

BOARDMAN PLANNING COMMISSION – REGULAR MEETING MINUTES – December 20, 2023

BOARDMAN CITY HALL COUNCIL CHAMBERS AND VIA ZOOM

Commission Vice Chair Irons called the meeting to order at 7:00 PM and led the Pledge of Allegiance.

Commissioners Present: Sam Irons, Jami Carbray, Michael Connell, David Landstrom, Jennifer Leighton, and Ragna TenEyck

Commissioners Absent: Zack Barresse - excused

Staff Present: Carla McLane – Planning Official, Nancy Orellana – Associate Planner, Brandon Hammond – City Manager, Amanda Mickles – City Clerk, Rolf Prag – Public Works Director, Toni Connell – Utility Clerk, Jackie McCauley – Building Clerk, Jose Fernandez – Code Enforcement, and Rick Stokoe – Police Chief

Audience: Angie Sullivan (LandWise), Aaron Hoeft (ACA Engineering), Kym Landstrom, Don Russell, Cheryl Tallman, Jonathan Tallman, George Shimer (Boardman Parks and Rec), Karen Pettigrew, Jose F, Yen H, Ashley Dougill, and Chris Crean (City Attorneys)

Welcome New Members – Jami Carbray & David Landstrom

Jami Carbray introduced herself as a 3 year resident of Boardman and the current principle at Sam Boardman Elementary. David Landstrom introduced himself as a 1 year resident of Boardman, paramedic, and moved here to be closer to his family while staying in Oregon.

Approval of Minutes

October 18, 2023 Regular Meeting

Commissioner Connell made a motion to approve the October 18, 2023 minutes as presented. Commissioner Leighton seconded the motion. A roll call vote was taken: Commissioner Carbray – yes, Commissioner Connell – yes, Commissioner Landstrom – yes, Commissioner Leighton – yes, Commissioner TenEyck – yes, Commissioner Irons – yes. The motion passed 6-0 with 1 absence.

Formal Proceedings

Public Hearings – Site Design Review RVW23-000002

Commission Vice Chair Irons opened the Public Hearing at 7:03 pm

Commission Vice Chair Irons read the purpose of the hearing: Site Design Review RVW23-000002: Site Design Review RVW23-000002: Unity Partners LLC and Willowfork Investments LLC, owner and Unity Partners LLC, applicant. Property is described as tax lot 1600 of Assessor's Map 4N 25E 09CC and is zoned Commercial – Tourist Commercial. The request is to approve a hotel, restaurant, and recreational vehicle (RV) park. Criteria for approval are found at the Boardman Development Code (BDC) Chapter 4.2 Development Review and Site Design Review along with standards in Chapter 2.2.180 Tourist Commercial Sub-District and Chapter 3 Design Standards. It is being processed as a Type III decision.

Commission Vice Chair Irons read the rules of conduct of the hearing and asked the commissioners if they wished to abstain from this hearing. There were none. Planning Official McLane explained for the new commissioners the difference between ex parte contact, bias, or conflict of interest.

Commission Vice Chair Irons 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 hotel and restaurant are planned for outright use; it will be the job of the Planning Commission to determine if the RV park is considered similar in use to a hotel. Applicant provided

additional information including a narrative and map. She requested the additional information be added into the record.

Commissioner Landstrom made a motion to accept the narrative and map into the record. Commissioner Connell seconded the motion. A roll call vote was taken: Commissioner Carbray – yes, Commissioner Connell – yes, Commissioner Landstrom – yes, Commissioner Leighton – yes, Commissioner TenEyck – yes, Commissioner Irons – yes. The motion passed 6-0 with 1 absence.

Public Testimony

Applicant – Aaron Hoeft is representing the applicant on the project. The project will move forward with a committed franchise once the initial plan is approved. The hotel will be approximately 85 rooms. The intent of the RV Park will be short term and offer facilities easily accessible as many traveling with an RV will use parking lots for an easy place to stay overnight. The hotel will facilitate the RV Park, offering the same amenities and facility to benefit the traveler. Roads will be added by the developer, improving and adding to the facility. All roads within the site will be paved; a laundry facility and restrooms will also be available. Commissioner Landstrom asked what they consider short term. Mr. Hoeft stated they do not allow rental by the week or month, and will be working in conjunction with the hotel. The city has a requirement for short term stay, so they will rent by the night. There are other RV Parks in town that offer long term options. Commissioner TenEyck asked if there would be waste disposal. Mr. Hoeft stated each space will have its own utilities.

Testimony in Favor

Angie Sullivan – Permit Specialist on the development team available for any questions.

Testimony in Opposition

George Shimer – Boardman Parks and Rec. District – After visiting with numerous people, there is concern of having an RV park right at the entrance of town. Mr. Shimer stated this short-term RV park being set up like a parking lot is not what the plan should be for the city. He stated he is in favor of the hotel. If the RV Park is put near the freeway, it will take away from traffic down to the RV Park on the river. The RV park established on the river is one of the best in the state. They are looking to expand, adding 100 sites to the current Boardman Marina Park. Commissioner Landstrom asked if the RV park on the river is exceeding capacity or meeting the demand. Mr. Shimer stated they opened reservations for the 2024 year and the park is fully booked for the 3 major holiday weekends.

Neutral Testimony

Don Russell – adjoining property owner. As an RV traveler, he stated he has stayed in short term RV parks, it depends on how the facility is operated and maintained as to what it will be like. He requested clarification on whether this property was a driveway share with his property. Planning Official McLane showed on the map provided in the packet, where the property boundaries are and where the current plan shows the area that touches his property is part of future development.

Jonathan Tallman stated he would like to see more developed plans as vehicles turning left on to Main Street from the new development on SW Front Street would cause problems.

Cheryl Tallman asked how big the hotel would be and if the restaurant would be attached. Commissioner Vice Chair Irons responded the hotel would be approximately 85 rooms and the restaurant would be separate.

Applicant Rebuttal

Mr. Hoeft addressed the concerns from Mr. Shimer. He stated that the existing RV park has filled up for holiday weekends, so that shows a need. Comments about the parking lot were taken out of context, this is not a parking lot, and the plan provides a better facility than a parking lot. The current plans show for playground, grass, trees, utilities, laundry, shower facility, and additional parking spaces. They are paving the

roads within the property as they are required to do so. The space is an RV park with all the amenities. The roads will be built and improved to and around the facility and will start the process of future development of roads around this site.

Planning Official McLane stated the City will require a full traffic impact study. The IAMP requires that Front Street become a right in, right out. The City has committed to the Oregon Trail Blvd extension including the loop road to help with the traffic concerns.

Commissioner TenEyck asked if the RV park would allow tent camping and what the maximum length of stay would be. Mr. Hoeft stated there are no tent sites designed in this park and stays are less than 7 nights. Camp trailers would be limited to 10 years or newer, exceptions with a visual inspection.

Jose Fernandez asked if they are anticipating having 38 customers at a time as the plan allows. Mr. Hoeft stated the plan was created that way as the space fits that many stalls. The developer would expect similar occupancy as a hotel.

Angie Sullivan stated the developers are looking at higher end hotel franchises, restaurant being a Denny's or Shari's level. Commissioner Connell asked what hotel franchises are interested. Ms. Sullivan stated Hilton, Marriott, Comfort Inn, and Holiday Inn Express, though nothing has been finalized.

Commission Vice Chair Irons closed the Public Hearing at 8:03 PM.

Deliberation by Commission of Site Design Review RVW23-000002

Commissioner Connell stated the discussion has been focused on the RV park with much uncertainty on how that part is going to work. The hotel and restaurant are needed. He also indicated that 7 days does not feel short term and would like a more definitive answer to what is considered short term. Planning Official McLane stated the planned use of the site is a similar use to the hotel as it offers short term. The planning commission has the opportunity to define a short term stay.

Commissioner Leighton stated she will support the hotel and restaurant, not the RV park. Commissioner TenEyck mentioned a plan for a manufactured home or RV park was previously denied. She stated that because the facility would be managed by a hotel, it has the potential to be different.

Commissioner Landstrom stated the Commission is hearing now that the hotel and RV park would be merged where the initial reports state they are separate. Planning Official McLane stated there are 3 different things happening on the property and the purpose of this process is to get the approval to continue the planning process.

Vice Chair Irons asked if it was possible to remove the RV park from the plan. Planning Official McLane stated the commission can ask to remove the RV park from the staff report. Commissioner Carbray stated she sees RV as recreational and cannot see RV being a similar use to a hotel.

Planning Official McLane stated that Chris Crean, City's attorney, stated the approval is for the full plan as presented, not partial approval. If application is denied, the application cannot be resubmitted for 6 months.

Commissioner TenEyck made a motion to approve the application as presented. There was no second.

The applicant requested a continuance to February 21, 2024 and will waive the 120 day requirement for a decision.

Commissioner Landstrom moved to issue a continuance to February 21, 2024 at 7:00 PM at Boardman City Hall in the Council Chambers. Commissioner TenEyck seconded the motion. A roll call vote was taken:

Commissioner Carbray – yes, Commissioner Connell – yes, Commissioner Landstrom – yes, Commissioner Leighton – yes, Commissioner TenEyck – no, Commissioner Irons – yes. The motion passed 5-1 with 1 absence.

Short Break

Formal Proceedings

Public Hearings – Amendment A-BDC-23-001

Commission Vice Chair Irons opened the Public Hearing at 8:50 PM

Commission Vice Chair Irons read the purpose of the hearing: Amendment A-BDC-23-001: City of Boardman, applicant. This request is to amend Section 3.4.000 of the Boardman Development Code to allow the city to defer construction of certain road improvements until such time as the adjacent property develops. Criteria for approval are found at the BDC Chapter 4.7 Land Use District Map and Text Amendments. It is being processed as a Type IV decision with the final hearing before the City Council.

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

Staff Report

Planning Official McLane reviewed the proposed amendment provided in the packet, stating the proposed changes derived from Tallman case. The Planning Commission's decision at tonight's meeting will lead to a recommendation to City Council to approve or deny the update. Additional documents were received, a letter from Kellington Law Group and a thumb drive from Mr. Tallman containing LUBA record No. 2022-062. She requested these documents be added into the record.

Commissioner Landstrom moved to accept the letter from Kellington Law Group dated December 19, 2023 as well as the flash drive with LUBA record 2022-062 into the record as an oversized exhibit. Commissioner Connell seconded. A roll call vote was taken: Commissioner Carbray – yes, Commissioner Connell – yes, Commissioner Landstrom – yes, Commissioner Leighton – yes, Commissioner TenEyck – yes, Commissioner Irons – yes. The motion passed 6-0 with 1 absence.

Applicant:

The City is the applicant and reserve the right to rebuttal.

Testimony in Favor

There was none.

Testimony in Opposition

Jonathan Tallman – LUBA case has been accepted into the record. Mr. Tallman offered an overview of LUBA Case No. 2022-062 as he requested it to be added into record. He stated he would like to work together, and the roads be done correctly. He pays taxes on sewer, yet there is no sewer on his property, the loop road is the only way sewer would be put on his property. Mr. Tallman also stated he submitted a record request to see how much money the City is paying in legal fees to the City attorney Mr. Crean or the Hammond Group.

Testimony in Neutral

There was none.

Applicant Rebuttal

City Attorney Chris Crean said this is a legislative decision for the city as a whole. This change was derived from the court case that highlighted a shortcoming in the development code. Roads spur development; this code amendment defers the construction of the amenities until a property is developed. Private development would be held responsible for construction of sidewalk, trees, and lights. This applies to all future development citywide. Mr. Crean recommended a change of the word "waive" compliance to "defer" compliance in the amendment.

Commissioner Landstrom clarified the property being used as an example is the new road by Pacific Pride. Planning Official McLane confirmed this is the road being referenced by testimony, however the change in code language would encompass the City as a whole and gives the City the option to defer construction of the amenities to the land developers in the future.

Commissioner TenEyck asked if there is any recourse to the property developers that have not constructed the amenities. Planning Official McLane stated there is not anything in code. The City is working on what sections of town are not developed with sidewalks to determine what would need to be installed and address this within the Capital Improvement Plan. The cost of development includes road, sidewalk, gutters, trees, and lights. Commissioner TenEyck asked if developers are purchasing smaller sections of the property to develop, are they required to develop the entire length of road, or would there be chunks undeveloped. Planning Official McLane stated there could be chunks developed as they are not required to do the entire road, only the section they are responsible for developing.

Commissioner Landstrom stated he is concerned with safety for pedestrians if the City is developing roads without safe passage options. Planning Official McLane stated the City was not required to put the road in. The decision was made with safety and fiscal considerations. Chris Crean stated the IAMP is part of the Transportation System Plan and the City has the discretion to build roads on the plan in an order deemed necessary. Economic development is important to the City, and because there is now a road, it will spur development. By installing sidewalks, trees, and lights, there is a chance the developer would remove much of what was installed to fit their needs; this is a waste of taxpayers' money. Commissioner Landstrom stated there is a transportation improvement plan as a mechanism to recover cost of previously installed infrastructure. Mr. Crean stated he is unaware of a mechanism to recover cost.

Commission Vice Chair Irons closed the Public Hearing at 9:31 PM

Deliberation by Commission of Amendment A-BDC-23-001

Commissioner Connell stated the area the road was constructed was a mess and sees the value in the loop road with all the truck traffic. There are no residents in the area that would utilize the sidewalks on the loop road. Funds can be used better elsewhere, like in established neighborhoods where there are no safe passages for pedestrians.

Commissioner Connell moved to forward Amendment A-BDC-23-001 as amended – changing the word waive to defer - to the City Council for final consideration. Commissioner Leighton seconded. A roll call vote was taken: Commissioner Carbray – yes, Commissioner Connell – yes, Commissioner Landstrom – no, Commissioner Leighton – yes, Commissioner TenEyck – yes, Commissioner Irons – yes. The motion passed 5-1 with 1 absence.

Discussion Items

Boardman Development Code Audit

Planning Official McLane stated they have been working with a consulting firm and they have walked through the entire development code to determine what issues need to be addressed. The Commission will go deeper into the development code amendments at the next Planning Commission meeting in January. It will be run as a work session.

The City has created a brochure on how to speak at a public hearing. It will be available at all meetings including Public Hearings and posted on the City's website. It gives information on how to be prepared.

2024 Planning Commission Calendar

Planning Commission schedule was presented, there is no meeting in June due to the Juneteenth holiday, and the July meeting was moved up one week to meet timeline of documents.

Appointment of Commissioners in January

Commissioner Barresse and Commissioner TenEyck will be up for reappointment, both have indicated they would like to be reappointed.

Public Comment

Jonathan Tallman stated his reasons why he did not accept his offer for the Loop Road on his property as it was different than what the other property owners were offered. Would like to work together to get the problems solved.

Commission Comment

Commissioner TenEyck stated she does not receive emails, but picks up the packets at City Hall and reads the packet in its entirety prior to every Planning Commissioner Meeting.

ADJOURNMENT 9:54 PM