

**SUPPLEMENTAL
FINDINGS OF FACT
RVW26-000024
TYPE III DECISION PROCESS
AMENDED June 16, 2026**

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

These Supplemental Findings of Fact address comment made by the Oregon Department of Transportation and the Department of Land Conservation and Development/Housing Accountability and Production Office.

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.

CLEAR AND OBJECTIVE APPROVAL CRITERIA AND STANDARDS: 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.

The Oregon Department of Transportation (ODOT) did submit comment on the day of the first evidentiary hearing, May 21, and as part of that comment requested continuance. Planning staff, in consultation with the applicant, had the Planning Commission Chair open the public hearing, take action to continue the public hearing, and promptly closed the public hearing. No staff report was provided, no testimony received, and no decision rendered.

The applicant, on June 2, 2026, submitted a letter to the Housing Accountability and Production Office housed within the Department of Land Conservation and Development requesting review of the ODOT letter and its conformity with Oregon Revised Statutes (ORS) 197A.400(1) that limits local governments requiring that only clear and objective standards, conditions, and procedures can be applied. On Wednesday June 11, 2026, the applicant received a response to their inquiry that was also provided to the City of Boardman.

~~As of Thursday, June 11, 2026, the City of Boardman is still waiting for formal comment from the applicant and a response from the ODOT. These Supplemental Findings of Fact will be amended once those items have been received.~~

On Tuesday, June 16, 2026, the City of Boardman received a follow up letter from the ODOT that is “supplemental comments, as a continuation of those previously provided to the City...”. This continued lack of understanding that the City cannot apply requirements that are not clear and objective places a burden on the applicant and the City to address the ODOT comments.

Also on Tuesday, June 16, 2026, the applicant’s attorney, Andrew Stamp of VF Law, provided a response to the ODOT letters.

PLANNING OFFICIAL RECOMMENDATION: The Planning Official recommends approval of the request as reviewed in the Findings of Fact and does not modify those Findings of Fact or the recommended Conditions of Approval based on the ODOT letters and relies on the information provided by the HAPO and the applicant’s attorney to support this recommendation.

Zack Barresse, Chair Date

ATTACHMENTS:

- ODOT May 21, 2026, Comment Letter
- AKS June 2, 2026, Letter to HAPO/DLCD
- HAPO June 10, 2026, Email to AKS and copied to the City of Boardman
 - HAPO Policy and Procedure (last updated June 24, 2025)
 - Oregon Revised Statutes 197A.400
- ODOT June 16, 2026, Comment Letter
- Applicant Response Letter, June 16, 2026