

**PLANNING OFFICIAL  
FINDINGS OF FACT  
LAND DIVISION DIV25-000002  
TYPE III DECISION PROCESS**

**REQUEST:** To combine approximately 6.58 acres and 3.11 acres into one parcel.

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**APPLICANT:** Apex  
Casey Jorgenson  
400 Bradley Blvd  
Richland, WA 99352

**OWNER:** Oregon Potato Company  
P.O Box 3110  
Pasco, WA 99302

**PROPERTY DESCRIPTION:** Tax Lot 2500 and 2501 of Assessor's Map 4N 25 10.

**ZONING OF THE AREA:** General Industrial

**PROPERTY LOCATION:** South side of Columbia Avenue NE, between Olson Road and Ulman Boulevard.

- I. **GENERAL INFORMATION:** The subject property is Parcel 1 of Port of Morrow Food Proc Park Applicant is requesting to conjoin tax lots 2500 and 2501.
- II. **APPROVAL CRITERIA:** The application has been filed under the City of Boardman Development Code Chapter 4 Applications and Review Procedures 4.3 Land Divisions and Lot Line Adjustments. Review of a preliminary plat with 2 or 3 lots (partition) shall be processed by means of a Type III procedure, as governed by Section 4.1.400. All preliminary plats shall be reviewed using approval criteria contained in Section 4.3.140.

**4.3.140 Approval Criteria: Preliminary Plat**

A. **General Approval Criteria.** The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

1. **The proposed preliminary plat complies with all of the applicable Development Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, and the applicable sections of Chapter 2.0 (Land Use Districts) and Chapter 3.0 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 5.0 (Exceptions);**

The submitted preliminary plat and narrative are adequate for review.

2. **The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;**

The request is for a replat. No subdivision name is necessary.

3. **The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for**

adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat; and

The arrangement of streets, utilities, and other public improvements is consistent with applicable design standards. All proposed improvements and dedications are clearly shown on the preliminary plat and are being reviewed for compliance.

4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat.

This is not applicable as no specific development is identified.

- B. **Block and Lot Standards.** All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:

1. All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use district (Chapter 2), and the standards of Chapter 3.1.200.J - Street Connectivity and Formation of Blocks.
2. Setbacks shall be as required by the applicable land use district (Chapter 2).
3. Each lot shall conform to the standards of Chapter 3.1 - Access and Circulation.
4. Landscape or other screening may be required to maintain privacy for abutting uses. See also, Chapter 2 - Land Use Districts, and Chapter 3.2 - Landscaping.
5. In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See also, Chapter 3.1- Access and Circulation.
6. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.

Similar standards will be applicable at the time of development.

- D. **Conditions of Approval.** The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. See also, Chapter 3.4.000.D (Public Facilities).

One Condition of Approval is identified related to the Final Plat.

#### **4.3.160 Final Plat Submission Requirements and Approval Criteria**

- A. **Submission Requirements.** Final plats shall be reviewed and approved by the City prior to recording with Morrow County. The applicant shall submit the final plat within one (1) year of the approval of the preliminary plat as provided by Section 4.3.120. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the City Manager or his/her designee.

The applicant has one year to submit the Final Plat for review as outlined in Section 4.3.120.

- B. **Approval Criteria.** By means of a Type I procedure, the City Recorder and City Engineer shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:

1. The final plat complies with the approved preliminary plat, and all conditions of approval have been satisfied;

2. All public improvements required by the preliminary plat have been installed and approved by the City Engineer. Alternatively, the developer has provided a performance guarantee in accordance with Section 4.3.180.
3. The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;
4. The streets and roads held for private use have been approved by the City as conforming to the preliminary plat;
5. The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal storm drainage and water supply systems;
6. The applicant has provided copies of all recorded homeowners association Conditions, Covenants, and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;
7. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);
8. Certification by the City or service district, as applicable, that water and sanitary sewer service is available to each and every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider/partitioner to the City that such services will be installed in accordance with Chapter 3.4 - Public Facilities, and the bond requirements of Section 4.3.180. The amount of the bond, contract or other assurance by the subdivider/partitioner shall be determined by a registered professional engineer, subject to review and approval by the City;
9. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two or more permanent objects for identifying its location.

These criteria provided to inform the applicant of the necessary steps to achieve approval of the Final Plat from the City prior to recording. As part of condition of approval number 1, these criteria will be applied during the review.

#### **4.3.190 Filing and Recording**

- A. Filing plat with County.** Within 60 days of the City approval of the final plat, the applicant shall submit the final plat to Morrow County for signatures of County officials as required by ORS Chapter 92.

This timeline is applicable once the Final Plat is reviewed for approval.

- B. Proof of recording.** Upon final recording with the County, the applicant shall submit to the City a mylar copy and 10 paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly-created lots.

The City only requires a paper copy. A digital copy will be available through the Morrow County Surveyor once recorded.

- C. Prerequisites to recording the plat.**

1. No plat shall be recorded unless all *ad valorem* taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid

in the manner provided by ORS Chapter 92;

2. **No plat shall be recorded until it is approved by the County surveyor in the manner provided by ORS Chapter 92.**

These requirements are applicable to the Final Plat.

#### **4.3.200 Replatting and Vacation of Plats**

- A. Replatting and Vacations. Any plat or portion thereof may be replatted or vacated upon application signed by all of the owners as appearing on the deed.**

This request is a replat of Parcel 1 and 2 of replat of lot 5 Port of Morrow Food Proc Park and shall be identified as such on the Final Plat.

- B. Procedure. All applications for a replat or vacation shall be processed in accordance with the procedures and standards for a subdivision or partition (i.e., the same process used to create the plat shall be used to replat or vacate the plat). The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process. (See Chapter 4.1 - Types of Applications and Review Procedures.)**

This is being reviewed as part of the Type III Land Partition process.

- C. Basis for denial. A replat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable criteria.**

No public uses, improvements, streets or alleys are impacted by this request and approval. All applicable criteria can and are met.

- D. Recording of vacations. All approved plat vacations shall be recorded in accordance with Section 4.3.190 and the following procedures:**

1. **Once recorded, a replat or vacation shall operate to eliminate the force and effect of the plat prior to vacation; and**
2. **Vacations shall also divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described on the plat.**

This is not a vacation. No property or rights are being vacated with this replat.

- E. After sale of lots. When lots have been sold, the plat may be vacated only in the manner herein, and provided that all of the owners of lots within the platted area consent in writing to the plat vacation.**

The two lots are in common ownership.

- F. Vacation of streets. All street vacations shall comply with the procedures and standards set forth in ORS Chapter 271.**

No street is proposed to be vacated.

- G. Requirement to Maintain Access. The City may require accessways, paths or trails as a condition of the vacation of any public easement or right-of-way, in order to establish or maintain a safe, convenient and direct pedestrian and bicycle circulation system.**

Access is currently available along Columbia Avenue NE and will continue. This property was recently reviewed for the development of a potato storage facility and has met the requirements of that decision.

- I. **PROPERTY OWNERS NOTIFIED:** May 7, 2024  
List of landowners notified is retained as part of the file.
- II. **AGENCIES NOTIFIED:** May 7,2024.  
Teresa Penninger, Oregon Department of Transportation; George Shimer, Boardman Parks and Recreational Center
- III. **PLANNING OFFICIAL RECOMMENDATION:** The Planning Official approves this request with the following precedent **CONDITIONS OF APPROVAL**.
  - 1. Submit a final plat for review by the City, County Surveyor, and County Assessor.

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Zack Barresse, Chair

Date

ATTACHMENTS:  
Vicinity Map  
Preliminary Plat