

**FINDINGS OF FACT**  
**RVW26-000024**  
**TYPE III DECISION PROCESS**  
**AMENDED June 11, 2026**

**REQUEST:** To approve a 240-Unit Multi-Family Development with a clubhouse and pool.

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**APPLICANT:** Cobalt Consulting Group, LLC  
8245 SW Tualatin-Sherwood Road  
Tualatin, OR 97062

**OWNERS:** TL 1600  
J Timothy & Patricia Walton Living Trust  
42901 HWY 365 N  
Long Creek, OR 97856

TL 1601  
Paul Walton  
43390 HWY 365 N  
Long Creek, OR 97856

**PROPERTY DESCRIPTION:** Tax Lot 1600 and 1601 of Assessor’s Map 4N 25E 17AD.

**GENERAL LOCATION:** North of Wilson Lane and west of Locust Road in the southwest quadrant of Boardman.

**ZONING OF THE TRACT:** Residential (Multi-Family Sub District).

**SIZE OF THE TRACT:** 10.05 acres +/-.

**PROPOSED USE:** A 240-Unit Multi-Family Development.

**BACKGROUND:** Based on the application this two-phase project is designed to provide ±240 apartments, along with amenity buildings and associated vehicle and bicycle parking, pedestrian facilities, landscaping, and open space. A concurrent Property Line Adjustment (DIV26-000004) reconfigures the common property line between Tax Lots 1600 and 1601 in alignment with planned project phasing. The key components of the project include: 240 apartments distributed across 11 separate buildings; more than 92,000 square feet of open space, including a community clubhouse, outdoor pool and patio, and a dog park, among other amenities; more than 87,000 square feet of landscaping (±20.4 percent), including ±118 new trees; approximately 450 off-street vehicle parking spaces, including garages providing covered parking for ±47 parking spaces; and approximately 120 covered bicycle parking spaces, evenly distributed throughout the community, and within individual units and amenity areas.

Planning and other city staff, along with agencies and service providers, have worked with the Cobalt Consulting Group for several months on the project, holding multiple pre-application meetings and three

Site Team meetings to address a variety of concerns related to fire access and transportation impacts.

*Comment was received from the applicant requesting that the transportation in-lieu of fee be payable at the time of occupancy for Phase I. The associated discussion and Condition of Approval are modified in this amended Findings of Fact to address this request.*

*Comment was also received from the Oregon Department of Transportation (ODOT) on the day of the May 2026 public hearing. One of the requests within the letter was a continuance of the public hearing which was granted. Based on the request the May 21, 2026, public hearing was opened, promptly continued to June 18, 2026, and then closed. No staff report was provided, no public comment was accepted, and no decision was made. The letter received from ODOT along with an email (including attachments and links) from the Department of Land Conservation and Development/Housing Accountability and Production Office is addressed in a supplemental set of Findings as the issues raised by ODOT have been determined to not be applicable to housing development based on Oregon Revised Statute 197A.400 requiring clear and objective approval criteria, something that the Boardman Development Code has issues meeting.*

- I. 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 are found at 4.2.600 Approval Criteria. Provisions within Chapter 3 Design Standards and Chapter 2.1 Residential District are also applicable. The applicable criteria are included below in **blue** type with both the applicant and staff responses in standard type.

Over the past decade or so, the Oregon Legislature has made a number of significant changes to Oregon Revised Statute governing the development of housing. This has been followed by the Oregon Department of Land Conservation and Development promulgating Oregon Administrative Rules to implement that statute. A key component of this work has been to ensure that applicable standards and criteria are clear and objective, something that the Boardman Development Code is regularly not. Planning staff appreciates the effort of the applicant’s representative to both identify and respond to those provisions that are problematic.

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## **CITY OF BOARDMAN DEVELOPMENT CODE**

### **Chapter 2 Land Use Districts**

#### **Chapter 2.1 Residential (R) District**

##### **2.1.110 Permitted Land Uses**

- A. Permitted Uses.** The land uses listed in Table 2.1.110.A are permitted in the Residential District, subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 2.1.110.A, and land uses which are approved as “similar” to those in Table 2.1.110, may be permitted. Land uses identified as “Sub District Only” are permitted only within the applicable Sub District. The land uses identified with a “CU” in Table 2.1.110.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.

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| Table 2.1.110(A) – Land Uses and Building Types Permitted in the Residential District  |
|--|
| 1. Residential:  |
| Multi-family<br>g. Multi-family housing (MF Sub District only)*  |
| Uses marked with an asterisk (*) are subject to the standards in Section 2.1.190, "Special Standards for Certain Uses." Temporary uses are subject to the standards in Section 4.9 |

**Response:** The subject property is zoned Residential and is located within the Multi-Family Sub District. Multi-family housing is permitted subject to the applicable provisions of Section 2.1.190, addressed further below. The applicable standards are met.

**Staff Response:** Staff concur that the applicable standards are met.

**2.1.120 Building Setbacks**

**A. Front Yard Setbacks**

1. Residential Uses (single family, duplex, and triplex, multi-family housing types)
  - a. A minimum setback of 15 feet is required, except that an unenclosed porch may be within 8 feet of the front lot line, as long as it does not encroach into a public utility easement. See also, Section F, which provides standards for Setbacks for Established Residential Areas.
  - b. Garages and carports shall be accessed from alleys or the entrances must be set back from the front lot line a minimum of 20 feet.
  - c. Multi-family housing shall also comply with the building orientation standards in Section 2.1.180.

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- B. Rear Yard Setbacks. The minimum rear yard setback shall be 15 feet for street-access lots and 6 feet for alley-access lots for all structures.
- C. Side Yard Setbacks. The minimum side yard setback shall be 7 feet on interior side yards, and 15 feet on street corner yards; or when zero-lot line development is permitted, the minimum side yard setbacks shall be 14 feet minimum on one side of the dwelling unit, and no setback required on the opposite side. (See standards for zero-lot line housing in Section 2.1.190.)
- D. Setback Exceptions

The following architectural features are allowed to encroach into the setback yards:

- 1) Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than 3 feet.
- 2) Porches, decks and similar structures not exceeding 36 inches in height may encroach into setbacks by no more than 6 feet, subject to the front yard setback provisions in "A".
- 3) Accessory structures of 200 square feet or less shall meet the provisions contained in 2.1.190 (F).

- 4) Walls and fences may be placed on property lines, subject to the standards in Chapter 3.2 - Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 3.1.200.

**Response:** The planned project does not include alleys. Therefore, the standard setback requirements apply. The Preliminary Site Plan (in Exhibit B) shows the 15-foot front setback, the 15-foot rear setback, and the 7-foot side setbacks (along the east and west property lines) are met, with allowable architectural projections where applicable. Additionally, the Preliminary Site Plan shows garage entrances set back from the front property line by a minimum of 20 feet. The applicable standards are met.

**Staff Response:** Staff concur that the applicable standards are met.

**E. Special Yards – Distance Between Buildings on the Same Lot**

To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least one-half ( $\frac{1}{2}$ ) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 10 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscape yard, or other open space.

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**Response:** The Preliminary Architectural Plans (in Exhibit C) show Buildings D, E, J, and K, between 36 and 37 feet in height, and the Preliminary Site Plan (in Exhibit B) shows Buildings D and E, and J and K separated by  $\pm 20$  feet. Section 2.1.180(C)(1) provides flexibility in building form and other design standards when alternatives can be justified based on aesthetics, energy conservation, reduced development costs, or open space. The planned building spacing also meets applicable building and fire code requirements.

Grouping buildings closer together on certain portions of the site allows consolidation of open space into larger, centralized areas that is more usable and help create intentional gathering spaces where neighbors can meet and interact. These larger open spaces also allow more amenities and programming, such as the planned clubhouse, fire pit, outdoor recreation area, and dog park. In addition to enhanced open spaces, building spacing also makes more efficient use of the site for parking. Increasing the distance between Buildings D and E and between Buildings J and K to  $\pm 36-37$  feet would eliminate at least 14 parking spaces, which would drop parking below the target 1.9 vehicle spaces per unit ratio.

Furthermore, because the buildings are generally oriented end to end (along their short sides) rather than with the long facades facing each other, the design maximizes air circulation and light throughout the site. The distance between the long front facades of buildings are generally more than twice the building height, approximately double the “standard” building separation requirement. Consequently, the planned building orientation and separation allows for good air circulation and light, and creates a more efficient allocation of open space and parking. Additionally, the Preliminary Site Plan (in Exhibit B) shows adequate building separation between Buildings G and H. Therefore, the applicable criteria are met.

**Staff Response:** Building separation was a discussion with Boardman Fire Rescue to ensure that adequate access can be provided to their ladder truck, the largest apparatus in the fleet. The applicant adjusted this and other areas to address those concerns. Planning staff concur that this applicable criterion has been met.

Another discussion with Boardman Fire Rescue related to access concerned the phasing of the project and the need for access throughout the subject property prior to development of Phase 2. Boardman Fire Rescue requested, and the City is listing as a Condition of Approval, that the applicant develop the travel lane, including paving, throughout the entire site at the conclusion of Phase 1.

#### 2.1.150 Maximum Lot Coverage

- A. **Maximum Lot Coverage.** The following maximum lot coverage standards shall apply to all development in this district:  
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4. Multiple Family Housing - 60 percent
- B. **Lot Coverage Defined.** “Lot Coverage” means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 36 inches above the finished grade.
- C. **Compliance.** Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

**Response:** The Preliminary Site Plan (in Exhibit B) shows the multi-family buildings and other structures covering less than 30 percent of the site, far below the 60 percent maximum. The applicable standards are met.

**Staff Response:** Staff concur that the applicable standards are met.

#### 2.1.160 Building Height

- A. **Building Height Standard.** Buildings within the Residential District shall be no more than 35 feet for gabled roofs; 30 foot for flat roofs or 2 ½ stories high, whichever is greater, and buildings within the Multi-family Sub District may be up to 30 feet or 3 stories. Building height may be restricted to less than these maximums when necessary to comply with the Building Height Transition standard in “C” below. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features which are not for human occupancy.
- B. **Method of Measurement.** “Building height” is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof (See above examples). The reference datum shall be selected by either of the following, whichever yields a greater height of building:
  - a. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
  - b. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection ‘a’ is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

**Response:** The Preliminary Architectural Plans (in Exhibit C) include building elevations with heights labeled for each building type. No buildings exceed 3 stories in height, meeting the standard in the Multi-Family Sub District. The applicable standards are met.

**Staff Response:** Planning staff concur that the applicable standards are met.

- C. **Building Height Transition.** To provide compatible building scale and privacy between developments, taller buildings shall “step-down” to create a building height transition to adjacent single-story building(s).
  - 1. This standard applies to new and vertically expanded buildings within 20 feet (as measured horizontally) of an existing single-story building with a height of 20 feet or less, as shown above.
  - 2. The building height transition standard is met when the height of the taller building (“x”) does not exceed one (1) foot of height for every one (1) foot separating the two buildings (“y”), as shown above.

**Response:** The Preliminary Site Plan (in Exhibit B) shows the multi-family buildings set back from exterior property lines by a minimum of ±80 feet, with the exception of buildings fronting on Wilson Lane, which do not abut existing single-story buildings. Planned garages along the northern and eastern sides of the community set back from the rear property line by ±15 feet. The Preliminary Architectural Plans (in Exhibit C) show garages are planned to be ±11 feet and 3 inches in height. Considering required setbacks on abutting single-family lots to the north, the planned garages are not within 20 feet of an existing single-story structure. Therefore, the standard does not apply.

**Staff Response:** Staff concur that this standard would not be applicable and that there is adequate separation between the three-story buildings and adjacent single-family dwellings to the north. Current zoning to the east and west is the same as the subject property and could see comparable development.

#### 2.1.170 Building Orientation

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- B. **Applicability.** This section applies to: single-family dwellings, including manufactured houses, duplexes, and attached townhomes that are subject to Site Design Review (3 or more attached units); multi-family housing; neighborhood commercial buildings; and public and institutional buildings.

**Response:** The project includes multi-family housing. The provisions of this section apply and are addressed below.

**Staff Response:** Planning staff agree the following provisions are applicable.

- C. **Building orientation standards.** All developments listed in “B” shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:
  - 1. Compliance with the setback standards in Section 2.1.120.

**Response:** The applicable setback requirements are addressed in the responses to Section 2.1.120, above. This standard is met.

**Staff Response:** Planning staff agree that this standard is met.

2. All buildings shall have their primary entrance(s) oriented to the street. Multi-family and Neighborhood Commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a multi-family building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Chapter 3.1 – Access and Circulation. In this case, at least one entrance shall be provided not more than 20 feet from the closest sidewalk or street.

**Response:** The Preliminary Site Plan (in Exhibit B) shows the planned buildings with multiple entrances that are generally oriented towards side yards and have direct access to pedestrian walkways dispersed throughout the site. The Preliminary Site Plan (in Exhibit B) shows entrances at least 20 feet from the sidewalk. The access and circulation standards in Chapter 3.1 are addressed further below. The applicable standards are met.

**Staff Response:** Planning staff agree that the applicable standards are or can be met.

3. Off-street parking, driveways, and other vehicle areas shall not be placed between streets and buildings. Single-family dwellings, including manufactured houses, duplexes, and attached townhouses, are excepted from this standard.

**Response:** The Preliminary Site Plan (in Exhibit B) shows the buildings fronting Wilson Lane are not separated by off-street parking, driveways, or other vehicle areas. As applicable, this standard is met.

**Staff Response:** Planning staff agree that this standard is met.

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#### 2.1.180 Design Standards

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- B. Applicability. This section applies to all of the following types of buildings, and shall be applied during Site Design Review:
  - a. Duplexes and Triplexes
  - b. Single family attached townhomes which are subject to Site Design Review (3 or more attached units);
  - c. Multi-family housing;
  - d. Public and institutional buildings;
  - e. Neighborhood Commercial and mixed use buildings; and
  - f. Single Family Residential, Section 2.1.180 (C) (4)

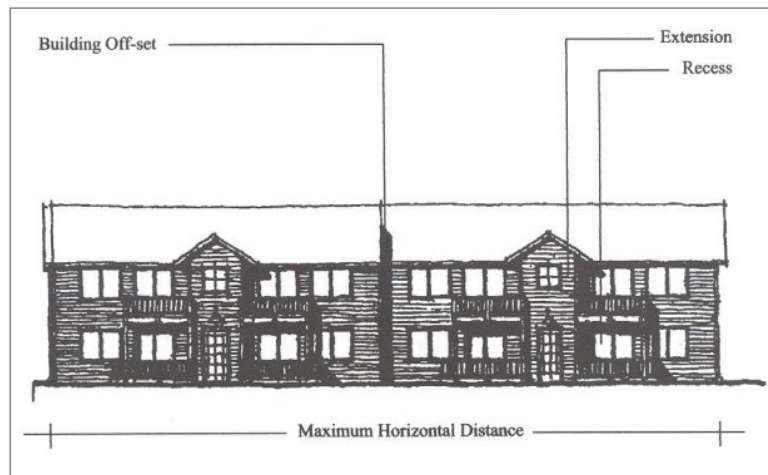
**Response:** The project includes multi-family housing. Therefore, the provisions of this chapter apply. The applicable criteria are addressed below.

**Staff Response:** Planning staff concur that the following are applicable.

- C. Standards. As noted in 2.1.180 (B) all buildings which are subject to this Section shall comply with all of the following standards. The graphics provided with each standard are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are

consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.

Figure 2.1.180(C)(1) – Building Form (Multi-Family Housing Example)



1. **Building Form.** The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings (single family residential units) shall not exceed 80 feet on more than two horizontal distance measurements. Duplexes and Triplexes reviewed by a Type I decision process in accordance with Section 4.2.200(B) shall not exceed 30 feet per living unit on more than two horizontal distance measurements. Duplexes and Triplexes reviewed by a Type II decision process in accordance with Section 4.2.400 shall not exceed 40 feet per living unit on more than two horizontal distance measurements. Multi-family buildings (more than 3 units) reviewed by a Type III decision process in accordance with Section 4.2.400(B) shall be not exceed 35 feet per living unit for no more than 4 units and shall be no more than 1 unit in depth. Alternative building designs meeting the Boardman Comprehensive Plan policies and the intent of Boardman Development Code Standards shall be considered through the Type III decision process, consistent with the Boardman Comprehensive Plan Chapter 10 – Housing, Policy 9, which states; “The City shall give consideration to development of alternative residential construction both in form and layout for such reasons as aesthetics, energy conservation, reduced development costs and provision of open space.”

**Response:** The Preliminary Architectural Plans (in Exhibit C) show seven of the eleven proposed buildings (B, C, D, E, J, K, and L) utilize a back-to-back apartment configuration that exceeds the per-unit length and single-unit depth standards. This design is explicitly supported by the City’s alternative design standards above, which allow the Type III process to consider building designs that meet the intent of the Code and align with Boardman Comprehensive Plan Chapter 10, Policy 9. Specifically, to consider alternative residential construction for aesthetics, energy conservation, reduced development costs, and provision of open space.

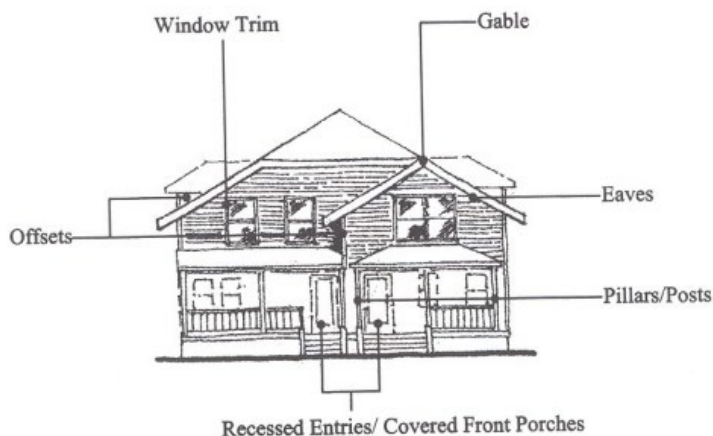
Consolidating building mass preserves large, contiguous central open spaces with a clubhouse, recreational space, and dog runs, among other features. The back-to-back configuration also reduces exterior thermal envelope and utility infrastructure, lowering

construction costs and allowing reinvestment into quality finishes, larger windows, and private balconies, among other features. Strict compliance with this standard would eliminate approximately 60 units and reduce the project's ability to support on-site amenities. Architectural variety through material shifts, color, building plane changes, and articulated entries ensures the larger buildings maintain human scale. This layout delivers a more sustainable, higher-quality project than a code-compliant alternative would allow. The applicable standards are met.

**Staff Response:** Planning and other city staff have reviewed the proposed development and find that it is aesthetically pleasing and is consistent with the Boardman Comprehensive Plan Chapter 10 Policy 9. For this reason, we find that the applicable standards are met.

2. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in Figure 2.1.180(C)(1). Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two of the following features:
  - a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 6 feet;
  - b. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or
  - c. Offsets or breaks in roof elevation of 2 feet or greater in height.

Figure 2.1.180(C)(2) – Examples of Architectural Details



**Response:** The Preliminary Architectural Plans (in Exhibit C) show design features such as offsets, balconies, projections, window reveals, or similar elements along the vertical face of each building at least every 40 feet. While the applicable standards are met, Senate Bill 1537 allows mandatory adjustments to requirements for recesses and offsets, façade articulation, and roof forms and materials.

**Staff Response:** Planning staff acknowledge the implications of Senate Bill 1537 and find that the proposal is consistent with the requirements above.

3. **Eyes on the Street.** All building elevations visible from a street right of way shall provide doors, porches, balconies, and/or windows. A minimum of 60 percent of front (i.e., street-facing) elevations, and a minimum of 30 percent of side and rear building elevations shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.

**Response:** The Preliminary Civil Plans (in Exhibit B) show Buildings F, G, H, and I fronting on Wilson Lane. The Preliminary Architectural Plans (in Exhibit C) include building elevations (Sheets A2.11 and A2.12) that confirm side elevations provide  $\pm 31.3$  percent, front elevations provide  $\pm 78$  percent, and rear elevations provide  $\pm 40$  percent of required design features for each full or partial story. This standard is met.

**Staff Response:** Planning staff agree that this standard is met.

3. **Detailed Design.** All buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least 5 of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):
  - a. Dormers
  - b. Gables
  - c. Recessed entries
  - d. Covered porch entries
  - e. Cupolas or towers
  - f. Pillars or posts
  - g. Eaves (minimum 6-inch projection)
  - h. Off-sets in building face or roof (minimum 16 inches)
  - i. Window trim (minimum 4-inches wide)
  - j. Bay windows
  - k. Balconies
  - l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
  - m. Decorative cornices and roof lines (e.g., for flat roofs)
  - n. An alternative feature providing visual relief, similar to options a-m.

**Response:** The Preliminary Architectural Plans (in Exhibit C) include building elevations that detail the amount of architectural features described above. In no case do elevations provide less than 5 of these design features. The applicable standards are met.

**Staff Response:** Planning staff agree that this standard is met.

4. **Garages & Carports.** The home shall have a carport or garage constructed of like exterior materials, concrete or asphalt floor, and concrete or asphalt driveway from the street to the structure. The City may require an attached or detached garage where that would be

consistent with the predominant construction of immediately surrounding residences.

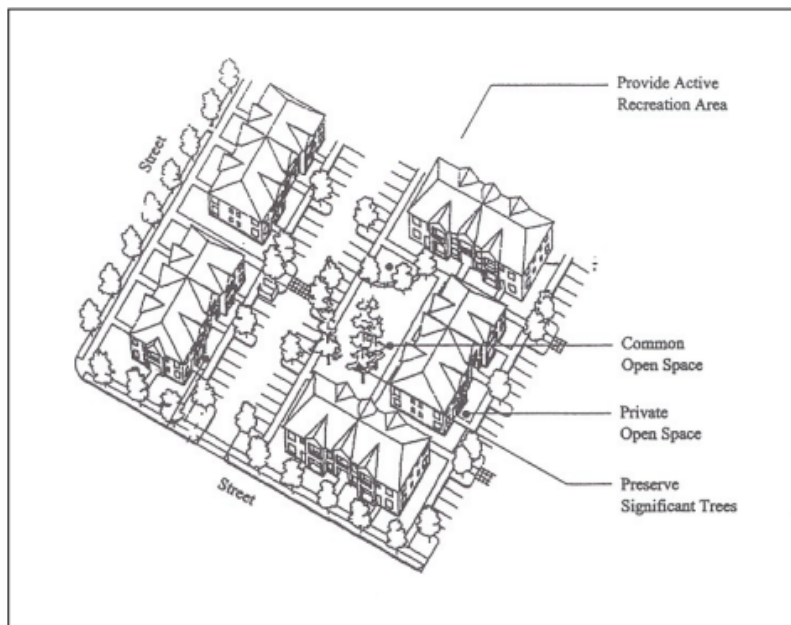
**Response:** This provision does not apply to multi-family housing as it would be impractical to have individual driveways and garages for each apartment unit. It is assumed these standards are intended for detached housing. The Preliminary Civil Plans (in Exhibit B) show common drive aisles and parking areas designed to serve the project. This standard does not apply.

**Staff Response:** Planning staff would agree that this standard is not applicable.

#### 2.1.400 Multi-Family Sub District (MF)

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Figure 2.1.200(F) – Multifamily Housing (typical site layout)



#### B. Multi-family housing development standards.

1. Common open space. Inclusive of required setback yards, a minimum of 20 percent of the site area shall be designated and permanently reserved as usable common open space in all multiple family developments. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.

**Response:** The net site area is ±9.81 acres, after accounting the planned 15-foot right-of-way dedication along the Wilson Lane frontage. The Preliminary Site Plan (in Exhibit B) shows more than 20 percent of the site is preserved as common open space. The applicable standards are met.

**Staff Response:** Planning staff agree that the applicable open space standard is met.

2. Private open space. Private open space areas shall be required for ground-floor and upper-floor-housing units based on all of the following standards:
  - a. Ground floor housing units shall have front or rear patios or decks measuring at least 48 square feet and at least 4 feet deep. Ground floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);
  - b. A minimum of 50 percent of all upper-floor-housing units shall have balconies or porches measuring at least 48 square feet and at least 4 feet deep. Upper-floor housing means housing units which are more than 5 feet above the finished grade;
  - c. Private open space areas shall be oriented toward common open space areas and away from adjacent single family residences, trash receptacles, parking and drives to the greatest extent practicable; and

**Response:** The Preliminary Architectural Plans (in Exhibit C) contain private open space details on Sheets A2.11, A2.13, and A2.15 that demonstrate all ground-floor units include front or rear patios or decks measuring at least 48 square feet and 4 feet in depth, and that at least 50 percent of upper-floor units are provided with balconies or porches meeting the same dimensional requirement. The Preliminary Civil Plans (in Exhibit B) show private open spaces generally oriented toward common open space areas and away from adjacent single-family residences, trash receptacles, parking, and drive aisles to the greatest extent practicable. To provide each residence with private open space, some balconies, porches, patios, or decks must be oriented to parking areas or drive aisles. The applicable standards are met.

**Staff Response:** Planning staff agree that these standards are met.

3. Exemptions. Exemptions may be granted for the first 50 units of a larger project when these developments are within one-quarter mile (measured walking distance) of a public park; and there is a direct, accessible (i.e., Americans With Disabilities Act-compliant), lighted, and maintained pedestrian trail or sidewalk between the site and the park. An exemption shall be granted only when the nearby park provides active recreation areas such as play fields, children's play area, sports courts, walking/fitness course, or similar facilities.

**Response:** The planned project is not within one-quarter mile of a public park. An exemption does not apply, nor is it needed.

**Staff Response:** The proposed project incorporates several outdoor amenities that include a dog park, clubhouse, and pool area as well as significant green space.

4. Trash receptacles. Trash receptacles shall be oriented away from adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height. Receptacles must be accessible to trash pick-up trucks.

**Response:** The criteria referenced above are neither clear nor objective, and therefore conflict with ORS 197.307(4), rendering them inapplicable as decision criteria for this needed housing

application. Terms and phrases such as “oriented away,” “screened,” and “accessible” require subjective analysis and weighing of multiple factors if they are to be applied as standards or decision criteria.

Nonetheless, the criteria are addressed for completeness purposes. The Preliminary Civil Plans (in Exhibit B) show trash enclosures located at the southern end of the site, oriented towards drive aisles as opposed to adjacent residential units. Placing trash enclosures at the end of drive aisles provides the most accessible route for trash collection vehicles. The Preliminary Architectural Plans (in Exhibit C) show trash enclosures are screened with a solid wall and access door no less than six feet in height. The applicable standards are met.

**Staff Response:** Planning and building staff have reviewed the proposed trash receptacles which incorporate a compactor and find them acceptable and developed in the spirit of the above standard.

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## Chapter 3 Design Standards

### Chapter 3.1 Access and Circulation

#### 3.1.200 Vehicular Access and Circulation

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- B. **Applicability.** This ordinance shall apply to all public streets within the City and to all properties that abut these streets.

**Response:** The subject property abuts Wilson Lane (Arterial). The provisions of this chapter apply and are addressed below.

**Staff Response:** Planning staff agree that these provisions are applicable.

- C. **Access Permit Required.** Access to a public street requires an Access Permit in accordance with the following procedures:
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.

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**Response:** The subject property abuts Wilson Lane, a City Arterial. An access permit will be issued from the City of Boardman in a form acceptable to the City. As applicable, this standard can be met.

**Staff Response:** Based on the discussion at the Site Team meeting it is anticipated that the applicant will submit for the required Access Permit(s) concurrently with the submittal of the Development Review Permit.

- 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.)

**Response:** The Transportation Impact Study (in Exhibit D) has been prepared by a qualified professional traffic engineer that addresses the applicable requirements in Section 3.4.100 and Chapter 4.10. As applicable, this standard is met.

**Staff Response:** The initial Traffic Impact Study (TIS) has been reviewed by city staff and ODOT. As of the drafting of these Findings of Fact the amended version has been received but not fully reviewed. See later discussion concerning the TIS and the City's analysis of its conclusions.

E. **Conditions of Approval.** The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. To obtain access to and from off street parking areas shall not require the driver to back-out onto a public street (except for single family, two-family, and three-family dwellings).

**Response:** The Existing Conditions Plan (in Exhibit B) shows the property is undeveloped. Therefore, there is no opportunity or need to close or consolidate existing curb cuts or access points. The Transportation Impact Study (in Exhibit D) and the Preliminary Civil Plans (in Exhibit B) detail applicable frontage improvements, traffic controls, or other mitigations where applicable. Additionally, the Preliminary Civil Plans (in Exhibit B) shows two access points planned to serve the project, avoiding the need for vehicles to back out onto a public street. Although these standards are not generally considered approval criteria, conditions of approval should be consistent with the City's Code and related findings of the Transportation Impact Study (in Exhibit D). As applicable, these standards are met.

**Staff Response:** Planning staff focus is on the Traffic Impact Study and the impacts to the Main Street Interchange, how those impacts are evaluated under the Main Street Interchange Area Management Plan (MS IAMP), and how the development should be required to provide mitigation for its impacts more specifically to the intersection of North Main Street and the west bound interchange off ramp. That intersection is failing and the City has identified that improvement is necessary. It is not the responsibility of this, or any development, to have to address the entirety of any improvement that is identified to repair the failure. There should be some proportional investment in the City's transportation system based on the increase in traffic created by this development.

*Based on the comments from DLCD/HAPO referenced earlier this staff report is going to focus on the pending development of Transportation System Development Charges and less on the traffic impacts related to the Traffic Impact Analysis that was submitted as part of the application.*

The City is working to update its System Development Charges (SDCs) methodology and fee schedule, which when established in 1999 only addressed water and wastewater. Current work, which is underway, will add both park and transportation fees, but will not result in an adopted program until late summer or early fall of this year (2026). Once adopted transportation SDCs will be used to address the identified improvements to the

Main Street interchange. Those improvements at this point have been identified to be the lengthening and widening of the west bound off ramp.

The City is also working on a Refinement of the MS IAMP which will provide, by early 2027, a better understanding of potential improvements and a cost structure for those improvements. That Refinement, when coupled with the adopted SDC methodology and fee schedule, will provide a mechanism for how the City can fund needed improvements to the Main Street interchange *and other portions of the transportation network based on growth*. Prior to those plans being adopted the City needs to identify a mechanism to address mitigation for this and other developments that will be approved over the next several months.

It is also important to note that SDCs are charged at the time Building Permits are issued. It could be that the development, particularly Phase 2, could be subject to the new SDC methodology and fee schedule depending upon when construction is initiated and Building Permits are obtained.

ODOT has indicated that their position is that this development must address their impact on the Main Street interchange by making the necessary repairs to address the identified failure. Alternatively, ODOT has indicated that an agreement between ODOT and the City identifying how improvements will occur could also be implemented. The City has determined that our approach is to do the following: fund the design of an interim project within the interchange to address capacity at the west bound off ramp (project moving forward in the budget process); complete our SDC update adding Transportation SDCs; and complete the Refinement to the MS IAMP. With these actions the City has provided evidence that we are actively addressing the identified failure at the Main Street Interchange.

For this project the City has attempted to determine what a likely Transportation SDC might be by working with our consultant team and by looking at other communities. In Hermiston it appears that the Transportation SDC for a similar project would be just shy of \$60,000 while the same project in Dallas would be \$602,640 or Redmond would be \$1,609,000. To provide some level of financial certainty to the developer and assure a contribution to future improvements based on the developments impacts to the transportation system the City recommends and lists as a Condition of Approval that a payment in lieu of a Transportation SDC be made ~~prior to the issuance of Building Permits~~ *at the time the final Occupancy is issued for Phase 1* in the amount of \$100,000. This will cover Phase 1 of the project. If Transportation SDCs are adopted prior to Phase 2 construction, they may be assessed as adopted.

- 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.

1. Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.
2. Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
3. Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Section G, below.
4. Subdivisions Fronting On an Arterial Street. New residential land divisions fronting on an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints or existing development patterns access may be provided by consolidating front-access driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes).
5. Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the Residential District, unless topographic or physical constraints or existing development patterns require the formation of such lots. When double-frontage lots are permitted in the Residential District, a landscape buffer with trees and/or shrubs and ground cover not less than 15 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner’s association, etc.).

**Response:** The Preliminary Civil Plans (in Exhibit B) show the project fronts on Wilson Lane, a City Arterial. To facilitate safe and efficient access to the site, the planned project will utilize Option 3 outlined in subsection (3) above. Two access points are planned from Wilson Lane to serve the internal circulation system. The applicable access spacing requirements in Section G are addressed further below. The applicable standards are met.

**Staff Response:** City staff identified in early conversations with the development team that access needed to be sited across from Juniper and Anthony Drives to limit turning conflicts into the proposed development. These standards are met.

Important cross-references to other code sections: Chapters 2 and 3 may require buildings placed at or near the front property line and driveways and parking areas oriented to the side or rear yard. The City may require the dedication of public right-of-way and construction of a street (e.g., frontage road, alley or other street) when the development impact is proportionate to the need for such a street, and the street is identified by the Comprehensive Plan or an adopted Local Streets Plan. (Please refer to Section 3.4.100 - Transportation Standards.)

**Response:** The applicable provisions of Chapters 2 and 3 are addressed throughout this narrative. The applicable standards are met.

**Staff Response:** Staff agree that select provisions of Chapters 2 and 3 are applicable.

G. Access Spacing. Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:

(\*\*\*)

2. Arterial and Collector Streets. Access spacing on collector and arterial streets and at controlled intersections (i.e., with four-way stop sign or traffic signal) shall be determined by the policies and standards in Table 3.1.200.G.

(\*\*\*)

4. Special Provisions for All Streets. Direct street access may be restricted for some land uses, in conformance with the provisions of Chapter 2 - Land Use Districts. For example, access consolidation, shared access, and/or access separation greater than that specified by subsections 1-2, may be required by the permitting agency for the purpose of protecting the function, safety and operation of the street for all users. (See Section 'I', below.) Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

5. Corner Clearance. The distance from a street intersection to a driveway or other street access shall meet or exceed the minimum spacing requirements for the street classification in the City's Transportation System Plan.

6. Variance. A variance to vehicle access and circulation standards shall follow procedures in Chapter 5.1.300.A.

| Table 3.1.200(G) Minimum Intersection Spacing Standards |               |               |
|---|---------------|---------------|
| Street Type   | Public Street | Private Drive |
| Arterial  | 600 feet      | 300 feet      |
| Collector   | 300 feet      | 75 feet       |
| Neighborhood Collector                                  | 200 feet      | 50 feet       |
| Local   | 150 feet      | 15 feet       |

This table identifies the minimum public street intersection and private access spacing standards for the City of Boardman roadway network as they relate to new development and redevelopment. Source: City of Boardman, Transportation System Plan, 2001.

**Response:** Site access is largely set by the surrounding transportation network, with access points planned to align with existing intersections created by Juniper Drive SW and Anthony Drive SW, on the opposite side of Wilson Lane. The Preliminary Civil Plans (in Exhibit B) show two access points from Wilson Lane, a City Arterial, that are spaced more than 300 feet apart (centerline to centerline), aligning with Juniper Drive SW and Anthony Drive SW, consistent with Table 3.1.200(G) above. The applicable standards are met.

**Staff Response:** Staff agree that these standards are met.

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.

**Response:** The Preliminary Civil Plans (in Exhibit B) shows two access points planned to serve the project in accordance with the spacing requirements in 3.1.200(G) above. Two accesses are the minimum necessary to facilitate safe and efficient vehicle maneuvering throughout the site and prevent any opportunities for vehicles to back out to a public street. The applicable standards are met.

**Staff Response:** Planning staff concur with the applicant's analysis. This standard is met.

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:

(\*\*\*)

**Response:** The planned project does not include commercial or industrial uses. These standards do not apply.

**Staff Response:** Planning staff agree that this standard is no applicable.

(\*\*\*)

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:

(\*\*\*)

3. Multiple family uses with more than 8 dwelling units, and off-street parking areas with 16 or more parking spaces, shall have a minimum driveway width of 24 feet, and a maximum width of 30 feet. These dimensions may be increased if the City Manager or his/her designee determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.

**Response:** The Preliminary Civil Plans (in Exhibit B) show ±26-foot-wide drive aisles or driveways are planned. This standard is met.

**Staff Response:** Planning staff agree that this standard is met.

(\*\*\*)

5. **Driveway Aprons.** Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown in Figure 3.1.200K. Driveway aprons shall conform to Americans with Disabilities Act (ADA) standards for sidewalks and pathways, which require a continuous route of travel that is a minimum of 3 feet in width, with a cross slope not exceeding 2 percent.

**Response:** The Preliminary Civil Plans (in Exhibit B) show driveway aprons are planned to meet applicable City standards.

**Staff Response:** Planning staff agree that the Public Works Standards can be met based on the submitted plans.

6. **Driveway approaches.** Driveway approaches shall be designed and located to provide an existing vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes or tapers should be avoided due to the potential for vehicle conflicts.

**Response:** The Preliminary Civil Plans (in Exhibit B) show driveway approaches generally designed and located to provide vehicles with an unobstructed view. Vision clearance areas are shown to minimize visual impacts and will be free of obstructions. As applicable, these standards are met.

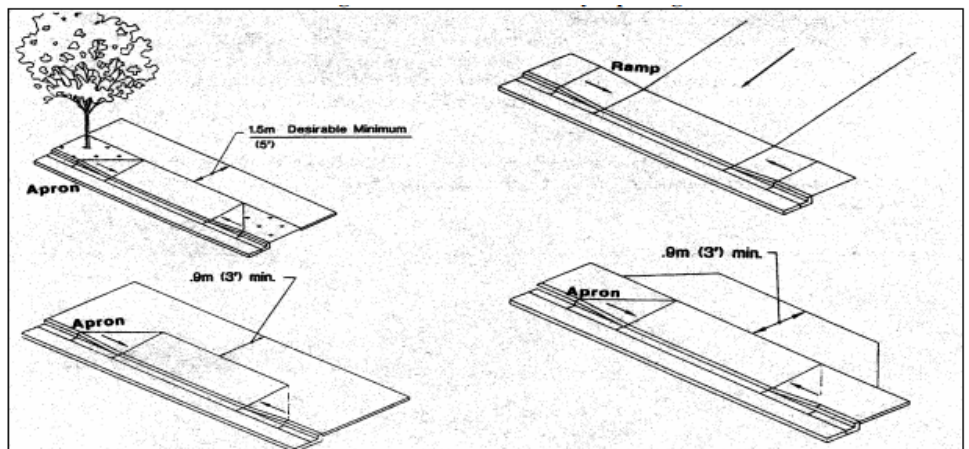
**Staff Response:** Planning staff agree that this standard is met.

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.

**Response:** The project does not include commercial or industrial development. This standard does not apply.

**Staff Response:** Planning Staff agree that this standard is not applicable.

3.1.200 – Vehicular Access and Circulation



- 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.

**Response:** The Preliminary Civil Plans (in Exhibit B) show on-site drive aisles positioned to ensure fire apparatus access to all exterior wall sections located more than 150 feet from the existing public street. Parking area drive aisles have been designed so that all vehicles, including service and delivery vehicles, can exit onto Wilson Lane in a forward direction, eliminating the need for turnaround areas. Additionally, fire hydrant locations and spacing are consistent with guidance received from the Boardman Fire Rescue District. The applicable standards are met.

**Staff Response:** Planning staff agree that if built to Public Works and Fire District standards and requirements the standards are met.

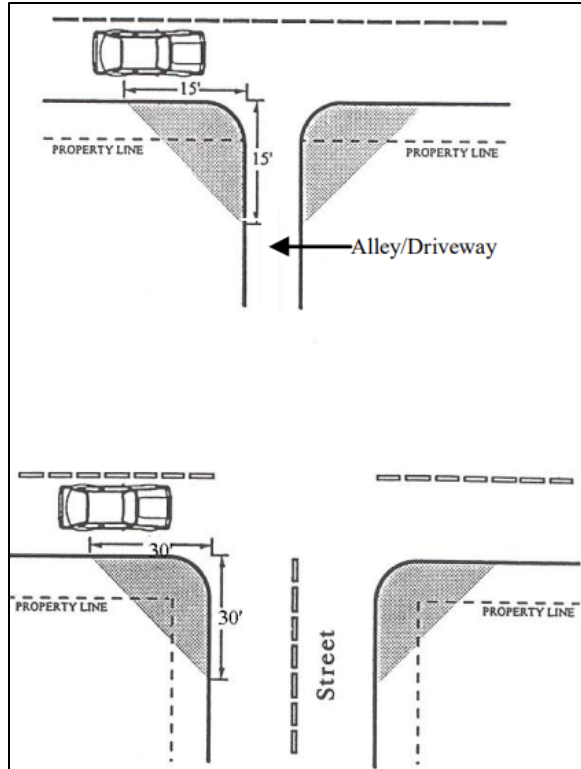
M. Vertical Clearances. Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.

**Response:** The Preliminary Civil Plans (in Exhibit B) show access points and drive aisles free of obstruction. This standard is met.

**Staff Response:** Planning staff concur that this standard is met.

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.

Figure 3.1.200(N) – Vision Clearance Area



**Response:** The Preliminary Civil Plans (in Exhibit B) show vision clearance areas at the planned driveways are consistent with Figure 3.1.200(N). This standard is met.

**Staff Response:** Planning staff concur that this standard is met when constructed to the design.

- O. **Construction.** The following development and maintenance standards shall apply to all driveways and private streets.
  1. **Surface Options.** Driveways, parking areas, aisles, and turn-arounds may be paved with asphalt, concrete or comparable surfacing, or a durable non-paving material may be used to reduce surface water runoff and protect water quality. Paving surfaces shall be subject to review and approval by the City Manager or his/her designee.
  2. **Surface Water Management.** Surface water facilities shall be constructed in conformance with City standards. See Section 3.2 for Landscaping standards or the City’s Stormwater Management Standards in Section 3.5.
  3. **Driveway Aprons.** When driveway approaches or “aprons” are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing. (See Section K above.)

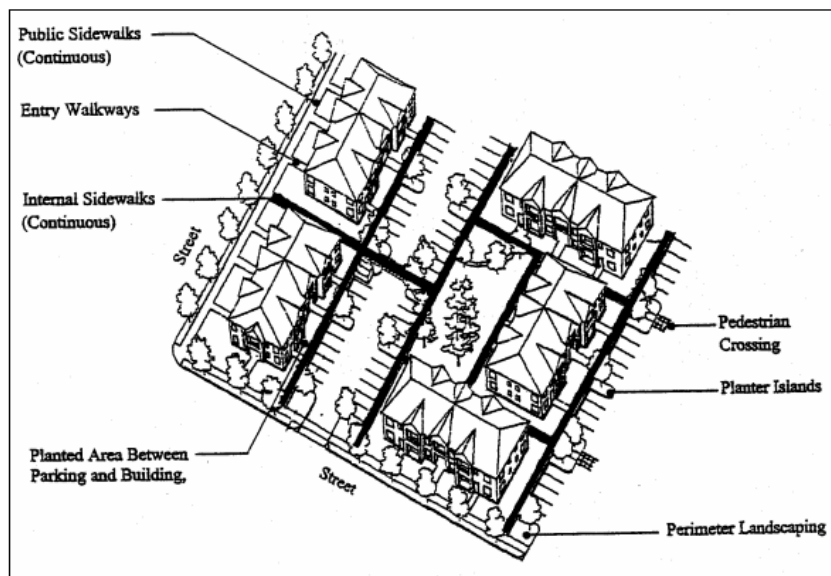
**Response:** Driveway and parking area surfaces are planned to be asphalt, concrete, or a comparable durable surface. The Preliminary Grading and Drainage Plan (in Exhibit B) shows surface water management facilities that can meet City standards. The driveway aprons are planned to meet applicable City standards. The applicable standards are or can be met.

**Staff Response:** Planning staff concur that these standards can be met if installed to Public Works Standards and the requirements of the Development Code.

### 3.1.300 Pedestrian Access and Circulation

#### Pedestrian System for Multi-Family Development

Figure 3.1.300(A)



- 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.

**Response:** The criteria referenced above are neither clear nor objective, and therefore conflict with ORS 197.307(4), rendering them inapplicable as decision criteria for this needed housing application. Terms and phrases such as “safe, direct and convenient” require subjective analysis and weighing of multiple factors if they are to be applied as standards or decision criteria.

Nonetheless, the criteria are addressed for completeness purposes. The Preliminary Civil Plans (in Exhibit B) show pedestrian connectivity from all building entrances to one another and to adjacent parking, common areas, and amenities. Pedestrian ways extend throughout the development site and connect to abutting public sidewalks and paths. The applicable standards are met.

**Staff Response:** The City’s objective with this standard is to ensure that pedestrians can move safely within the parking and driveway areas of the development. The applicant’s submitted

plans do provide pedestrian connections within the development and to the sidewalk along Wilson Lane. This standard is met.

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.

(\*\*\*)

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.

**Response:** The criteria referenced above are neither clear nor objective, and therefore conflict with ORS 197.307(4), rendering them inapplicable as decision criteria for this needed housing application. Terms and phrases such as “safe, direct, and convenient,” and “reasonably direct” require subjective analysis and weighing of multiple factors if they are to be applied as standards or decision criteria.

Nonetheless, the criteria are addressed for completeness purposes. The Preliminary Civil Plans (in Exhibit B) show pedestrian facilities connecting from the primary entrances of all buildings to adjacent streets in a safe, accessible, reasonably direct, and convenient manner. Marked pedestrian crossings across internal access drives are intended to minimize conflicts between pedestrians and vehicles within the site. Pedestrian routes have been designed to avoid hidden corners, sight-obscuring fences, dense vegetation, hazards, and other unsafe conditions. The applicable standards are met.

**Staff Response:** The City’s objective with this standard is to ensure that pedestrians can move safely within the parking and driveway areas of the development. The applicant’s submitted plans do provide pedestrian connections within the development and to the sidewalk along Wilson Lane. This standard is met.

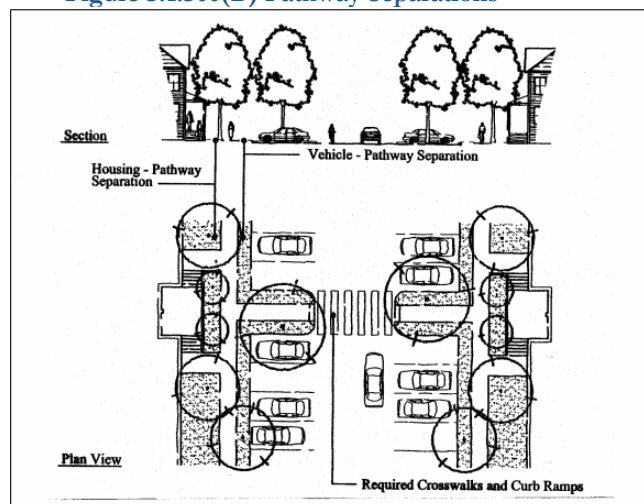
3. **Connections Within Development.** For all developments subject to Site Design Review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.

**Response:** The Preliminary Civil Plans (in Exhibit B) show pedestrian connectivity from all building entrances to one another and to adjacent parking, common areas, and amenities. Pedestrian ways extend throughout the development site and connect to abutting public sidewalks and paths. The applicable standards are met.

**Staff Response:** The City's objective with this standard is to ensure that pedestrians can move safely within the parking and driveway areas of the development. The applicant's submitted plans do provide pedestrian connections within the development and to the sidewalk along Wilson Lane. This standard is met.

4. **Street Connectivity.** Pathways (for pedestrians and bicycles) shall be provided at or near midblock where the block length exceeds the length required by Section 3.1.200 J. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments. Pathways used to comply with these standards shall conform to all of the following criteria:
  - a. Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 10 feet wide and located within a 20-foot-wide right-of-way or easement that allows access for emergency vehicles;
  - b. If the streets within the subdivision or neighborhood are lighted, the pathways shall also be lighted;
  - c. Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep;
  - d. The City may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties;
  - e. The City Manager or his/her designee may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.

Figure 3.1.300(B) Pathway Separations



**Response:** The Preliminary Civil Plans (in Exhibit B) show pedestrian connectivity from all building entrances to one another and to adjacent parking, common areas, and amenities. Pedestrian ways extend throughout the development site and connect to abutting public sidewalks and paths, where applicable. The Preliminary Grading and Drainage Plan (in Exhibit B) shows that switchback paths are not necessary to meet applicable accessibility standards. An Outdoor Lighting Plan is included in Exhibit F. The applicable standards are met.

**Staff Response:** Planning staff concur that if built as designed the applicable standards are met.

- B. **Design and Construction.** Pathways shall conform to all of the standards in 1-5:
1. **Vehicle/Pathway Separation.** Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
  2. **Housing/Pathway Separation.** Pedestrian pathways shall be separated a minimum of 5 feet from all residential living areas on the ground floor, except at building entrances. Separation is measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of Chapter 3.3. No pathway/building separation is required for commercial, industrial, public, or institutional uses.
  3. **Crosswalks.** Where pathways cross a parking area, driveway, or street (“crosswalk”), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or similar type of durable application.
  4. **Pathway Surface.** Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least 5 feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 10 feet wide. (See also, Section 3.4.100 - Transportation Standards for public, multi-use pathway standard.)
  5. **Accessible routes.** Pathways shall comply with the Americans With Disabilities Act (ADA), which requires accessible routes of travel.

**Response:** The Preliminary Civil Plans (in Exhibit B) show walkways generally running parallel to and around the multi-family residential buildings as they connect to the abutting public streets and common areas. Walkways are separated from residential buildings by a landscaped buffer, at least ±5 feet in width, and from vehicle use areas by raised curbs and/or landscaping strips, as shown on the Preliminary Landscape Plan (in Exhibit B). Walkways are planned to be designed and surfaced with a durable material, per City standards and comply with the applicable accessibility requirements. The applicable standards are met.

**Staff Response:** Planning staff concur that if built as designed the applicable standards are met.

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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).

**Response:** The Preliminary Landscape Plan (in Exhibit B) contains the applicable submittal requirements pursuant to Section 4.2.500(B) addressed further below. The applicable standards are met.

**Staff Response:** Planning staff concur that if built and installed as designed the applicable standards are met.

- C. **Landscape Area Standards.** The minimum percentage of required landscaping equals:
  - 1. **Residential Districts.** 20 percent of the site.
  - 2. **Commercial District.** 10 percent of the site.
  - 3. **General Industrial District.** 20 percent of the site.
  - 4. **Light Industrial District.** 10 percent of the site.

**Response:** The subject site is located within a Residential District, which requires a minimum landscape coverage of 20 percent. The Preliminary Landscape Plan (in Exhibit B) shows landscaping covering at least 20 percent of the site. The applicable standards are met.

**Staff Response:** Planning staff agree that the applicable standards are met if built as designed.

- D. **Landscape Materials.** Landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below:
  - 1. **Natural Vegetation.** Natural vegetation shall be preserved or planted where practicable.
  - 2. **Plant Selection.** A combination of trees, shrubs and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. As necessary, soils shall be amended to allow for healthy plant growth.
  - 3. **Hardscape features (i.e., patios, decks, plazas, etc.)** may cover up to 30 percent of the required landscape area; except in the City Center Sub District where hardscape features may cover up to 50 percent of the landscape area. Swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.
  - 4. **Non-plant Ground Covers.** Bark dust, chips, aggregate or other non-plant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped. "Coverage" is measured based on the size of plants at maturity or after 2 years of growth, whichever comes sooner.

5. **Tree Size.** Trees shall have a minimum caliper size of 2 inches or greater when planted.
6. **Ground Cover** Ground cover plants shall be sized and spaced so that they grow together to cover a minimum of 75 percent of the underlying soil within 5 years.

**Response:** The Preliminary Landscape Plan (in Exhibit B) includes a planting schedule detailing size, species, and spacing of the proposed plant materials for the project. The proposed landscaping includes a mix of shrubs, ground cover, ornamental grasses, trees, and sod. The applicable standards are met.

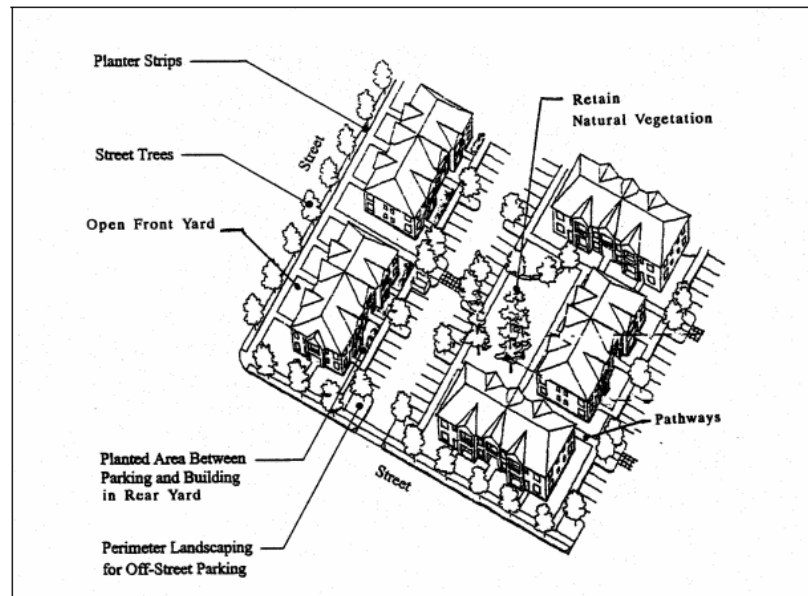
**Staff Response:** Planning staff concur that the Landscaping Plan meets the applicable standards.

7. **Storm Water Facilities.** Storm water facilities (e.g., detention/retention ponds and swales) shall be landscaped with water tolerant, native plants.

**Response:** The project does not include bio-swales or detention/retention ponds. Therefore, the above standard is not applicable.

**Staff Response:** Planning staff agree that this standard is not applicable.

Figure 3.2.200 – Landscape Areas in a Multiple Family Development (Typical)



E. **Landscape Design Standards.** All yards, parking lots and required street tree planter strips shall be landscaped in accordance with the provisions of this Chapter (Sections 3.2.100 through 3.2.400). Landscaping shall be installed with development to provide erosion control, visual interest, buffering, privacy, open space and pathway identification, shading and wind buffering, based on the following standards:

1. **Yard Setback Landscaping.** Landscaping shall satisfy the following criteria:
  - a. Provide visual screening and privacy within side and rear yards; while leaving front yards and building entrances mostly visible for security purposes;

- b. Use shrubs and trees as wind breaks, as appropriate;
- c. Define pedestrian pathways and open space areas with landscape materials;
- d. Provide focal points within a development, such as signature trees (i.e., large or unique trees), hedges and flowering plants;
- e. Use trees to provide summer shading within common open space areas, and within front yards when street trees cannot be provided;
- f. Use a combination of plants for year-long color and interest;
- g. Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales and detention/retention ponds.

**Response:** The criteria listed above are neither clear nor objective. Therefore, they conflict with ORS 197.307(4), rendering them inapplicable as decision criteria for this needed housing application. Terms and phrases such as “provide visual screening and privacy” and “to screen...and to enhance” require subjective analysis and weighing of multiple factors if they are to be applied as submittal requirements or decision criteria.

Nonetheless, the criteria are addressed for completeness purposes. The Preliminary Landscape Plan (in Exhibit B) shows trees and shrubs that provide visual screening and privacy adjacent to residential buildings and streets. Planned landscaping will frame pedestrian pathways, usable open space, and provide focal points within the site. The notes on the Preliminary Landscape Plan list the combination and variety of plants that will provide year-round foliage, color, and interest. No outdoor storage, mechanical equipment areas, or significant grades (when finished) are planned, but these features can be screened with landscaping if they become necessary in the future. The applicable criteria are met.

**Staff Response:** The City’s objective with the above standards is to ensure that installed landscaping provides screening and privacy in private spaces and leaves front yards and common space more accessible and visible for safety and security purposes. The submitted Landscaping Plan meets these requirements.

2. **Parking areas.** A minimum of five percent of the combined area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of an evenly distributed mix of shade trees with shrubs and/or ground cover plants. “Evenly distributed” means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per 4 parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All landscaped areas shall have minimum dimensions of 4 feet by 4 feet to ensure adequate soil, water, and space for healthy plant growth when used as a modified swale in accordance with detention standards found in the City’s Stormwater Design Standards (Chapter 3.5).

**Response:** The criteria listed above are neither clear nor objective. Therefore, they conflict with ORS 197.307(4), rendering them inapplicable as decision criteria for this needed housing application. Terms and phrases such as “evenly distributed mix” and “partial canopy” require subjective analysis and weighing of multiple factors if they are to be applied as submittal requirements or decision criteria.

Nonetheless, the criteria are addressed for completeness purposes. The Preliminary Landscape Plans (in Exhibit B) detail the location, size, and species of planned landscaping adjacent to the parking and maneuvering areas. Approximately 22,500 square feet of landscaping is provided within the ±21,370 square-foot parking area (±5.3 percent). With ±450 vehicle spaces, ±113 parking lot trees are required. The Preliminary Landscape Plan shows ±118 trees evenly distributed around the parking lot perimeter and within landscape islands provided every 12 parking spaces. The applicable standards are met.

**Staff Response:** The City’s objective with the above standards is to ensure that installed landscaping within parking areas provides shade through a tree canopy. The submitted Landscaping Plan meets these requirements.

3. **Buffering and Screening Required - Buffering and screening are required under the following conditions:**

- a. **Parking/Maneuvering Area Adjacent to Streets and Drives.** Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a decorative wall (masonry or similar quality material), arcade, trellis, evergreen hedge, or similar screen shall be established parallel to the street or driveway. The required wall or screening shall provide breaks, as necessary, to allow for access to the site and sidewalk by pedestrians via pathways. The design of the wall or screening shall also allow for visual surveillance of the site for security. Evergreen hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number and spacing to provide the required screening within one year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other ground cover. All walls shall be maintained in good condition, or otherwise replaced by the owner.

**Response:** The Preliminary Site Plan and Preliminary Landscape Plans (in Exhibit B) show that parking and maneuvering areas are separated from streets by buildings and site landscaping, consistent with the above standards where applicable.

**Staff Response:** Planning staff agree that the submitted plans are consistent with this criterion.

- b. **Parking/Maneuvering Area Adjacent to Building.** Where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a raised pathway, plaza, or landscaped buffer no less than 3 feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles. When parking areas are located adjacent to residential ground-floor living space, a landscape buffer is required to fulfill this requirement.

**Response:** The Preliminary Site Plan (in Exhibit B) shows that parking and maneuvering areas are separated from buildings by curbs, elevated 6-foot-wide pedestrian walkways, and a landscape buffer. Sidewalks adjacent to buildings are planned to meet applicable Americans with Disabilities Act (ADA) standards. Parking areas adjacent to ground-floor living space are separated by more than 5 feet of pedestrian walkway and landscaping. The applicable standards are met.

**Staff Response:** Planning staff agree that the submitted plans are consistent with this criterion.

- c. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Automobile-Oriented Uses. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and Residential districts. Screening shall be provided by one or more the following: decorative wall (i.e., masonry or similar quality material), evergreen hedge, non-see through fence, or a similar feature that provides a non-see through barrier. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with Chapter 3.1 - Access and Circulation. (See Section 3.2.400 for standards related to fences and walls.)

**Response:** Outdoor trash enclosures are screened by a non-see-through barrier and landscaping as shown on the Preliminary Architectural Plans (in Exhibit C) and Preliminary Landscaping Plans (in Exhibit B). No other outdoor equipment, outdoor storage, manufacturing, or service and delivery areas are planned. However, if necessary, in the future, these areas can be screened consistent with these standards. The applicable standards are met.

**Staff Response:** Planning staff agree that the submitted plans are consistent with this criterion.

- F. Maintenance and Irrigation. The use of drought-tolerant plant species is encouraged, and may be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All other landscape features required by this Code shall be maintained in good condition, or otherwise replaced by the owner in perpetuity.
- G. Additional Requirements. Additional buffering and screening may be required for specific land uses, as identified by Chapter 2, and the City may require additional landscaping through the Conditional Use Permit process (Chapter 4.4).

**Response:** The Preliminary Landscape Plan (Exhibit B) shows the project can comply with applicable irrigation and maintenance requirements. The applicable criteria are or can be met.

**Staff Response:** Planning staff agree that the submitted plans are consistent with this criterion if installed and maintained throughout the life of the project.

### 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. Street trees shall conform to the following standards and guidelines:

- A. **Growth Characteristics.** Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:
  - 1. Provide a broad canopy where shade is desirable.
  - 2. Use low-growing trees for spaces under utility wires.
  - 3. Select trees which can be “limbed-up” where vision clearance is a concern.
  - 4. Use narrow or “columnar” trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
  - 5. Use species with similar growth characteristics on the same block for design continuity.
  - 6. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.
  - 7. Select trees that are well adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with low annual or summer season rainfall, or with sandy or rocky soil.
  - 8. Select trees for their seasonal color, as desired.
  - 9. Use deciduous trees for summer shade and winter sun.
- B. **Caliper Size.** The minimum caliper size at planting shall be 2 inches, based on the American Association of Nurserymen Standards.
- C. **Spacing and Location.** Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers.
- D. **Soil Preparation, Planting and Care.** The Developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first two years after planting.
- E. **Assurances.** **ALTERNATIVE 1:** The developer shall pay a fee to the City, in accordance with the adopted fee schedule, for each required street tree. The fee shall cover the City’s expense for planting and the first two years of care. **ALTERNATIVE 2:** The City shall require the developer to provide a performance and maintenance bond in an amount determined by the City Manager or his/her designee, to ensure the planting of the tree(s) and care during the first two years after planting.

**Response:** The Preliminary Landscape Plan (in Exhibit B) shows street trees planted along the property frontage, in accordance with the location, spacing, and size standards of this section. Although no assurances are planned at this time, the alternatives to street tree plantings are acknowledged. The applicable standards are met.

**Staff Response:** The submitted Landscaping Plan is acceptable. The City would not apply either Alternative to this development.

#### 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.

**Response:** The Preliminary Civil Plans (in Exhibit B) show there are no fences or walls planned at this time. These standards are not applicable.

**Staff Response:** Properties to the north have installed fences as part of the current development of homes. The site plan shows that much of the northern portion of the development will have garages along the northern boundary meeting the setback requirements. The properties to the east and west are zoned for multi-family development, consistent with this development. This development can be built without fencing. Should the developer or future property manager choose to install a fence these standards would be applicable, and a Fence Permit will be required.

### Chapter 3.3 Vehicle and Bicycle Parking

#### 3.3.300 Vehicle Parking Standards

The minimum number of required off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) shall be determined based on the standards in Section 3.3.300.A. There is no minimum number of off-street parking spaces required in the City Center Sub District (or in designated historic districts), however, the “maximum parking” standards of this Chapter apply in those areas.

The number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pathway or landscape area. Credit shall be allowed for “on-street parking”, as provided in Section 3.3.300.B.

Parking spaces must be developed in accordance with the provisions of this chapter as well as all other applicable standards of the Code including Chapter 2, Land Use District standards; Chapter 3.1 Access and Circulation, Chapter 3.2, Landscaping; and Chapter 3.5, Stormwater Management.

#### A. Minimum Required Off-street Parking Spaces

##### 1. Residential Uses

Multi-Family and single family attached housing

- a. Studio units or 1-bedroom units less than 500 sq. ft.--Two space/unit.
- b. 1-bedroom units 500 sq. ft. or larger--Two spaces/unit.

- c. 2-bedroom units--Two spaces/unit.
- d. 3-bedroom or greater units--Two spaces/unit.
- e. Retirement complexes for seniors 55-years or greater--Two spaces per unit.

**Response:** The Preliminary Civil Plans (in Exhibit B) and Preliminary Architectural Plans (in Exhibit C) show that all units in the ±240-unit project will have one to three bedrooms, resulting in a minimum of 480 required vehicular parking spaces. The Preliminary Site Plan (in Exhibit B) shows ±450 off-street parking spaces (±1.9 spaces per unit). Adjustments to minimum parking requirements are allowed by Senate Bill 1537, which is addressed in the responses to the applicable provisions of the bill, below. The applicable standards are met.

**Staff Response:** Planning staff acknowledges the applicability of Senate Bill 1537 to this decision process.

**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).

**Response:** The Preliminary Civil Plans (in Exhibit B) show parking planned between covered garages and parking lots dispersed throughout the site. This standard is met.

**Staff Response:** Planning staff concur that this standard is met.

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.

**Response:** The Preliminary Civil Plans (in Exhibit B) show sufficient on-site parking to serve the project. Off-site parking is not required, nor planned. This standard is not applicable.

**Staff Response:** Planning staff concur that this standard is not applicable.

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.

**Response:** The planned project is not mixed use. This standard does not apply.

**Staff Response:** Planning staff concur that this standard is not applicable.

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.

**Response:** The planned project will functionally operate as a cohesive site. Therefore, shared parking for two or more uses is not required nor planned.

**Staff Response:** Planning staff concur that shared parking is not required. There is also not an adjoined opportunity for shared parking. This standard is not applicable.

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.

**Response:** The Applicant acknowledges off-street parking may be posted in accordance with Chapter 3.6.

**Staff Response:** Any posting consistent with the standard must meet the requirements of Chapter 3.6 and may require a Sign Permit.

- 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.

**Response:** The Preliminary Civil Plans (in Exhibit B) show the project will not exceed 10 percent of the required minimum number of vehicular parking spaces. This standard is met.

**Staff Response:** Based on the application of Senate Bill 1537 the proposed number of parking spaces will not exceed the maximum number of parking spaces. This standard is met.

- 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)

**Response:** The Preliminary Civil Plans (in Exhibit B) shows the parking area containing ±450 off-street parking spaces, including ±9 ADA-accessible spaces. Parking spaces are planned to meet the minimum parking stall size and design standards, and in many places by allowing vehicle overhang into abutting 6-foot-wide pedestrian walkways. Effectively, the curb functions as a wheel stop while maintaining adequate length for parked vehicles. The applicable standards are met.

**Staff Response:** Based on discussion with the Fire Department spaces adjacent to the internal corners will be marked for compact vehicle use to ensure adequate turning space for the District’s

ladder truck. With this exception if the parking stalls or spaces are built to the proposed Civil Plans and consistent with the Public Works Standards this standard is met.

- 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. (Note: State Law may supersede this Federal table.)

Figure 3.3.300(F) – Disabled Persons Parking Requirements

| <b>Minimum Number of Accessible Parking Spaces</b><br>ADA Standards for Accessible Design 4.1.2 (5) |  |   |   |
|---|--|---|---|
| Total Number of Parking spaces Provided (per lot)   | Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles) | Van Accessible Parking Spaces with min. 96" wide access aisle | Accessible Parking Spaces with min. 60" wide access aisle |
| Column A  |  |   |   |
| 1 to 25   | 1  | 1   | 0   |
| 26 to 50  | 2  | 1   | 1   |
| 51 to 75  | 3  | 1   | 2   |
| 76 to 100   | 4  | 1   | 3   |
| 101 to 150  | 5  | 1   | 4   |
| 151 to 200  | 6  | 1   | 5   |
| 201 to 300  | 7  | 1   | 6   |
| 301 to 400  | 8  | 1   | 7   |
| 401 to 500  | 9  | 2   | 7   |
| 501 to 1000   | 2% of total parking provided in each lot                             | 1/8 of Column A*  | 7/8 of Column A**   |
| 1001 and over   | 20 plus 1 for each 100 over 1000                                     | 1/8 of Column A*  | 7/8 of Column A**   |

\* one out of every 8 accessible spaces      \*\* 7 out of every 8 accessible parking spaces

**Response:** The Preliminary Civil Plans (in Exhibit B) show a parking area that includes ±9 ADA-accessible spaces that are of adequate size to function as van accessible. The applicable standards are met.

**Staff Response:** Planning staff concur that if the ADA parking stalls or spaces are constructed to the submitted plans, the Public Works Standards, and these Development Code provisions they will meet the applicable standards.

**3.3.400 Bicycle Parking Requirements**

The following development/land use districts shall provide bicycle parking, in conformance with the following standards evaluated during Site Design Review:

- A. **Number of Bicycle Parking Spaces.** The following additional standards apply to specific types of development:
  - 1. **Multi-Family Residences.** Every residential use of four (4) or more dwelling units provides at least one sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking

spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.

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**Response:** The project includes ±240 units. The Preliminary Architectural Plans (in Exhibit C) show the planned project will provide at least 120 sheltered bicycle parking spaces. Under Senate Bill 1537, an adjustment to the minimum number of bicycle parking spaces is permitted, provided the project includes at least one-half space per unit. The project includes at least one-half space per unit. The applicable standards are met.

**Staff Response:** Planning staff concur that the submitted plans are consistent with the provisions as amended by Senate Bill 1537. The standard is met.

B. Exemptions. This Section does not apply to single family, two-family, and three-family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, or other developments with fewer than 10 vehicle parking spaces.

**Response:** The planned project is not exempt from bicycle parking requirements. This standard does not apply.

**Staff Response:** Planning staff concur that this standard does not apply.

C. Location and Design. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, street lights, planters and other pedestrian amenities. Bicycle parking spaces shall be located in front of stores along the street, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Inverted "U" style racks are recommended. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions. Spaces may or may not be sheltered.

**Response:** The criteria listed above are neither clear nor objective. Therefore, they conflict with ORS 197.307(4), rendering them inapplicable as decision criteria for this needed housing application. Terms and phrases such as “conveniently located,” “interfere” and “whenever possible” require subjective analysis and weighing of multiple factors if they are to be applied as submittal requirements or decision criteria.

Nonetheless, the criteria are addressed for completeness purposes. The Preliminary Architectural Plans (in Exhibit C) shows bicycle parking dispersed throughout the site, located within individual unit patios or balconies to provide each unit with dedicated bicycle storage that will be covered and conveniently located for residents. The applicable standards are met.

**Staff Response:** The City’s objective with this standard is to assure bicycle parking is accessible at or near the dwelling units. The submitted Architectural Plans depict bicycle parking throughout the development meeting this standard.

- D. **Visibility and Security.** Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;

**Response:** The Preliminary Architectural Plans (in Exhibit C) shows bicycle parking planned within each unit to provide the maximum amount of security from theft or damage. This standard is met.

**Staff Response:** Planning staff agree that this standard is met if built as proposed.

- E. **Options for Storage.** Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building;

**Response:** The Preliminary Architectural Plans (in Exhibit C) shows bicycle parking planned within each unit. This standard is met.

**Staff Response:** Planning staff agree that this standard is met if built as proposed.

- F. **Lighting.** Bicycle parking shall be least as well-lit as vehicle parking for security.

**Response:** The Preliminary Architectural Plans (in Exhibit C) shows bicycle parking planned within each unit to provide the maximum amount of security. This standard is met.

**Staff Response:** Planning staff agree that this standard is met if built as proposed.

- G. **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

**Response:** The Preliminary Architectural Plans (in Exhibit C) clearly shows dedicated bicycle parking spaces within each unit. This standard is met.

**Staff Response:** Planning staff agree that this standard is met if built as proposed.

- H. **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as not to conflict with vision clearance standards (Chapter 3.1 - Access and Circulation).

**Response:** Bicycle parking is not planned to impede or create hazards to pedestrians, nor conflict with vision clearance areas. The applicable standards are met.

**Staff Response:** Planning staff agree that this standard is met if built as proposed.

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Chapter 3.4 Public Facilities Standards

3.4.000 Purpose and Applicability

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- 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; except that the City may defer compliance with one or more of the development standards for a public improvement project constructed by the City or other public agency if the City finds that the

improvements required by the standard(s) are likely to be provided by development of the adjacent property.

- 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.

**Response:** Abutting rights-of-way will be dedicated, and streets and associated infrastructure abutting the site are planned to be improved. Required improvements will be constructed and transferred to the City, where applicable. The applicable standards can be met.

**Staff Response:** The City has requested and lists as a Condition of Approval that an additional 15 feet of right-of-way be dedicated to the public to meet the Arterial Standard for Wilson Lane. The City also lists as a Condition of Approval development of Wilson Lane with necessary street improvements that would include curb, gutter, and sidewalk along with additional pavement installed to the adopted Public Works Standards. The design of these improvements will be reviewed by the City Engineer prior to their installation. With this dedication and development of the abutting right-of-way to adopted Public Works Standards these standards can or are met.

#### 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

**Response:** Abutting rights-of-way will be dedicated, and streets and associated infrastructure abutting the site are planned to be improved. Required improvements will be constructed and transferred to the City, where applicable. The applicable standards can be met.

**Staff Response:** With development of the abutting right-of-way to adopted Public Works Standards these standards can or are met.

- 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.

**Response:** Although not planned at this time, the Applicant acknowledges this option in lieu of street improvements.

**Staff Response:** The City acknowledges this option. The submitted plans meet the development requirements within the Development Code and the Public Works Standards.

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Chapter 3.5 Stormwater Management

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3.5.300 Grading and Drainage

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- B. **Public Infrastructure and Rights-Of-Way.** Grading plans for public and utility infrastructure shall include topographical information of existing property and a planned topographical profile at the completion of the development. The plan shall address how the provisions of section 3.5.100 will be included in the final topographical profile, as these provisions may require altering existing topography to meet the criteria. Creating the maximum drainage areas of 3,500 square feet impervious surface, may require grading to meet a “rolling topography” or some level of “terracing” to maintain the maximum areas of drainage.
- C. **Lot Development.** Lot development shall submit a grading and drainage plan that meets the provisions of Section 3.5.100 based upon the projected total of impervious surface of the lot at build out. This grading and drainage can be incorporated into the landscape plans required in Section 4.2.500 (5). Stormwater detention areas and sizes shall be identified in this plan. The total detention area on a lot shall be equal to or greater than the requirements in Table 3.5.100C. The detention area(s) can be singular in nature or numerous smaller areas can be created to meet the total detention volume requirements. The grading and drainage plans shall indicate how storm water shall be conveyed to the areas of detention and the areas of detention shall be located to accommodate the proportional amount of impervious surface which is drained to any detention area.
- D. **Changes in Impervious Surface Areas.** Whenever there is a proposed increase in the amount of impervious surface area, a plan for grading, drainage and detention shall be submitted for review and approval. This review is to assure the provisions for detention volumes contained in Table 3.5.100C are met.

- E. **Changes In Grading or Drainage.** When there is a proposed change to the grading and drainage of an existing development, a plan shall be submitted for review and approval to assure compliance with the detention provisions contained with Table 3.5.100C. Graded depressions for the detention of stormwater shall not be filled or altered without submission of a plan for approval.

**Response:** A Preliminary Grading and Drainage Plan is included in Exhibit B and contains the applicable information and required details listed above. This standard is met.

**Staff Response:** Planning does not specifically review Grading Plans however they are an important input to stormwater retention management during the construction phase that requires projects of this size to obtain a 1200-C permit issued by the Oregon Department of Environmental Quality. That permit requires a Land Use Compatibility Statement (LUCS) provided by the Planning Department. The Grading Plan will be an input to the applicants' request for the City's review and signature on the LUCS.

Stormwater is required to be maintained on site for the life of the project. A stormwater management plan will be reviewed by the Planning Official, Public Works Director, and City Engineer prior to approval of the Development Review Permit.

- F. **Variance From Grading and Drainage Requirements.** Variance from the grading and drainage requirements will be considered when conditions prevent meeting the criteria set forth in this section. The following conditions will be cause for consideration of alternatives from the standards in this section as a Class A Variance;

- 1) Topographical constraints do not allow for the requirements of this section to met; or
- 2) Geological conditions prevent meeting the criteria in this section; or
- 3) Other physical constraints preventing the adherence to the criteria of this section.

At a minimum, variance from the grading and drainage plan will be conditioned upon the total amount of detention area being increased to the corresponding impervious surface area detention requirements set in Table 3.5.100C.

**Response:** A variance from the grading and drainage requirements outlined above is not planned, nor necessary. These standards do not apply.

**Staff Response:** Planning staff agree that no variance should be required.

#### 3.5.400 Landscaping Requirements

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- B. **Landscape Area Standards.** The landscape area percentages in Section 3.2.200 (C) and 3.2.200 (E) (2) of this code shall be in effect unless the following conditions are experienced; in which case the detention area criteria contained in Table 3.5.100C will be followed;

- 1) The percentage of landscape area is not sufficient to provide adequate detention of stormwater "on-site,"
- 2) Site specific permeability rates are not adequate to allow for detention and drainage of collected stormwater;

- 3) Impervious surface area creates detention volumes greater than the 5% requirement for parking lot landscaping.
- C. **Landscape Materials.** Landscape materials in detention areas shall be turf grasses or drought tolerant grasses providing a root system to act as a bio filter for any water, which percolates into the soils. Shallow rooting shrubbery, shade trees, groundcover plants and decorative plants, which do not interfere with utilities, may also be used on individual lot development. Shade trees with turf grass cover between them may be used in large detention areas on individual lot developments. Landscaping within the right-of-way shall be turf and drought tolerant grasses, shallow rooting shrubbery, ground cover plants and decorative plants with shallow rooting to prevent damage to utilities routed within the right-of-way.
  - D. **Landscape Maintenance.** The grasses in the detention areas shall be mowed periodically and shall be irrigated to maintain plant health. Landscaping shall be maintained in accordance with the landscaping requirements outlined in Section 3.2.200.
  - E. **Detention Area Landscape Fertilization.** The detention areas shall not be fertilized.
  - F. **Variance To Landscape Requirements.** Variance from the landscape requirements will be considered, as a Class A Variance, when conditions prevent meeting the criteria set forth in this section. A variance request shall be accompanied by the following information for review and subsequent action;
    - 1) The physical reason the criteria can not be met;
    - 2) A description of the alternate method being proposed; and
    - 3) How the alternate method meets the purpose of Section 3.5.300, stormwater management strategies of the City;
    - 4) Other information pertinent to the allowance of variance from the standards set in this section.

**Response:** The Preliminary Landscape Plan meeting the applicable standards is included in Exhibit B.

**Staff Response:** Green space is an effective way to manage stormwater, and the Landscaping Plan does provide evidence that significant areas of the subject property will act to manage stormwater.

### 3.5.500 Curb and Sidewalk Design

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- B. **Curb Standards.** The curb designs outlined in this section are consistent with the street design standards of the Transportation System Plan for Local Streets, Neighborhood Collectors, Collectors and Arterial streets. These curb designs will apply to all new construction or reconstruction of streets as classified in the Transportation System Plan.
  - 1) **Residential Zones.** Curbs within the residential areas on streets classified as Local or Neighborhood Collector shall be a mountable face curb constructed of concrete as set in City construction standards.
  - 2) **All Other Zones.** Curbs will be a square face curb and will be constructed of concrete as set in City construction standards.

- 3) **Curb Openings.** Curb openings will be constructed in accordance with City construction standards and will be spaced at the frequencies listed in Table 3.5.400B. This table is to indicate the distance between curb openings while maintaining the maximum impervious area of 3,500 square feet and a minimum spacing for aesthetics and safety when following prescribed street standards.

Table 3.5.400(B) Curb Opening Spacing

| <b>Street Classification</b> | <b>Area Drained Including Sidewalk (Square feet)</b> | <b>Maximum Spacing (feet)</b> | <b>Minimum Spacing (feet)</b> | <b>Area Drained Including Sidewalk (Square feet)</b> |
|------------------------------|--|-------------------------------|-------------------------------|--|
| Local Street                 | 3,500  | 156                           | 65'                           | 1,138  |
| Neighborhood Collector       | 3,500  | 143                           | 65'                           | 1,560  |
| Collector                    | 3,500  | 135                           | 65'                           | 1,690  |
| Arterial                     | 3,500  | 135                           | 65'                           | 1,690  |

**Response:** The Preliminary Civil Plans (in Exhibit B) shows curbs are planned to be designed and constructed per City standards, where applicable. The applicable standards are met.

**Staff Response:** Planning staff concur that the submitted plans are consistent with the standards either within the Development Code or the Public Works Standards. It should be noted that as part of the discussion with Boardman Fire Rescue portions of the installed curb at corners will be mountable or of similar design to ensure easy access by fire and rescue apparatus.

- C. **Sidewalk Standards.** Sidewalks will be constructed of concrete or brick/masonry pavers in accordance with City construction standards and will meet all American with Disabilities Act requirements. Sidewalk construction will be consistent with Table 7 of the Transportation System Plan Technical appendix A for each street classification;
- 1) **Local Street.** Sidewalks will be sloped at 2% grade away from the curb in accordance with City construction standards.
  - 2) **Local Street (Optional/Conditional).** Sidewalks will be sloped at 2% towards the planter strip.
  - 3) **Neighborhood Collector Street.** Sidewalks will be sloped at 2% grade away from the curb in accordance with City construction standards.
  - 4) **Minor Collector Street.** Sidewalks will be sloped at 2% grade towards the median strip in accordance with City construction standards.
  - 5) **N. Main Arterial.** Sidewalks will be sloped at 2% towards the street in accordance with City construction standards.
  - 6) **Arterial Street.** Sidewalks will be sloped at 2% grade towards the median strip in accordance with City construction standards.
  - 7) **E. Columbia Ave., Wilson Rd., and S. Main St.** Sidewalk will be sloped at 2% towards the planter strips, in accordance with City construction standards.

**Response:** The Preliminary Civil Plans (in Exhibit B) shows walkway surfaces are planned to be surfaced with concrete and designed per City standards and the applicable accessibility requirements. The applicable standards are met.

**Staff Response:** Planning staff concur that the submitted plans are consistent with the standards either within the Development Code or the Public Works Standards.

- 8) Exemptions. Sidewalks in existing sub-divisions may match the existing sidewalk widths and construction methods to maintain aesthetic uniformity. Use of the standards above is highly preferable to this exemption.

**Response:** The planned project does not include or abut an existing subdivision. This standard is not applicable.

**Staff Response:** Planning staff agree that this standard is not applicable.

- D. Variance from Curb and Sidewalk Design Standards. Variance from the standards set in this section will be considered by technical staff as a Class A Variance for action, when adherence to these standards is not feasible for physical or practical reasons which include but may not be limited to the following;
  - 1) Topographical constraints;
  - 2) Provision of utilities can not be accomplished;
  - 3) Existing utilities prevent use of the design standards;
  - 4) Other physical constraints preventing the use of the design standards.

**Response:** A variance to the curb and sidewalk design standards is not requested nor needed. These standards do not apply.

**Staff Response:** Planning staff agree that these standards are not applicable.

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Chapter 3.8 Loading Standards

3.8.100 Loading Standards

- A. Number of Loading Spaces
  1. Residential buildings. Buildings where all of the floor area is in residential uses must meet the following standards:
    - a. No loading spaces are required where there are fewer than 50 dwelling units in the building and the site abuts a public street.
    - b. One loading space is required for all other buildings.
  2. Non-residential buildings. Buildings where any of the floor area is in non-residential uses must meet the following standards:
    - a. No loading spaces are required for buildings with less than 20,000 square feet of floor area.
    - b. One loading space is required for buildings with 20,000 or more square feet of floor area.
    - c. Two loading spaces are required for buildings with more than 50,000 square feet of floor area.
- B. Size of Loading Spaces. Required loading spaces must be at least 35 feet long, ten feet wide, and have a height clearance of at least thirteen feet.
- C. Placement, Setbacks and Landscaping. Loading areas must comply with the setback and perimeter-landscaping standards in Chapters 2 & 3. When

parking areas are prohibited or not allowed between a building and a street, loading areas are also prohibited or not allowed.

**Response:** The Preliminary Civil Plans (in Exhibit B) show the planned project does not include any buildings with more than 50 dwelling units. The associated amenity buildings are accessory to the residential use of the site and do not qualify as non-residential buildings for the purposes of this section. The site design provides adequate vehicle parking and sufficient maneuvering space for delivery vehicles to make intermittent package deliveries. Additionally, a designated mailroom and drop-off locations are incorporated into the site to provide safe and orderly package deliveries for residents. Accordingly, a dedicated loading space is not necessary nor required. These standards do not apply.

**Staff Response:** Planning staff would concur with the applicant that the loading standards should not be applied to this development.

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## Chapter 4 Applications and Review Procedures

### Chapter 4.1 Types of Applications and Review Procedures

#### 4.1.500 Type III Procedure

- A. Pre-application conference. A pre-application conference may be required for Type III applications. The requirements and provisions for a pre-application conference are described in Section 4.1.700.C.

**Response:** The Applicant has met with the City and other agency staff at several meetings to review the project on multiple occasions, including a pre-application meeting. As applicable, this standard is met.

**Staff Response:** Planning staff agree with the applicant that multiple preapplication meetings have been held as well as three separate Site Team meetings to allow a focus on the Traffic Impact Analysis; fire, life, and safety issue;, and our standard Site Team items and issues. These various meetings have resulted in amendments to the application materials that are provided as part of this Staff Report.

- B. Application requirements.
1. Application forms. Type III applications shall be made on forms provided by the City Manager;
  2. Content. Type III applications shall:
    - a. Include the information requested on the application form;
    - b. Be filed with copies of a narrative statement that explains how the application satisfies each and all of the relevant criteria in sufficient detail for review and action;
    - c. Be accompanied by the required fee;

**Response:** The City of Boardman application has been completed per the requirements of this Code and is accompanied by the appropriate filing fee and necessary materials for the City's review. The applicable standards are met.

**Staff Response:** Planning staff agree that the application package is complete and meets the applicable standards. Fees have been paid. These requirements have been met.

- d. Include one set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application as required in Section 4.1.400.C. The records of the Morrow County Assessor's Office records are the official records for determining ownership. The applicant shall produce the notice list. At the applicant's request, and upon payment of a fee noted on the city's fee list, the city shall prepare the public notice mailing list. The city or the applicant shall use the most current County real property assessment records to produce the notice list;

**Response:** The Applicant requests the City shall prepare the public notice mailing list. Payment of this fee is provided with the submitted application materials.

**Staff Response:** Planning staff have for some time taken responsibility for this requirement. Notice was prepared and mailed consistent with the Boardman Development Code.

- e. Include an impact study for all land division applications. The impact study shall quantify and assess the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval.

**Response:** The subject application does not include a land division. This standard does not apply.

**Staff Response:** Planning staff agree that this standard is not applicable.

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Chapter 4.2 Development Review and Site Design Review

4.2.200 Applicability

Development Review or Site Design Review shall be required for all new developments and modifications of existing developments described below. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair shall be exempt.

- A. Site Design Review. Site Design Review is a discretionary review conducted by the City Manager or his/her designee without a public hearing. (See Chapter 4.1 for review procedure.) It applies to all developments in the City, except those specifically listed under "B" (Development Review). Site Design Review ensures compliance with the basic development standards of the land use district (e.g., building setbacks, lot coverage, maximum building height),

as well as the more detailed design standards and public improvement requirements in Chapters 2 and 3.

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**Response:** The planned project is subject to Site Design Review. The applicable application review procedures are addressed below. As applicable, this standard is met.

**Staff Response:** Planning staff have worked with the applicant to assure that the application and review process are consistent with the Site Design Review process which culminates with the May 21, 2026, Planning Commission public hearing.

#### 4.2.400 Site Design Review – Application Review Procedure

- A. Site Design Review is subject to either a Type II or Type III procedure as determined by the criteria listed in “B,” and using the submittal requirements and approval criteria contained in Section 4.2.500 to 4.2.600.
- B. Site Design Review applications that do not meet any of the following criteria shall be conducted as a Type II procedure; those that meet one or more of the following criteria shall be conducted as a Type III procedure:
  - 1. Residential buildings with greater than 3 units;
  - 2. Commercial, industrial, public/semi-public, and institutional buildings with greater than 5,000 square feet of gross floor area;
  - 3. Developments with more than one building (e.g., two duplex buildings or an industrial building with accessory workshop);
  - 4. Developments with more than 4 off-street vehicle parking spaces;
  - 5. Developments involving the clearing and/or grading of ½ acre or greater area;
  - 6. Developments in designated sensitive land districts (see Chapter 3.7).

**Response:** The planned project includes the development of ±240 residential units within ±11 buildings. Therefore, the project is subject to a Type III procedure.

**Staff Response:** Planning staff are processing the request as a Type III procedure consistent with the Boardman Development Code and this section meeting the requirements.

#### 4.2.500 Site Design Review – Application Submission Requirements

All of the following information is required for Site Design Review application submittal:

- A. General Submission Requirements. The applicant shall submit an application containing all of the general information required by Section 4.1.400 (Type II application) or Section 4.1.500 (Type III application), as applicable. The type of application shall be determined in accordance with subsection B of Section 4.2.400.

**Response:** This application has been prepared in accordance with this Code and contains the applicable submittal requirements outlined in Section 4.1.500. The applicable standards are addressed below.

**Staff Response:** Planning staff agree that the application has been prepared and submitted in accordance with the applicable Boardman Development Code provisions and is being processed as a Type III request.

- B. **Site Design Review Information.** An application for site design review shall include the following additional information, as deemed applicable by the City Manager:
1. **Site analysis map.** At a minimum the site map shall contain the following:
    - a. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified;
    - b. Topographic contour lines at intervals determined by the City;
    - c. Identification of slopes greater than 5 percent;
    - d. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
    - e. Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards;
    - f. Resource areas, including marsh and wetland areas, streams, wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection;
    - g. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;
    - h. Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;
    - i. North arrow, scale, names and addresses of all persons listed as owners on the most recently recorded deed.
    - j. Other information, as determined by the City Manager. The City may require studies or exhibits prepared by qualified professionals to address specific site features.

**Response:** The Preliminary Civil Plans (in Exhibit B) contain the elements listed above. The submittal requirements are met.

**Staff Response:** The submitted Civil Plans are consistent with the requirements above and meet the requirements.

2. **Proposed site plan.** The site plan shall contain the following information, if applicable:
  - a. The proposed development site, including boundaries, dimensions, and gross area;

- b. Features identified on the existing site analysis map which are proposed to remain on the site.
- c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;
- d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
- e. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
- f. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
- g. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable);
- h. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
- i. Loading and service areas for waste disposal, loading and delivery;
- j. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements, as applicable;
- k. Location, type, and height of outdoor lighting;
- l. Location of mail boxes, if known;
- m. Name and address of project designer, if applicable.
- n. Location of bus stops and other public or private transportation facilities.
- o. Locations, sizes, and types of signs.
- p. Other information, determined by the City Manager. The City may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, natural hazards, etc.) in conformance with this Code.

**Response:** The Preliminary Civil Plans (in Exhibit B) and the Preliminary Architectural Plans (in Exhibit C) contain the elements listed above where applicable. The submittal requirements are met.

**Staff Response:** The submitted Civil and Architectural Plans are consistent with the items listed above and meet the submittal requirements.

- 3. Architectural drawings. The City Manager may request architectural drawings showing one or all of the following:
  - a. Building elevations (as determined by the City Manager) with building height and width dimensions;
  - b. Building materials, color and type.
  - c. The name of the architect or designer.

**Response:** The Preliminary Architectural Plans (in Exhibit C) contain the applicable elements listed above. The submittal requirements are met.

**Staff Response:** The submitted Architectural Plans are consistent with the items listed above and meet the submittal requirements.

4. Preliminary grading plan. A preliminary grading plan prepared by a registered engineer shall be required for developments which would result in the grading (cut or fill) of 1,000 cubic yards or greater. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required.

**Response:** A Preliminary Grading and Drainage Plan is included in Exhibit B. This submittal requirement is met.

**Staff Response:** The submitted Grading and Drainage Plans are consistent with the requirements listed above and meet the submittal requirements.

5. Landscape plan. A landscape plan may be required and at the direction of the City Manager shall show the following:
  - a. The location and height of existing and proposed fences and other buffering or screening materials;
  - b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
  - c. The location, size, and species of the existing and proposed plant materials (at time of planting);
  - d. Existing and proposed building and pavement outlines;
  - e. Specifications for soil at time of planting, irrigation if plantings are not drought-tolerant (may be automatic or other approved method of irrigation) and anticipated planting schedule.
  - f. Other information as deemed appropriate by the City Manager. An arborist's report may be required for sites with mature trees that are protected under Section 3.2.Landscape, Street Trees, Fences and Walls of this Code.

**Response:** A Preliminary Landscape Plan is included in Exhibit B and contains the applicable elements listed above. The submittal requirements are met.

**Staff Response:** The Landscaping Plan is consistent with the items listed above and meets the submittal requirements.

6. Sign drawings shall be required in conformance with the City's Sign Code (Chapter 3.6).

**Response:** If proposed, signage can be submitted for review in conformance with the City's Sign Code.

**Staff Response:** No sign drawings were submitted as part of the application package. Prior to any signs being installed, including entry signage or internal directional signage, an application will be required under the applicable provisions of the Boardman Development Code.

7. **Copies of all existing and proposed restrictions or covenants.**

**Response:** Multi-family residential projects are typically governed by lease agreements rather than CC&Rs or recorded covenants that are associated with subdivisions or individually owned units. This standard is not applicable.

**Staff Response:** Planning staff would agree with the applicant's position that this standard would not be applicable.

8. **Letter or narrative report documenting compliance with the applicable approval criteria contained in Sub Section 4.2.600 Approval Criteria.**

**Response:** This written narrative and accompanying exhibits comply with the applicable approval criteria in Section 4.2.600 below. This standard is met.

**Staff Response:** Planning staff agree that the application package meets the requirements listed below.

9. **Traffic Impact Study. See Chapter 4.10.**

**Response:** A Transportation Impact Study is included as Exhibit D and has been prepared in accordance with Chapter 4.10. This standard is met.

**Staff Response:** The applicant has worked with the City and ODOT on the submitted Traffic Impact Study including submitting an amended version prior to the completion of these Findings of Fact. See earlier discussion.

**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.**

**Response:** The required information and submittal materials are provided in this narrative and the accompanying exhibits. The application is expected to be deemed complete pursuant to Chapters 4.1 and 4.2. As applicable, this criterion is met.

**Staff Response:** Planning staff have deemed the application complete and have appreciated the applicant submitting amended application components to address concerns identified through the review process. These Findings of Fact prepared by Planning staff complete these requirements.

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;**

**Response:** The applicable provisions of the Residential District and Multi-Family Sub District are addressed in the responses to Chapter 2.1, above. This criterion is met.

**Staff Response:** The applicant and these Findings of Fact address the requirements of Chapter 2.1 earlier in this document. This standard is met.

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;

**Response:** The subject site is vacant and will be upgraded to accommodate the planned project. As applicable, this criterion is met.

**Staff Response:** Planning staff concur that the subject property is bare. Therefore, this criterion is not applicable.

4. The application complies with the Design Standards contained in Chapter 3. All of the following standards shall be met: a. Chapter 3.1 - Access and Circulation; b. Chapter 3.2 – Landscaping, Significant Vegetation, Street Trees, Fences and Walls; c. Chapter 3.3 – Vehicle and Bicycle Parking; d. Chapter 3.4 – Public Facilities and Standards; e. Chapter 3.5 – Stormwater Management; f. Chapter 3.6 – Other Standards, as applicable.

**Response:** The applicable Design Standards contained in Chapter 3 are addressed throughout this narrative. As applicable, this criterion is met.

**Staff Response:** The applicant and these Findings of Fact address the requirements of Chapters 3 earlier in this document. This standard is met.

5. Conditions required as part of a Land Division (Chapter 4.3), Conditional Use Permit (Chapter 4.4), Master Planned Development (Chapter 4.5), or other approval shall be met.

**Response:** The subject application does not include a land division, conditional use, or master planned development. Conditions of approval related to this application can be met.

**Staff Response:** Planning staff find this criterion to not be applicable.

6. Exceptions to criteria 4.a-f, above, may be granted only when approved as a Variance (Chapter 5.1).

**Response:** The subject application does not include a variance. This standard does not apply.

**Staff Response:** Planning staff find this criterion to not be applicable.

#### 4.2.700 Bonding and Assurances

- A. Performance Bonds for Public Improvements. On all projects where public improvements are required, the City shall require a bond in an amount not greater than 100% or other adequate assurances as a condition of site development approval in order to guarantee the public improvements;
- B. Release of Performance Bonds. The bond or assurance shall be released when the City Manager finds the completed project conforms to the site development approval, including all conditions of approval.
- C. Completion of Landscape Installation. Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the City Manager or a qualified landscape architect is filed with the City Recorder assuring such installation within six months after occupancy. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation.

**Response:** The Preliminary Civil Plans (in Exhibit B) show that all applicable public improvement standards are or can be met. Required agreements, fees, and permits can be finalized in conjunction with final engineering and construction plans.

**Staff Response:** Planning staff agree that the submitted Civil and other Plans provide evidence that the project does or can meet the requirements of the Boardman Development Code as reviewed as part of these Findings of Fact.

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## SENATE BILL 1537 – HOUSING LAND USE ADJUSTMENTS

### Section 38 Mandatory Adjustment to Housing Development Standards

(1) As used in sections 38 to 41 of this 2024 Act:

(a) “Adjustment” means a deviation from an existing land use regulation.

(b) “Adjustment” does not include:

(A) A request to allow a use of property not otherwise permissible under applicable zoning requirements;

(B) Deviations from land use regulations or requirements related to accessibility, affordability, fire ingress or egress, safety, local tree codes, hazardous or contaminated site clean-up, wildlife protection, or statewide land use planning goals relating to natural resources, natural hazards, the Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes or ocean resources;

(C) A complete waiver of land use regulations or any changes beyond the explicitly requested and allowed adjustments; or

(D) Deviations to requirements related to the implementation of fire or building codes, federal or state air, water quality or surface, ground or stormwater requirements, or requirements of any federal, state or local law other than a land use regulation

**Response:** Two distinct adjustments are necessary:

1) Vehicle parking – minimum number of spaces, Section 3.3.300(A)(1)

2) Bicycle parking – minimum number of spaces, Section 3.3.400(A)(1)

Neither of the adjustments include elements conflicting with A-D, above.

**Staff Response:** Planning staff acknowledge the allowance of these adjustments. They were identified earlier in these Findings of Fact within the applicable standards found in the Boardman Development Code.

2) Except as provided in section 39 of this 2024 Act, a local government shall grant a request for an adjustment in an application to develop housing as provided in this section.

An application qualifies for an adjustment under this section only if the following conditions are met:

(a) The application is for a building permit or a quasi-judicial, limited, or ministerial land use decision;

**Response:** The application for the Site Design Review will result in a limited land use decision, as defined in ORS 197.015(12), because it will be a final decision made by a local government

pertaining to a site within an urban growth boundary that is based on discretionary standards designed to regulate the physical characteristics of a permitted use. Therefore, the application qualifies.

**Staff Response:** Planning staff acknowledge the allowance of these adjustments. They were identified earlier in these Findings of Fact within the applicable standards found in the Boardman Development Code.

(b) The development is on lands zoned to allow for residential uses, including mixed-use residential;

**Response:** The subject property is zoned Residential (R) District within the Multi-Family (MF) Sub District, which allows residential uses. This requirement is met.

**Staff Response:** Planning staff would agree that the zoning is consistent with this requirement.

(c) The residential development is for densities not less than those required under section 55 (3)(a)(C) of this 2024 Act:

**Response:** Section 55 (3)(a)(C) of SB 1537 requires residential developments to provide not less than six units per net residential acre if sited in a city with a population of 2,500 or greater and less than 30,000. The City of Boardman has a population of 4,064 according to the ACS 2024 5-Year Census. With  $\pm 240$  units on  $\pm 9.81$  net acres, the project meets the applicable density requirements.

**Staff Response:** The revised population for the City of Boardman is 5, 820. That aside Planning staff concur with the applicant that the project meets the applicable density requirements.

(d) The development is within an urban growth boundary, not including lands that have not been annexed by a city;

**Response:** The project is located within the Boardman City limits and UGB. This requirement is met.

**Staff Response:** Planning staff agree that the development is within the Boardman City limits and UGB meeting this requirement.

(e) The development is of net new housing units in new construction projects, including:

(A) Single-family or multifamily;

(B) Mixed-use residential where at least 75 percent of the developed floor area will be used for residential uses;

(C) Manufactured dwelling parks;

(D) Accessory dwelling units; or

(E) Middle housing as defined in ORS 197A.420;

**Response:** The multifamily project is planned to provide  $\pm 240$  new residential units. This requirement is met.

**Staff Response:** Planning staff agree that the project as designed meets these requirements.

(f) The application requests not more than 10 distinct adjustments to development standards as provided in this section. A "distinct adjustment" means:

(A) An adjustment to one of the development standards listed in subsection (4) of this section where each discrete adjustment to a listed development standard

that includes multiple component standards must be counted as an individual adjustment; or

- (B) An adjustment to one of the development standards listed in subsection (5) of this section where each discrete adjustment to a listed development standard that includes multiple component standards must be counted as an individual adjustment; and

**Response:** As discussed under subsections (4) and (5) below, no more than 10 distinct adjustments to development standards are requested. This requirement is met.

**Staff Response:** Planning staff agree that the application, as presented, meets these requirements.

- (g) The application states how at least one of the following criteria apply:
  - (A) The adjustments will enable development of housing that is not otherwise feasible due to cost or delay resulting from the unadjusted land use regulations;
  - (B) The adjustments will enable development of housing that reduces the sale or rental prices per residential unit;
  - (C) The adjustments will increase the number of housing units within the application;
  - (D) All of the units in the application are subject to an affordable housing covenant as described in ORS 456.270 to 456.295, making them affordable to moderate income households as defined in ORS 456.270 for a minimum of 30 years;
  - (E) At least 20 percent of the units in the application are subject to an affordable housing covenant as described in ORS 456.270 to 456.295, making them affordable to low income households as defined in ORS 456.270 for a minimum of 60 years;
  - (F) The adjustments will enable the provision of accessibility or visitability features in housing units that are not otherwise feasible due to cost or delay resulting from the unadjusted land use regulations; or
  - (G) All of the units in the application are subject to a zero equity, limited equity, or shared equity ownership model including resident-owned cooperatives and community land trusts making them affordable to moderate income households as described in ORS 456.270 to 456.295 for a period of 90 years.

**Response:** The unadjusted parking minimums impose a material cost that directly affects the planned multi-family residential community. The Oregon Department of Transportation (ODOT) estimates the construction cost of surface parking lots at \$1,500 to \$5,500 per space, exclusive of design, land, and maintenance. Consequently, providing two vehicle spaces per unit would require 30 additional parking stalls and cost up to \$165,000. The additional parking stalls would also require ±5,400 square feet of impervious surface area, consuming land otherwise allocated to additional housing, larger open spaces, and/or more site landscaping. Similarly, the unadjusted bicycle parking standard would require an additional 120 bicycle spaces, necessitating the construction of covered, secured bicycle parking structures, taking up usable living area within individual homes or buildings. The cost of those structures, combined with the land area they would occupy, increases per-unit costs.

The adjustments to minimum vehicle and bicycle parking requirements result in reduced per-unit construction, financing, and operation costs, which can be reflected in reduced rental rates and additional residential units. Reduced vehicle and parking requirements allow for the reallocation of land to additional homes and corresponding site requirements. Therefore, the criteria (A), (B) and (C) are met.

**Staff Response:** Planning staff are concerned that adequate parking could be impacted by allowing these adjustments. While local transit options are increasing residents of eastern Oregon acknowledge that their primary mechanism for accomplishing needed life tasks is with the use of a vehicle. Reducing the number of vehicles per unit to under two could prove problematic. However, the legislation that created these adjustments does not acknowledge local considerations related to many of the identified allowable adjustments. The applicant has provided the necessary evidence for the requested adjustments meeting the applicable statutory criteria.

(3) A decision on an application for an adjustment made under this section is a limited land use decision. Only the applicant may appeal the decision. No notice of the decision is required if the application is denied, other than notice to the applicant. In implementing this subsection, a local government may:

- (a) Use an existing process, or develop and apply a new process, that complies with the requirements of this subsection; or
- (b) Directly apply the process set forth in this subsection.

**Response:** The Boardman Development Code does not appear to provide an existing process that complies with this requirements of this subsection. Therefore, the process set forth in this subsection is addressed.

**Staff Response:** The Boardman Development Code has not been amended to incorporate these changes or the mechanism to review them.

(4) A local government shall grant an adjustment to the following development standards:

- (a) Side or rear setbacks, for an adjustment of not more than 10 percent.

**Response:** An adjustment to side or rear setbacks is not requested.

**Staff Response:** Acknowledged.

- (b) For an individual development project, the common area, open space or area that must be landscaped on the same lot or parcel as the proposed housing, for a reduction of not more than 25 percent.

**Response:** An adjustment to common area or open space landscaping is not requested.

**Staff Response:** Acknowledged.

- (c) Parking minimums.

**Response:** Section 3.3.300(A)(1) requires two vehicle parking spaces per unit, or  $\pm 480$  parking spaces. Although Senate Bill 1537 allows for a full adjustment to parking minimums, the Preliminary Site Plan (in Exhibit B) shows the project will provide  $\pm 450$  spaces ( $\pm 1.9$  spaces per unit).

**Staff Response:** Planning staff will be interested to see how this adjustment impacts parking within the development. While approval is required, tracking the impacts will provide input to both the legislature and future development. Residents in eastern Oregon are more dependent on vehicles for travel with less access to transit and other transportation options. As the Morrow County public transit system grows it may be that less parking will be required in multi-family developments.

- (d) Minimum lot sizes, not more than a 10 percent adjustment, and including not more than a 10 percent adjustment to lot widths or depths.
- (e) Maximum lot sizes, not more than a 10 percent adjustment, including not more than a 10 percent adjustment to lot width or depths and only if the adjustment results in:
  - (A) More dwelling units than would be allowed without the adjustment; and
  - (B) No reduction in density below the minimum applicable density.

**Response:** An adjustment to minimum or maximum lot sizes is not requested.

**Staff Response:** Acknowledged.

- (f) Building lot coverage requirements for up to a 10 percent adjustment.

**Response:** An adjustment to lot coverage requirements is not requested.

**Staff Response:** Acknowledged.

- (g) For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multi-family housing and mixed-use residential housing:
  - (A) Requirements for bicycle parking that establish:
    - (i) The minimum number of spaces for use by the residents of the project, provided the application includes at least one-half space per residential unit; or
    - (ii) The location of the spaces, provided that lockable, covered bicycle parking spaces are within or adjacent to the residential development;

**Response:** Section 3.3.400(A)(1) requires one sheltered bicycle space per unit. An adjustment to minimum bicycle parking is necessary to achieve a minimum of one-half space per unit. The Preliminary Civil Plans (in Exhibit B) and the Preliminary Architectural Plans (in Exhibit C) show the project can provide at least one-half space per unit.

**Staff Response:** Planning staff are less concerned about the reduction in bicycle parking. The applicant has also indicated that bicycle parking options will be available within the dwelling units, which should address most needs. As Boardman grows and increases its sidewalk and trail installations it will be interesting to see if more bicycle parking is needed in residential, commercial and even industrial settings.

- (B) For uses other than cottage clusters, as defined in ORS 197A.420 (l)(c)(D), building height maximums that:
  - (i) Are in addition to existing applicable height bonuses, if any; and
  - (ii) Are not more than an increase of the greater of:
    - (I) One story; or

- (II) A 20 percent increase to base zone height with rounding consistent with methodology outlined in city code, if any;

**Response:** An adjustment to building height maximums is not requested.

**Staff Response:** Acknowledged.

- (C) Unit density maximums, not more than an amount necessary to account for other adjustments under this section; and

**Response:** An adjustment to unit density maximums is not requested.

**Staff Response:** Acknowledged.

- (D) Prohibitions, for the ground floor of a mixed-use building, against:
  - (i) Residential uses except for one face of the building that faces the street and is within 20 feet of the street; and
  - (ii) Nonresidential active uses that support the residential uses of the building, including lobbies, day care, passenger loading, community rooms, exercise facilities, offices, activity spaces or live-work spaces, except for active uses in specifically and clearly defined mixed use areas or commercial corridors designated by local governments.

**Response:** The planned project does not include mixed-use buildings.

**Staff Response:** Acknowledged.

- (5) A local government shall grant an adjustment to design standards that regulate:
  - (a) Facade materials, color or pattern.
  - (b) Facade articulation.
  - (c) Roof forms and materials.
  - (d) Entry and garage door materials.
  - (e) Garage door orientation, unless the building is adjacent to or across from a school or public park
  - (f) Window materials, except for bird-safe glazing requirements.
  - (g) Total window area, for up to a 30 percent adjustment, provided the application includes at least 12 percent of the total facade as window area.
  - (h) For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multi-family housing and mixed-use residential:
    - (A) Building orientation requirements, not including transit street orientation requirements.
    - (B) Building height transition requirements, not more than a 50 percent adjustment from the base zone.
    - (C) Requirements for balconies and porches.
    - (D) Requirements for recesses and offsets.

**Response:** An adjustment to the above listed architectural features is not requested.

**Staff Response:** Acknowledged.

- II. PROPERTY OWNERS NOTIFIED: May 1, 2026**  
List of landowners notified is retained as part of the file.
- III. PUBLISHED NOTICE:** April 29, 2026  
East Oregonian
- IV. SITE TEAM:** ODOT – April 22, 2026  
Building and Fire, Life, Safety – April 30, 2026  
Site Team – April 30, 2026
- V. AGENCIES NOTIFIED: May 14, 2026**  
Roy Drago, JR, Public Works Director; Mike Lees, City Engineer; Mike Gorman, Morrow County Assessor; Kelli Martin and Teresa Penninger, Oregon Department of Transportation; Dawn Hert, Oregon Department of Land Conservation and Development; Jeremy Gierke and Marty Broadbent, Boardman Fire Rescue; Glenn McIntyre, Boardman Building Official; Matt Combe, Morrow County School District; Norma Smith, USPS – Boardman;
- VI. HEARING DATE:** Planning Commission  
May 21, 2026  
Council Chambers  
Boardman City Hall  
200 City Center Circle  
Boardman, Oregon 97818
- VII. PLANNING OFFICIAL RECOMMENDATION:** The Planning Official recommends approval of this request based on the following Findings and with the listed Conditions of Approval.

**FINDINGS:**

- The proposed 240-unit multi-family development is consistent with the City of Boardman Comprehensive Plan Goal 10 Housing which seeks to increase a variety of types of available housing.
- The proposed 240-unit multi-family development will supply the City of Boardman with additional new housing units meeting a portion of the demand that is being identified through the currently underway Housing Capacity Analysis.
- The proposed 240-unit multi-family development will address a portion of the demand identified in the Oregon Department of Administrative Services Oregon Housing Needs Analysis 2026 Report that indicates Boardman has a 20-year need of 728 units of which a portion is identified to be unmet demand from previous years lack of development.

**CONDITIONS OF APPROVAL:**

1. Prior to the issuance of Building Permits the applicant shall apply for and be granted an Address, Access Permits, and a Development Review Permit.
2. The applicant shall develop prior to the conclusion of Phase 1 the travel lane, including pavement, throughout the entire site to assure emergency vehicle access through the development.

3. Payment in lieu of Transportation SDCs will be made prior to *Final Occupancy issued for the issuance of Building Permits for Phase 1* in the amount of \$100,000. If Transportation SDCs are adopted prior to Phase 2 construction, Transportation SDCs may be assessed as adopted for Phase 2.
4. The applicant shall work with the landowner, or accomplish upon acquisition of the property, a dedication to the public of 15 feet of right-of-way along the northern side of Wilson Lane to meet the Arterial Standard.
5. The applicant shall develop Wilson Lane with necessary street improvements that would include curb, gutter, and sidewalk along with additional pavement installed to the adopted Public Works Standards. The design of these improvements will be reviewed by the City Engineer prior to their installation.

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Zack Barresse, Chair

Date

ATTACHMENTS:

- Applicants' Exhibit B: Preliminary Civil Plans
- Applicants' Exhibit C: Preliminary Architectural Plans
- Applicants' Exhibit D: Transportation Impact Study (May 11, 2026, Version)
- Applicants' Exhibit F: Outdoor Lighting Plan