregon; thence West along the North boundary of said Southwest Quarter of the Southeast Quarter 476.3 feet to the true point of beginning; thence South 1 degree 43' East 544.5 feet; thence South 89 degrees 31' West 800 feet to the West line of Southwest Quarter of the Southeast Quarter; thence North 1 degree 43' West 544.5 feet to the Northwest corner of Southwest Quarter of the Southeast Quarter; thence North 89 degrees 31' East 800 feet along the North line of Southwest Quarter of Southeast Quarter to the Point of beginning.

EXCEPTING THEREFROM the West 50 feet.

PARCEL III:

A tract of land located in Section 10, Township 4 North, Range 25 East of the Willamette Meridian, in the County of Morrow and State of Oregon, described as follows:

All of the Southeast Quarter of the Southeast Quarter of said Section 10 lying North and West of Laurel Lane; and the North 463.10 feet of the East 470.30 feet of the Southwest Quarter of the Southeast Quarter.

EXCEPTING THEREFROM that portion conveyed to Morrow County by Roadway Dedication Deed recorded April 20, 1984 as M-23150 Morrow County Microfilm Records.