

CITY of BOARDMAN

Community Development

STAFF REPORT

DATE: May 18, 2021

TO: Boardman Planning Commission and Interested Parties

FROM: Barry C. Beyeler, Community Development Director

SUBJECT: Conditional Use Request from Freehold L.L.C.

The applicant, David Jones, Freehold L.L.C., is requesting for a conditional use permit to construct a Recreational Vehicle Park on tax lot 1600 of Morrow County Tax Map 4N 25E 09CC, which is a 9.24-acre parcel zoned Tourist Commercial. Currently, Boardman Development Code (BDC), RV Parks are allowed in Manufactured Home Park zoned property and US Army Corps of Engineers (USACE) leased lands. Applicant has said he believes this fits within the existing BDC language as Commercial in BDC § Table 2.2.180 A (5)(h).

This the table:

Table 2.2.180 A Land Uses and Building Types Permitted in the Tourist Commercial Sub District

- 1. Residential* (CU):** Single-family a. Single-family attached townhomes
b. Two and Three family housing (duplex and triplex townhomes)
c. Multi-family housing d. Residential care homes and facilities
2. Home occupations (CU)
3. Bed & breakfast inns (CU)
4. Public and Institutional *:
 - a. Churches and other places of worship
 - b. Clubs, lodges, similar uses
 - c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)
 - d. Libraries, museums, community centers, concert halls and similar uses
 - e. Public parking lots and garages
 - f. Private utilities (office/administration)
 - g. Public parks and recreational facilities
 - h. Schools (public and private) (CU)
- i. Transportation Facilities and Improvements.
 1. Normal operation, maintenance;
 2. Installation of improvements within the existing right-of-way;
 3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;
 4. Landscaping as part of a transportation facility;
 5. Emergency Measures;
 6. Street or road construction as part of an approved subdivision or partition;
 7. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and
 8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU)

5. Commercial:

- a. Auto-oriented and auto dependent uses and facilities, including truck stops*
- b. Vehicle sales and repair services, including automotive, truck, RV and boat;
- c. Veterinarian clinics, animal clinics, laboratory;
- d. Office uses
- e. Mixed-Use Development (housing and other permitted development)
- f. Motels Restaurants/Food service
- g. Medical Marijuana dispensary under Oregon Health Authority license ***(CU)
- h. Uses similar to those listed above

6. Industrial:

- a. Light manufacture (e.g., small-scale crafts, electronic equipment, bakery, furniture, similar goods) when in conjunction with retail
- b. Machinery or heavy equipment sales and service

Uses marked with an asterisk (*) are subject to the standards in Section 2.2.180 - Special Standards for Certain Uses. Temporary uses are subject to the standards in Chapter 4.9. ** Uses marked with two asterisks are subject to the standards in Section 4.4.400.D. *** Uses subject to Section 4.4.400.E.

To fit this request into a Conditional Use Permit, will require a Post Acknowledgement Planning Amendment (PAPA) to insert language for RV Parks as a conditional use. BDC Chapter 4.4 – Conditional Use Permits, is attached with this staff report for Commission reference.

Using Driftwood Village RV Park as reference for anticipated density of an RV Park there are 88 spaces, and clubhouse and pool, on 20.76 acres of ground which calculates out to 8.17 spaces per acre. The lot in question is 9.24 acres. At the 8.17 units/acre, this would yield 75 spaces; however, with no design drawings or supporting documentation to bolster the application there is no way to determine intention or scope of the proposal.

Findings of Fact:

1. Application was received April 1, 2021.
2. Public Notice was sent out, published in the East Oregonian, posted on the property and on reader board within the city on May 4, 2021 for the May 26, 2021 Public Hearing.
3. The application does not meet the submission criteria of Chapter 4.4, specifically, §4.4.300, of the BDC.
4. There is six acres of manufacture home park zoned property, in which RV Parks are allowed, available in the city.
5. Comments have been received from an adjacent property owner concerned with the traffic impacts and relation to the Interchange Area Management Plan triggers.

Summary and Conclusions:

This application comes down to interpretation of BDC language. With BDC § Table 2.2.180 A(5)(h) "Uses similar to those listed above." Should the Planning Commission determine RV Parks be allowed in the Tourist Commercial Sub-District then this language should be added to Table 2.2.180 as a Conditional Use. This will require direction from the Commission to begin a PAPA to amend the code to reflect this desire.

The Commission's decision would not be a final decision for proceeding with this application without an outright denial of this application. Should the Commission decide to add language to BDC, the decision should be deny this application and initiate a PAPA, and when the BDC is adopted the applicant re-apply with a much more defined project and supporting documentation.



City of Boardman Land Use Application

Date: 4/1/21

Owner: Freehold LLC Phone: (541) 561-7835
Address: PO Box 622 City: Boardman State: Or. Zip: 97834
Applicant or Agent: Davin Jones Phone: (541) 561-7835
Address: 105 S. Main St. Sp A City: Boardman State: Or. Zip: 97834
Property Address: 115 SW Front. St. Designed Zone: Tourist Commercial
Map Number: 04N2509CC Lot: _____ Block: _____
Subdivision: _____ Tax Lot(s): 1600
Proposed Usage: Possible RV Park

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:

- 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] Date: 4/1/21
(Owner, Applicant, or Agent)

Staff Comments:

Recommended Action: _____

Planning Commission: Approved Not Approved

Date: _____ Signature: _____

2.2.180 Tourist Commercial Sub District (continued)

Table 2.2.180 A Land Uses and Building Types Permitted in the Tourist Commercial Sub District		
1. Residential* (CU): <i>Single-family</i> a. Single-family attached townhomes b. Two and Three family housing (duplex and triplex townhomes) c. Multi-family housing d. Residential care homes and facilities 2. Home occupations (CU) 3. Bed & breakfast inns (CU)	4. Public and Institutional *: a. Churches and other places of worship b. Clubs, lodges, similar uses c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses) d. Libraries, museums, community centers, concert halls and similar uses e. Public parking lots and garages f. Private utilities (office/administration) g. Public parks and recreational facilities h. Schools (public and private) (CU) i. Transportation Facilities and Improvements. 1. Normal operation, maintenance; 2. Installation of improvements within the existing right-of-way; 3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval; 4. Landscaping as part of a transportation facility; 5. Emergency Measures; 6. Street or road construction as part of an approved subdivision or partition; 7. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and 8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU)	5. Commercial: a. Auto-oriented and auto dependent uses and facilities, including truck stops* b. Vehicle sales and repair services, including automotive, truck, RV and boat; c. Veterinarian clinics, animal clinics, laboratory; d. Office uses e. Mixed-Use Development (housing and other permitted development) f. Motels <div style="text-align: center;">Restaurants/Food service</div> g. Medical Marijuana dispensary under Oregon Health Authority license ***(CU) h. Uses similar to those listed above 6. Industrial: a. Light manufacture (e.g., small-scale crafts, electronic equipment, bakery, furniture, similar goods) when in conjunction with retail b. Machinery or heavy equipment sales and service

Uses marked with an asterisk (*) are subject to the standards in Section 2.2.180 - Special Standards for Certain Uses. Temporary uses are subject to the standards in Chapter 4.9. ** Uses marked with two asterisks are subject to the standards in Section 4.4.400.D. *** Uses subject to Section 4.4.400.E.

B. Special Standards [This section reserved for future use.]

Chapter 4.4 - Conditional Use Permits

Sections:

4.4.100 - Purpose

4.4.200 - Approvals Process

4.4.300 - Application Submission Requirements

4.4.400 - Criteria, Standards and Conditions of Approval

4.4.500 - Additional Development Standards for Conditional Use Types

4.4.100 Purpose

There are certain uses which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified as “Conditional Uses” in Chapter 2 - Land Use Districts. The purpose of Chapter 4.4 is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met.

4.4.200 Approvals Process

- A. **Initial Application.** An application for a new conditional use shall be processed as a Type III procedure (Chapter 4.1.500). The application shall meet submission requirements in Section 4.4.300, and the approval criteria contained in Section 4.4.400.
- B. **Modification of Approved or Existing Conditional Use.** Modifications to approved or existing conditional uses shall be processed in accordance with Chapter 4.6 - Modifications.

4.4.300 Application Submission Requirements

In addition to the submission requirements required in Chapter 4.1, an application for conditional use approval must include the following information (1-8), as applicable. For a description of each item, please refer to Section 4.2.500 - Site Design Review Application Submission Requirements:

1. Existing site conditions;
2. Site plan;
3. Preliminary grading plan;
4. A landscape plan;
5. Architectural drawings of all structures;

4.4.300 Application Submission Requirements (continued)

6. Drawings of all proposed signs;
7. A copy of all existing and proposed restrictions or covenants.
8. Narrative report or letter documenting compliance with all applicable approval criteria in Section 4.4.400.

4.4.400 Criteria, Standards and Conditions of Approval

The City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following standards and criteria:

A. Use Criteria.

1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval; and
3. All required public facilities have adequate capacity to serve the proposal.

B. Site Design Standards. The criteria for Site Design Review approval (Section 4.2.600) shall be met.**C. Conditions of Approval.** The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

1. Limiting the hours, days, place and/or manner of operation;
2. Review for compatibility with Boardman City Council established Minor Child Safety Areas.
3. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
4. Requiring larger setback areas, lot area, and/or lot depth or width;
5. Limiting the building height, size or lot coverage, and/or location on the site;
6. Designating the size, number, location and/or design of vehicle access points or parking areas;
7. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;
8. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
8. Limiting the number, size, location, height and/or lighting of signs

4.4.400 Criteria, Standards and Conditions of Approval (continued)

9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
11. Requiring and designating the size, height, location and/or materials for fences;
12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands (Chapter 3.7);
13. Requiring the dedication of sufficient land to the public, and/or construction of a pedestrian/bicycle pathways in accordance with the adopted plans. Dedication of land and construction shall conform to the provisions of Chapter 3.1, Access and Circulation.

D. Transportation System Facilities and Improvements

1. City or County facilities and improvements. Construction, reconstruction, or widening of highways, roads, bridges or other transportation facilities that are (1) not designated in the City's adopted Transportation System Plan ("TSP"), or (2) not designed and constructed as part of an approved subdivision or partition, are allowed in all Districts subject to a Conditional Use Permit and satisfaction of all of the following criteria:
 - a. The project and its design are consistent with the City's adopted TSP, or, if the city has not adopted a TSP, consistent with the State Transportation Planning Rule, OAR 660-012 ("the TPR").
 - b. The project design is compatible with abutting land uses in regard to noise generation and public safety and is consistent with the applicable zoning and development standards and criteria for the abutting properties.
 - c. The project design minimizes environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities; and a site with fewer environmental impacts is not reasonably available. The applicant shall document all efforts to obtain a site with fewer environmental impacts, and the reasons alternative sites were not chosen.
 - d. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - e. The project includes provisions for bicycle and pedestrian access and circulation consistent with the comprehensive plan, the requirements of this ordinance, and the TSP or TPR.
2. State facilities and improvements. The State Department of Transportation ("ODOT") shall provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in Section 4.4.400.D. 1.b. – e. above. Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.
3. Proposal inconsistent with TSP/TPR. If the City determines that the proposed use or activity or its design is inconsistent with the TSP or TPR, then the applicant shall apply for and obtain a plan and/or zoning amendment prior to or in conjunction with conditional use permit approval. The applicant shall choose one of the following options:
 - a. If the city determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall withdraw the conditional use permit application; or
 - b. If the city determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall withdraw the conditional permit application, apply for a plan/zone amendment, and re-apply for a conditional use permit if and when the amendment is approved; or

4.4.400 Criteria, Standards and Conditions of Approval (continued)

- c. If the city determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall submit a plan/zoning amendment application for joint review and decision with the conditional use permit application, along with a written waiver of the ORS 227.178 120-day period within which to complete all local reviews and appeals once the application is deemed complete; or
 - d. If the city determination of inconsistency is part of a final decision on the conditional use permit application, the applicant shall submit a new conditional use permit application, along with a plan/zoning amendment application for joint review and decision.
4. Expiration. A Conditional Use Permit for Transportation System Facilities and Improvements shall be void after three (3) years.

E. Medical Marijuana Dispensaries and Medical Marijuana Grow Facilities

- 1. Facilities will not be sited within Minor Children Safety Areas as defined by Chapter 9.04 of the Boardman Municipal Code.
- 2. No on-site consumption of products.
- 3. All Facilities must be licensed by the Oregon Health Authority.
- 4. Registry Identification Card and Oregon Health Authority license shall be displayed for public view.
- 5. Grow Facilities must be indoors, or sufficiently screened and ventilated to show no outward signs, or odors, of the grow operation.
- 6. Dispensary Facilities must be indoors, and sufficiently screened and ventilated to show no outward signs, or odors, of any product manufacture for edible marijuana products.
- 7. Hours of operation shall be restricted 8 hours per day and no later than 8:00 PM on week days, and no more than 6 hours per day and no later than 6:00 PM on weekends and holidays.
- 8. Shall not be sited within 1,000 feet of another marijuana dispensary.
- 9. Signs will be limited to 100 square feet per building face of the facility, with no more than two faces signed.
- 10. No outdoor storage of products.
- 11. Facilities shall be required to meet other applicable conditions found in Section 4.4.400 of this Chapter.

4.4.500 Additional Development Standards for Conditional Use Types

- A. **Concurrent Variance Application(s).** A conditional use permit shall not grant variances to regulations otherwise prescribed by the Development Code. Variance application(s) may be filed in conjunction with the conditional use application and both applications may be reviewed at the same hearing.
- B. **Additional development standards.** Development standards for specific uses are contained in Chapter 2 - Land Use Districts.

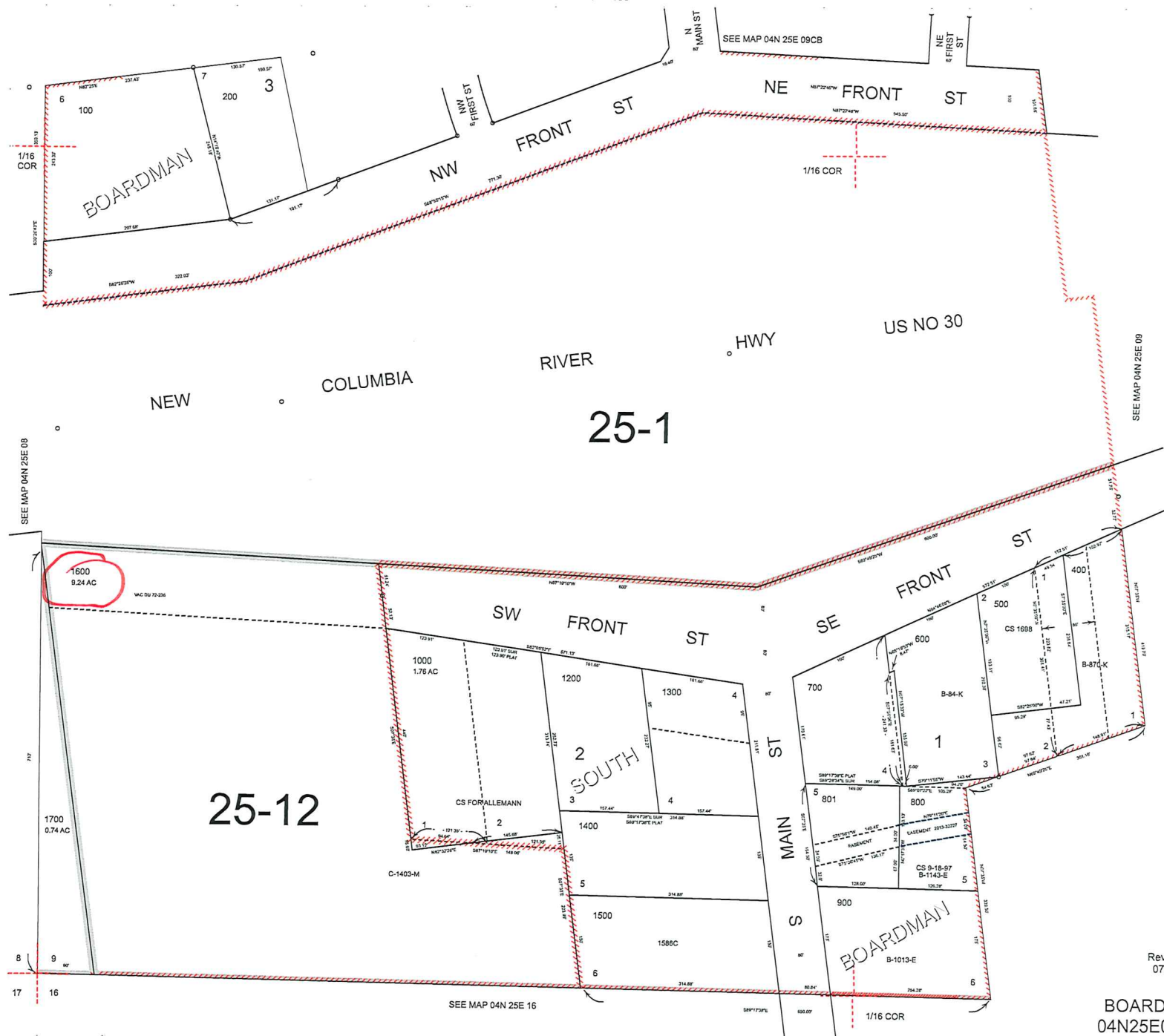


-119.704 45.836 Degrees

40m
100ft



Cancelled
201
300
401
1100
1301



Revised: EB
07/08/2014

BOARDMAN
04N25E09CC

Barry Beyeler

From: Don Russell <donrussell1957@gmail.com>
Sent: Friday, May 07, 2021 10:16 AM
To: Karen Pettigrew; Barry Beyeler
Subject: Planning Staff Report

Karen and Barry:

As an adjoining land owner to David Jones application for an RV park I have an interest. When I went to the City of Boardman home page, I found no staff report.. My concern is not the RV park., rather the traffic and IAMP with ODOT on the interchange and south Main street. When does the increased traffic overwhelm the capacity, and what triggers next steps with the IAMP. If the city of Boardman's planning department cannot get information out in a timely manner as required by state law, then we need to work on additional resources to see that we can. I'm not going to ask for a continuance, because I don't think that is fair to the applicant. I am going to ask the transportation questions at the hearing..

Yours Truly

Don Russell
donrussell1957@gmail.com
(541) 377-2389 cell



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May 20, 2021

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

RE: Proposed Recreational Vehicle Park on tax lot 1600 of Assessors' Map 4N 25 09CC

Dear Barry:

Morrow County appreciates the opportunity to provide comment on the above referenced land use application. We agree with the comment in your staff report summary page two that an RV park is not listed as an allowed use in the TC Zone. Your report suggests that the Planning Commission may interpret an RV Park as a "use similar to those listed above." The Boardman Code defines Recreation Vehicles but does not have a definition of an RV Park. We note that the Neighborhood Commercial MF Subdistrict specifically lists an RV Park as an allowed use which may be intentional to direct development that is envisioned in the Boardman Comprehensive Plan and Downtown Plan.

If the Planning Commission interprets the code and finds that an RV Park is a "use similar to" use listed in the TC Zone, we recommend that the hearing be continued so that the applicant can submit a detailed application that includes a detailed site plan and evidence to demonstrate how the RV Park would comply with Conditional Use and Design standards. Additionally, we request that the application materials show how the RV Park would comply with design and operational standards in the Interchange Area Management Plan (IAMP). For ease of reference, the access and street configuration for the subject parcel is shown on the attached map from the IAMP.

Please enter these comments into the record for this application. We hope your Planning Commission has a chance to review these comments in advance of the Public Hearing on May 26, 2021. We plan to join the Commission meeting should you or the Commission have any questions.

Sincerely,

A blue ink signature of Matt Scrivner, written over a horizontal line.

Matt Scrivner
Public Works Director

A blue ink signature of Tamra Mabbott, written over a horizontal line.

Tamra Mabbott
Planning Director

Cc: Board of Commissioners
Darrell Green, County Administrator
Justin Nelson, County Counsel
Anne Debbaut, Interim Regional Representative, DLCD
Craig Sipp, Manager, ODOT Region 5
Teresa Peninger, Planning Manager, ODOT Region 5



LEGEND

- Access Location & Number
 - Tax Lot ID#
 - Long Range Future Access
 - Long Range Future Curb
 - Future Roadway Network
- *Approach will not be closed until reasonable access becomes available*

City of Boardman Main Street IAMP
April 2009



Figure 5.6

MAIN STREET LONG RANGE ACCESS MANAGEMENT PLAN SOUTH