



City of Boardman

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AGENDA

City of Boardman Planning Commission Wednesday, September 20, 2023 Boardman City Hall Council Chambers 7:00 PM

Members of Commission: VACANT
Jennifer Leighton
Sam Irons

Michael Connell
Ethan Salata

Zack Barresse, Vice Chair
Ragna TenEyck

Members of Staff: Carla McLane, Planning Official VACANT

ZOOM Meeting Information is Available on the City's Website
Under [Agendas, Minutes & Videos](#)

CALL TO ORDER

FLAG SALUTE

I pledge allegiance to the flag of the United States of America and to the republic for which it stands: one nation under God, indivisible with liberty and justice for all. @

ROLL CALL

ELECTION OF CHAIR AND VICE CHAIR

With the resignation of Jacob Cain, the position of Chair is vacant. Depending on the outcome of the election for Chair the Vice Chair position may also need to be filled.

APPROVAL OF MINUTES

July 19, 2023

PUBLIC HEARINGS (Commission Action Required)

- Variance VAR-23-008: Alma Nunez, applicant and owner. The subject property is described as tax lot 1300 of Assessor's Map 4N 25E 17AA and is zoned Residential. This request is to approve a variance to the side yard setback to allow the siting of a prebuilt structure. Criteria are found in the Boardman Development Code Chapter 5.1 Variances and is being processed as a Type III decision.

DISCUSSION ITEMS

- Boardman Development Code – if time allows

PUBLIC COMMENT

This time is set aside for persons wishing to address the Planning Commission on matters not on the agenda. Speakers will be limited to five minutes. If written material is provided at least eight copies of all information will be provided to the Planning Official or Recorder prior to the meeting. Action will not be taken at this meeting on public comments.

COMMISSION COMMENTS

ADJOURN

Future Meetings:

October 18, 2023 (if needed)

7:00 p.m.

City of Boardman Council Chambers

BOARDMAN PLANNING COMMISSION MINUTES - REGULAR MEETING – JULY 19, 2023
BOARDMAN CITY HALL COUNCIL CHAMBERS AND VIA ZOOM

Commissioner Irons called the meeting to order at 7:03 p.m. He led the flag salute and asked for roll call:

Commissioners
in Attendance: Jennifer Leighton, Sam Irons, Zack Barresse (arrived at 7:05pm), Jacob Cain, Ragna TenEyck, and Mike Connell

Commissioners Absent: Ethan Salata - Unexcused

Staff: Carla McLane-Planning Official, Jackie McCauley-Acting Recorder, Rick Stokoe-City Manager Pro Tem, Rolf Prag-Public Works Director, and Toni Connell-Utility Clerk

Audience: Kyle Stone, Haylie Tomlinson, Elaine Howard-Elaine Howard Consulting, LLC

APPROVAL OF MINUTES

May 10, 2023 – Regular Meeting

Commissioner Leighton made a motion to approve the May 10, 2023 minutes as presented. Commissioner Connell seconded the motion. A roll call vote was taken: Commission Chair Cain=yes, Commissioner Leighton=yes, Commissioner Connell=yes, Commissioner TenEyck=yes, Commissioner Irons=yes. The motion passed 5-0 with 2 absent.

Commissioner Barresse arrived at 7:05pm.

PUBLIC HEARINGS

Public Hearing – VAR-23-007 – Setback Variance Request

Commission Vice Chair Barresse opened the Public Hearing at 7:06pm.

Commission Vice Chair Barresse read the purpose of the hearing: Variance VAR-23-007: Kyle Stone applicant and owner. The subject property is described as tax lot 6800 of Assessor's Map 4N 25E 17AD and is zoned Residential. This request is to approve a variance to the setback of more than 10 percent for reasons related to slope. Criteria are found in the Boardman Development Code Chapter 5.1 Variances and is being processed as a Type III decision.

Commission Vice Chair Barresse read the rules of conduct of the hearing and asked the commissioners if they wished to abstain from this hearing. There were none.

Commission Vice Chair Barresse asked if anyone in the audience wished to challenge any of the commissioners' impartiality. There were none.

Staff Report – Planning Official McLane reviewed the Preliminary Findings of Fact provided in the commissioner's packets. The applicant would like to place a shop in the backyard with his application indicating the location within the setback for a rear yard. Further conversation indicated that slope issues in the backyard would make meeting the setback difficult and cost prohibitive. The neighbor to the south would be the most impacted, however that neighbor, Kent Meisner, contacted Ms. McLane and said he is in support of the variance request. The commission was provided photos of the back yard showing the slope and concrete retaining wall. Without approval of the variance, the applicant would have a significant amount of dirt and material to relocate. She recommends approval of the variance request. She asked if there were any questions. There were none.

Correspondence – None.

Public Testimony

Applicant – Mr. Stone was in attendance, however did not wish to make comment.

Testimony In Favor – There were none.

Testimony In Opposition – There were none.

Neutral Testimony – There were none.

Commission Vice Chair Barresse closed the public hearing at: 7:16 pm.

Deliberation by Commission of VAR-23-007 – Setback Variance Request

Planning Official McLane said the variance number on the Preliminary Findings of Fact had an incorrect number of VAR-23-015. The correct variance number is VAR-23-007. She said, also, the signature line on the document is for Jacob Cain, Chair and because he is attending this meeting via Zoom and is not conducting the meeting, the signature line would be changed to Zack Barressee, Vice-Chair.

Commissioner Irons made a motion to approve the variance request, with the two corrections to the Findings of Fact as noted by the planning official. Commissioner Connell seconded the motion. A roll call vote was taken: Commission Chair Cain-yes, Commissioner Leighton-yes, Commissioner Connell-yes, Commissioner TenEyck-yes, Commissioner Irons-yes, Commission Vice-Chair Barressee-yes. The motion passed 6-0 with 1 absent.

Public Hearing – Urban Renewal – North Boardman Urban Renewal District

Commission Vice Chair Barresse opened the Public Hearing at 7:19pm.

Commission Vice Chair Barresse read the purpose of the hearing: The City of Boardman, applicant. Multiple landowners. The Planning Commission will review the proposed North Boardman Urban Renewal Plan including its relationship to the Comprehensive Plan, and make a recommendation to the Boardman City Council. This is not a land use decision.

Commission Vice Chair Barresse read the rules of conduct of the hearing and asked the commissioners if they wished to abstain from this hearing. There were none.

Commission Vice Chair Barresse asked if anyone in the audience wished to challenge any of the commissioners' impartiality. There were none.

Staff Report – Planning Official McLane reviewed the Findings of Fact provided in the packet. The Boardman City Council is considering adoption of the North Boardman Urban Renewal District that would complement the currently approved West and Central Urban Renewal Districts which are both located south of Interstate 84. There must be evidence in the record the planning commission heard the plan and recommended it to the Boardman City Council. There is no local approval criteria for this action and the decision rendered by the Planning Commission is not a land use decision. Oregon Revised Statute 457 Urban Renewal 085 Urban Renewal Plan Requirements does require at (2)(d) and (e) the following: (d) An explanation of the plan's relationship to definite local objectives regarding appropriate land uses and improved traffic, public transportation, public utilities, telecommunications utilities, recreational and community facilities and other public improvements and (e) An indication of proposed land uses, maximum densities and building requirements for each urban renewal area.

The consultant, Elaine Howard, who has been hired to facilitate the formation of the North Boardman Urban Renewal District has provided the relationship to the comprehensive plan's local objectives, which is found within the Plan under section XI Relationship to Local Objectives. Both the North Boardman Urban Renewal Plan and Report, dated July 17, 2023, are incorporated as part of the Findings of Fact.

Planning Official McLane asked Elaine Howard of Elaine Howard Consulting, LLC, to give a PowerPoint Presentation on the Urban Renewal District. Ms. Howard explained the role of the planning commission is to review the proposed North Boardman Urban Renewal Plan for conformance with the Boardman Comprehensive Plan and to make a recommendation to the Boardman City Council. She then showed the process of how the plan is adopted. This is a 20-year plan with a maximum indebtedness of \$27,000,000.00. She explained how the plan is funded.

Ms. Howard reviewed the boundaries of the urban renewal district and the projects within the plan:

1. Transportation Projects

- Extend NE Boardman Avenue to Olson Road, including pavement, curb, gutter, sidewalks and lighting.
- Improve NE Front Street, including pavement, curb, gutter, sidewalks and lighting.
- Alley from 2nd Avenue NE to 3rd Street NE.
- 2nd Avenue NE to Columbia Avenue NE.
- Columbia Avenue NE to Boardman Avenue NE.
- N. Main Street and Boardman Avenue intersection improvements.
- Provide other transportation improvements as necessary.

2. Economic Development Incentives

The estimated costs of these projects are almost \$11,000,000.00.

Ms. Howard reviewed the goals in the comprehensive plan in which the urban renewal plan conforms with.

Commissioner TenEyck asked who makes up the urban renewal agency board. The Boardman City Council is the URA Board. Ms. Howard gave a couple of examples of why she feels it is best for a city council to be the agency's board. Commissioner TenEyck had a concern of conflict of interest and wanted it noted.

Commissioner Connell asked how the citizens of Boardman are notified of the hearing on the urban renewal district. Notices went out to all of the city's utility customers. Letters were also sent to each taxing district notifying them of the city's intent to form the district.

Planning Official McLane said she recommends approval.

Correspondence – None.

Public Testimony

There was none.

Commission Vice Chair Barresse closed the public hearing at: 8:03 pm.

Deliberation by Commission – Urban Renewal District – Conformance with Comprehensive Plan

Commission Chair Cain asked about conflict of interest after hearing that school boards are to be notified of the city's intent to form a new urban renewal district. He is a school board member. Also, other commissioners work for some of the other taxing districts such as the fire department. Planning Official McLane said as long as the commissioner is not in a decision-making position on a board, they do not have to abstain. The school district will not have a direct impact because of an urban renewal district, as they are funded differently than other taxing districts.

Planning Official McLane said she was going to also correct the Findings of Fact for this decision, changing the signature line from Jacob Cain to Zack Barresse for the same reason as stated earlier.

Commissioner Leighton made a motion that the Boardman Planning Commission finds, based upon the information provided, and the corrections that were stated, in the staff report, and the provided attachments, that the North Boardman Urban Renewal Plan conforms with the Boardman Comprehensive Plan. Commissioner Connell seconded the motion. A roll call vote was taken: Commission Chair Cain-yes, Commissioner Leighton-yes, Commissioner Connell-yes, Commissioner TenEyck-yes, Commissioner Irons-yes, Commission Vice-Chair Barressee-yes. The motion passed 6-0 with 1 absent.

Discussion Items

Planning Official McLane reported the city has hired Brandon Hammond as the new city manager. He begins work on August 1st.

She asked the commissioners about cancelling the August planning commission meeting as no applications have been made to come before the commission. There was consensus to do so. The next planning commission will be September 20, 2023.

Public Comment

None.

Commissioners Comments

Commission Chair Cain said this would be his last meeting, as he has moved outside of Morrow County. He will soon put in his letter of resignation. Planning Official McLane said on the agenda for the next meeting will be to appoint a new chair and vice-chair.

Meeting was adjourned at 8:15 p.m.

**FINAL FINDINGS OF FACT
PLANNING COMMISSION
VARIANCE VAR23-008**

REQUEST: To allow a rear yard setback variance of greater than 10 percent.

OWNER/APPLICANT: Alma Nunez L.
316 SW Kindkade Rd.
Boardman, Oregon 97818

PROPERTY DESCRIPTION: Tax Lot 1300 of Assessor's Map 4N 25 17AA.

ZONING OF THE AREA: Residential

PROPERTY LOCATION: North side of SW Kinkade Road at the corner with SW Blalock Street

- I. **GENERAL INFORMATION:** Code Enforcement received a Home Occupation Complaint from a citizen concerning unlicensed bakery/business out of a residential home citing Public Health, Safety, and Building Code Regulation Violations. Upon inspection, Code Enforcement found that the home in question was not in violation of codes brought up by citizen but did find an unrelated violation. Applicant placed a hickory shed measuring 230 ft. sq. in the back yard. Applicant applied for Variance Request due to proximity to the rear yard property line.
- II. **APPROVAL CRITERIA:** The application has been filed under the City of Boardman Development Code Chapter 5.1 Variances, more specifically 5.1.400 Class C Variances. The criteria are identified below in **bold** type with responses in regular type.

5.1.400 Class C Variances

- A. **Purpose.** The purpose of this section is to provide standards for variances which exceed the Class A and Class B variance criteria in Sections 5.1.200 and 5.1.300. Class C variances may be granted if the applicant shows that, owing to special and unusual circumstances related to a specific property, the literal application of the standards of the applicable land use district would create a hardship to development which is peculiar to the lot size or shape, topography, sensitive lands (Chapter 3.7), or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district); except that no variances to "permitted uses" or "prohibited uses" shall be granted.

As stated above the hickory shed is placed to close to the rear property line. However there also needs to be at least 10 feet between structures to meet fire code separation standards. The current placement is 10 feet from the home and more than 10 feet from the neighboring home. After consultation it was determined that the best course would be to apply for a Class C Variance to allow a diminished rear yard setback.

B. Applicability.

1. The variance standards are intended to apply to individual platted and recorded lots only.
2. An applicant who proposes to vary a specification standard for lots not yet created through a land division process may not utilize the Class C variance procedure.
3. A variance shall not be approved which would vary the “permitted uses” or “prohibited uses” of a land use district (Chapter 2).
4. Variance to Parking Standards (Chapter 3.3).
 - a. The City may approve variances to the minimum or maximum standards for off-street parking in Section 3.3.100 upon finding all of the following:
 - (1) The individual characteristics of the use at that location require more or less parking than is generally required for a use of this type and intensity;
 - (2) The need for additional parking cannot reasonably be met through shared parking with adjacent or nearby uses; and
 - (3) All other parking design and building orientation standards are met, in conformance with the standards in Chapter 2 and Chapter 3.
 - b. The City may approve a reduction of required bicycle parking per Section 3.3.200, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.
 - c. The City may allow a reduction in the amount of vehicle stacking area required for drive-through facilities if such a reduction is deemed appropriate after analysis of the size and location of the development, limited services available and other pertinent factors.

This Variance is applicable to a platted lot, is not for a lot not yet created, and does not address a permitted or prohibited uses. It is also not concerned with parking standards. Parking standards, if applicable, would be considered as part of the Home-Based Business.

C. Approvals Process and Criteria.

1. Class C variances shall be processed using a Type III procedure, as governed by Section 4.1.500, using the approval criteria in subsection 2, below. In addition to the application requirements contained in Section 4.1.500, the applicant shall provide a written narrative or letter describing his/her reasoning for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 2.

This Variance request has been processed as a Type III with notice and a public hearing before the Planning Commission.

2. The City shall approve, or approve with conditions, an application for a variance based on finding that all of the following criteria are satisfied:
 - a. The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;
 - b. A hardship to development exists which is peculiar to the lot size or shape, topography, sensitive lands, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);

- c. The use proposed will be the same as permitted under this title, and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
- d. Existing physical and natural systems, such as, but not limited to, traffic, drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;
- e. The hardship is not self-imposed; and
- f. The variance requested is the minimum variance which would alleviate the hardship.

The proposed variance is not materially detrimental to this Code or applicable policies or standards. The Variance is being requested to address encroachment on the rear yard setback requirement of 7 feet. There are no other development impediments. The Variance will not impact on the proposed residential use. Physical and natural systems are not impacted by the use or this Variance. The Variance requested is the minimum needed to alleviate the hardship.

There is also a requirement for a 10-foot separation between buildings, which is achieved in this instance. Should the neighboring property choose to place a large building immediately behind this proposed structure there would be a conflict which could not be resolved by a Variance.

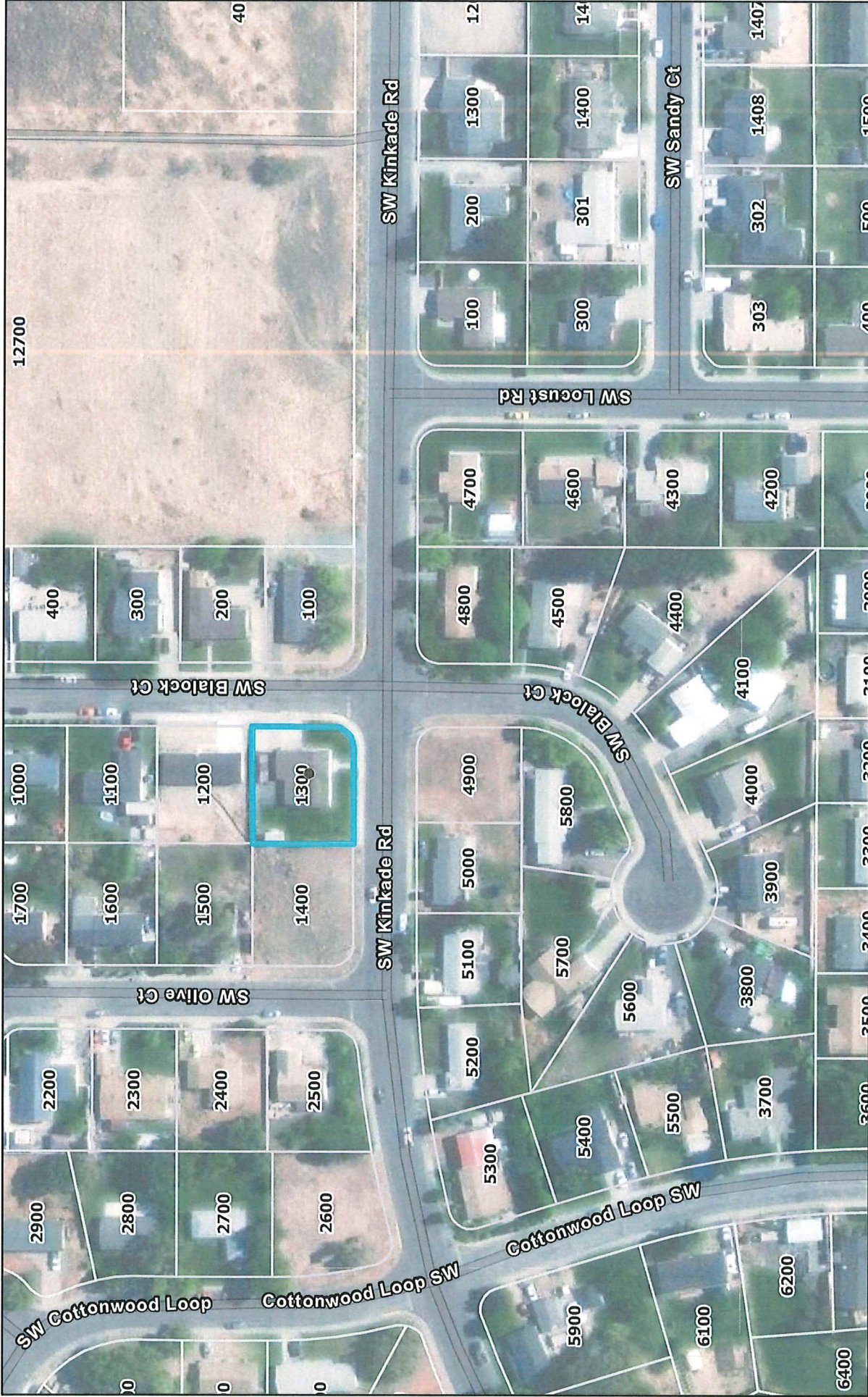
- III. **LEGAL NOTICE PUBLISHED:** East Oregonian
August 29, 2023
- IV. **PROPERTY OWNERS NOTIFIED:** August 29, 2023
- V. **AGENCIES NOTIFIED:** September 13, 2023
Jose Fernandez, Code Compliance Official; Glenn McIntyre, Building Official; Rolf Prag, Public Works Director; Marty Broadbent, Boardman Fire Protection District
- VI. **HEARING DATE:** September 20, 2023
Council Chambers
Boardman City Hall
200 City Center Circle
Boardman, Oregon 97818
- VII. **PLANNING OFFICIAL RECOMMENDATION:** The Planning Official recommends approval.

Zack Barresse, Vice-Chair
Planning Commission

Date

ATTACHMENTS:
Vicinity Map
Applicant's Plot Plan

Nunez VAR-23-008 Vicinity Map



8/28/2023, 11:56:59 AM



CityLimits



Taxlots

1:2,257

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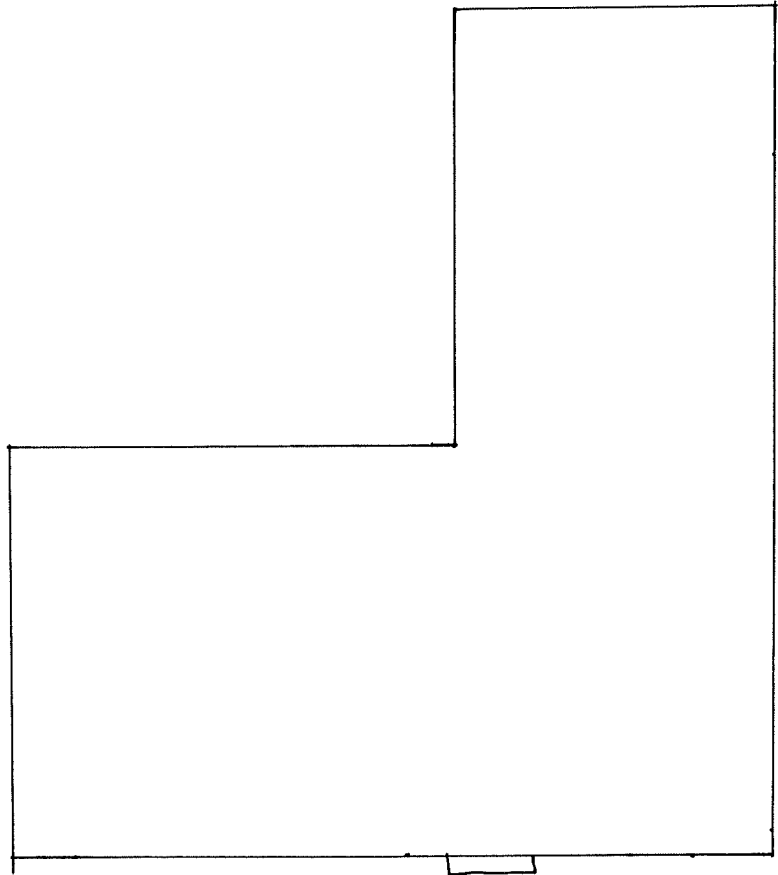
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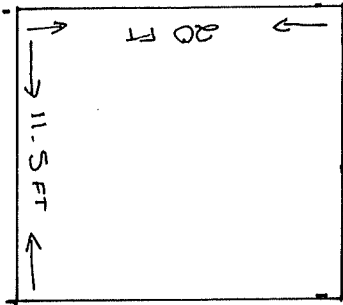
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32 1/2 FT

32 1/2 FT