

# **CITY of BOARDMAN**

## **Community Development**

### **Staff Report Appeal PAR 5-2021**

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**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**

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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 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 1<sup>st</sup> 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 1<sup>st</sup> John 2:17 LLC, submitted a letter via email, and 9 exhibits to add to the record.