

## **BOARDMAN PLANNING COMMISSION MINUTES – MAY 18, 2022**

**Vice Chair Barresse called the meeting to order at 7:01 p.m.**

Commissioners  
in Attendance: Zack Barresse, Karla Jimenez, Sam Irons, and Jennifer Leighton (In Person),  
Ragna TenEyck, and Ethan Salata (Via Zoom)

Commissioners Absent: Jacob Cain (Excused)

Staff: Karen Pettigrew, City Manager; Jenn Rollins, City Recorder / HR; Rick  
Stokoe, Chief of Police/Assistant City Manager; and Carla McLane, Planning  
Official

Audience: Marty Broadbent, Lee Docken, and Jonathan Tallman (In Person), Kelly  
Doherty, Paul Keefer, Chris Crean, Sarah Mitchell, Steven McElroy, Jose, and  
Chandler Schaak (Via Zoom)

### **FLAG SALUTE**

#### **MINUTES**

Commissioner Irons made a motion to approve the minutes of September 8, 2021 as presented;  
Commissioner Jimenez seconded the motion.

Roll Call Vote: Commissioner Barresse – Yes; Commissioner TenEyck – Yes; Commissioner Jimenez – Yes;  
Commissioner Irons – Yes; Commissioner Leighton – Yes; Commissioner Salata – Yes.

The motion passed 6-0 with one absence.

Commissioner Irons made a motion to approve the minutes of September 15, 2021 as presented;  
Commissioner Jimenez seconded the motion.

Roll Call Vote: Commissioner Barresse – Yes; Commissioner TenEyck – Yes; Commissioner Jimenez – Yes;  
Commissioner Irons – Yes; Commissioner Leighton – Yes; Commissioner Salata – Yes.

The motion passed 6-0 with one absence.

Commissioner Irons made a motion to approve the minutes of October 6, 2021 as presented; Commissioner  
Jimenez seconded the motion.

Roll Call Vote: Commissioner Barresse – Yes; Commissioner TenEyck – Yes; Commissioner Jimenez – Yes;  
Commissioner Irons – Yes; Commissioner Leighton – Yes; Commissioner Salata – Yes.

The motion passed 6-0 with one absence.

Commissioner Irons made a motion to approve the minutes of February 2, 2021 as presented; Commissioner  
Jimenez seconded the motion.

Roll Call Vote: Commissioner Barresse – Yes; Commissioner TenEyck – Yes; Commissioner Jimenez – Yes;  
Commissioner Irons – Yes; Commissioner Leighton – Yes; Commissioner Salata – Yes.

The motion passed 6-0 with one absence.

**Vice Chair Barresse recessed the regular meeting at 7:09 p.m.**

**Vice Chair Barresse opened the public hearing at 7:09 p.m.**

#### **PUBLIC HEARING**

##### Opening of the Hearing

Vice Chair Barresse opened the public hearing and announced the purpose of the hearing was regarding  
Replat 22-001, where the property is described as tax lot 4600 and 4900 of Assessor's map 4N 25E 9DB, is  
zoned Commercial – highway Sub District, and is located along NE Front Street. The request is to replat  
approximately 3.8 acres moving a lot line to the west. Criteria for approval is found in the Boardman  
Development Code (BDC) Chapter 4.3 Land Divisions and Lot Line Adjustments.

### Conduct of the Hearing

Vice Chair Barresse outlined the order of the presentation of the hearing, and explained the rules that would be followed during the hearing to all present.

### Staff Report

Planning Official McLane presented her staff report and findings of fact to the commissioners. Planning Official McLane explained that the City of Boardman is the applicant in this hearing. Vice Chair Barresse asked if there were any questions for staff; there were none.

### Correspondence

Vice Chair Barresse asked if there was any correspondence that was not included in the packet for tonight's meeting; Planning Official McLane responded that no further correspondence had been received.

### Testimony in Favor

There was none.

### Testimony Against the Application

There was none.

### Neutral Testimony

There was none.

### Cross-Examination

No cross examination was needed.

### Public Agencies

Theresa Penniger from ODOT called in and stated she had no comment to make on either public hearing scheduled for this evening.

**Vice Chair Barresse closed the hearing at 7:24 p.m.**

**Vice Chair Barresse resumed the regular meeting at 7:24 p.m.**

Vice Chair Barresse asked if there were any further questions regarding this manner. There were none.

Commissioner Jimenez made a motion to adopt the Planning Official recommendation to approve the requirement with the precedent condition of approval that the applicant will cause the Replat of the BMCC Replat to be recorded with Morrow County, meeting the requirements of the Boardman Development Code, and Oregon Revised Statute Chapter 92.

Roll Call Vote: Commissioner Barresse – Yes; Commissioner TenEyck – Yes; Commissioner Jimenez – Yes; Commissioner Irons – Yes; Commissioner Leighton – Yes; Commissioner Salata – Yes.

The motion passed 6-0 with one absence.

**Vice Chair Barresse closed the hearing at 7:26 p.m.**

**Vice Chair Barresse resumed the regular meeting at 7:26 p.m.**

## **PUBLIC HEARING**

### Opening of the Hearing

Vice Chair Barresse opened the public hearing and announce the purpose of the hearing was regarding Appeal AP22-003 with the City of Boardman as the holder of right-of-way. 1<sup>st</sup> John 2:17 and Jonathan Tallman are the appellant. The property is described as right of way adjacent to tax lots 3100, 3204, 3209, 3206, and 3201 of Assessor's map 4N25E10 and tax lots 400 and 403 of Assessor's Map 4N25E11. The area is zoned Service Center and is in the Southeast quadrant of the Port of Morrow Interchange. The appeal is against Zoning Permit ZP21-068 which approves the construction of road within right-of-way dedicated for

road and related purposes. Criteria for the appeal are found in the BDC Chapter 4.1 Types of Applications and Review Procedures.

#### Conduct of the Hearing

Vice Chair Barresse outlined the order of the presentation of the hearing, and explained the rules that would be followed during the hearing to all present.

#### Abstentions

There were none.

#### Challenges to Impartiality

There were none.

At this point, Planning Official McLane asked those present who wished to testify during the hearing via zoom to notify the commissioners of their intent. Sarah Mitchell asked to provide testimony on behalf of the appellants opposing the application.

#### Staff Report

Planning Official McLane presented her staff report and findings of fact to the commissioners. Planning Official McLane noted that this report will also serve as the applicant's testimony. Vice Chair Barresse asked if there were any questions for staff; there were none.

#### Correspondence

Vice Chair Barresse asked if there was any correspondence that was not included in the packet for tonight's meeting; Planning Official McLane responded that no further correspondence had been received.

#### Testimony in Favor

See notation in Staff Report section.

#### Testimony Against the Application

##### Sarah Mitchell

Sarah Mitchell from the Kellington Law Group presented testimony against the application on behalf of her client Jonathan Tallman CEO of 1<sup>st</sup> John 2:17. Ms. Mitchell stated that because this decision has been appealed, construction on this project cannot continue until this appeal has concluded. She continued by stating that her client, Mr. Tallman, has been forced to close his coffee shop all day and this has caused a loss of trust with the City of Boardman. Ms. Mitchell also noted that she believes that the street design standards do not comply with city standards and this is setting a precedent for the loop road project on the other side of the interstate. Ms. Mitchell stated that her client has appealed this decision of the city's construction of this loop road project to LUBA. Ms. Mitchell asked to make clear to the Planning Commission that this zoning does not approve any construction on Mr. Tallman's properties. Ms. Mitchell also stated that the design does not comply with city collector standards, and the city has not specified which type of collector road this loop road is. Ms. Mitchell also continued that the TSP states all roads are minor collectors, and therefore this permit should be denied.

##### Jonathan Tallman

Mr. Tallman started his testimony by stating that the staff report presented tonight is inaccurate and flat out wrong. Mr. Tallman noted he has appealed this decision to LUBA and had put it on pause to try and have a discussion with the City who had promised to develop everything in a resolution made in 2011. Mr. Tallman stated the city set its own standards and therefore they should be held to them. Mr. Tallman also stated that the city didn't notify him of the road closures and should stop any construction on his property. Mr. Tallman ended by stating that the city needs to follow process and procedures in this and they are not, and that is why he is appealing the decision.

### Chandler Schaak – Resident at 740 Mt. Adams, Boardman Oregon

Mr. Schaak stated he thinks the Planning Commission should deny this application due to discrepancies and because the road was closed and caused Mr. Tallman a loss of business.

### Neutral Testimony

There was none.

### Cross-Examination

No cross examination was needed.

### Rebuttal

Mr. Crean (the land use attorney for the City of Boardman) stated the City of Boardman is following all applicable standards. Mr. Crean continued to explain that access to Tallman property is available via a detour by Wilson Lane and his business and property has not been cut off completely. Mr. Crean also explained that this project does not set a precedent for the loop road project on the West side, as it will need to be developed in a piecemeal fashion.

Mr. Crean also noted that the statement that the TSP states all collectors are minor collectors is false; this only applies when TPR is present; this road will be a neighborhood collector that complies with all development code.

### Discussion

- Commission Chair Barresse asked about the land use approval and referenced the SE Quadrant, as well as the start of construction. Planning Official McLane explained that it started as a Type I decision that was changed to a Type II decision due to public interest in this project.
- Commissioner Salata asked about construction continuing on the project if the application was denied. Mr. Crean explained the change Type II decision was made because the city wanted the public to have an opportunity to weigh in on the project. Construction will continue until this appeal goes before the City Council for a final decision, and if it is denied at that point then the City will have a decision to make regarding continued construction.
- Commissioner Jimenez asked how long the road will be closed; Planning Official McLane explained that the closures would be intermittent, but she hoped that all closures would be finished on Friday and only small closures in the future to work on the final parts of the project.
- Commissioner Barresse asked when the decision moved from Type I to Type II. Planning Official McLane explained that it began between March 11<sup>th</sup> and April 4<sup>th</sup>; March 11<sup>th</sup> was the day Planning Official McLane signed the zoning approval as a Type I decision and then had discussion and mailed the new Type II decision on April 4<sup>th</sup>. Mr. Crean explained that it was changed at his advocacy due to the public interest in this project.
- Commissioner TenEyck asked about the difference in the East side of the project versus the West Side of the project in regard to the decision made tonight. Planning Official McLane explained this has no effect on the West Side, it affects Laurel Lane due to the installation of the sewer line on the East side and gives access to the West side if they decide to develop in the future so they will have access to the sewer lines as well.

Commissioner Leighton Made a motion to adopt the recommendation made by the Planning Official that the Planning Commission uphold the Planning Official's decision and approve Zoning Permit ZP21-068 thereby denying Appeal AP22-003. Commissioner TenEyck seconded the motion.

Roll Call Vote: Commissioner Barresse – No; Commissioner TenEyck – Yes; Commissioner Jimenez – Yes; Commissioner Irons – Yes; Commissioner Leighton – Yes; Commissioner Salata – No.

The motion passed 4-2 with one absence.

**Vice Chair Barresse closed the hearing at 8:31 p.m.**

**Vice Chair Barresse resumed the regular meeting at 8:31 p.m.**

Planning Official McLane gave the commissioners an update on the projects she is currently working on and an update on her workload in general.

## **PUBLIC COMMENT**

### Jonathan Tallman

Mr. Tallman stated he is excited about growing the city's population. He stated he is frustrated with other businesses like Amazon getting tax abatements, while the city residents do not see the benefit of those monies. He asked for ideas on how to make Boardman more competitive in regard to cost of living and tax rates.

### Randy Baker – 70251 Pioneer Lane

Mr. Baker explained that he and his family have been long time residents in the Boardman area; and he spoke earlier at the City Council meeting. He explained that he felt that his attempts to be involved in the community outside of church activities have been thwarted and he feels that the route being taken by the city in regard to the Tallman's is unfortunate.

### Steven McElroy

Mr. McElroy asked about the intention for the property mentioned in the re-plat. Planning Official McLane explained that the city has received a request to sell the larger parcel that is being created to the BCDA for further development, but she doesn't know about the plans after that as there is more of a process once the property is actually sold.

**Vice Chair Barresse adjourned the meeting at 8:54 p.m.**