
7/7/2026 public statement

From The Farmers Cup <thefarmerscup@gmail.com>

Date Sun 7/5/2026 5:19 PM

To Amanda Mickles <micklesa@cityofboardman.com>; Brandon Hammond <HammondB@cityofboardman.com>; Stephanie Case <CaseS@cityofboardman.com>

Cc Christofer Martin <Cfmmotorsllc@gmail.com>; Derrin Tallman <derrin@tallman.cx>; Terra.king@emerson.edu <Terra.king@emerson.edu>; HERT Dawn * DLCD <dawn.hert@dlcd.oregon.gov>; dlcd.info@dlcd.oregon.gov <dlcd.info@dlcd.oregon.gov>; microbatchor@gmail.com <microbatchor@gmail.com>; eve@friends.org <eve@friends.org>; sam@friends.org <sam@friends.org>; fletcher@cfsilage.com <fletcher@cfsilage.com>; noahcamuso@gmail.com <noahcamuso@gmail.com>

 7 attachments (8 MB)

April 21st meeting.pdf; 2026-06_Item 6_Combined.pdf; City of Boardman LOI.pdf; City sign enforcement.pdf; IMG_3566.jpeg; IMG_3568.jpeg; IMG_5120.jpeg;

Good evening.

Please include this statement and all attachments in the official public record for the City of Boardman and provide confirmation that this email has been received.

I respectfully ask the Council, staff, and the public to step back and look at the overall picture rather than viewing each issue in isolation.

The Oregon Department of Land Conservation and Development (DLCD) has publicly acknowledged that the Umatilla Basin, including Morrow County, is experiencing extraordinary growth pressure associated with data center development. During its June 24–25, 2026 meeting, DLCD discussed projected land demand exceeding 7,000 acres within this region and the unprecedented pace of development occurring across eastern Oregon.

During this same period, the County co-adopted the City's Transportation System Plan, the proposed Tower Road IAMP, estimated at approximately \$209 million, has continued moving forward, and planning and transportation decisions have continued to affect my family's property.

At the same time, there have been discussions regarding an RV park associated with Amazon's workforce, the City issued a written Letter of Intent expressing its interest in purchasing our property, the County imposed road-access restrictions affecting our property, and the City has pursued code enforcement involving The Farmer's Cup.

Another example is the City's April 21, 2026 open meeting regarding pedestrian needs, development code requirements, sidewalk or path location, and project timing, where the City invited discussion with affected property owners and neighbors. The meeting agenda itself focused on communication and dialogue regarding these improvements. Since that meeting, however, I am not aware of any formal follow-up process that has provided affected property owners and neighbors with clarity regarding how their concerns were evaluated, what decisions were made, or how the discussion

influenced the City's planning. From my perspective, that continuing lack of communication contributes to the same uncertainty we have experienced throughout these planning processes.

Viewed together, these events create a pattern that, from our perspective, deserves to be considered as a whole rather than as unrelated matters. They are occurring while this region experiences the same development pressures that DLCD has already identified publicly. Those broader concerns have also been presented to DLCD as part of the Department's ongoing review of statewide planning and implementation issues, including matters discussed during its June 24–25 meeting and the enforcement review requested by 1000 Friends of Oregon and Central Oregon LandWatch.

The Farmer's Cup is attempting to make decisions about its future. We are actively working toward selling the business so our family can move forward. What we need is certainty—not additional uncertainty created by unresolved City decisions, pending applications, and questions for which we continue seeking written answers after receiving verbal assurances.

Rather than continuing down a path of increasing conflict, I respectfully ask the City to consider a different approach. I request that the City consider entering into a Memorandum of Understanding or, at a minimum, begin formal good-faith negotiations that establish a clear framework for resolving the outstanding issues affecting our property and business. A structured process would provide certainty for everyone involved and could avoid unnecessary disputes while preserving each party's legal rights.

My family has been part of this community for nearly 50 years. We are not asking for special treatment. We are asking for a fair, transparent, and predictable process that recognizes the cumulative impact these decisions have had on our property and our business. As Boardman continues to grow, the City's own adopted and proposed plans reflect that growth through projects that are funded, implemented, and under construction. That growth should also include fair treatment of the residents and businesses who have invested in this community for decades.

Finally, I want to leave the Council with one thought. The unprecedented demand for data center development occurring across Oregon and throughout the United States should not unintentionally prevent a long-standing local business from moving forward with certainty. If Boardman is going to continue growing, then that growth should include fair and predictable treatment for the people and businesses who helped build this community long before today's development pressures arrived.

We simply ask that The Farmer's Cup not be left in limbo because of broader regional planning pressures beyond our control, and that the City work with us toward a fair resolution that allows everyone to move forward.

Thank you.

Cheryl Tallman
The Farmer's Cup

Attachments

- DLCD Agenda Item 6 – Data Center Development Trends in Oregon (June 24–25, 2026), documenting projected data center land demand in the Umatilla Basin and DLCD's discussion of regional growth pressures.
- City of Boardman Parks Master Plan map identifying the proposed "New RV Site."

- Excerpt from the April 15, 2025 Parks Master Plan Advisory Committee meeting transcript (approximately 1:52:43–1:53:10) discussing Amazon potentially funding development of an RV park.
- Screenshot from the April 15, 2025 Parks Master Plan Advisory Committee meeting showing the discussion timestamp.
- City of Boardman Letter of Intent expressing its intent to negotiate the purchase of the Tallman property.
- City of Boardman sign enforcement materials relating to The Farmer's Cup property.
- April 21st meeting

away from what's

1:52:43

his name? Is it Did I hear a a rumor that he sold that? There's Amazon. No,

1:52:51

this this Oh, well, so Amazon is potentially funding um the development

1:52:57

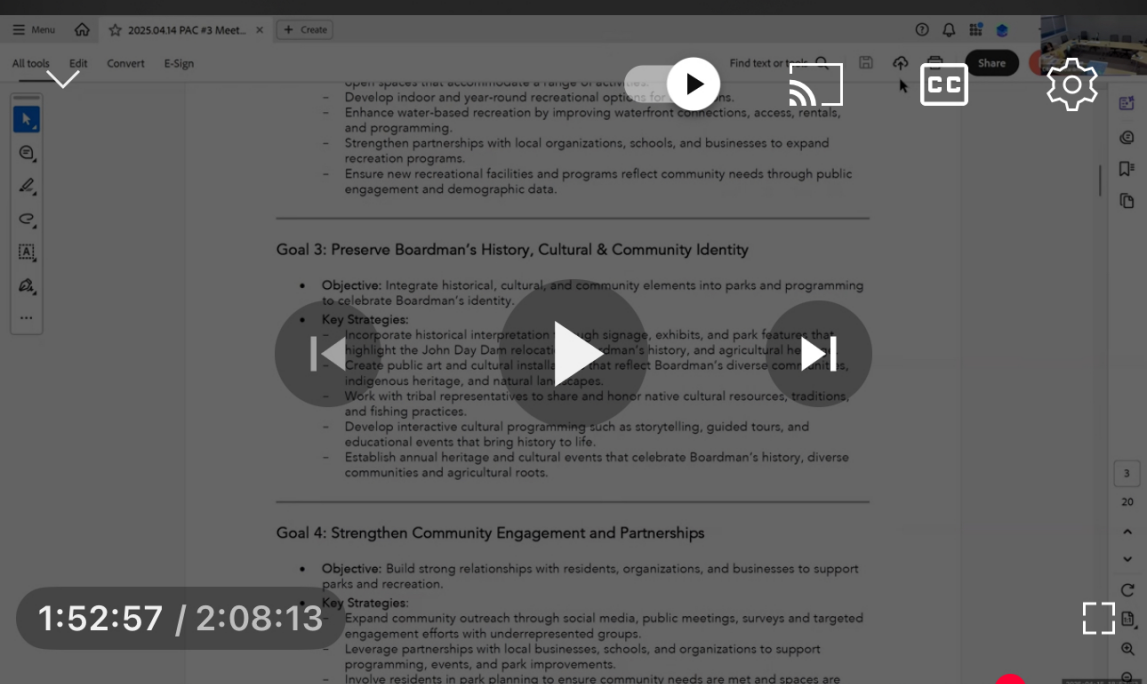
of an RV park. Yeah. Not for a data center. I didn't mean that way, but for that Yes. Oh, wait. Don't That's where

1:53:04

that sun that cafe or that coffee shop is at the port exit.

1:53:10

Farmers ~~somewhere in there~~ What's What was J's name? Terry Tolman. Yeah



Boardman, OR PMP PAC Meeting 4/15/25

90 views 5mo ago ...more



City of Boardman, Oregon 29

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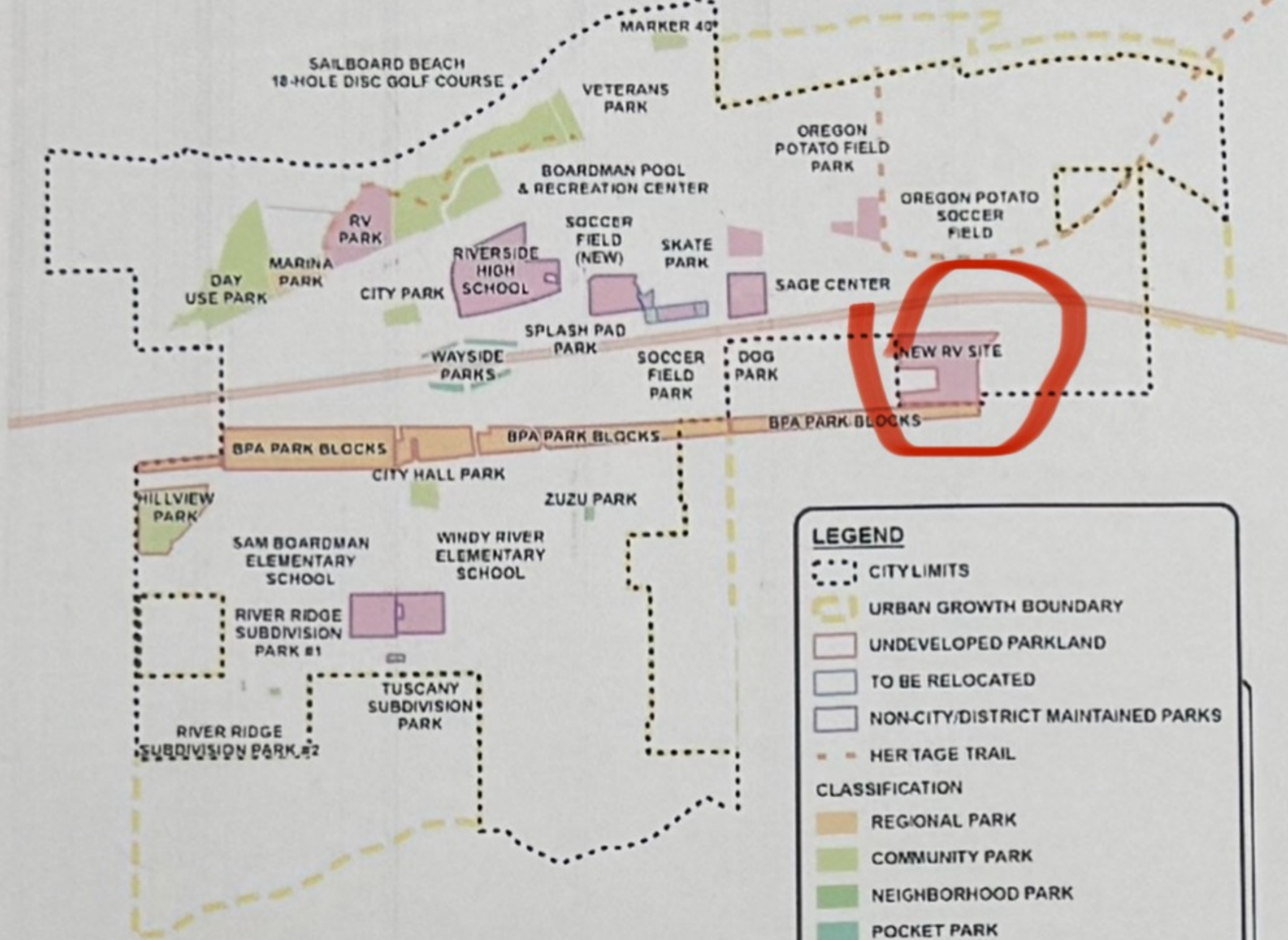
 Down

Key Concepts



Economic growth
In economics, economic growth is an i...

View concept



LEGEND

- CITY LIMITS
- URBAN GROWTH BOUNDARY
- UNDEVELOPED PARKLAND
- TO BE RELOCATED
- NON-CITY/DISTRICT MAINTAINED PARKS
- HERITAGE TRAIL

CLASSIFICATION

- REGIONAL PARK
- COMMUNITY PARK
- NEIGHBORHOOD PARK
- POCKET PARK
- TRAIL/LINEAR PARK
- OPEN SPACE/CONSERVATION AREA



Meeting Agenda

April 21, 2026 at 2 P.M

Boardman City Hall - Community Development Conference Room & Zoom

1. Welcome & Introductions
2. Pedestrian Needs
3. Development Code Requirements
4. Sidewalk or Path Location
5. Timing
6. Adjourn

Join Zoom Meeting:

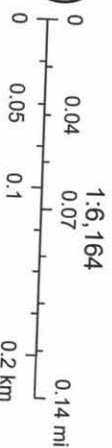
<https://us02web.zoom.us/j/2860039400?omn=84966435291>

Vicinity Map



4/21/2026, 11:53:17 AM

- City Limits
- UGB
- Main Street IAMP Management Area
- POM IAMP Management Area
- North Urban Renewal District
- Central Urban Renewal District
- West Urban Renewal District
- WMains
- ssGravity/Main
- Taxlots
- Taxlots (Urban Renewal Agency)



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Google



June 11, 2026

To: Land Conservation and Development Commission

From: Brenda Ortigoza Bateman, Ph.D., Director
Kirstin Greene, AICP, Deputy Director
Leigh McIlvaine, Economic Development Specialist



Subject: **Agenda Item 6, June 25-26, 2026, LCDC Meeting**

Briefing: Data Center Development Trends in Oregon

I. Agenda Item Summary

Department of Land Conservation and Development (DLCD or the department) staff members will brief the Land Conservation and Development Commission (LCDC or commission) on their latest research into data center development trends in Oregon. Staff will provide information about the department's efforts supporting the Governor's Data Center Advisory Committee (DCAC), along with recommendations DLCD advanced to the DCAC. This is an informational item. As public comment is not accepted at this time, community members who wish to comment on data center development should participate in the public proceedings of the DCAC.

a. Purpose

Staff will provide a summary of data center development activity in Oregon and update the commission on the activities of the Data Center Advisory Committee.

b. Objective

Commissioners are up to date on the department's work around data center development trends in Oregon.

For further information about this report, please contact Leigh McIlvaine, Economic Development Specialist, at 971-701-1041 or leigh.mcilvaine@dlcd.oregon.gov.

II. Background

Unprecedented growth of the data center industry in Oregon and nationwide is fueling public dialogue about the costs and benefits of this industry. DLCD staff continue to closely monitor land use activity pertaining to data center development across the state. The department is supporting the work of the recently convened [Data Center Advisory Committee](#) (DCAC), appointed by the Governor to inform future development policy related to the industry in Oregon. Community members who wish to comment on data center development should participate in the public proceedings of the DCAC. DCAC members receive public comment at monthly

committee meetings and during public listening sessions. To participate, please visit: <https://www.oregon.gov/energy/get-involved/pages/oregon-data-center-advisory-committee.aspx>.

III. Industry Development Trends

There are three regional data center growth markets in Oregon: 1) the Umatilla Basin, consisting of Umatilla, Morrow, and to a lesser extent, Gilliam counties, 2) Central Oregon, where the industry is established in Prineville/Crook County, and 3) Hillsboro/Washington County. DLCD staff have analyzed development trends across the state, including existing data center locations and expected land demand. See Attachment A for maps of key regional data center markets.

The department's evaluation of established, operational data centers reveals a wide range of facility types. Many smaller data centers located in urban areas can be considered to be a part of the state's telecommunications infrastructure. The type of data center driving growth in Oregon and across the globe is known as a "hyperscale" facility. Although there is no commonly accepted, standard definition of the term, hyperscale data centers are generally understood to provide service that extends beyond a regional market and have significant power, water, and land needs. Silicon Valley tech firms such as Amazon (Amazon Web Services, or AWS), Google, Meta, and Apple operate existing hyperscale data centers in Oregon and are currently expanding operations.

a. Existing data center operations in Oregon

Although the department is currently unable to distinguish between hyperscale and other data center types for those already in operation, staff have compiled a thorough dataset that describes the location of existing data centers in the state. DLCD developed this data for the purpose of analyzing industry growth rates by location. Staff consulted a variety of sources to develop this data but have not confirmed individual locations. As of 2025, there were 123 established data centers¹ in Oregon. Of those facilities, 12 percent are located in Central Oregon, 44 percent are located in the Umatilla Basin,² and 40 percent are in Hillsboro/Washington County. (Attachment A)

The industry is growing at an exponential rate, with the number of operational buildings doubling every five years. Development in Hillsboro and Umatilla Basin markets are driving the majority of growth. Hyperscale facilities are fueling data center development in the Umatilla Basin. Hillsboro hosts a wider variety of facility types but is also experiencing the greatest amount of growth by hyperscale facilities.

Most types of hyperscale data centers require significant water for cooling and therefore rely on community water availability. Cities and other public agencies that have not fully grown into their

¹ The term "data center" is also undefined. For the purposes of developing this dataset, DLCD considered any individual building, whether sited in isolation or as a part of a multi-building campus, as a single data center.

² For the purpose of this analysis, the Google facilities in The Dalles are included in the Umatilla Basin market region.

established water rights may choose to serve data centers with water. Water availability has shaped the industry's growth in Oregon, with the majority of data centers located in cities. However, 20 percent of all data centers in the state operate in rural industrial zones, outside of urban growth boundaries. This land use pattern is common in Morrow County, where the Port of Morrow supplies water for industrial purposes.

b. Future land demand by the data center industry

The department receives information about future data center land need in several ways. Communities that are working toward adoption of Economic Opportunities Analyses (EOAs) submit post-acknowledgement comprehensive plan amendment notifications to DLCD for review. Many local governments develop their EOAs in consultation with department staff, which provides the agency with some awareness of development plans before a formal plan amendment notification is issued. DLCD's regional representatives also are sometimes made aware of development interest in lands outside of urban growth boundaries or economic development priorities before local comprehensive plan amendment work begins in earnest.

When staff last reported to the commission on this topic in February 2026, the department estimated total future land demand for new data centers to be 8,571 acres. Estimated need has grown since then to approximately 9,100 acres of land for data center development. Staff estimate that approximately 6,500 acres of that total would need to be satisfied by expansion of urban growth boundaries or new rural industrial development. Table 1 displays these figures by region. Note that the Hillsboro/Washington County market³ is excluded from this analysis; the city's inability to amend its urban growth boundary (UGB) to urbanize rural reserve lands in Washington County prevents data center industry growth plans that would otherwise be represented in the table below.⁴

Table 1. Land demand identified by local governments in key data center markets, 2021-2026

	Total land demand	To be satisfied by UGB expansion or rural upzoning
<i>Eastern Oregon/ Umatilla Basin</i>	7,073	5,972
<i>Central Oregon</i>	2,020	500
<i>Total acres</i>	9,093	6,472

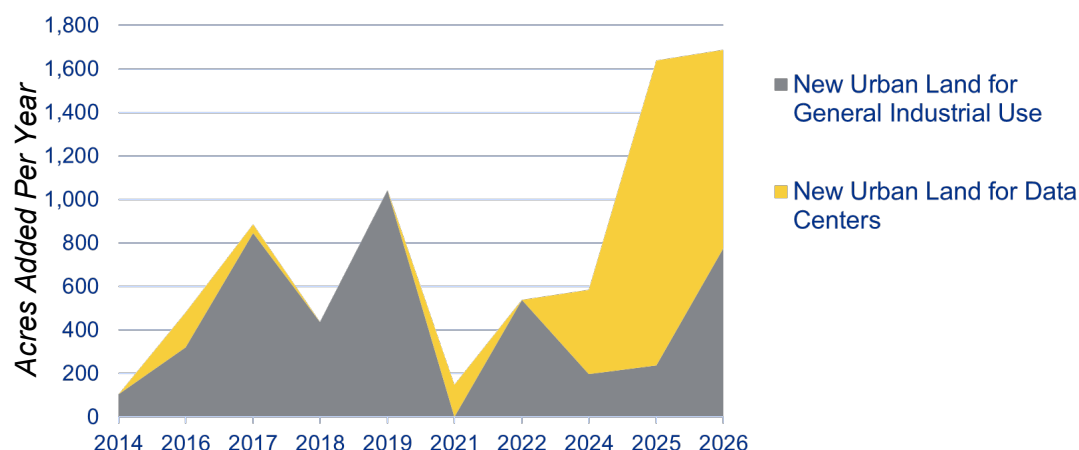
Hyperscale data centers require large sites of 50-150 acres or more. Communities that are interested in accommodating growth by this industry often need to pursue urban growth

³ DLCD estimates that the total land use footprint of the data center industry in Hillsboro is approximately 430 acres, out of a total of approximately 15,000 acres in the city, with an additional 50 acres planned or under construction.

⁴ In 2014 the legislature designated Rural Reserves adjacent to Hillsboro, making a significant amount of land ineligible for inclusion in the Metro urban growth boundary for a period of 50 years. This act of the legislature is known as "The Grand Bargain."

boundary expansions to provide appropriate sites. DLCD staff evaluated urban growth boundary amendments between 2014 to 2026 that provided additional industrial land supply for future urban development. Of a total of 22 completed or planned UGB expansions for industrial land, eight were based on economic opportunities analyses that specifically included data center development as a target industry. These 22 completed or planned UGB expansions represent a total of 10,391 acres of newly urbanized land for industrial use. Data center-specific industrial land accounts for 3,243 acres of that amount, with the proportion of data center industrial land increasing rapidly over time. Between 2020 and 2026, approximately two thirds of all land added to urban growth boundaries for industrial use is (or will be) designated for data center development. Figure 1 shows the proportion of data center land demand as represented by UGB amendments growing over time.

Figure 1. Cumulative Statewide UGB Expansions⁵ for Industrial Lands, 2014-2026



IV. Oregon Governor's Data Center Advisory Committee

In January 2026, Governor Kotek convened the Data Center Advisory Committee (DCAC) to develop recommendations for a comprehensive regulatory framework to strategically pursue economic development opportunities provided by the industry. The committee is asked to consider how industry utility costs, infrastructure investments, and environmental impacts affect sustainability and equity for all residents, especially low-income and working families.

Among its other responsibilities, Governor Kotek asked the DCAC to recommend actions that the State of Oregon can take to: 1) understand how the development of data centers affects and can help Oregon meet its climate, clean energy, and natural resource management goals; and 2) identify key issue areas needing to be addressed in order to develop a policy framework that will help guide the state in the responsible siting of data centers moving forward. The Governor's charge to the Data Center Advisory Committee is here:

⁵ Inclusive of adopted EOAs that will support urban growth boundary amendments in future local comprehensive plan amendments.

<https://www.oregon.gov/energy/get-involved/Documents/Data-Center-Advisory-Committee-Charge.pdf>.

The co-chairs of the DCAC have convened a "state agency liaison table" that meets regularly to help identify key issues for the committee to address, inform the development of public meeting agendas, and support the committee in writing its report. DLCD staff worked with the DCAC to support its public meeting on land use on April 24. DLCD Director Bateman provided opening comments, to orient the DCAC to the mission of the department and the context of Oregon's land use planning program. Economic Development Specialist Leigh McIlvaine and Community Services Specialist Jon Jinings represented the agency for the full meeting.

Staff presented to the committee an analysis of future land use plans for the industry in Oregon. They described challenges that local governments face when responding to exponential industry growth. Staff additionally shared opportunities for Oregon's unique approach to land use planning; it plays a critical role in supporting local governments who are responding to growth pressure, while developing thoughtful data center siting priorities. Members of the DCAC were highly engaged in these land use discussions. Please find meeting materials and a recording of the proceedings of the committee on the Oregon Data Center Advisory Committee webpage: <https://www.oregon.gov/energy/get-involved/pages/oregon-data-center-advisory-committee.aspx>

The DCAC meets next on May 29 to focus on energy issues and industry demand. The committee's report to the Governor is due in October 2026.

V. Recommended Action/Conclusion

No action is required. Staff appreciate any guidance or feedback the commission may have.

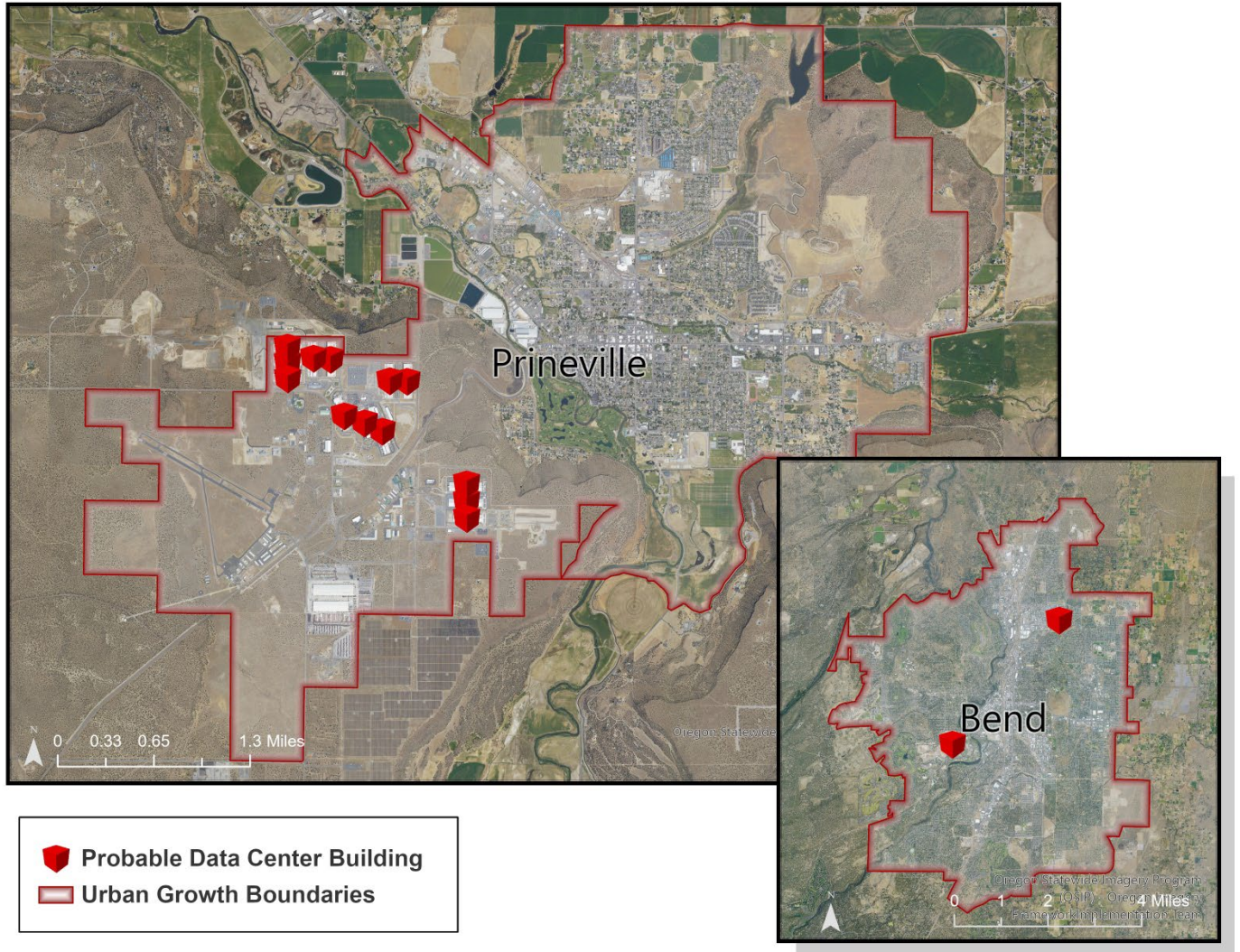
VI. Attachments

- a. Maps: Key Data Center Market Regions of Oregon, 2026
- b. Detail, sources, and credits for maps provided to the Data Center Advisory Committee, April 24, 2026

Attachment A: Key Regional Data Center Markets

Central Oregon Regional Market, 2026

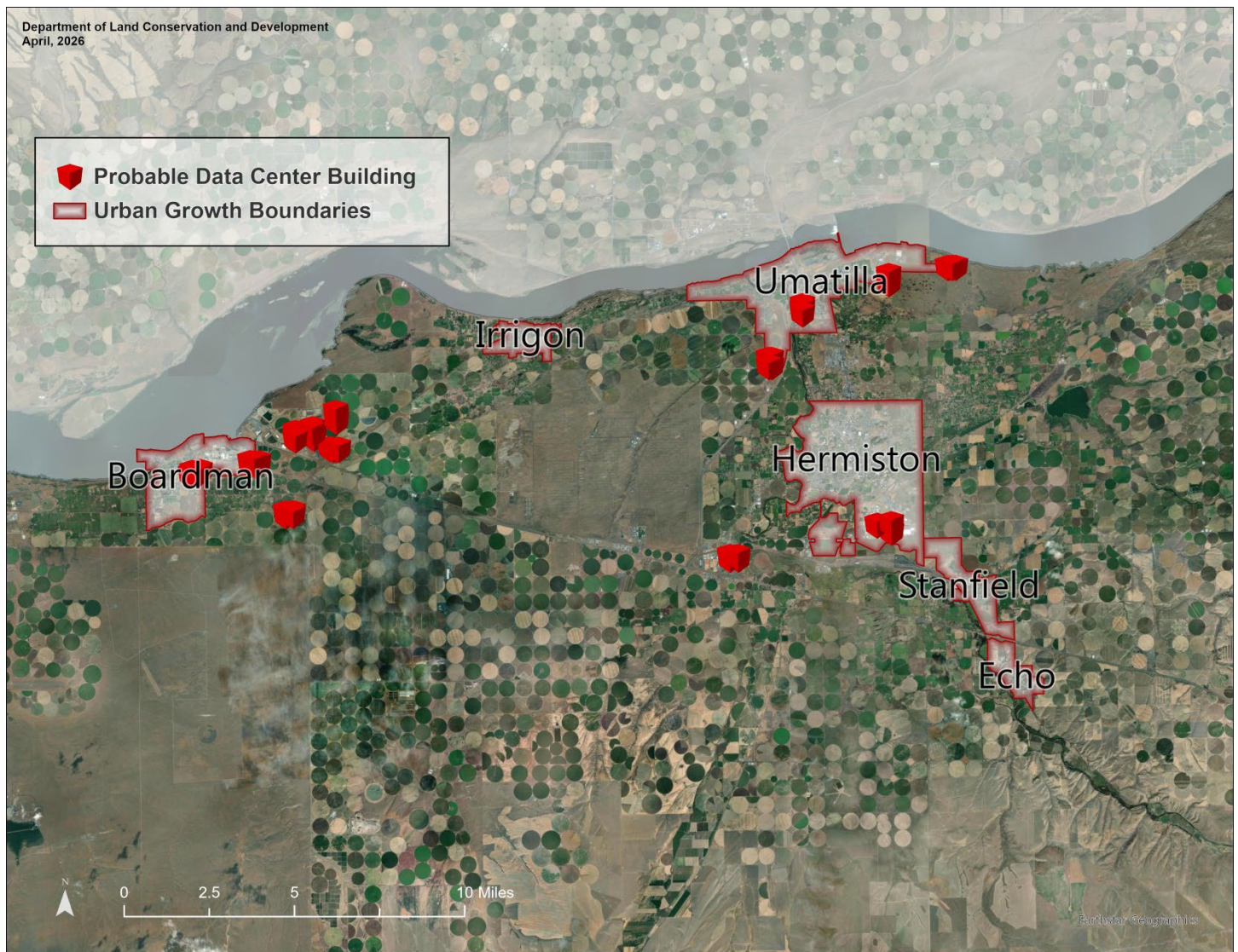
Department of Land Conservation and Development
April, 2026



Please see Attachment B for mapping detail and credits.

Attachment A: Key Regional Data Center Markets

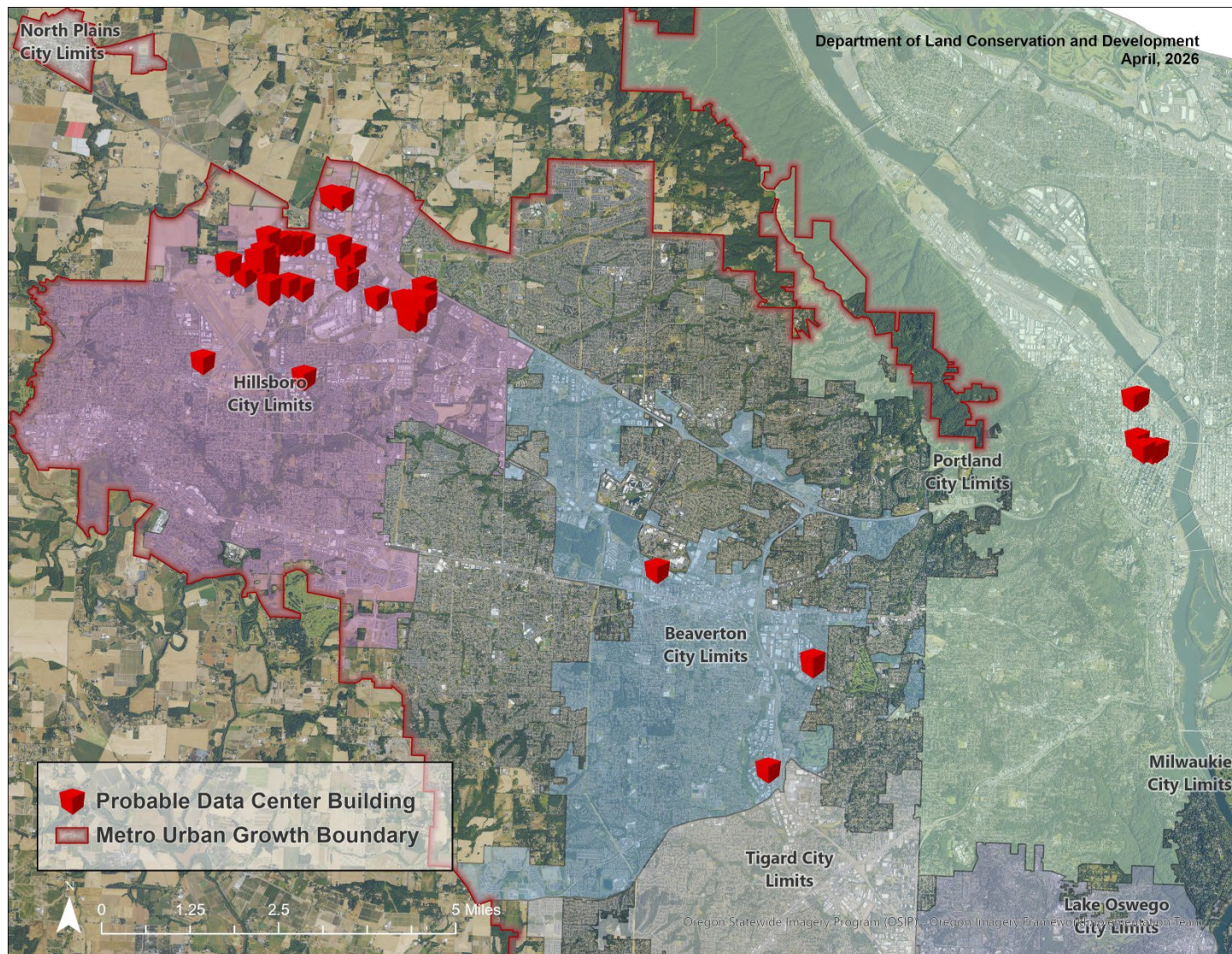
Umatilla Basin Regional Market, 2026



Please see Attachment B for mapping detail and credits.

Attachment A: Key Regional Data Center Markets

Hillsboro/Washington County, 2026



Please see Attachment B for mapping detail and credits.



Detail, sources, and credits for maps provided to the Data Center Advisory Committee, April 24, 2026

Credits

Bureau of Land Management; Oregon Department of Agriculture; Oregon Department of Transportation; Department of Land Conservation and Development; Oregon Department of Energy; Morrow County; Oregon Department of Revenue; Baxtel; datacentermap.com; Google Earth; Esri; Oregon Statewide Imagery program (2024)

Data Vintages and Disclaimer:

1. Zoning (2023): "DLCD created the Zoning feature class from geospatial, attribute, and imagery data which DLCD gathered and assembled from local government sources. DLCD aggregated and generalized the source data into statewide zoning classes based on the data standard endorsed by OGIC on June 18, 2014. While DLCD's goal is to make the statewide, generalized dataset as accurate as possible, the most accurate data will be housed with the local jurisdiction. Data were prepared by the particular source to meet accuracy requirements of a broad-scale, geospatial, information system and not for detailed design. DLCD accepts the Data in their "as is" condition. DLCD makes no warranty regarding the accuracy of the Data originating from local government records or from other sources. DLCD makes no warranty of title to the Data. DLCD acknowledges that the Data may contain defects or errors and that some portion of the Data may be illegible, incomplete, or unsuitable for a particular need or intended use. "
2. Probable Data Center Buildings (2026): "This dataset is a best-attempt effort to visualize certain geographic and temporal characteristics of data centers using the best available information and may contain errors. This dataset should not be considered an official inventory or complete catalogue of data center locations for Oregon. Individual records estimate where individual data center buildings are located and certain attributes but may represent campuses or other data center configuration types. DLCD created this point dataset from the following methods:
 - a. Compiling location and attribute information from publicly available sources. Individual records were researched and best attempts were made to validate locations and certain attributes. As such, discrepancies may exist between this dataset and datasets published on other platforms.
 - b. Collaboration with Oregon Department of Energy on collecting, compiling, and cleaning data.
 - c. Best-attempt identification and verification by reviewing aerial photography. Years attributed in time series map are estimates using current and historical imagery to identify when buildings appeared on the landscape.
3. High-Value Farm Soils (2007): "This data set depicts the high value farmland soil as defined in OAR 660-033-0020(8). This data was created by merging 38 different soil shapefiles that were provided by the Oregon Department of Agriculture. Most SSURGO soil attributes were removed as they do not apply to this version/definition of the data."

November 18, 2025

City of Boardman
200 City Center Circle
Boardman, OR 97818

1st John 2:17
706 SW Mt Hood Ave
Boardman, OR 97818

Re: Letter of Intent to Purchase Three Parcels and Associated Personal Property

1st John 2:17:

The City of Boardman ("City") hereby expresses its intent to negotiate the purchase of three tracts of real property from 1st John 2:17 ("Seller"), together with all associated personal property, including all tangible items, fixtures, equipment, and other assets located on or used in connection with the property at closing (collectively, the "Property"), for a total purchase price of Two Million Five Hundred Thousand Dollars (\$2,500,000), as requested by Mrs. Tallman in attached letter. The final terms will be set forth in a separate Purchase and Sale Agreement.

The tracts are as follows:

Tract I: Parcel 2, of PARTITION PLAT 2018-1, in the County of Morrow and State of Oregon. **Tract II:** Beginning at the Northeast corner of the Southwest Quarter of the Southeast Quarter of Section 10, Township 4 North, Range 25 East of the Willamette Meridian, Morrow County, Oregon; thence West along the North boundary of said Southwest Quarter of the Southeast Quarter 470.3 feet to the true point of beginning; thence South 1°43' East 544.5 feet; thence South 89°31' West 800 feet to the West line of Southwest Quarter of the Southeast Quarter; thence North 1°43' West 544.5 feet to the Northwest corner of Southwest Quarter of the Southeast Quarter, thence North 89°31' East 800 feet along the North line of Southwest Quarter of Southeast Quarter of the Point of Beginning. EXCEPTING THEREFROM the West 50 feet. **Tract III:** A tract of land located in Section 10, Township 4 North, Range 25 East of the Willamette Meridian, in the County of Morrow and State of Oregon, described as follows: All of the Southeast Quarter of the Southeast Quarter of said Section 10 lying North and West of Laurel Lane; and the North 463.10 feet of the East 470.30 feet of the Southwest Quarter of the Southeast Quarter. EXCEPTING THEREFROM that portion conveyed to Morrow County by Roadway Dedication Deed recorded April 20, 1984 as M-23150 Morrow County Microfilm Records.

This proposed purchase is expressly contingent upon: (1) the City obtaining grant funding; and (2) Seller providing a title to the real property to the City, free and clear of all monetary liens and encumbrances.

This Letter of Intent is a non-binding expression of interest and does not create any enforceable obligation on either party. Any binding obligations shall arise only upon full execution of an Agreement approved by the appropriate governing bodies of the City of Boardman.

Sincerely,



Brandon Hammond
City Manager
City of Boardman

hammondb@cityofboardman.com

Good evening Mayor, Councilors, and staff.

My name is **Cheryl Tallman**, and I am the owner of **The Farmer's Cup** on Laurel Lane.

My family came to Boardman in **1978**, when my husband, **Terry Tallman**, chose to put down roots here and dedicate his life to helping this community succeed. Terry served as a **judge and county commissioner**, and he worked tirelessly to make this area a place families could grow and thrive.

This is where we raised our three children. All of them graduated from Boardman's schools. This is the only home they've ever known.

In **2016**, Terry and I retired. We looked forward to finally enjoying the fruits of our labor, our faith, and the life we built together. But instead of peace and rest, we found ourselves in the middle of a long, stressful situation with the City—one that has dragged on for years without clarity, without communication, and without anything ever being put in writing.

The stress of this process weighed heavily on Terry.
It took years from our retirement, and it took years from his life.
And now he is not here to speak for himself.

Tonight, I am here to speak for our family.

I am ready to be done with the City's pattern of verbal comments, shifting statements, and refusing to put anything in writing. After seven years, that is not good-faith conduct.

My son, Jonathan, owns the land through **1st John 2:17 LLC**, and he will take this further if the City continues down this path. But tonight, I am asking you to take the step that should have happened years ago:

Make a written good-faith payment.

Not a conversation.

Not a verbal offer.

A written good-faith payment.

The payment must be made out to:

1st John 2:17 LLC

— no signature required —

I am giving you, on paper, the amount we expect you to take into your executive session. This is the appropriate and required step before the City moves forward on any plan, trail, or transportation project that directly impacts our property.

For nearly 50 years, the Tallman family has contributed to this community—with service, with business, with honesty, and with faith.

Tonight, I'm asking you to match that good faith.

Thank you for listening.

\$2,500,000.00
Two million five hundred thousand dollars

Cheryl Tallman

To be picked up
before 11-19-2025 11:00 am To pick
up the check

Cheryl's Phone # 541-248-9031

April 16, 2026

1st John 2:17, LLC
c/o Jonathan Tallman
706 Mount Hood Avenue SW
Boardman, OR 97818-9719

Dear Mr. Tallman,

This notice is following up on the Notice of Violation that was delivered to you on March 23, 2026, concerning ongoing code compliance regarding unpermitted signs at your properties located on Laurel Road, specifically at tax lots 3205 and 3207 of Assessors Map 04N25E10 (the "premises").

Thank you for your email response. You have requested additional clarifications regarding the violation. Because 48 hours since delivery of the notice has passed, you will be given an additional 14 days from the date of this letter to remedy the violation.

You requested clarification on the intended recipient of the notice. As a registered agent and manager for 1st John 2:17, LLC, owner of the premises, you have been identified as the person in control of the premises, and therefore responsible for any violations thereon. The city is unaware of a lease agreement that would authorize a third-party to maintain control over the premises, including the installation of any unpermitted signs. However, if a lease agreement exists, please provide the city with a copy, and the enforcement proceedings will be redirected to the party responsible.

You have also requested photographs and locations for each unpermitted sign under investigation. Attached to this letter are approximate locations and images of each known sign as seen from the public roadway; however, to be clear, a person in control of property must seek a permit for all on-premises signs as required under Boardman Development Code (BDC) Chapter 3.6.500, regardless of their visibility from a public roadway. A copy of BDC Chapter 3.6.500 has been previously provided to you, but an additional copy has been included with this letter for your reference.

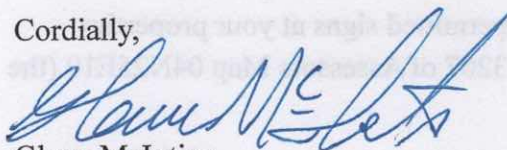
As indicated in previous communications, applications should be submitted through the City's online permitting platform, CitizenServe, available on the City of Boardman website. If you need assistance utilizing the online permitting platform, assistance can be provided upon request; however, a complete application must be submitted for each property within 14 days from the date of this letter or further action may be taken. As a reminder, a city-issued sign permit does

not constitute authorization from any other city agency, and additional approvals may be required.

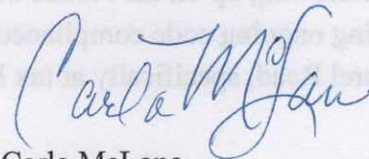
If the signs are not removed within 14 days of the date of this letter, or if complete applications are not otherwise filed with the city, the City will initiate a citation pursuant to the authority granted to it under BDC 3.6.500(H) and will further seek all available equitable relief as allowed by law. Please note that each unlawful sign constitutes a separate violation of the code, and each calendar day that the sign is in violation of the BDC constitutes an additional violation.

Thank you for your attention to this matter.

Cordially,

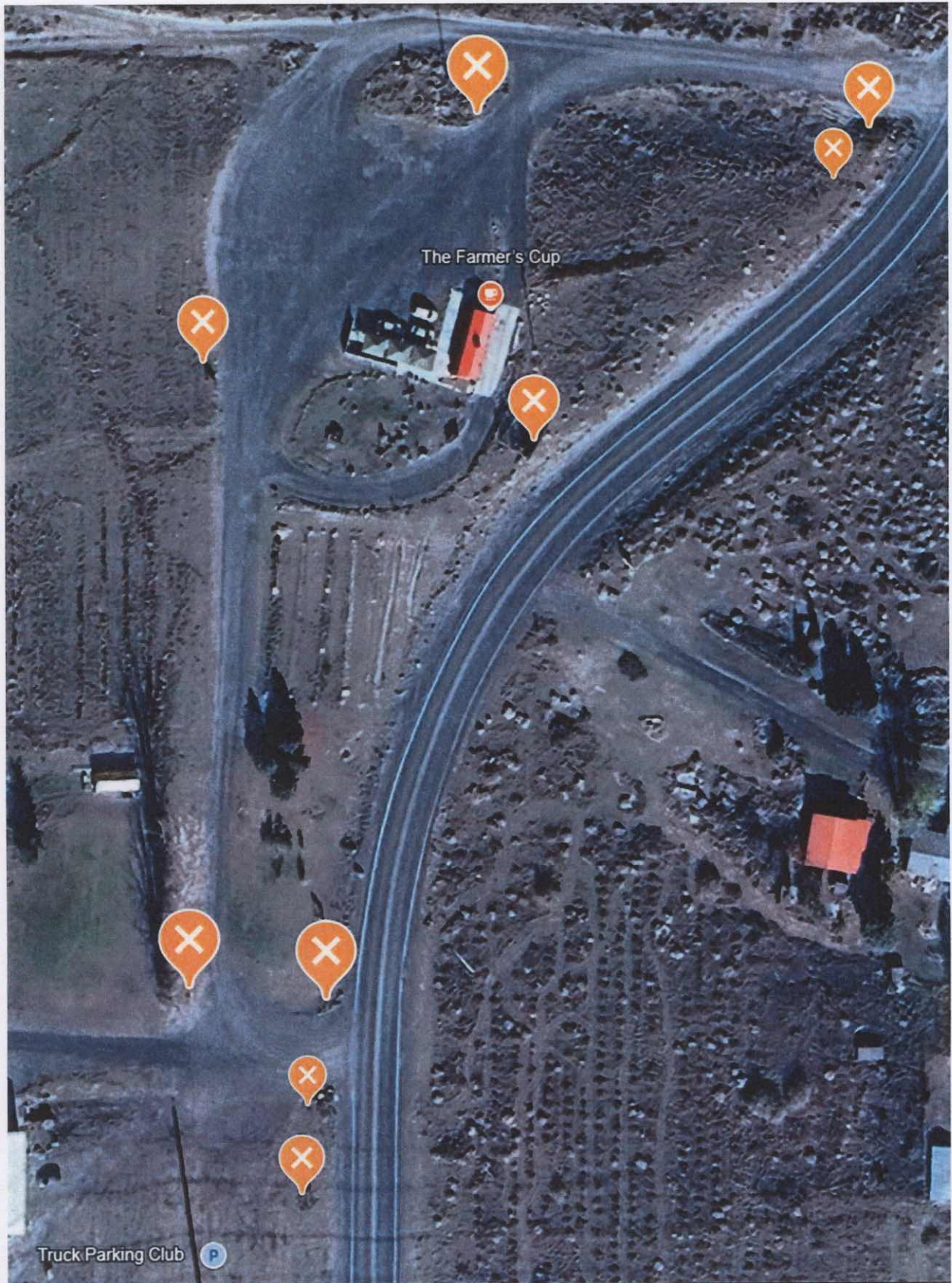


Glenn McIntire
Building Official



Carla McLane
Planning Official

Enc: Approximate locations of on-premises signage that are visible from public roadway
Images of some unpermitted signage captured from public roadway
Copy of BDC Chapter 3.6.500











3.6.300 Solid Waste Storage

[Reserved for standards for solid waste storage and recycling facilities, if Boardman chooses to adopt them. Note: Chapter 3.2 requires landscaping or other screening of these facilities.]

3.6.400 Environmental Performance

[Reserved for reference to state and federal standards for air quality, water quality, emissions, and similar environmental concerns.]

3.6.500 Signs

A. Purpose. The purpose of this section is to provide for the regulation, control and permit process which will maintain the town character of the City of Boardman while providing adequate identification of businesses, enterprises and other entities located within the City of Boardman which depend upon signs for recognition; and also to provide equity for each requiring signs within the several land use zones of the city. All requests for permits for the construction, erection, placement or movement of signs will be submitted to the city of Boardman building official, and will be issued only in compliance with the provisions of this Development Code.

1. The International Conference of Building Officials Uniform Sign Code Publication date May 1st, 1994, a copy of which is located in the administrative offices of the city building official, is hereby adopted by reference and incorporated as a part of this Development Code.

2. Signs erected prior to _____ (Development Code adoption date) are governed under non-conforming rules in Section 5.2.

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.

b. Off-premises signs shall be subject to conditional use provisions; as such, the provisions and procedures as set forth in Chapter 4.4 of the Boardman Development Code; and approval of the Planning Commission of the City of Boardman is required prior to issuance of permit or installation.

2. Temporary signs. Signs placed for 30 days or less in a calendar year are temporary; and shall not be displayed for an aggregate total of greater than 30 days within a calendar year; and shall be subject

3.6.500 Signs (continued)

to a temporary sign permit; and shall conform to all City of Boardman ordinances. These provisions apply equally to both on and off premise signs.

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

D. General Provisions. Construction plans and materials lists must be presented to the building official for verification of adequacy according to the state uniform building code and public safety standards at the time of application for permits. Signs may be erected/constructed immediately upon obtaining sign permit providing verification of conformity with the following specifications:

1. On-premises signs.
2. Maximum sign area for free-standing signs in the General Commercial District and City Center Sub District shall be 100 square feet. Signs over 100 square feet in size are subject to a Type III Conditional Use Permit in accordance with Chapter 4.4, Chapter 4.1.500 and Chapter 3.6.500(E)(1)(d).
3. Service Center and Highway Commercial Sub Districts and Industrial Districts shall have no size limit.
4. The supporting structure of the sign is not to be considered part of the measurable sign area, and shall not extend upwards over 40 feet from ground level in General Commercial District.
5. Surface signs shall be limited to the surface of the structure, and shall not extend beyond that surface. The area of freestanding signs shall be measured by the rectangle which encloses the entire sign surface.
6. Window signs shall be considered surface signs, except those which are subject to the temporary or informational sign standards.
7. Each entity for which a sign is permitted is allowed one sign per face of each building.
8. Signs shall be designed to use materials in keeping with the visual character of the City of Boardman.
9. Signs which are lighted shall be illuminated for visibility only, and shall not disturb neighboring property and shall create no safety or traffic hazard. Flashing lights shall not be allowed.
10. Apartment, condominium or business complex location signs shall not exceed 35 square feet in size, and one such sign shall be allowed each complex, which shall not apply toward the allowance for signs for each/any business located therein.

3.6.500 Signs (continued)

11. Areas of shared signs shall be pro-rated to business involved, and shall be included within the permissible sign area of each.
12. Where a provision of this ordinance is less restrictive than another ordinance or requirement of the City, the provision or requirement which is more restrictive shall govern.

E. Sign-type Specific Definitions and Applicable Regulations.

1. Off-premise signs are as defined within Oregon state administrative rules:
 - a. The premises on which any activity is conducted is determined by the physical facts rather than property lines. It is the land occupied by the buildings or physical uses that are necessary or customarily incident to the activity, including such open spaces are arranged and designed to be used in connection with such buildings or uses;
 - b. The following will not be considered to be a part of the premises on which the activity is conducted and signs located on such land considered outdoor advertising signs:
 - (1) Any land which is not used as an integral part of the principal activity, including but not limited to:
 - (a) land which is separated from the activity by a public road
 - (b) land which is separated by obstruction, not used by activity; and
 - (c) land that is undeveloped highway frontage adjacent to the land actually used by the advertised activity, even though it might be undertake same ownership.
 - (2) Any land which is used for, or devoted to, a separate purpose unrelated to the advertised activity would not be part of the premises on which the activity is conducted even though same ownership;
 - (3) Any land which is separated from the principle activity, and is developed or used only at the sign site by structures which are only incidental to the principle activity, and which serves no reasonable or integrated purpose related to the activity other than to attempt to qualify the land for signing purposes;
 - (4) Where the sign site is located at or near the end of a narrow strip contiguous to the advertised activity, the sign site shall not be considered part of the premises on which the activity being advertised is conducted. A narrow strip shall include any configuration of land which is such that it cannot be put to any reasonable use related to the activity other than for signing purposes except the major entrance or exit roadway to or from the premises which serves only the advertised activity.
 - c. Off premises signs shall be reviewed as a Conditional Use, as required by Chapter 5. The provisions of Section C, General Provisions shall apply in addition to any conditions required pursuant to the Conditional Use process; however, a petition for relief from the provisions of Section C, General Provisions may be sought by application to the Planning Commission pursuant to the Exception and Variance processes, as provided by this Section D.4 Non-Conforming Permanent Signs.
 - d. The provisions of Section A, Purpose shall apply equally for off-premise signs as well as on-premise signs, as related to providing adequate identification to businesses, enterprises and

3.6.500 (E) Signs (continued)

other entities located within the City of Boardman; and in this regard sign size located within the Commercial Districts may be conditionally approved up to 200 square feet where, to the Planning Commission satisfaction, such size is necessary for the adequate provision of directions to such businesses, enterprises and other entities.

- e. Off-premise signs which are visible from Interstate/Freeway routes shall be subject to approval of, and permitted by, the State of Oregon, in addition to any approvals granted by the City of Boardman.
- 2. Informational Signs. Signs whose sole purpose is to provide information, but no advertising, concerning services offered, with such as menus, business hours, OLCC regulations as examples, are considered informational signs for which neither permit nor Planning Commission approvals are required in instances where the following standards are met:
 - a. Total sign square footage within this category shall not exceed 18 square feet per business, shall have no flashing lights, and shall not reduce the permitted advertising sign size as established within this Ordinance.
 - b. OPEN signs, MENUS, PARKING signs and similar informational signs shall be no larger than 6 square feet, with one parking sign allowed for each 4 spaces.
 - c. VACANCY signs (only) shall be no larger than 10 square feet.
- 3. Non-conforming permanent signs. Non-Conforming Permanent Signs are those that do not conform to the specifications of this Chapter and require specific exception, granted by the authorization of the Planning Commission. To gain such an exception, the applicant shall complete the permit application for the Building Official.
 - a. Applicants shall also submit a scale plan of the building elevation with proposed sign and a written statement of the justification for exception, and request a sign permit exception from the Planning Commission. At its earliest meeting, the Planning Commission shall evaluate the application in terms of aesthetics, design and visual impact on the immediate vicinity and adjoining property.
 - b. Exception to the height above street level may be allowed by administrative action directed by the Planning Commission if problems could be caused by the terrain on which it is located, by the configuration of the sign, by disruption of pedestrian flow, or by vandalism.
 - c. The review body may grant exceptions (other than height, and for height where the following issues are factors) in compliance with the provisions set forth for variances if the following is demonstrated:
 - (1) Conformance with provisions herein would constitute economic hardship in identifying the business.
 - (2) Need for visibility at greater distances is demonstrated.
 - (3) The impact on the community is as favorable as allowed signs.
- 4. Residential Signs. Residential Signs are those that the purpose of which are to identify residence, or any conditional use permitted by the Boardman Development Code in that particular zone do not require approval and permit if in compliance with all of the following:

3.6.500 (E) Signs (continued)

- a. Signs may not have special lighting, and be within setbacks; and
 - b. One 4 square feet (maximum) sign per home or conditional use; and
 - c. Sign located on-premises, 6 feet or less height from ground.
5. Temporary Signs. Temporary Signs may be placed for 31 days or less in a calendar year, unless otherwise specified in this section, require no approvals if conforming with all of the following:
- a. Freestanding, or displayed inside windows and no larger than 4 square feet, and aggregate of all signs no more than 12 square feet. Overall height of freestanding signs is not to exceed 3 1/2 feet.
 - b. No lighting intended solely to illuminate sign; flashing lights not allowed.
 - c. Political Signs:
 - 1) Residential District: signs not to exceed 6 square feet maximum, or 36 square feet in aggregate, advertising an issue or candidate meeting the provisions of 3.6.500 (E)(5)(a-c) are permitted on any individual property. Signs shall be placed no less than 10 feet from paved surfaces, 3 feet from sidewalks. The 31-day limit shall not apply. Approval must be obtained from the property owner, who must accept responsibility for removal of sign within two days after the election polling is closed, in the event those placing the sign fail to do so.
 - 2) Non-Residential Zoning Districts: signs not to exceed 32 square feet maximum, or 100 square feet in aggregate, advertising issues or candidates meeting the provisions of 3.6.500 (E)(5)(a-c) are permitted on any individual property. Signs shall be placed no less than 10 feet from paved surfaces, 3 foot from sidewalks. The 31-day limit shall not apply. Approval must be obtained from the property owner, who must accept responsibility for removal of sign within two days after the election polling is closed, in the event those placing the sign fail to do so.
 - 3) Lots in excess of 10 acres in Non Residential Zoning Districts: signs not to exceed 32 square feet maximum, or 256 square feet in aggregate per 10 acres of vacant ground, advertising issues or candidates meeting the provisions of 3.6.500 (E)(5)(a-c) are permitted on any individual property. Signs shall be placed no less than 10 feet from paved surfaces, including sidewalks. The 31-day limit shall not apply. Approval must be obtained from the property owner, who must accept responsibility for removal of sign within two days after the election polling is closed, in the event those placing the sign fail to do so.
 - d. Real Estate signs shall not exceed 8 square feet for residential lots and 32 square feet for subdivisions and in commercial zones, placed on the property, are permitted during period that specific property is for sale or lease. Signs must be removed upon sale. One open house sign without advertising also permitted on premises during such periods. The 31-day limit shall not apply.
6. Sandwich Board. Sandwich Board signs shall be no larger than 15 square feet per side. For local nonprofit, community service groups, location of such may be allowed on public rights-of-way and property, subject to Building Official or Manager written approval which will establish any conditions.

7. Garage Sale. Garage sale signs shall be in compliance with residential sign requirements; off premises directional signs for such garage sales and similar residential temporary sales, shall have express written owners' permission of property upon which located and is subject to the provisions of City of Boardman Ordinance #5-2004.
8. Prime building contractor signs. Prime building contractor signs of less than 16 square feet in residential zones and 32 feet in commercial and industrial zones may be placed upon a project while under construction after building permit has been posted. Removal is required immediately following Building Inspector certifying completion.
9. Handbills and flyers. Handbills and flyers are permitted inside building or other community billboards only, and permission for any other method of display will be approved only by Manager, subject to Council endorsement.
10. Non-conforming temporary signs. Non-conforming Temporary Signs may be granted an exception to the requirements in writing by City Manager if the impact on the community is as favorable as that of signs allowed outright using a Type I process.

3.6.500 (E) Signs *(continued)*

F. Administration

1. Responsibility. The Building Department of the City of Boardman shall be responsible to the City Manager for the regulation of signs, administration of requests for permits, conditional uses, exceptions and variance, and for the issuance of permits. Fee schedules established by Resolution of the City Council will be maintained by the Building Official, and available upon request.
2. Pre-Existing Non-Conforming Signs. Pre-existing non-conforming signs which predate this Ordinance shall continue as permitted signs. Signs permitted within the provisions of this Ordinance shall continue as permitted signs for the zone in which located as long as the property retains that zoning. Permits issued shall contain provisions, which must be considered a condition of applicant's acceptance of the permit, which shall require modification into compliance with the sign requirements of the zone in which located within a reasonable period subsequent to any future zone change. Variances and exceptions may be requested in compliance with the provisions of this Ordinance.
3. Permit Applications. Applicants requiring permission and/or permits will be provided a current copy of this Ordinance.
4. Transfer of Signs. Signs may be transferable at change of business or property ownership without permit if they meet the provisions of 3.6.500(C).
5. Alteration of Signs. Alteration of existing signs beyond maintenance shall conform to provisions of this Chapter.
6. Building Official Notification. Building Official shall notify owners of any sign, or the business, or the real property, where a sign has been abandoned or allowed to become in state of disrepair,

unsightly, or hazardous; reasonable remedies shall be accomplished within 30 days from date of notice or posting, as certified by Building Official. Failure to comply authorizes Building Official to cause removal of such signs. Expenses incurred incident to this removal shall be paid by the owner of the real property upon which sign is located and from which it was removed, regardless of sign ownership, providing that said real property owner has been provided a copy of the 30 day notice at the time it was posted.

7. **Violations.** Owners of signs erected in violation of the provisions of this Ordinance must remove such signs within 48 hours of notification; following the elapse of the 48 hours without appropriate action, the Building Official may cause such to be accomplished at the expense of the real property owner.
 8. **Records.** Records of action on all variances or exceptions shall be maintained by the City and copies provided to the applicant upon request.
- G. Violations.** No person shall erect, maintain, or use, nor shall any person in control of any premises, permit the erection, maintenance, or use of any sign which does not conform to and comply with the

3.6.500 Signs (continued)

provisions of this Ordinance. Nothing contained in this Ordinance is intended to permit erection or maintenance of any sign in violation of any other Ordinances or State or Federal law. Violation of this Ordinance shall be subject to the penalties provided hereinafter.

- H. Penalty.** Any person who violates any of the provisions of this Ordinance, upon conviction thereof, shall be punished by a fine of not more than \$250.00. Conviction of any provision of this Ordinance shall be considered a violation as defined by ORS 161.565. Each calendar day that a sign is in violation of this Ordinance shall constitute a separate violation.
- I. Release from liability.** Neither the Building Official, nor City Manager acting for either the Planning Commission or City Council, nor the City nor any of its authorized representatives shall be liable for any damages, costs, or expenses for any failure to enforce the provisions of this Ordinance.
- J. Severability.** The provisions of this Ordinance are severable. If a section, sentence, clause or phrase of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Ordinance.

