



City of Boardman

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MEMORANDUM

To: Planning Commission
From: Carla McLane, Planning Official
Date: January 5, 2024
RE: Boardman Development Code Audit

Over the past several months Nancy and I worked with two consultants at OTAK to complete the draft Boardman Development Code (BDC) Audit attached to this memorandum. The process was fairly simple; we walked through each chapter and captured those items that we know to be problematic for any number of reasons. Some of the chapters were less involved, others took a bit more time and have more items noted for change or at least review.

At the end of the day the real decisions are going to focus on how we move forward – the whole code in one big process or chunk it up and do a chapter or section at a time. Not sure I have made up my mind on this front but eventually I will need to do that. There is also the question to be answered if we hire an outside consulting firm to do this work or do it internally.

For this conversation with all of you I want to focus on your interests and concerns with the current BDC. I know that you do not work with the BDC like Nancy and I do but for those of you who have been on the dais for a while think about those things you thought were funky. Or things that Barry may have commented on. The objective at this point is not to solve the issues but be sure we have identified them.

The Audit is accomplished with four columns: 1. the Section or Chapter; 2. the Proposed Amendment; 3. the Rational for the Proposed Amendment; and 4. the Theme. Hopefully this makes sense as you work your way through the document.

Here are some thoughts about each of the chapters as you work through the Audit document:

- General Changes: We attempted to identify a few items that would be applicable to the full document and capture them here.
- Chapter 1 is the Introduction and includes some general information, definitions, and enforcement procedures.
- Chapter 2 captures our use zones – residential, commercial, and industrial. There are some items missing that you will see captured in the Audit.

- Chapter 3 is where our Design Standards are found. Lots of ideas on how to simplify this chapter and move appropriate standards to the adopted Public Works Standards (which is available on the City's website).
- Chapter 4 is our procedures chapter, or the how-to chapter. This chapter has a number of components that are not in compliance with current state law and needs to otherwise be modernized.
- Chapter 5 deals with non-conforming uses and variances. Not a lot of changes here but does need to be modernized.
- Chapter 6 is going away!!

The entire BDC is available on the City's website. In our "trainings" this past year we did not provide the BDC to each of you in paper form. Should any of you want a paper copy let us know as we can certainly make you one, although I might question why you would want one?! 😊

Reach out if you have any questions. Otherwise, I look forward to the discussion on January 17, 2024.

Boardman Development Code Audit – Phase 1 Code Amendment Matrix			
Section/Chapter	Proposed Amendment	Rationale for Proposed Amendment	Theme
General changes	<ol style="list-style-type: none"> 1) City Manager or Designee? 2) Number of chapters, sections, and subsections. 3) Application requirements throughout code are consistent to facilitate the CitizenServe platform. 4) Check properties of documents (Weston vs Boardman). 5) Allow wireless communication equipment in all zones. Permitting standards should be in Chapter 3. 6) Consider relocated general info applicable to many zones, to a general chapter or definitions. 7) Evaluate transportation uses and a process to establish review types based on use. 	<ol style="list-style-type: none"> 1) Change to planning official? 2) Evaluate code for consistency with numbering of sections and subsections. 3) Recommendation: instead of referencing proprietary software systems, require applications be completed as required under the City's digital application portal. If system changes in the future, code can remain the same. 4) Code documents on the website should be consistent. Consider making all documents pdf searchable. 5) Expand wireless facility allowances. 6) Consolidation of information that is redundant across many chapters. 	Cleanup/Streamline All Sections
Chapter 1			
Table of Contents	<ol style="list-style-type: none"> 1) Expand with section/subsection. Include a list of all subsections as shown in code. 2) Add hyperlinks. 3) Determine if development code is to be published within the municipal code. 4) Subsection numbering consistency – "1.0" vs "1" 5) Rolling edits if sections are added, deleted, or moved. 	<ol style="list-style-type: none"> 1) A more comprehensive TOC. Include: Chapter X – Chapter Title Subsection X.X – Subsection Title Chapter XY – Chapter Title Subsection XY.X – Subsection Title 2) Links to referenced code sections can provide customers/applicants the ability to quickly navigate code, and often lends to a better application submittal. 3) A heading/section within the municipal code with a title such as Unified Development Code or similar would be helpful and afford an easy way to get the development code into Muni-Code. 4) General section numbering cleanup. 5) Update to reflect additions of new code language and remove code language that is not being continued. 	Cleanup/Streamline
Chapter 1.0 – How to Use the Development Code	<ol style="list-style-type: none"> 1) Read for grammar, punctuation, readability, formatting (GPRF). 2) Delete reference to Chapter 6. 3) Relocate individual chapter introductions from individual chapters to this chapter. 4) Is description sufficient enough? 	<ol style="list-style-type: none"> 1) General code cleanup and editing. 2) Chapter 6 – Map Amendments will be relocated to Chapter 4. Chapter 6 will be completely removed. 3) Individual Chapter intros could be relocated to this section [Nancy to review other jurisdiction codes for best practice research]. 	Cleanup/Streamline

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<p>Chapter 1.1 — General Administration</p>	<p>1) Read for GPRF.</p>	<p>4) Review existing descriptions in all chapters to determine if they adequately convey the chapter contents and objectives. Make Chapter 1.0 more instructive. How to use this code. Recommend: Keep introductory paragraphs in respective chapters rather than consolidating into this chapter.</p> <p>1) General code cleanup, section sequencing, copy edit, flow.</p>	<p>Cleanup/Streamline</p>
<p><u>Chapter 1.2 — Definitions</u></p>	<p>1) Read for GPRF. 2) Compare to model code. 3) Modernize.</p>	<p>1) General code cleanup, section sequencing, copy edit, flow. 2) Reference <u>DLCD Model Code for Small Cities</u>. 3) Update chapter to include current terminology and/or updated definitions. 4) Include definitions for Cottage Clusters, Condominiums.</p>	<p>Cleanup/Streamline</p>
<p><u>Chapter 1.3 — Enforcement</u></p>	<p>1) Read for GPRF. 2) Coordinate with Municipal Code. 3) Coordinate with code enforcement program. 4) 1.3.500 – remove or complete.</p>	<p>1) General code cleanup, section sequencing, copy edit, flow. 2) Cross reference municipal code to detect inconsistencies and contradictions. 3) Develop code with input and collaboration with the code enforcement program. 4) Currently a placeholder with no provisions.</p> <p>Recommend a rewrite of this section to clarify enforcement, violation types, penalties, and roles.</p>	<p>Cleanup/Streamline</p>
<p>Chapter 2 — Land Use Districts</p>			
<p><u>Chapter 2.0 — Land Use Districts</u></p>	<p>1) Read for GPRF. 2) In heading, change placeholder for downtown district to "commercial." 3) 2.0.200.A – review reference to City Recorder. 4) Review use of subdistricts re-creation. Currently allowed as Type 3. Possible conflict with State Law (Type 4). 5) Transportation facility improvements need to be Type 1 procedures. Make sure all are listed in TSP. Type 3 Procedure if not listed.</p>	<p>1) General code cleanup, section sequencing, copy edit, flow. 2) 2.2 - Placeholder For Commercial District (Pending). 3) Reference to the City Recorder should be updated to reflect Board/Carla city official responsible for keeping and maintaining zoning district map and zoning code. Typically Planning Official, Community Development Director, or City Manager. 4) Need to either remove subdistricts and have one residential district that allows all residential uses retain subdistricts and change zoning map through a Type 4 Procedure with collaboration with PC and/or CC. 5) Coordinate with corresponding code section so Transportation facility improvements are listed. Those listed will be Type 1 procedures. Those not listed will be Type 3.</p>	<p>Commented [S1]: Discuss with Carla</p>

<p><u>Chapter 2.1- Residential (R) District</u></p>	<p>6) Convert master planned neighborhoods from Residential only, to be applicable to all zones. Master Planned Development will need its own chapter. 7) Utilities placed within the right-of-way is a right-of-way permit review, not land use review.</p>	<p>6) Review Stanfield code (recently broadened to any use). 7) Reference PW code section for corresponding permitting.</p>	
<p>1) Read for GPRF. 2) Compare to model code. 3) Review setbacks. Language could be written differently. 4) Building Height – review, developments may now be accessed by new fire equipment. 5) Building length. 6) Building width. 7) Building Articulation. 8) Lot Size (min and maximum). Currently 8,000 min. Consider reduction. 9) Lot size averaging: focus on density. 10) Check for conflict with Comp plan living units regarding open space requirements. 11) ADU parking requirements – verify applicability of HB2001/2003 for ADUs. 12) Accessory Uses and Structures – consider shipping containers, metal carports. 13) Future urban available other than residential. 14) Review Permitted Uses Table 2.1.110 – consider removing neighborhood commercial and allowing light commercial in residential district by conditional use. Redo table formatting. 15) Clear standards for home occupations, accessory uses and structures, bed and breakfast inns, vacation rentals (AIRBNB type uses), vision clearance. 16) Evaluate treatment of manufactured homes – siting and future additions or changes. 17) 2.1.500 Manufactured Home Park subdistrict – confirm conformance with state law and statutes. Conform Desert Springs (Bella Vista) and Sun Ridge Terrace.</p>	<p>Recommendation: Measurement chapter placed in Chapter 1 where it is described how measurements of dimensions are taken. Recommend putting dimensional lot standards in a table format for ease of use. 1) General code cleanup, section sequencing, copy edit, flow. 2) Recommend revising the Use Table to clearly convey uses permitted, conditional, special, or not permitted. 3) Put text of Setback section directly below 2.1.120 heading, followed by the image. Consider reducing the setback purpose statement to one or two sentences and adding a “Purpose” heading. • Setbacks for infill housing in established residential areas could be updated for clarity. 3-8) Recommend putting dimensional lot standards in a table format for ease of use. 4) 35 ft is a standard height in single family residential districts. • Recommend updating 2.1.160.B Method of Measurement for ease of use and clarity. • Consider average height for hipped roofs. • Consider images for height measurements. 5) [5 & 6] 6) Consider maximum length for multiple family residential buildings to be 125-150 ft. 7) Recommended to include articulation standards such as blank wall dimensions, architectural features requirements. 8) 8,000sf minimum lot size for SFR zones is high. Consider 5,000sf. • Consider allowing manufactured homes to be on same sized lots as traditional SFR. • Consider 50ft lot width minimum rather than existing 70ft. • Duplex and Triplex should be same minimum dimensions as SFR lots. • Consider minimum townhome interior lots to have a minimum width of 20ft or 25ft rather than 30ft. • Multiple Family residential lot width minimum of 40ft-50ft.</p>	<p>Residential</p>	

	<p>18) Add Cottage Clusters, Condominiums, as permitted. Included definitions in definition chapter.</p>	<p>9) Create subsection for Lot Size Averaging and permit averaging based on residential density. 10) No conflict found. Goal X establishes that the City consider options to increase open space. 11) Both HB2001 and HB2003 do not to impact Boardman. They are applicable to medium and large cities – greater than 10,000 in population. Consider, upon review of ADU applications: no minimum ADU parking requirement, but verify that the main dwelling unit shall have a minimum of two spaces. 12) Shipping containers can be permitted with minimum lot size standards and development standards such as no stacking, no placement within front or side yards without required screening. -Carport are typically required to meet the same standards as garages regarding setbacks, height, location. 13) Consider removing future urban district from zoning map and zone it. Recommend a zoning map update to be processed concurrently with the code update. 14) Table formatting should be updated for ease of use. Model code has good example. If neighborhood commercial is replaced with light industrial, light commercial could be further defined with maximum commercial area standards, requirements for mixed use, and prohibited uses. 15) -Determine standards for Home Occupations. Recommend to allow outright but include provisions in the Special Use sections -Define Vacation Rentals and establish standards. Distinguish from traditional Bed and Breakfasts. 16) [16&17] Create new Subsection 2.1.500 Manufactured Home Park – Minimum (park) lot size, typically 1 Acre. Minimum MH space standard and density. Often 25ft by 50ft minimum. Spacing from adjacent MH home, screening/landscaping, and density of MH in park.</p>
<p>Chapter 2.2 – Commercial (C) District</p>	<p>1) Read for GPRF. 2) Building Height – review. Developments may now be accessed by new fire equipment. 3) Building length. 4) Lot Size (min and maximum). 5) Lot size averaging.</p>	<p>Recommendation: create an updated table for uses permitted, conditional, special, or not permitted. Add all subdistricts and commercial district to one table. 1) General code cleanup, section sequencing, copy edit, flow. 2) [2-5] Work with stakeholders to determine maximum and minimum heights, lot size, and massing/blocking standards for building size for the commercial zone and all subdistricts.</p>

	<p>6) Table 2.2.110. Review the table for updates/formatting. Move Neighborhood Commercial (move from Chapter 2.1 to 2.2). Consider new zoning sub district. 7) Remove Bed and Breakfast Inn in commercial zones. 8) Better clarity on uses in subdistricts, capture all subdistricts in Tables. 9) Standards for mixed-use. 10) Remove BPA transmission subdistrict (apply open and/recreation district to BPA). 11) Add section 2.5 as rec/open space district</p>	<p>6) Clean up table as recommended above. Consider replacing neighborhood commercial with light commercial. 7) Remove Bed and Breakfast Inn in commercial zones. 8) Create use table for commercial zoning and subdistricts. 9) Work with stakeholders to establish standards for mixed-use development. Consider implementation of light commercial when in mixed-use buildings.</p>	
<p><u>Chapter 2.3 - General Industrial (GI) District</u></p>	<p>1) Read for GPRF. 2) Building Height – review, development may now be accessed by new fire equipment. 3) Lot Size (min and maximum). 4) Port Industrial Subdistrict 2.3.170 – no correlating map. 5) Building Height.</p>	<p>Recommendation: create updated table for uses permitted, conditional, special, or not permitted. Add all subdistricts and GI district to one table.</p> <p>1) General code cleanup, section sequencing, copy edit, flow. 2) [2 & 3] Work with stakeholders to determine maximum and minimum heights, lot size. Lot size needs to acknowledge need for stormwater management, landscaping requirements, development standards. 4) Create map of subdistrict and update zoning map. Or remove Port Industrial Subdistrict from city (tends to be a heavy use zone). <ul style="list-style-type: none"> Separate use and building type table. Create table of development standards. Are there uses in this subdistrict that are too heavy for general industrial? If so, this heavier industrial district should be kept in some form. Identify geography of the subdistrict <p>5) The building height section is very detailed. Considered relocating to a general chapter.</p> </p>	
<p><u>Chapter 2.4 - Light Industrial (LI) District</u></p>	<p>1) Read for GPRF. 2) Building Height – review, development may now be accessed by new fire equipment. 3) Lot Size (min and maximum). 4) Lot size averaging.</p>	<p>1) General code cleanup, section sequencing, copy edit, flow. 2) [2-4] Work with stakeholders to determine maximum and minimum heights, lot size, lot size averaging.</p>	

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Chapter 2.5 (Future) Master Plan Development	<ol style="list-style-type: none"> 1) Delineate uses. 2) Create area or special use plan. 	<ol style="list-style-type: none"> 1) Create new subsection by incorporating existing Chapter 4.5. 	
2.6 (future) Floodplain Overlay Zone	<ol style="list-style-type: none"> 1) Delineate uses. 	<ol style="list-style-type: none"> 1) Create new subsection. 2) Check model code: Model Flood Hazard Management Ordinance 3) Coordinate with existing Boardman floodplain regulation 4) Map on Boardman Zoning Map 	
2.7 (future) Open Space	<ol style="list-style-type: none"> 1) Delineate uses. 	<ol style="list-style-type: none"> 1) Address properties owned by federal agencies (ie Army Corp) 2) Address city park (as a use), tourist areas, etc 3) for zoning map purposes 	
Chapter 3 – Standards			
Chapter 3.0 – Design Standards	<ol style="list-style-type: none"> 1. Read for GPRF. 2. Review against Model Code. 3. Review and update Chapter 3 table of contents list. 4. In TOC 3.5 Remove “Reserve for”. 5. 3.8 – Incorporate loading standards into vehicle and biking standards chapter. 	<ol style="list-style-type: none"> 1) General code cleanup, section sequencing, copy edit, flow. <ul style="list-style-type: none"> • Add purpose statement. • Remove <i>Reserve For</i> from 3.5 and include new section in TOC • Consider a table identifying the applicability of application types to the design standards subsections. See model code for example. 2) Update TOC based on changes to code, revised section numbering, added sections. 	
Chapter 3.1 – Access and Circulation	<ol style="list-style-type: none"> 1. Read for GPRF. 2. Review against model code. 	<ol style="list-style-type: none"> 1) General code cleanup, section sequencing, copy edit, flow. 2) Reference the TSP and Chapter 3.1 implements the TSP 3) Expand Applicability section and put directly under 3.1.100 Purpose. It is currently under Vehicle but not Pedestrian. <ul style="list-style-type: none"> • New development • Modifications to development that accesses the public street • Streets, driveways, walkways 	

<p>Chapter 3.2 -- Landscaping, Street Trees, Fences and Walls</p>	<ol style="list-style-type: none"> 1. Read for GPRF. 2. Review against model code. 3. For this and each standard in chapter 3, requirements are located here, quantities are located in PW standards. 4. Evaluate 3.2.200.C for minimum landscaping percentages. 	<p>4) Expand Driveway Approach subsection to include development standards (spacing, number allowed, dimensions, etc.) found elsewhere in this chapter.</p> <ul style="list-style-type: none"> • Consider a series of tables for spacing standards and dimensional standards. 	
<p>Chapter 3.3 -- Vehicle and Bicycle Parking</p>	<ol style="list-style-type: none"> 1. Read for GPRF. 2. Review against model code. 3. For this and each standard in chapter 3, requirements are located here, quantities are located in PW standards. 	<p>Recommend: removing street trees from this section and placing them in PW standards.</p> <ol style="list-style-type: none"> 1) General code cleanup, section sequencing, copy edit, flow. 2) [2&4] Applicability statement is vague. It is clear that landscaping is required with SDR, but “and other developments” can be clarified. <ul style="list-style-type: none"> • Consider increasing commercial site landscaping to 15%, a standard minimum requirement found in other jurisdictions. • Consider specifying which type of residential requires 20% (MF?) • Single Family residential can have no or reduced minimum landscaping. Often SFR requires no minimum percentage but does require tree installation per area of lot. • Implement distinct landscape areas such as setbacks from buildings, perimeter setbacks, interior parking lot landscaping. • Implement specific plant material requirements for each distinct area. Categories can work well for this application. For example, Type A landscaping is required in perimeter setbacks. Type A landscaping is XX Plant Units per square foot. Type B would be more dense, or include a screening requirement in addition to the landscaping. • A common building setback standard is 5ft. Currently code is 3ft. • 3.2.400.B.1: I believe the Uniform Building Code allows fences up to 7ft without permit now. 	
		<ol style="list-style-type: none"> 1) General code cleanup, section sequencing, copy edit, flow. 2) In the applicability statement, the city should clarify/specify exactly which type of development will trigger this chapter. Does repaving an existing parking lot trigger, if no additional impervious area is proposed? <ul style="list-style-type: none"> • Consider the following reductions in minimum parking standards: 	

	<p>4. Incorporate (current) 3.8 loading standards to this section.</p>	<ul style="list-style-type: none"> • Single Family Residence: 1 space/unit • Studio units or 1-bedroom units less than 500 sq. ft. Two space/unit. 1 space/unit • 1-bedroom units 500 sq. ft. or larger Two spaces/unit 1 space/unit. • 2-bedroom units Two spaces/unit. 1.75 spaces/unit • Restaurants, bars, ice cream parlors and similar uses. One space per four seats or one space per 100-sq. ft. of gross leasable floor area, whichever is less. 1 space/250 sq. ft. floor area. • Offsite parking – ¼ mile max should be reduced to 500 ft. • Consider a Parking Determination application for staff to determine similar use, or other situations where parking information is not available (uses not listed, mixed uses, shared facilities). • 3.3.000 – create a table of minimum dimensional standards for parking space dimensions. Rather than a minimum area dimension, include minimum length and width dimensions per space. For example 19ft by 9ft. • Remove ADA parking standards completely. This is established by building code. Removing it from zoning code will allow staff to enforce based on any future updates to ADA code without changing zoning code. • 3.3.400.A.1 Consider both short-term and long-term bicycle parking requirements for MF housing. Allow long term parking to also be met by bicycle parking spaces within each unit. • 3.3.400.C. Rather than “conveniently located,” location of bicycle parking should be specified by distance from primary entrance. Within 50ft is a common standard.
<p>Chapter 3.4 – Public Facilities Standards</p>	<ol style="list-style-type: none"> 1. Read for GPRF. 2. Review against model code. 	<p>Coordinate with City engineering staff on all standards.</p> <ol style="list-style-type: none"> 1) General code cleanup, section sequencing, copy edit, flow. 2) Recommend that the city place these standards outside of the development code.

<p><u>Chapter 3.5 -- Stormwater Management</u></p>	<ol style="list-style-type: none"> 1. Read for GPRF. 2. Review against statute and rule. 3. Review Stanfield. 4. Significant portions of this chapter should be moved to PW standards. 5. Entire chapter needs to be evaluated and simplified. 6. Evaluate DEQ best practices for stormwater mgmt. 7. Simplify this whole chapter. 	<ul style="list-style-type: none"> • Purpose statement should remove language such as "attractive" and other subjective words and replace with clear and objective requirements. • 3.4.100.B – consider adding a lower level, administrative review procedure, for varying minor street development standards, rather than requiring all to go through variance application. • 3.4.100.C and D – reference Section 660-012-0045(2)(e) of the TPR. <p>3.4.600 Easements – recommend removing language deed restriction as an option and requiring only recordation on plats.</p> <ol style="list-style-type: none"> 1. <u>State stormwater guide for small municipalities</u> 2. Coordinate with City engineering staff on all standards. 	
<p><u>Chapter 3.6 -- Other Standards</u></p>	<ol style="list-style-type: none"> 1. Read for GPRF. 2. Review against statute. 3. Relocate 3.6.100 to Housing chapter (2.1). 4. 3.6.200 Relocate Telecommunication Facilities to each use zone permitted uses. Evaluate location for Telecommunication Facilities development standards. 5. 3.6.300 remove the "Reserved" and create this section. Put this use in each use zone's permitted use section. Evaluated location for development standards related to solid waste facilities. 6. 3.6.400, create a process, and locate it in 4.2 (development standards), and make sure it is comparable with Condition Use environmental provisions 	<ol style="list-style-type: none"> 1. General code cleanup, section sequencing, copy edit, flow. 2. Because it's related housing relocate density transfers move to Chapter 2.1 3. Telecommunication communication facilities moved to chapter 2 zones and should be regulated based on zoning district. 4. Solid waste storage facilities – identify where they are permitted. Where they are permitted, conditional, etc 5. Environmental performance – reserve space for environmental standards <p>Signs – chapter 2 will describe where and what type of signs are allowed</p>	<p>Incorporate red text into second column</p>

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	<p>7. 3.6.500 signs – consider placing allowance in the use tables of each zone. Temp signs in the Temporary Use Chapter(?). What sign standards should be moved to municipal code?</p>	
<p>Chapter 3.7 -- Flood Plain</p>	<ol style="list-style-type: none"> 1. Read for GPRF. 2. Review against statute and Floodplain Model Code (DLCD). 3. Correspond to 2.7 to be able to map the floodplains. Then 3.7 would define floodplain standards. 4. Relocate to future chapter 4.6. 	<ol style="list-style-type: none"> 1. There have been changes to model code since this chapter was published (2007) 2. Separate and elaborate on purpose, findings, objectives, and add applicability section. 3. Update definitions per the revised state Appendix A Oregon Model Code, FEMA approved. Remove definitions and place in Definitions chapter. 4. Review 2014 update and 2019 update to model code.
<p>Chapter 3.8 -- Loading Standards</p>	<ol style="list-style-type: none"> 1. Delete/relocate to Chapter 3.3 parking. 	<p>Review Stanfield's code for direction Place in the parking chapter</p>
<p>Chapter 4 – Procedures</p>		
<p>Chapter 4 – Applications and Review Procedures</p>	<ol style="list-style-type: none"> 1. Remove? 	
<p>Chapter 4.1 - Types of Applications and Review Procedures</p>	<ol style="list-style-type: none"> 1. Read for GPRF. 2. Review against statute. 3. Remove posting requirements. 4. Remove publishing requirements, except where required. 5. Consider reducing notice area from 250ft to 100ft. 6. Add reference to CitizenServe in application requirements – of each type? 7. 4.1.700d Application can also be submitted by district with condemnation authority. 8. 4.1.800 to be relocated to Land Division chapter. 	<ol style="list-style-type: none"> 1) General code cleanup, section sequencing, copy edit, flow. 2) City should consider reducing the notice radius of 250' used commonly in the Chapter 4 to 100', the minimum for land within UGBs as set forth in ORS 197.797(2)(a). 3) In 4.1.300.B, the reference to staff approval with conditions should be deleted. The level of discretion involved in adopting conditions of approval exceeds the scope of a Type I review process. 4) The Notice of Decision requirements for Type I decisions (4.1.300.E) should be deleted. Mailing the decision to the applicant (as described in 4.1.300.C) is sufficient for this type of review process. 5) The Notice of Decision requirements for all decision types includes posting Notices of Decisions at the project site. This is unnecessary, as Type I processes are ministerial and do not require public notice, and Type II and Type III processes include noticing at the beginning of the comment period. These notice postings must contain sufficient information to put interested parties "on notice" to participate in the

		<p>process, and thereby receive the Notice of Decision directly. New issues or comments cannot be introduced following the decision, making onsite posting of Notices of Decision unnecessary and potentially confusing to the public.</p> <p>6) 4.1.300.G describes an appeal process for Type I decisions. Type I decisions are ministerial in nature, dealing only in clear and objective standards, and therefore cannot be subject to appeal. Subsection (G) should be deleted.</p> <p>7) 4.1.400.A should include a list or table of what Type II applications are required to have a pre-application conference and which are not. The section should also note that pre-application conferences may also be requested by an application even when they are not required.</p> <p>8) The description of the supplemental impact study for land divisions in 4.1.400.e should be moved to the Land Division chapter. Submittal requirements specific to certain application types should be described within sections on those review types, and subsection (e) should be replaced with a general requirement to include any information required to address approval criteria for the specific application type.</p> <p>9) A 20-day comment period is provided for Type II (4.1.400) and Type III (4.1.500) applications. Reducing the comment period to 14 days, the minimum set forth by statute, would allow additional time for staff and/or hearing body review on complicated projects. At the same time, a shorter comment period would reduce the overall processing time for projects with minimal public comment.</p> <p>10) Avoid making references to specific software applications (e.g. CitizenServe) in code. Forms specified by City Manager as described in "B" subsections for each application type could be clarified to mention that forms can be written or electronic.</p> <p>11) Most communities limit newspaper publication to Type III and Type IV cases. Newspaper notice for Type II review processes may not be timed to be seen by readers at the early stages of the comment period, complicating review processes for all participants.</p> <p>12) Chapter 4.1.800 (expedited land divisions) should be relocated to the land divisions chapter, as it contains approval criteria specific to this project type.</p> <p>13) Chapter 4.1.900 should specify what types of cases require a neighborhood meeting, or provide a listed criteria to guide staff in determining whether to require a neighborhood meeting as part of the application process.</p>
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<p><u>Chapter 4.2- Development Review and Site Design Review</u></p>	<ol style="list-style-type: none"> 1. Read for GPRF. 2. Review against statute. 3. More clearly define distinctions between procedure types. Then review policy in Chapter 4.1 and Chapter 2 to make sure it is consistent. 4. Clarify Development Review submittal requirements. 5. Simplify Site Design Review submittal requirements. 6. Determine need for grading plan for Site Design Review. 	<ol style="list-style-type: none"> 1) The discretionary Site Design Review process described in 4.2.200.A cannot be applied to any residential development, unless a clear and objective path is also available (ORS 197.307(4)). 2) Site Development Review and Site Design Review should be clearly tied to Type I, II, and III processes specified in Chapter 4.1. 3) The thresholds for conducting Site Design Review as a Type III process (4.2.400.B) are extremely low, subjecting a large portion of typical development projects to discretionary review, increasing the complexity and uncertainty of review for all participants. 4) The City should consider reviewing subdivisions as a Type II application, rather than Type III. 5) 4.2.800 should specify that phased land divisions are not subject to Site Design Review. 	
<p><u>Chapter 4.3 - Land Divisions and Lot Line Adjustments</u></p>	<ol style="list-style-type: none"> 1. Read for GPRF. 2. Review against statute. 3. 4.3.130 – ensure consistency with Chapter 2 changes. 4. 4.3.130 – simplify preliminary plat submittal requirements. 5. 4.3.140 – delineate approval criteria for partitions vs subdivisions. 6. 4.3.160 – simplify requirements and criteria. 7. 4.3.210 – PLA – really verify PLA processes meet current statute. Pieces may be missing. 	<ol style="list-style-type: none"> 1) 4.3.100 – should include a separate definitions section for land use types. One calendar year is a very short timeframe for prevent serial partitioning. 2) The Chapter needs to include provisions for Middle Housing Land Divisions, as provided in ORS 92.031. 3) The City should consider moving procedures specific to modifying approved preliminary plats to this chapter. 4) 4.3.110 should address flag lot requirements. 5) 4.3.110.E only includes language of encouragement “double frontage lots shall be avoided wherever possible,” and does not belong in code. 6) The Block and Lot Standards referenced in 4.3.140.B should be brought into this chapter, since they are typically applied through the land division process. 7) The authorization of variances in 4.3.150 is unnecessary; the applicability of variances to subdivisions should be addressed in Chapter 5. 8) The City should consider addressing infrastructure standards (such as frontage improvements and connecting streets) more specifically in this chapter. 	

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<p><u>Chapter 4.4- Conditional Use Permits</u></p>	<ol style="list-style-type: none"> 1. Read for GPRF. 2. Review against statute. 3. 4.4.400.d – transportation systems facilities improvements. 4. 4.4.400.d Confirm consistency with TPR. 5. 4.4.400.d – could be its own section ie 4.4.500. 6. Keep or remove Medical Marijuana provisions. 	<ol style="list-style-type: none"> 1) Need clear delineation on when and how transportation facility should be reviewed. 2) The City should consider specifying the types of impacts that must be addressed, or conditions typical to certain uses 	
<p><u>Chapter 4.5- Master Planned Developments</u></p>	<ol style="list-style-type: none"> 1. Read for GPRF. 2. Review against statute. 3. Mirror Chapter 2.X (master plan uses). 4.5 should be about master plan process. Review Stanfield code. 4. Delineate how Special Area Plans are processed. Perhaps as subsection. 	<ol style="list-style-type: none"> 1) Consecutive Type III reviews for the concept plan and detailed development plan in 4.5.120.B.1 and 2 is a very arduous review process, not necessary if the concept plan review process addresses the plan in sufficient detail. See for instance 4.5.150.B, a review criterion requiring the concept plan to meet all land division standards. However, preliminary plat review also takes place later in the sequence described in 4.5.120.B. 2) 4.5.120.B.4 should make clear that the development applications can be reviewed as part of a consolidated process. 3) The Chapter isn't clear that implementation of an overlay zone or use of alternative standards can be achieved through a Master Planned Development. 4.5.130 appears to negate some of the flexibility normally associated with this process type. 	
<p><u>Chapter 4.6 (future) Floodplain Development Standards</u></p>	<ol style="list-style-type: none"> 1. Relocate existing chapter 3.7. 2. Review against model floodplain code. 	<p>Recommended making changes following updates to Joint NHMP.</p> <p>Commented [52]: Do we need mechanism to create an overlay zone?</p>	
<p><u>Chapter 4.6- Modifications to Approved Plans and Conditions of Approval</u></p>	<ol style="list-style-type: none"> 1. Read for GPRF. 2. Review against statute. 3. Confirm clarity. 4. Swap minor and major modification. 5. Create clear distinction for new applications rather than mods. ie when is it not a modification. 6. Reorder structure of chapter. Minor mods need to come before major mods. 	<ol style="list-style-type: none"> 1) A Minor Modification always requires a Type II application, but a Major Modification matches the type used to process the original approval. Instead, the review type for a modification should match the scope of the changes under consideration. 2) No approval criteria are provided for a Major Modification, and only very basic (Type I) criteria are listed for a Minor Modification. 3) The modification section should recognize the likelihood that the request is being made in the time between land use review and 	

<p>Chapter 4.7 - Land Use District Map and Text Amendments</p>	<ol style="list-style-type: none"> 1. Read for GPRF. 2. Review against statute. 3. Remove quasi-judicial amendment. 4. 4.7.600 TPR – confirm with current law. 	<p>construction. Undergoing a second land use process (especially one with public notice, comment, and possibly a hearing) is a significant cost in time and difficulty, even for relatively small changes to approved plans.</p> <ol style="list-style-type: none"> 1) Comprehensive Plan Map amendments (legislative) and Quasi-Judicial zone changes should be broken into separate chapters, or clearly delineated in subsections of Chapter 4.7. The code language does not clearly distinguish the different processes and approval considerations, or that the Comprehensive Plan is amended when a Land Use District Map is changed. 2) The approval criterion in 4.7.300 does not give clear direction to the decision maker, just that evidence of a change or mistake must be presented. That the proposed zone is “equally or better suited” than the proposed zone should be considered as a clearer path for the applicant to make a case. 3) 4.7.300 – a “code revision” – presumably a text change to zoning code, should be classified as legislative, not quasi-judicial. 1) 4.8.100 is very broad in applicability and should provide a narrower scope for potential code interpretations. 2) No approval criteria or considerations are provided to decision makers on an interpretation in this section. 	
<p>Chapter 4.8 - Code Interpretations</p>	<ol style="list-style-type: none"> 1. Read for GPRF. 2. Review against statute. 3. Provide standards and procedures for creating overlay zones. 		
<p>Chapter 4.9 - Miscellaneous Permits</p>	<ol style="list-style-type: none"> 1. Read for GPRF. 2. Review against statute. 3. Cross check with Municipal Code for proper locations. 4. Consider assigning LU Types to the permits. Place in table format. 5. Describe process. 		
<p>Chapter 4.10 - Traffic Impact Study</p>	<ol style="list-style-type: none"> 1. Read for GPRF. 2. Review against model code. 3. Confirm TPR compliance. 4. Incorporate Trip Gen letter as an alternative to TIS for lighter development/procedures. 	<ol style="list-style-type: none"> 1) This section should be incorporated into submittal standards and/or TPR compliance standards. 2) 4.10.100.B should be deleted in favor of a cross-reference to the ITE manual. 	

			Cleanup/Streamline
<p>Chapter 5.0 - Exceptions to Code Standards</p> <p><u>Chapter 5.0- Exceptions to Code Standards</u></p>	<p>1. Retain or put intros in chapter 1.</p>	<p>1) See Chapter 1.0 above.</p>	<p>Cleanup/Streamline</p>
<p><u>Chapter 5.1- Variances</u></p>	<ol style="list-style-type: none"> 1. Read for GPRF. 2. Class A Variances – simplify categories (any numeric standard by up to 10%). 3. Class B Variances – simplify categories. 4. Review/Remove reference to tree variance. 5. Class C Variance – confirm applicability to a broad list of issues. 6. Evaluate variance applicability on parking, access, and transportation improvement standards. 7. Look for variances in other sections such as 3.4.100 and relocated to this chapter. 	<ol style="list-style-type: none"> 1) General code cleanup, section sequencing, copy edit, flow. 2) Instead of listed eligible variances, consider establishing that a Class A Variance is eligible for any numeric development standard being varied by 10% or less. Or see recommendation below regarding Adjustment/Variance. 3) Instead of listed eligible variances, consider establishing that a Class B Variance is eligible for any numeric development standard being varied by 10% or more. Or see recommendation below regarding Adjustment/Variance. 4) Evaluate whether to keep the tree variance. 5) Determine if each listed category is currently applicable. 6) Parking and access are largely numeric standards that are well suited to the variance and/or adjustment & variance classifications. 7) Currently, variances are divided into three classes and reference specific standards that are eligible to vary. 	<p>Cleanup/Streamline</p>
<p><u>Chapter 5.2 Non-Conforming Uses and Developments</u></p>	<ol style="list-style-type: none"> 1. Read for GPRF. 2. Compare to model code. 	<ol style="list-style-type: none"> 1) General code cleanup, section sequencing, copy edit, flow. 2) Recommend: <ul style="list-style-type: none"> • To include a purposed and applicability section and strengthen the existing language on non-conforming uses. • Define <i>non-conforming use</i> and <i>non-conforming development</i> at the beginning of the chapter. • To expand “exceptions” to include expansion language. • Allowing limited expansion of non-conforming uses. This can be done as a percentage of the site, or by square-footage of the structures. <p>Non-Conforming Development:</p> <ul style="list-style-type: none"> • To include a purposed and applicability section and strengthen the existing language on non-conforming development. 	<p>Cleanup/Streamline</p>

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		<ul style="list-style-type: none"> Allow limited alterations/enlargement of the non-conforming development. 	
Chapter 6.0 - Map Amendments			
Chapter 6.0 - Map Amendments	1. Delete entire chapter.	1) Map amendments are covered in chapter 4.	Cleanup/Streamline