

**PLANNING COMMISSION
FINDINGS OF FACT
RVW24-000002
TYPE III DECISION PROCESS**

REQUEST: To approve the development of a Regional Youth Crisis Center and a variance request for a 12-foot fence.

APPLICANT: Pinnacle Architecture Inc.
Shaun Clifford
1001 SW Disk Dr. Suite #105
Bend, OR 97702

OWNER: Community Counseling Solutions
P.O. Box 469
Heppner, OR 97836

PROPERTY DESCRIPTION: Tax Lot 600 of Assessor’s Map 4N 25E 09AD.
GENERAL LOCATION: North of Interstate 84 and Columbia Avenue, west of Olson Road off Eldrige Drive.
ZONING OF THE TRACT: Light Industrial District.
EXISTING DEVELOPMENT: Bare property
PROPOSED USE: Regional Youth Crisis Center

- I. **BACKGROUND:** On July 26, 2021, the City received a zoning permit application for Land Use Review, for the Boardman Regional Crisis Center (BRCC). The BRCC is a detention facility for children aged 7 to 11 undergoing traumatic situations physically or mentally. The facility is proposed to be placed on tax lot 600 of the Assessor’s Map 4N 25E 09AD and addressed 361 NE Turner Court. Planning Commission approved Variance LU21-001, which was for the construction of a fence exceeding height standards, during a Planning Commission Meeting held on September 15, 2021. Approval was set to expire September 2022. On September 29, 2022, the City received a resubmitted request for the Regional Youth Crisis Center which was treated as an extension and approved. The Approved Extension expired on October 31, 2023. On January 19, 2024, the City received a complete application for Development Review.

- II. **APPROVAL CRITERIA:** The application has been filed under the City of Boardman Development Code Chapter 4.1 Types of Applications and Review Procedures as a Type III Decision Process based on the requirements of Chapter 4.2 Development Review and Site Design Review. Applicable criteria include 4.2.600 Approval Criteria which requires evaluation under the applicable provisions for commercial development in Chapter 2, provisions in Chapter 3 Design Standards, and others chapters or sections as deemed appropriate. The applicable criteria are included below in **bold** type with responses in standard type.

**Chapter 4.2 Development Review and Site Design Review
Section 4.2.600 Approval Criteria**

The review authority shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

1. **The application is complete, as determined in accordance with Chapter 4.1 - Types of Applications and Section 4.2.500, above.**

The applicant has submitted a complete application addressing the applicable criteria. Included was a narrative, a site plan, a map of the existing conditions, civil plans, and a trip impact narrative letter.

2. **The application complies with the all of the applicable provisions of the underlying Land Use District (Chapter 2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;**

Government Facilities are uses allowed in the Light Industrial District. Other Chapter 2 provisions concerning setbacks, lot coverage, building height, orientation, architecture and other standards that may be evaluated can be met based on the site plan that has been submitted.

3. **The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Chapter 5.2, Non-Conforming Uses and Development;**

The subject property is bare. There are no issues related to non-conforming uses and development to be resolved. This criterion is deemed to be not applicable.

4. **The application complies with the Design Standards contained in Chapter 3. All of the following standards shall be met:**

Chapter 3.1 - Access and Circulation

3.1.100 Purpose. The purpose of this chapter is to help insure that developments provide safe and efficient access and circulation, for pedestrians and vehicles. Section 3.1.200 provides standards for vehicular access and circulation. Section 3.1.300 provides standards for pedestrian access and circulation. Standards for transportation improvements are provided in Chapter 3.4.100.

Section 3.1.200 Vehicular Access and Circulation

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C. Access Permit Required

1. **City Street Permits.** Permits for access to City streets shall be subject to review and approval by the City Manager or his/her designee based on the standards contained in this Chapter, and the provisions of Chapter 3.4.100 - Transportation Standards. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.

Applicant has submitted an Access Permit Application.

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- D. **Traffic Study Requirements.** The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also, Section 3.4.100 - Transportation Standards, and Chapter 4.10.)

A Traffic Impact Study is not required for this development.

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- F. **Access Options.** When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods. These methods are "options" to the developer/subdivider, unless one method is specifically required by Chapter 2 (i.e., under "Special Standards for Certain Uses"). A minimum of 10 feet per lane is required.

The site plan identifies one access through Turner Court. Access permit will be required before development.

- G. Access Spacing.** Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:
- 1. Local Streets.** The minimum feet of separation on local streets (as measured from the sides of the driveway/street) shall be determined based on the policies and standards contained in Table 3.1.200 G except as provided in subsection 3, below.

Minimum intersection spacing standard for Local Street is 150 feet in a public street and 15 feet in a private drive. This criteria has been met.

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- H. Number of Access Points.** For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot; except that two access points may be permitted for two-family and three-family housing on corner lots (i.e., no more than one access per street), subject to the access spacing standards in Section 'G', above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Section I, below, in order to maintain the required access spacing, and minimize the number of access points.

One Access point has been identified from Turner Court. Access Permit Application has been submitted.

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- I. Shared Driveways.** Where feasible, the number of driveway and private street accesses to public streets shall be minimized for commercial and industrial uses by the sharing of driveways between adjoining parcels. The City shall require shared driveways as a condition of land division or site design review for commercial and industrial uses, as applicable, for traffic safety and access management purposes in accordance with the following standards:

Development will not have a shared driveway with any adjoining parcels. This criterion is deemed to be not applicable.

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- K. Driveway Openings.** Driveway openings [or curb cuts] shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:

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- 4. Access widths for all other uses shall be based on 10 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in Chapter 3.3.**

With a 26-foot wide entryway, the Access width is larger than required. This criteria has been met.

- L. Fire Access and Parking Area Turn-around.** A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs or dead-end streets, please refer to Section 3.4.100.M.

Fire Equipment Drive is identified on Site Plan. This criteria has been met.

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- N. Vision Clearance.** No signs, structures or vegetation in excess of three feet in height shall be placed in "vision clearance areas", as shown in Figure 3.1.200N. This standard applies to the following types of roadways: streets, driveways, alleyways and railways. The minimum vision

clearance area may be increased by the City Manager or his/her designee upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). An exception to this standard may be granted by the City Manager or his/her designee to allow utility structures (such as electrical transformers) for necessary services. This exception does not include the installation of utility poles.

The applicant has submitted plans for sign permit, structures, and landscaping showing all vision clearance areas are free and clear. This criteria has been met.

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3.1.300 Pedestrian Access and Circulation

A. Pedestrian Access and Circulation. To ensure safe, direct and convenient pedestrian circulation, all developments, except single family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in subsections 1-3, below:

- 1. Continuous Pathways.** The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Section 3.1.200 - Vehicular Access and Circulation, and Chapter 3.4. 100 - Transportation Standards.
- 2. Safe, Direct, and Convenient Pathways.** Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:
 - a. Reasonably direct.** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
 - b. Safe and convenient.** Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
 - c. Commercial and Industrial Primary Entrance.** For commercial, industrial, mixed use, public, and institutional buildings, the "primary entrance" is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
 - d. Residential Entrance.** For residential buildings the "primary entrance" is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard or breezeway which serves as a common entrance for more than one dwelling.
- 3. Connections Within Development.** For all developments subject to Site Design Review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.

Sidewalks are shown in site and civil plan. The system of pathways shall be designed to meet the City of Boardman Development Code and all requirements of the Americans with Disabilities Act.

Chapter 3.2 Landscaping, Street Trees, Fences and Walls

3.2.200 New Landscaping

- A. Applicability.** This Section shall apply to all developments requiring Site Design Review, and other developments with required landscaping.
- B. Landscaping Plan Required.** A landscape plan is required. All landscape plans shall conform to the requirements in Chapter 4.2, Section 500.B (Landscape Plans).
- C. Landscape Area Standards.** The minimum percentage of required landscaping equals:

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4. Light Industrial District. 10 percent of the site.

Landscaping is shown on Architectural Site Plan. The proposed landscaping covers more than is required. This standard is met.

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3.2.400 Fences and Walls

The following standards shall apply to all fences and walls:

A. General Requirements. All fences and walls shall comply with the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with Chapter 4.4 - Conditional Use Permits or Chapter 4.2 - Site Design Review.

1. All private fences constructed in the public right-of-way shall require a zoning approval by the City of Boardman to construct the fence within the right-of-way. This approval will be through a Type I ministerial procedure consistent with 4.1.300.

B. Dimensions.

1. The maximum allowable height of fences and walls is six (6) feet, as measured from the lowest grade at the base of the wall or fence, except that retaining walls and terraced walls may exceed six (6) feet when permitted as part of a site development approval, or as necessary to construct streets and sidewalks. A building permit is required for walls exceeding 6 feet in height, in conformance with the Uniform Building Code.

2. The height of fences and walls within a front yard setback shall not exceed four (4) feet, in Residential or Commercial districts (except decorative arbors, gates, etc.) or six (6) feet in Industrial and Light Industrial Districts as measured from the grade closest to the street right-of-way.

3. Landscaping walls to be built for required buffers shall comply with Section 3.2.200.

4. Fences and walls shall comply with the vision clearance standards of Section 3.1.200.

C. Materials. All fences shall be constructed of materials suited to provide fences of standard and acceptable visual characteristics of the surrounding neighborhood.

1. Acceptable materials shall include; chain link fencing, redwood or cedar fencing, composite fencing materials, formed plastic fencing, split rail fencing, painted picket fencing, concrete or plaster filled PVC fencing, decorative wrought iron or metal fencing, masonry block or brick or a combination of decorative masonry block or brick and decorative wrought iron or metal.

2. Unacceptable materials shall include; pallet panels, steel farm fencepost, chicken wire, rabbit wire or other farm related fencing, undecorated plywood, undecorated pressboard, undecorated chipboard, scrap iron, two or three wire barbed wire fencing, electric fencing materials of any type, or materials inconsistent with the acceptable list of materials in 3.2.400 (C)(1).

3. Use of Barbed Wire: the use of barbed wire in fencing materials may be allowed for security purposes within the Industrial and Light Industrial zones and will be subject to Conditional Use approval in all other land use districts within the City. The Conditional Use Permit shall follow the Type III procedure identified in 4.1.500 and be required to submit the information consistent with the provisions in Chapter 4.4.

D. Vision Clearance. All fencing shall meet the requirements of vision clearance at any street intersection in accordance with Figure 3.1.200(N).

E. Maintenance. For safety and for compliance with the purpose of this Chapter, walls and fences shall be maintained in good condition, or otherwise replaced by the owner.

The applicant has indicated that fencing will be installed along south side of the development. The applicant has submitted a Fence Application along with a Variance Request for a 12-foot fence due

to height restrictions in the City of Boardman Development Code. Due to the nature of this type of facility, the fence height is a reasonable request.

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Chapter 3.3 Vehicle and Bicycle Parking

3.3.300 Vehicle Parking Standards

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A. Minimum Required Off-street Parking Spaces

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4. Public and Institutional Uses

Residential Care Homes and Facilities or Assisted Living. One space per two patient beds or one space per apartment unit.

With a total of fifteen beds/apartment units, minimum required off-street parking spaces is eight. Submitted site plan shows nineteen parking spaces and one ADA parking. This standard is met.

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B. Parking Location and Shared Parking

- 1. Location. Vehicle parking is allowed only on approved parking shoulders (streets), within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations for parking are indicated in Chapter 2 for some land uses (e.g., the requirement that parking be located to side or rear of buildings, with access from alleys, for some uses). (See also, Section 3.1 - Access and Circulation).**
- 2. Off-site parking. Except for single family, two-family, and three-family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within ¼ mile of the use it serves. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.**
- 3. Mixed uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly.**
- 4. Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.**
- 5. Availability of facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable. Signs shall conform to the standards of Chapter 3.6.**

- #### **C. Maximum Number of Parking Spaces.** The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided by this Section by more than 10%. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, shall not apply towards the maximum number of allowable

spaces. Parking spaces provided through “shared parking” also do not apply toward the maximum number.

- D. **Parking Stall Size and Design Standards.** All off-street parking stalls shall be improved to conform to City standards for surfacing, stormwater management and striping, and have a net area of not less than 180 square feet exclusive of access drives or aisles, and shall be of usual shape and condition. If determined on a gross area basis, 280 square feet shall be allowed per vehicles. (Disabled person parking shall be provided in conformance with Section F)
- E. **Disabled Person Parking Spaces.** The following parking shall be provided for disabled persons, in conformance with the Americans with Disabilities Act and State Law. Disabled parking is included in the minimum number of required parking spaces in Section A.

The applicant has submitted information that shows 19 parking spaces and 1 Disabled Person Parking Space, ADA Parking Sign, and ADA Parking Plan. This standard has been met.

3.3.400 Bicycle Parking Requirements

- A. **Number of Bicycle Parking Spaces.** The following additional standards apply to specific types of development:

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- 2. **Retail/Institutional/Office Use.** All public, retail and office parking lots and parking structures shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces. If the use or uses only utilize off-street parking or have less than 10 motor vehicle spaces, each use shall provide at least one space per use.

With a total of twenty proposed parking spaces, the City of Boardman Development Code requires at least two bicycle parking spaces be provided. Bicycle parking is shown in Site Details and Site Plan. This standard has been met.

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Chapter 3.4 Public Facilities Standards

3.4.000 Purpose and Applicability

- A. **Purpose.** The purpose of this chapter is to provide planning and design standards for public and private transportation facilities and utilities. Streets are the most common public spaces, touching virtually every parcel of land. Therefore, one of the primary purposes of this Chapter is to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth, and provide a range of transportation options, including options for driving, walking and bicycling. This Chapter is also intended to implement the City’s Transportation System Plan. Important cross-reference to other standards: The City requires that streets provide direct and convenient access, including regular intersections. Chapter 3.1 - Access and Circulation, provides standards for intersections and blocks, and requires pedestrian access ways to break up long blocks.
- B. **Applicability.** Unless otherwise provided, the standard specifications for construction, reconstruction or repair of transportation facilities, utilities and other public improvements within the City shall occur in accordance with the standards of this Chapter. No development may occur unless the public facilities related to development comply with the public facility requirements established in this Chapter.
- C. **Standard Specifications.** The City Manager or his/her designee shall establish standard construction specifications consistent with the design standards of this Chapter and application of engineering principles. They are incorporated in this code by reference.
- D. **Conditions of Development Approval.** No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Code. Improvements

required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact. Water and wastewater connections are shown in Civil Plans. All water and wastewater connections shall be installed in alignment with City of Boardman Public Works Standards.

3.4.100 Transportation Standards

A. **Development Standards.** No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of Chapter 3.1 - Access and Circulation, and the following standards are met:

1. Streets within or adjacent to a development shall be improved in accordance with the Transportation System Plan and the provisions of this Chapter.
2. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Section, and public streets shall be dedicated to the applicable city, county or state jurisdiction;
3. New streets and drives connected to a collector or arterial street shall be paved; and
4. The City may accept a future improvement guarantee [e.g., the property owner agrees not to remonstrate (object) against the formation of a local improvement district in the future which the City may require as a deed restriction] in lieu of street improvements if one or more of the following conditions exist:
 - a. A partial improvement may create a potential safety hazard to motorists or pedestrians;
 - b. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
 - c. The improvement would be in conflict with an adopted capital improvement plan; or
 - d. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.

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C. **Creation of Rights-of-Way for Streets and Related Purposes.** Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed essential by the City Council for the purpose of implementing the Transportation System Plan, and the deeded right-of-way conforms to the standards of this Code. All deeds of dedication shall be in a form prescribed by the City Manager or his/her designee and shall name "the public," as grantee.

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E. **Street Location, Width and Grade.** Except as noted below, the location, width and grade of all streets shall conform to the Transportation System Plan, and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.

Sufficient right-of-way is available. This criteria is met.

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3.4.300 Sanitary Sewer and Water Service Improvements

A. **Sewers and Water Mains Required.** Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications and the applicable Comprehensive Plan policies.

- B. Sewer and Water Plan approval. Development permits for sewer and water improvements shall not be issued until the City Manager or his/her designee has approved all sanitary sewer and water plans in conformance with City standards.**

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Water and wastewater connections can be achieved. Water and Wastewater Details have been submitted with application. All installations shall conform to this section.

3.4.400 Storm Drainage

- A. General Provisions. The City shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made in conformance with Chapter 3.5 - Surface Water Management.**

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Storm water shall be maintained on site and in conformance with Chapter 3.5 Storm water Management. The submitted Site Utility Plan shows three Storm Retention Ponds. Retention Ponds shall be installed in alignment with the City of Boardman Standard.

3.4.500 Utilities

- A. Underground Utilities. All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities, shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above.**

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All installed utilities shall comply with this standard and others found in the Boardman Development Code or Municipal Code related to utilities.

3.4.600 Easements

Easements for sewers, storm drainage and water quality facilities, water mains, electric lines or other public utilities shall be dedicated on a final plat, or provided for in the deed restrictions. See also, Chapter 4.2 – Site Design Review, and Chapter 4.3 – Land Divisions. The developer or applicant shall make arrangements with the City, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be 10 feet unless otherwise specified by the utility company, applicable district, or City Manager or his/her designee.

Utility easements are shown in the submitted Site Plan. This criteria is met.

3.4.700 Construction Plan Approval and Assurances

No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. The permit fee shall be set by City Council. The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements.

Review of the Construction Plan shall be done prior to construction. Approval from City Engineer is required.

3.4.800 Installation

- A. Conformance Required. Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the City.**
- B. Adopted Installation Standards. The Standard Specifications for Public Works Construction, Oregon Chapter A.P.W.A. shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the City Engineer.**

- C. **Commencement.** Work shall not begin until the City has been notified in advance.
- D. **Resumption.** If work is discontinued for more than one month, it shall not be resumed until the City is notified, and the City approves resumption.
- E. **City Inspection.** Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications requested by the developer shall be subject to land use review under Chapter 4.6 - Modifications to Approved Plans and Conditions of Approval. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.
- F. **Engineer's Certification and As-Built Plans.** A registered engineer shall provide written certification in a form required by the City that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide 10 set(s) of "as-built" plans, in conformance with the City Manager or his/her designee's specifications, for permanent filing with the City.

All infrastructure proposed for the development will need to meet these requirements.

Chapter 3.5 Stormwater Management

- A. **Purpose.** The purpose of this chapter is to provide planning and design standards for stormwater management within the City. The primary intent of this chapter is to provide standards for effective and cost efficient stormwater management. Stormwater management is accomplished through a combination of design standards reflecting a more accurate representation of natural climatic, hydraulic and geologic conditions. Included in this chapter are stormwater detention criteria for development, grading and drainage plan requirements, landscaping criteria, street, curb and sidewalk designs. These are designed to keep all precipitation from each lot contained upon that lot. Important cross reference to other standards: The following code chapters are to be cross referenced to assess impacts of the provisions of this chapter; Chapter 3.1, Chapter 3.2, Chapter 3.3, Chapter 3.4, Chapter 3.6, Chapter 4.1, Chapter 4.2 and Chapter 5.1.
- B. **Applicability.** Where storm sewer infrastructure is currently available or unless otherwise provided, the standard specifications for construction or reconstruction of stormwater management facilities, utilities and other public improvements within the City shall occur in accordance with the standards of this chapter. This chapter applies to development on or within public properties and rights-of-way and privately owned properties.

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Storm water shall be maintained on site and in conformance with Chapter 3.5 Stormwater Management. The submitted Site Utility Plan shows a total of three Storm Retention Ponds.

Chapter 3.6 Other Standards

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3.6.500 Signs

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- B. **Sign classifications**
 - 1. **Permanent signs.** Signs placed for a period of 31 days or longer within one calendar year shall be classified as permanent; shall advertise or provide direction to the premises of the identified business located within the City of Boardman; shall be subject to a permanent sign permit; and shall conform to this and other City of Boardman ordinances.

- a. On-premises signs shall be permitted within the regulations of this ordinance, with any exceptions subject to the requirements set forth within this ordinance for requesting variances or, where conditional use is specified, the provisions for such as set forth in the zoning ordinance.

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C. Permits Required.

The following permits are required for all new signs, for all signs being altered due to change in ownership, business name or business type and for all signs being altered structurally.

- 1) Structural Building Codes Permit
- 2) Electrical Building Codes Permit (if lighted)
- 3) Sign Permit for Planning of Planning Review and Approval

The applicant has submitted a Sign Permit Application. Site details for the proposed monument sign have been submitted. Applicant must apply for and obtain all applicable Building and Electric Permits.

- 5. **Conditions required as a part of a Land Division (Chapter 4.3), Conditional Use Permit (Chapter 4.4), Master Planned Development (Chapter 4.5), or other approval shall be met.**

This criteria is not applicable.

- 6. **Exceptions to criteria 4.a-f, above, may be granted only when approved as a Variance (Chapter 5.1).**

Variance Request Application was submitted by applicant.

Chapter 4 Applications and Review Procedures

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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.

- 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.**

Variance is being processed as a Type III procedure which will require approval from 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.

Applicant has submitted a Variance Request along with a narrative for a 12-foot fence. The proposed fence does not contradict Development Review Application, but does ensure all needed safety measures are taken in order to secure the property. Existing physical and natural systems will not be adversely affected. Due to the nature of this type of facility, a Variance Request for a 12-foot fence is considered a reasonable request in order to keep the children residing in the building, staff, and visitors safe. Applicant shall obtain a building permit for fence.

III. PROPERTY OWNERS NOTIFIED: January 30, 2024
List of landowners notified is retained as part of the file.

IV. PUBLISHED NOTICE: January 30, 2024
East Oregonian

V. AGENCIES NOTIFIED: February 2, 2024
Mike Lees, City Engineer; Marty Broadbent, Boardman Fire Protection District; Richard Stokoe, Chief of Police; Rolf Prog, City of Boardman Public Work Director; Teresa Pennings, ODOT; Rich Lani, ODOT; Monte Ellis, UEC; Ron Coffell, Cascade Natural Gas; David Dodd, Lumen; Paul Keeler, EOT; Cindy Thompson, Windwave Communications; Ben Berry, Morrison-Maierle; Shaun Clifford, Pinnacle Architecture.

VI. SITE TEAM MEETING: February 15, 2024
Boardman City Hall/Zoom

VII. PLANNING COMMISSION PUBLIC HEARING: February 21, 2024
Boardman City Hall/Zoom

VIII. PLANNING OFFICIAL RECOMMENDATION: The Planning Official recommends approval of this request.

Zack Barresse, Chair

Date

ATTACHMENTS:

Vicinity Map

Site Map

