

**PLANNING COMMISSION
FINDINGS OF FACT
RVW24-000090
TYPE III DECISION PROCESS**

REQUEST: To approve the construction of a gas station with 16 gas pumps and an incorporated drive-thru restaurant.

APPLICANT: Knutzen Engineering
5401 Ridgeline Drive
Kennewick, WA 99338

OWNER: Devin Oil Company, Inc.
PO Box 105
Hermiston, OR 97838

PROPERTY DESCRIPTION: Tax Lots 1200 and 1300 of Assessor's Map 4N 25E 09CC.

GENERAL LOCATION: South of Interstate 84 at the Southwest Corner of South Main Street and SW Front Street.

ZONING OF THE TRACT: Commercial - Tourist Commercial Subdistrict.

EXISTING DEVELOPMENT: Currently bare property with existing underground utilities.

PROPOSED USE: Gas station, convenience store, and drive-thru restaurant.

- I. **BACKGROUND:** The subject property is currently bare. These parcels are currently being replatted to eliminate the property line between them, approved in 2024, with the filing of the Final Plat anticipated any day now. Tax Lot 1200 was the former site of a restaurant that caught fire and was demolished in 2006 and has remained bare since that time. Tax Lot 1300 was the former site of a 12-pump fueling station, convenience store and fast food/deli food establishment. The fast food inside the convenience store was, at one time around 1997, a fast-food 'Taco Bell' restaurant before it was closed and remained a smaller food service inside the store for several years. The entire store and fueling stations were completely removed from the site in 2021 and the site has remained bare since then. Due to this history, this request is not wholly dissimilar from what previously existed. For this request there has been a preapplication meeting with the Planning Official and a Site Team meeting was held on January 9, 2025 with area utility and public service providers. During the Site Team Meeting, the Boardman Fire Marshal requested coordination for the installation of a second fire hydrant on site, which the applicant agreed to do. Additionally, there was discussion regarding the implementation of the Interchange Area Management Plan (IAMP) regarding the existing access along South Main Street, however the access on Main Street is a shared access point as addressed below, and current traffic levels have not warranted the full implementation of the IAMP. There are several Conditions of Approval that the Planning Commission needs to give consideration to.

- 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 with site plan addressing the bulk of the applicable criteria. Included was a preliminary site plan with existing conditions and the proposed development, and a proposed floor plan.

- 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;**

Gas stations, convenience stores, and restaurants are allowed in the Commercial use zone and the Tourist Commercial subdistrict.

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 preliminary site plan that has been submitted. Since there are still aspects that the preliminary site plan cannot provide it is recommended and listed as a Condition of Approval that the applicant apply for Development Review prior to moving to building review to assure that all provisions can be met.

The Tourist Commercial Subdistricts purpose is to accommodate development of commercial facilities catering to the traveling public at the Interstate 84 interchange. The development of a gas station and drive-thru restaurant would be consistent with this purpose.

- 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 currently bare with some existing underground utilities. 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:**

The following address the various Chapter 3 provisions that staff have deemed applicable.

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.

Access permits will be required before development for each new access point. See discussion below.

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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.)

The requirement for a Traffic Study is not warranted at this time because this proposal is not significantly different than what was in existence at the time the Transportation System Plan (TSP) was approved.

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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 preliminary site plan identifies three access points, one existing along South Main Street and two along the north on SW Front Street for access to the drive-thru restaurant and convenience store. The two new access points will require Access Permits. This is listed as a Condition of Approval.

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.

Per Table 3.1.200 G of City of Boardman Development Code, Minimum Spacing Standards for private drives is established at 50 feet. Based on the site plan provided, this criterion is 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.

Three access points are proposed. The site plan is preliminary and the exact location of access points will have to be calculated per City of Boardman Development Code standards. See above for the requirement for access permits.

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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:

The restaurant and convenience store will have shared access points. The existing access point for this property on South Main Street is currently being utilized for the neighboring car wash and laundromat.

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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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- 7. Loading area design.** The design of driveways and on-site maneuvering and loading areas for commercial and industrial developments shall consider the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

Loading areas are not specifically outlined in the site plan, but appear to be behind the building and should be configured for deliveries for both the station and restaurant without impacting the parking plan.

- 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.

The applicant shall calculate and submit fire access plan information for review by the Fire Marshall prior to final approval of the Development Review permit. This is listed as a Condition of Approval.

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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 shall submit plans for and obtain proper permits for signs, structures, or landscaping showing all vision clearance areas free and clear. This is listed as a Condition of Approval.

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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 on the site plan, however improvements along SW Front Street will necessitate coordination with the City of Boardman prior to and during installation of the sidewalks along Front Street. This is listed as a Condition of Approval.

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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2. Commercial District. 10 percent of the site.

The applicant shall submit a Landscaping Plan prior to issuance of the Development Review Permit which shall meet City of Boardman Development Code requirements for design, installation, and maintenance. This is listed as a Condition of Approval.

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3.2.300 Street Trees

Street trees shall be planted for all developments that are subject to Site Design Review. Requirements for street tree planting strips are provided in Section 3.4.100 - Transportation Standards. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks.

A landscaping plan is required, however, street trees are not appropriate for this development and will not be required as part of the landscaping plan.

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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 application does not indicate a proposal for a fence. Should a fence be desired, any fence shall be subject to a Fence Permit that can be done at the same time as the Development Review Permit. This is listed as a Condition of Approval.

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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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2. Commercial Uses

Business, general retail, personal services. General - one space for 350 square feet of gross floor area. Furniture and appliances - one space per 750 square feet of gross floor area.

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.

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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 29 total on-site parking spaces for the convenience store and restaurant. Disabled person parking spaces are identified on the site plan. This criterion is 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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- 5. **Multiple Uses.** For buildings with multiple uses (such as a commercial or mixed use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every 10 motor vehicle parking spaces is required.

The development is required to have at least 3 bicycle parking spaces based on this criterion and those are shown on the site plan along the proposed sidewalk on SW Front Street, meeting this requirement.

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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 were discussed during the Site Team meeting. Water and Wastewater can be accessed on the north side of property from SW Front Street. Improvements to the water line and a portion of SW Front Street will be required for this development. This can be accomplished through a remonstrance agreement with the City of Boardman. This is required as a

Condition of Approval. All installations shall comply with the Boardman Development Code, Boardman Municipal Code, and Public Works Standards. This is listed as a Condition of Approval.

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.

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Improvements on Front Street need to be made to the standards outlined in the Boardman Development Code and the Public Works Standards. This is listed as a Condition of Approval.

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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. All installations shall conform to this section. This is listed as a Condition of Approval.

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 Stormwater Management. This is listed as a Condition of Approval.

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. This is listed as a Condition of Approval.

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.

Easements shall be accomplished as required by this standard for the development. This is listed as a Condition of Approval.

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 with approval by the City Engineer.

This is listed as a Condition of Approval.

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. This is listed as a Condition of Approval.

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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Stormwater Management is applicable to this property. All stormwater shall be maintained on-site and shall comply with the design and installation standards outlined in City of Boardman Development Code.

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

A Sign Permit will be required and can be applied for at the time of Development Review. This is listed as a Condition of Approval.

III. PROPERTY OWNERS NOTIFIED: December 23, 2024
List of landowners notified is retained as part of the file.

IV. PUBLISHED NOTICE: December 24, 2024
East Oregonian

V. AGENCIES NOTIFIED: December 23, 2024
List of agencies notified is retained as part of the file.

VI. SITE TEAM MEETING: January 9, 2025
Boardman City Hall

VII. PLANNING COMMISSION PUBLIC HEARING: January 16, 2025
Boardman City Hall

VIII. PLANNING OFFICIAL RECOMMENDATION: The Planning Official recommends approval of this request with the following CONDITIONS OF APPROVAL.

1. Submit a Development Review application prior to construction.
2. Apply for Access Permits for all new points of access.
3. The applicant shall calculate and submit fire access plan information for review by the Fire Marshal prior to final approval of the Development Review permit.
4. The applicant shall submit plans for and obtain proper permits for signs, structures, and landscaping showing all vision clearance areas to be free and clear.
5. Any fence shall be subject to a Fence Permit that can be done at the same time as the Development Review Permit.
6. Water and wastewater connections can be achieved. All installations shall comply with the Boardman Development Code, Boardman Municipal Code, and Public Works Standards.
7. A remonstrance agreement for water line and road improvements for a portion of SW Front Street is required.
8. Improvements on Front Street and sidewalk improvements need to be made to the standards outlined in the Boardman Development Code and the Public Works Standards, in coordination with the City of Boardman prior to and during installation.
9. Storm water shall be maintained on site and in conformance with Chapter 3.5 Stormwater Management.

10. All installed utilities shall comply with the Boardman Development Code or Municipal Code related to utilities.
11. Easements shall be accomplished as required by the Boardman Development Code for this development.
12. The Boardman Planning Official, Public Works Director, and City Engineer shall review the Construction Plan prior to construction.
13. All infrastructure proposed for the development will need to meet the requirements of the Boardman Development Code and Public Works Standards.
14. A Sign Permit will be required and can be applied for at the time of Development Review.

Zack Barresse, Chair

Date

ATTACHMENTS:

Vicinity Map

Site Plan

Floor Plan

Vicinity Map



8/20/2024, 12:10:29 PM



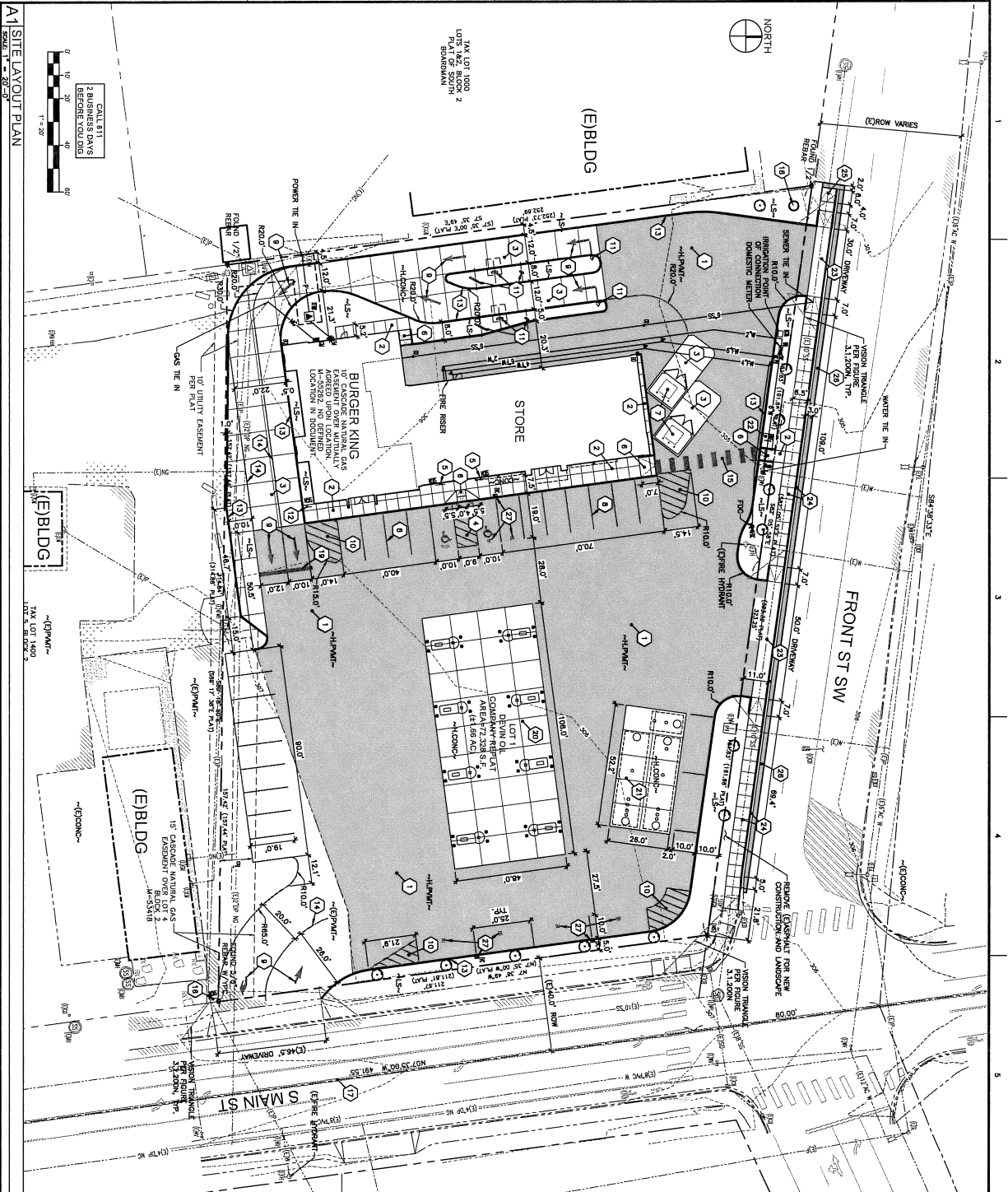
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0 0.03 0.05 0.09 0.1 mi

0 0.04 0.09 0.17 km

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- KEY NOTES**
1. HEAVY ASPHALT SECTION - 4" THICK ASPHALT OVER 10" TOP COURSE PER WDOT 8-03(03)
 2. STANDARD CONCRETE SECTION - 4" THICK CONCRETE WITH REINFORCING BARS AT 18" O.C. AND INSTALL EXPANSION JOINTS AT 30' O.C.
 3. FINISH CONCRETE SECTION - 4" THICK CONCRETE WITH REINFORCING BARS AT 18" O.C. AND INSTALL EXPANSION JOINTS AT 30' O.C. AND INSTALL
 4. PAINT WHITE 4" WIDE PARKING STRIPES PER WDOT 8-03(03)
 5. PAINT ACCESSIBLE PARKING SIGN PER ADA
 6. ACCESSIBLE PARKING SIGN
 7. THRESH DECORATIVE AREA
 8. PAINT * WHITE PARKING STRIPES, TYP
 9. SHOWING FOR FUTURE CONSTRUCTION OF STRIPES
 10. PAINT * WIDE WHITE NO PARKING STRIPING AREA WITH 3" SPACE
 11. SITE SIGN
 12. DO NOT EXIST SIGN
 13. CURBING
 14. PAINT * LANE STRIPES
 15. CROSS WALK
 16. RIGHT TURN ONLY SIGN
 17. BARRIER CURB, BY OTHERS
 18. Pylon SIGN
 19. 1" P PAINTED STOP BAR
 20. HEAVY CONCRETE FUEL TANK PAD AND PAD CANOPY
 21. HEAVY CONCRETE TANK PAD
 22. CONCRETE PAD AND 3 BIKE RACK
 23. DRAINAGE PER ODOT STD R/2700 SPRING N
 24. GROUND, FIBER AND SCHEDULE, PER ODOT STD
 25. END OF SIDEWALK
 26. REPAIR ASPHALT
 27. BY CHANGE PARKING STALLS WITH POWER CONDUIT FROM BUILDING

VICINITY MAP

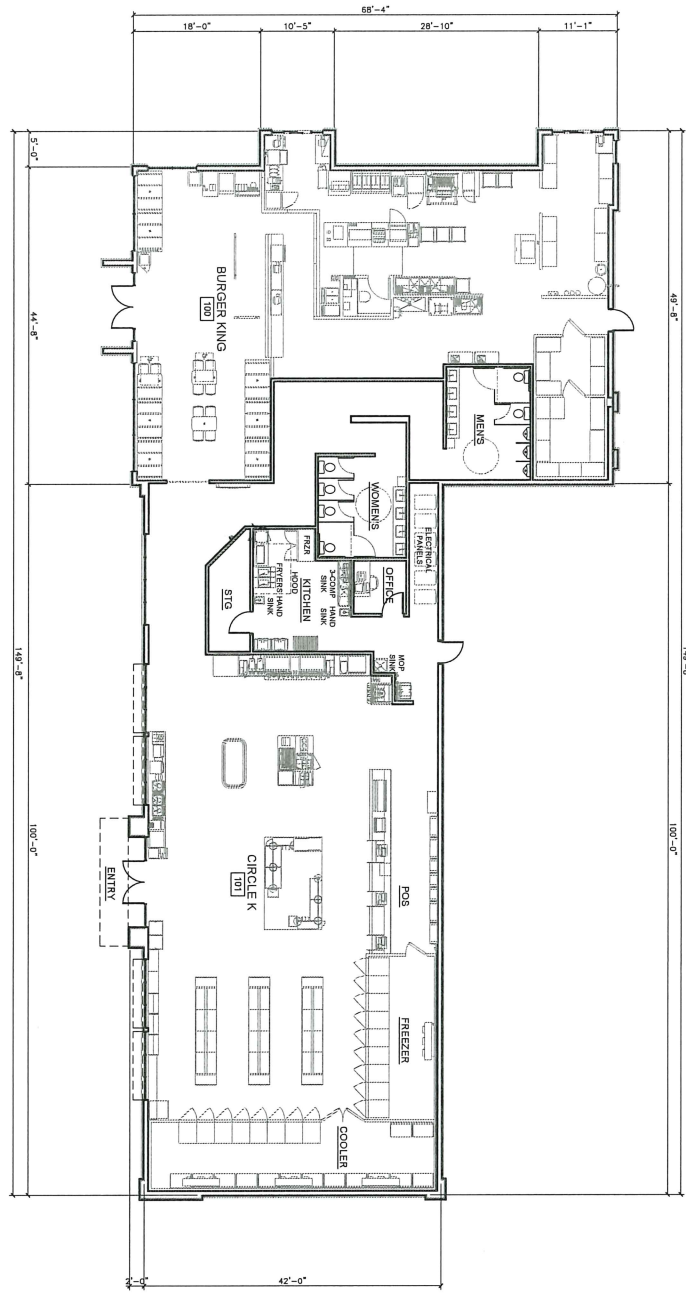
**NOT FOR CONSTRUCTION
SITE LAYOUT PLAN**

BURGER KING
BOARDMAN BURGER KING
BOARDMAN, OR

SP01

DATE: 10/28/24
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]

KNUTZEN ENGINEERING
5401 RIDGELINE DR.
KENNESAW, WA 98338
1-509-222-0959
www.knutzenengineering.com



FLOOR PLAN
SCALE: 1/8" = 1'-0"



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DATE: 10/29/2024
JOB NO.: 21-0616
DRAWN BY: BB

A2.1

REVISIONS:

Devin Oil Co. Inc.
CIRCLE K - BURGER KING
SW Front Street, Boardman, Oregon 97818
FLOOR PLAN

PRELIMINARY
NOT FOR
CONSTRUCTION

BAKER
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