

RESPONSE TO PUBLIC COMMENT

November 18, 2025

Amended (Emails 16 through 20 plus additional attachments)

Jonathan Tallman has, as of the writing of this response, submitted 14 emails as comment to the Transportation System Plan (TSP) Update public record. Staff will address those submittals here.

Email #1:

1. Incomplete Record – Missing Volume II Appendices:
2. Procedural Defect – Notice and Hearing Timeline
3. Piecemealing and Inconsistent Sequencing
4. Transparency and Access Issues

Staff Response: Subject Line indicates this is a Public Records Request. The body of the email further emphasizes this. No Public Records Request form was included. The materials (Item #1) were available on the City's website seven days prior to the Planning Commission public hearing, including the TSP Volume II Appendices. The TSP is the only item before the City Council for review and adoption. Other actions such as the Parks Master Plan, Economics Opportunities Analysis, or the Comprehensive Plan and Development will be considered individually when they are ready to be adopted. While not pertinent to the decision before the City Council, materials for the TSP Public Advisory Committee (PAC) meetings were available prior to each meeting by posting to the City's website.

Email #2:

Request to Continue October 16 TSP Hearing – Incomplete Public Access, Uncoordinated County Elements, and Missing Technical Record'

1. Failure of Public Access (ORS 197.763(2)(b); Goal 1 Citizen Involvement)
2. Incomplete Technical Record (ORS 197.610-.650; ORS 197.835(7))
3. Lack of Coordination with Morrow County (Goals 1 & 12)
4. Procedural Defect – Notice/Timeline vs. Record Availability
5. Piecemealing/Inconsistent Sequencing (TPR & Goal 14 Context)
6. Conflicting/Withheld Mapping Record
7. DLCD Clarifications in the Record

Staff Response: Subject Line indicates this is a Public Records Request. No Public Records Request form was included. The materials were available on the City's website seven days prior to the Planning Commission public hearing, including the TSP Volume II Appendices. Coordination has occurred with Morrow County in several ways including participation on the TSP PAC and the scheduling of co-adoption public hearings that will occur in early 2026. Other actions such as the Parks Master Plan, Economics Opportunities Analysis, or the Comprehensive Plan and Development will be considered individually when they are ready to be adopted. Mr. Tallman has confused the various PACs attempting to assign Parks Master Plan maps to the TSP. He has asked DLCD to add documents to the

record to which Dawn Hert, DLCD Regional Representative, attempted to explain the role of DLCD.

Email #3:

Request to keep the record open.

Staff Response: When placed before the Planning Commission the staff recommendation was that the record will remain open until the City Council closes the record. The adoption of the TSP is not a quasi-judicial decision to be rendered by the Planning Commission, but a legislative process that requires a recommendation by the Planning Commission and a final decision by the City Council.

Email #4:

1. Public Access Failure (ORS 197.763(2)(b); Goal 1)
2. Missing Technical Record – Volume II “Under Separate Cover” (ORS 197.610-650; ORS 197.835(7))
3. No Signed/Dated Staff Report (ORS 197.763(4)(a))
4. No Transportation Financing Program (OAR 660-012-0040(4))
5. Unclear/Missing Functional Classification Details
6. No Goal 5/Environmental Constraints Integration (Goal 5; OAR 660-012-0045(2)(e))
7. Mapping Inconsistencies/Version Control (ORS 197.835(7))
8. No Demonstrated Link to Current BLI/EOA (OAR 660-024)
9. No DLCD/ODOT Technical Coordination Memos (Goal 12 Coordination)
10. No Draft Adopting Ordinance/Resolution Text (ORS 197.610(1))
11. Outdated/Uncoordinated Base Data (OAR 660-012-0045(2)(a))
12. Inter-Jurisdictional Coordination is Unresolved (Goals 1 and 12)

Staff Response: Subject Line indicates this is a Public Records Request. No Public Records Request form was included. The materials were available on the City’s website seven days prior to the Planning Commission public hearing, including the TSP Volume II Appendices. A staff report was available prepared for the Planning Commission with a signature line for the Planning Commission chair. Financing is considered in the TSP. There is a Functional Classification Map. Goal 5 is only required if Goal 5 resources are impacted and none are. Related is Mr. Tallman’s confusion about the Buildable Lands Inventory which is a component of the Economic Opportunities Analysis and not the TSP. Coordination has occurred with both the Department of Land Conservation and Development (DLCD) and the Oregon Department of Transportation (ODOT) as they are the funding and grant managers of this project and have had staff attend every TSP PAC meeting. Coordination has occurred with Morrow County in several ways including participation on the TSP PAC and the scheduling of co-adoption public hearings that will occur in early 2026. Other actions such as the Parks Master Plan, Economics Opportunities Analysis, or the Comprehensive Plan and Development will be considered individually when they are ready to be adopted. Mr. Tallman has confused the various PACs attempting to assign Parks Master Plan maps to the TSP. He has asked DLCD to add documents to the record to which Dawn Hert, DLCD Regional Representative, attempted to explain the role of

DLCD. The adopting ordinance will be available as part of the City Council public hearing and adoption process.

Email #5:

Correspondence related to PAC meetings for the Comprehensive Plan/Development Code and Economic Opportunities Analysis. Attached a Transparency Issue Letter dated October 7.

Staff Response: Subject Line indicates this is a Request to Keep Record Open. The items listed relate to PAC meetings and materials for the Comprehensive Plan/Boardman Development Code and Economic Opportunities Analysis, both unrelated to the TSP public hearings and adoption. The attached "Transparency Issue Letter" is dated prior to the opening of the record for the TSP adoption process and is addressed to the Mayor, addressing issues that are not related to the adoption criteria.

Email #6:

Request for the Full Record – Missing TSP Volume II (Methodology & Appendices) and OWRD Coordination follow up.

Staff Response: Subject Line indicates this is a Public Records Request. No Public Records Request form was included. The subject identified within the email indicates it is a Request for the Full Record. The materials, including the Appendices, were available on the City's website a full seven days prior to the Planning Commission public hearing. Mr. Tallman also erroneously states that there is required coordination between the City and Oregon Water Resources Department.

Email #7:

Request for a copy of the PAC materials for a Comprehensive Plan/Development Code meeting held on October 13.

Staff Response: Subject Line indicates this is a Public Records Request. No Public Records Request form was included. The items listed relate to PAC meetings and materials for the Comprehensive Plan/Boardman Development Code, unrelated to the TSP public hearings and adoption. It should be stated however that the materials were available on the City's website.

Email #8:

Request for a Follow Up to PAC Packet and Policy Transparency.

Staff Response: Subject Line indicates this is a Public Records Request. No Public Records Request form was included. Within the text of the email, he requests that this correspondence be included as part of the "official records for the Comprehensive Plan Update," however no "official record" has been established as the Comprehensive Plan is not yet set for public hearing.

Email #9:

Request is for clarification on TSP Volume II, staff report, and OWRD coordination.

Staff Response: Subject Line indicates this is a Public Records Request. No Public Records Request form was included. The materials, including the Appendices, were available on the City's website a full seven days prior to the Planning Commission public hearing. A staff report was available prepared for the Planning Commission with a signature line for the Planning Commission chair. Mr. Tallman also erroneously states that there is required coordination between the City and Oregon Water Resources Department.

Email #10:

Request for clarification and record update – BPA easement, RV site mapping, Morrow County trail Missing Documentation, and Incomplete TSP Appendices update.

Staff Response: Subject Line indicates this is a Public Records Request. No Public Records Request form was included. The materials, including Volume II Appendices, were available on the City's website seven days prior to the Planning Commission public hearing. The BPA easement, RV site mapping, and Morrow County Heritage Trail components are not a part of the TSP Update and are unrelated. Mr. Tallman continues to misunderstand that maps that are part of the Parks Master Plan and not, by extension, part of the TSP.

Email #11:

Request to Continue Hearing and Keep Record Open – Missed October 9 Deadline, Pending LUBA Remand, Access Permit Limitations, and BLI Acreage Analysis.

Staff Response: Subject Line indicates this is a Public Records Request. No Public Records Request form was included. The TSP Update materials were available on the City's website seven days prior to the Planning Commission public hearing. There is no pending LUBA remand as the City acted on the remand in 1st John 2:17, LLC and Jonathan Tallman vs. City of Boardman (2022-062). The Access Permit referenced is a Morrow County issue and cannot be addressed by the City of Boardman; the referenced statute has to do with the purview of the Land Use Board of Appeals and would not be applicable to this action. The BLI Acreage Analysis is assumed to relate to the Buildable Lands Inventory that is part of the Economic Opportunities Analysis which is not a part of the TSP Update. Mr. Tallman also erroneously states that there is required coordination between the City and Oregon Water Resources Department.

Email #12:

Request to Add Goal Compliance Report to City and County Records and Postpone Vote Pending OWRD.

Staff Response: Subject Line indicates this is a Public Records Request. No Public Records Request form was included. There is no requirement for coordination with the Oregon Water Resources Department for adoption of a TSP. Additionally the commentor

continues to identify this action as including an UGB amendment which it does not. There is also a suggestion that the Statewide Planning Goals be reviewed, however the suggestions from the commentor do not conform to the proposed TSP Update and attempt to conflate the TSP Update with other actions NOT before the City Council at this time. The Staff Report addresses the applicable Statewide Planning Goals. Should other Goals be identified that need to be analyzed that will be accomplished elsewhere.

Email #13:

Request is to keep the record open for at least 21 days, to delay the City Council public hearing, and to include all materials in the record with their release dates.

Staff Response: Subject Line indicates this is a Public Records Request. No Public Records Request form was included. The materials were available on the City's website seven days prior to the Planning Commission public hearing. The two exceptions to this include the correspondence from Jennifer Bragar on behalf of Hattenhauer Distributing and the emails submitted by Mr. Tallman. The Planning Commission did not 'keep the record open' as it remained open and will be closed once the City Council closes the public hearing, which will be more than 30 days. There is no reasonable reason to delay the City Council public hearing or for the hearing to be further continued.

Email #14:

Request is an addendum to previous submittals inquiring about the status of the record for the City Council, indicating that exhibits will be submitted, and requesting that the City Council provide an opportunity for evidence to be submitted.

Staff Response: Subject Line indicates this is a Public Records Request. No Public Records Request form was included. The requests for keeping the record open are made citing an Oregon Revised Statute that does not exist. While the Planning Commission closed their public hearing, the record in this matter is open until the City Council takes action to close their public hearing and close the record. That can occur on November 18 or at a latter date should the City Council choose to continue the hearing, something that planning staff are not currently recommending. Mr. Tallman again confuses maps related to the Parks Master Plan with being a part of the TSP adoption proceeding, which is not the case. There is also no requirement for coordination with the Oregon Water Resources Department when adopting a TSP. There is no requirement for the City Council to keep the record open at the closure of their public hearing.

The following incorporates emails received after the City Council packet was posted.

Email #16:

Request is for Notice of Final Decision related to Ordinance 10-2025.

Staff Response: As a participant in the local process Mr. Tallman is eligible to receive the Notice of Decision and Ordinance 10-2025. That Notice of Decision will include the

necessary calculations for an appeal of adoption to the Land Use Board of Appeals. It should be noted that the Oregon Revised Statute that is cited by Mr. Tallman does not exist. The email then goes on to discuss a potential offer to purchase property owned by Tallman's which is not a part of the adoption of the Transportation System Plan. The Oregon Revised Statute in this portion of the email, while applicable to offers of property acquisition, it is not applicable to the adoption of the Transportation System Plan.

Email #17:

Request is to Keep the Record Open, to Defer Adoption and ROW Actions, and to Notify DLCD of procedural flaws.

Staff Response: The record for the adoption of the TSP has been open since before the Planning Commission public hearing. There is no valid reason to keep the record open and the Oregon Revised Statute that is listed does not exist. Mr. Tallman continues to cite what he believes to be numerous procedural and legal flaws, which is not the case. He also references a 2022 LUBA case that, under remand to the city, has been resolved. As stated previously, coordination with the Oregon Water Resources Department is not a requirement for the adoption of a TSP. He also calls out what he believes are conflicts of interest (including several signed Non-Disclosure Agreements (NDAs)). Again this is a confusion of the Transportation System Plan and the Parks Master Plan which are two separate actions with only the Transportation System Plan before the City Council currently. He seems to believe that the City of Boardman has been paid by Amazon or that Amazon is funding the development of the Transportation System Plan. The Transportation System Plan has been accomplished with a grant secured through the Transportation Growth Management program, a joint initiative between the Oregon Department of Land Conservation and Development and the Oregon Department of Transportation. Both organizations have been involved with the development of the Transportation System Plan participating in the Public Advisory Committee process. He also calls out a potential land offer and actions that are related to the Port of Morrow Interchange Area Management Plan. The Transportation System Plan does not require, or control offers to purchase land. And the Interchange Area Management Plan is not proposed to change as part of the Transportation System Plan update.

Email #18:

Request is for a good faith offer.

Staff Response: Again, offers to purchase property are not governed by the Transportation System Plan.

Email #19:

Request is for Complete Record Alignment, Production of Missing Documents, and Scheduled Appointment for Written Copies – Add to Official Record.

Staff Response: This request appears to request that all materials previously provided, going back to 2018, be added to this record. That is outside the scope of staff responsibility

and is the responsibility of the commentor to provide information to the record that they think may be pertinent. He also is attempting to conflate a City Hall records retention day to have impact to the adoption of the Transportation System Plan, which it did not. And he continues to attempt to connect the Transportation System Plan with the Parks Master Plan, and the Morrow County work on the Heritage Trail Master Plan.

Email #19:

Request is to move Public Comment to the Beginning of the Meeting.

Staff Response: It is unclear to staff why public comment, which is part of all City Council regular meetings, should be moved to before the Public Hearing. Should any of the Tallman's which to comment on the Transportation System Plan that would occur within the Public Hearing, not within the public comment period. He also provides a 2020 letter from Karen Pettigrew, who was then the City Manager, to Robert Echenrode at Umatilla Electric, concerning the potential permitting of a transmission line. That transmission line was eventually permitted, which Mr. Tallman appealed. He also infers that he will appeal the adoption of the Transportation System Plan to the Land Use Board of Appeals (LUBA) based on what he believes is an incomplete record and no offer has been tendered to purchase his property. A good primer on process is found in the response to Mr. Tallman from Dawn Hert, Eastern Regional Representative from the Department of Land Conservation and Development, which appears several times in the email threads that he has included. In her response she identifies the many actions that the City of Boardman is currently undertaking, general information about the PAPA, or Post Acknowledgement Plan Amendment process, what is required when a PAPA is submitted, along with answering some of his specific questions. She directed him to the City of Boardman website and encouraged him to review the work done by the Public Advisory Committee. She also called out that he appears to be confusing Parks Master Plan maps with the Transportation System Plan adoption and attempted to clarify that the Economic Opportunities Analysis and its included Buildable Lands Inventory are also not a part of the Transportation System Plan. He also asked for her to add items to the City of Boardman record, which is not the role of the Department of Land Conservation and Development.