



June 2, 2026

Housing Accountability and Production Office
Department of Land Conservation and Development
635 Capitol Street NE Suite 150
Salem, OR 97301

RE: INQUIRY REGARDING HOUSING LAWS IN ORS 197A.400(1)

AKS Engineering and Forestry, LLC (AKS) submitted an application (File# RVW26-000024) to the City of Boardman (City) on behalf of Cobalt Consulting Group, LLC (Applicant) for a Site Design Review for a multi-family residential community, located within the Residential (R) District, Multi-Family (MF) Sub District. The project is permitted outright in the zoning district and is designed to provide ±240 apartments, along with amenity buildings and associated vehicle and bicycle parking, pedestrian facilities, landscaping, and open space.

This application involves the development of land for housing. Oregon Revised Statutes (ORS) 197A.400(1) states that a local government may apply only clear and objective standards, conditions, and procedures regulating the provision of housing, and that such standards, conditions, and procedures cannot have the effect, either in themselves or cumulatively, of discouraging housing through unreasonable cost or delay.

The Oregon Department of Transportation (ODOT) submitted comments dated May 21, 2026 (attached) to the City of Boardman asserting the Transportation Impact Study (TIS) submitted with the Site Design Review application needed revisions, including mitigation satisfactory to the City Engineer and ODOT pursuant to City of Boardman Development Code (BDC) Sections 4.10.200(A)(1)(b) and 4.10.400(A)(2).

The procedures and criteria referenced by ODOT are neither clear nor objective, and therefore conflict with ORS 197A.400(1), rendering them inapplicable for this housing application. Terms and phrases in the referenced BDC sections require subjective analysis and weighing of multiple factors if they are to be applied as procedures or decision criteria, or utilized to impose conditions of approval.

The Applicant respectfully requests that HAPO address whether:

- 1) The BDC provisions cited by ODOT in their comment letter as the basis for their authority meet the requirements of ORS 197A.400(1).
- 2) Requests #2 through #4 on p. 4 of the ODOT comments constitute clear and objective procedures, criteria, or conditions for this application pursuant to ORS 197A.400(1).

The Applicant and its team appreciate HAPO's attention to this matter, and we look forward to continuing our close coordination with the City of Boardman and other regional stakeholders.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC

A handwritten signature in blue ink, appearing to read "Joey Shearer".

Joey Shearer, AICP – Principal
2777 NW Lolo Drive, Suite 150
Bend, OR 97703
(541) 317-8429, shearerj@aks-eng.com

Attachments:

ODOT Comments RVW26-000024

City of Boardman Development Code Chapter 4.10 – Traffic Impact Study



Oregon

Tina Kotek, Governor

Department of Transportation

Region 5

3012 Island Avenue

La Grande, OR 97850

(541) 805-6630

Kelli.N.Martin@odot.oregon.gov

May 21, 2026

City of Boardman

C/O Carla McLane VIA EMAIL: mclanec@cityofboardman.com

200 City Center Circle

Post Office Box 229

Boardman, Oregon 97818

Subject: *Land Use Application RVW26-000024, Wilson Lane Apartments*

***AKS Engineering & Forestry LLC, Applicant, Paul Walton & Joseph Timothy Walton, Owner
Oregon Department of Transportation, Comments***

The Oregon Department of Transportation (ODOT) has received notice of a land use application for a 240 unit apartment complex on Wilson Lane within the City of Boardman, RVW26-000024.

ODOT has jurisdiction of the Interstate I-84 and associated interchange ramps at Exit 164, and is party to the Boardman Main Street Interchange Area Management Plan (2009). The proposed development may pose an operational or safety concern along the state highway (interchange ramps).

ODOT requests the City of Boardman Planning Commission grant a continuance to allow the City of Boardman, ODOT, and the applicant to reach a resolution of the comments and concerns outlined below.

Transportation Impact Study (TIS)

Any proposed development or land use action that would add unmitigated traffic to the Boardman (Main Street) Interchange ramp terminals poses a potential safety and operation concern for ODOT.

A TIS was required for this development, subject to review by both the City and ODOT. The TIS should include mitigation measures satisfactory to the City Engineer and ODOT pursuant to *Sections 4.10.200A.1.b and 4.10.400A.2* of the City of Boardman Code.

4.10.200A.1.b “Any proposed development or land use action that ODOT states may have operational or safety concerns along a state highway;”

4.10.400A.2 “If the proposed development shall cause one or more of the effects in Section 4.10.200A.5. above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Study includes mitigation measures **satisfactory** to the City Engineer, **and ODOT** when applicable;”

ODOT received a Traffic Impact Study titled “Boardman Wilson Lane Site Design Review, Traffic Impact Study” conducted by AKS Engineering and Forestry dated April 9, 2026, for review and comment. ODOT provided official comment on the TIS on April 20, 2026, via letter submitted by email, enclosed. The comments provided at that time identified significant flaws within the analysis. A revised report was expected to be resubmitted for review and further comment.

ODOT did not receive a copy of the revised report upon submission to the City, nor was ODOT provided with the opportunity to review and provide comment prior to inclusion in the staff report. The TIS was obtained through its attachment to the Planning Commission Meeting Packet received by ODOT on May 15, 2026. The analysis and the proposed mitigation measures are **not satisfactory** to ODOT, as required by City Code Section 4.10.400A.2.

*4.10.400A.2 "If the proposed development shall cause one or more of the effects in Section 4.10.200A.5. above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Study includes mitigation measures **satisfactory** to the City Engineer, and ODOT when applicable;"*

The revised analysis dated May 11, 2026 also contains significant analysis errors. The results of the analysis and the impact to the transportation system, both from an operational and safety perspective, are inconclusive; particularly as it pertains to the queue length on the interchange ramps. ODOT requests the City require revision of the TIS sufficient to determine the safety and operational effects of the development on the transportation system prior to approval.

Additional comments on the revised TIS are provided in Attachment A.

Queue Length

ODOT has a significant safety concern regarding the potential for the queue length at the interchange ramps to exceed the available storage and extend into the length of the ramp needed for deceleration. The 2009 IAMP identified the potential for vehicle queuing beyond the deceleration zone and onto the mainline freeway resultant from development within the area, expected by 2026.

As ODOT has significant safety concerns regarding the queue length at the interchange ramps, we request the City require revision of the TIS sufficient to determine the existing condition and the safety and operational effects of the development on the transportation system prior to approval. Comments regarding the errors in calculation of the queue length, networking balancing, application and methodology of the seasonal adjustment factor are provided in the attached TIS review comments for the May 11, 2026 updated version (Attachment A).

The calculations as provided in the revised TIS indicate the queue lengths extend into the deceleration zone of both EB and WB off ramps, occurring in the PM peak hour under both background and development scenarios on day of opening in 2028. It is anticipated correction of the analysis to properly account for the seasonal adjustment factor has the potential to further increase the queue length on the ramps in the PM peak hour. The conditions in the AM peak hour could also degrade but are not expected to exceed the available storage length. Previously approved development, treated as in process trips within the analysis, have previously degraded the storage capacity of the ramps without analysis or contribution towards mitigation.

Queues extending into the deceleration area of the off ramps is an **immediate safety concern for ODOT** that should not be allowed to occur. An interim project, funded and constructed by the City, to address the immediate safety concern should be required as mitigation for development approval. Please see additional comments in the Mitigation Measure section below.

Mitigation Measures

The staff report addresses the City's preferred method for mitigation.

Per ODOT's Development Review Guidelines (based on the Transportation Planning Rule and the Oregon Highway Plan)

"In situations where the mobility targets are already exceeded prior to the addition of the proposed development's traffic, where transportation improvements are not planned that would bring performance levels back to the mobility standard, the standard is to avoid further degradation of the facility, pursuant to OHP Action 1F.6."

To date, neither the City nor ODOT have a planned or funded project that would provide mitigation for the capacity (V/C ratio), avoid further degradation of the standard due to development, or provide for the interim safety improvements as required. ODOT submitted a letter to the City on May 4th, 2026 (enclosed) proposing an Intergovernmental Agreement for a negotiated comprehensive mitigation plan. ODOT has not received a response to date, nor has any agreement been reached that would provide ODOT with assurance the City will put in place mitigation measures with both funding and timing sufficient to avoid a significant adverse impact on the Highway system (interchange ramps). It is ODOT's intent that the agreement cover both the interim improvements required to operate the interchange ramps safely, as well as the longer term solution to address the capacity of the interchange that is to be evaluated as part of the Main Street IAMP Refinement currently in process.

While the staff report indicates funding has been approved for the design of the intermediate solution to extend the storage capacity and safety of the interchange ramps, the off-ramp lengthening and widening on the WB off ramp, it makes no commitments as the timing or construction of the project nor addresses the needed mitigation at the EB off ramp. As evidenced by the TIS analysis, the interim project to mitigate the safety concern of the queue length is warranted in background conditions in 2028, potentially sooner. The interim measure should be in place and operational prior to any additional traffic, beyond what is already approved, being approved and added to the system. Additionally, the interim project should address conditions at both ramps, as evidenced by the queue length analysis in the TIS.

ODOT supports the City's assessment of "fees in lieu of" as mitigation for the transportation impacts of the development, we find this assessment is consistent with the 2009 IAMP although it results in short term substandard operational capacity (v/c ratio) of the interchange. This support is subject to the execution of an agreement between the City and ODOT that would ensure mitigation projects have both funding and timing sufficient to avoid a significant adverse impact on the Highway system (interchange ramps). At no point in time will ODOT support approval of development that will result in queue lengths extending into the deceleration area of the interchange ramp that will degrade the safety of the Main Street/I-84 Interchange.

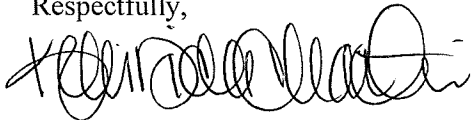
Conclusions:

ODOT requests the following:

1. City of Boardman Planning Commission grant a continuance to allow the City of Boardman, ODOT, and the applicant to reach a resolution of the comments and concerns.
2. Revisions to the TIS are required that would adequately analyze the queue lengths on both ramps of the interchange.
3. An Intergovernmental Agreement between ODOT and the City of Boardman is executed to formalize the negotiated mitigation proposed, and to assure ODOT the City project(s) will have both the funding and the timing sufficient to ensure no significant impacts to the transportation system will occur. This agreement should be used as the basis of ODOT's concurrence with this approval for this and all future land use applications.
4. The interim project should be funded and constructed prior to the day of opening of this development, or as soon as possible prior based on the analysis of background conditions, to alleviate the immediate safety concern related to queueing on the interchange ramps.

Thank you for the opportunity to review and comment on this land use application. ODOT looks forward to working with both the City and the Applicant to address these issues. Please enter this letter into the record of the proceedings, and provide me with a copy of the notice of decision.

Respectfully,



Kelli Nicole Martin, P.E.
Region 5 Access Management Engineer

Attachment(s):

A: Boardman Wilson Lane Site Design Review Traffic Impact Study V 5.11.26, ODOT Review Comments

Enclosures:

*Boardman Wilson Lane Site Design Review Traffic Impact Study ODOT Review Comments, 4.20.26 (6)
Proposal for an Intergovernmental Agreement for a Negotiated Comprehensive Mitigation Plan (6)*

Cc: Ken Patterson, ODOT Region 5 Manager
Rich Lani, ODOT District 12 Manager
Paul Howland, ODOT District 12
Teresa Penninger, ODOT Region 5 Planner
Marlow Stanton, ODOT Region 5 Traffic Engineer
Dan Fine, ODOT Region 5 Traffic & Roadway Manager
Brandon Hammond, City of Boardman, City Manager
Dawn Hert, DLCD

Attachment A

Boardman Wilson Lane Site Design Review Traffic Impact Study V 5.11.26, ODOT Review Comments

1. Executive Summary

- Item 2: This development was not previously understood to be scoped or analyzed as a phased development. A phased development of this size should be evaluated at each year of opening and 5 years beyond buildout. Is the intent that both phases are complete by 2028?
- Item 7: Previous comments were not addressed. Meeting signal warrants is not in and of itself a trigger for signal installation. Meeting a signal warrant is one of 9 criteria within OAR 734-020-0430- Traffic Signal Approval. Criteria 3 required an engineering investigation to show that signal installation would "...improve the overall safety and operation of the intersection."
- Item 9: Previous comments were not addressed. Triggers for improvements are based on mobility standards (v/c ratio) and are met.
- Item 10: No agreement between ODOT and the City to date
- Item 12: Per the development review guidelines – "In cases where a TIA includes a queue analysis for an Interstate or Expressway off-ramp, vehicles should have enough stopping sight distance (determined from the recent AASHTO A Policy on Geometric Design of Highways and Streets) to decelerate from the beginning of the off-ramp to stop at the end of the 95th-percentile queue. If the total traffic does not allow reasonable stopping sight distance, the TIA should state what if any mitigation measure(s) would reduce the queue on the off-ramp. Any methodology used to determine queue lengths must be approved by the Region Access Management Engineer or his/her designee."

2. Site Trips

- This development was not previously understood to be scoped or analyzed as a phased development. A phased development of this size should be evaluated at each year of opening and 5 years beyond buildout.

3. Traffic Volumes

- Existing Conditions: Previous comments were not addressed – 16 hour counts should have been utilized as traffic signals are the current solution to mobility failure in the current and active IAMP. Recommend using the publicly available counts utilized in the TSP and seasonally adjusting using the same methodology and values as the TSP.

- Seasonal Adjustment Factor: Previous comments were not addressed
 - Seasonal adjustment factors larger than 30% cannot be utilized per the Analysis Procedures Manual Part 5.5. Recommend using the publicly available counts utilized in the TSP and seasonally adjusting using the same methodology and values as the TSP.
 - Seasonal adjustment factor should be applied equally to all movements. Highway is a general term, that does not necessarily mean the state highway. Highway definition per the MUTCD 11th Edition “a general term for denoting a public way for purposes of travel by vehicles and vulnerable road users, including the entire area within the right of way.” Applying the seasonal adjustment factor to all movements properly scales the traffic count data as required to estimate the existing conditions at the 30th highest hour. The existing method undercounts traffic on the local system by hundreds of vehicles and results in an inconclusive analysis.
 - The seasonal factor, having not been applied to any local intersections resulted in an under count of queueing at the interchange.
 - Network balancing needs to occur
- Figure 4: Missing seasonal adjustment factor on main street at the interchange ramps.
- Figure 5: Missing seasonal adjustment factor on main street at the interchange ramps.
- Figure 6: Missing seasonal adjustment factor on main street at the interchange ramps.
- Figure 7: Missing seasonal adjustment factor on main street at the interchange ramps. Additionally, many values are not accurate.
- Should have an additional traffic count for 2033 in the background condition
- In process traffic was not identified or quantified, although appears to have been included in the analysis.

4. Operational Analysis

- Delay and Capacity Analysis
 - The network is not balanced, which will affect all results. See APM 5.6.1
 - Analysis should account for phasing, see previous comments, and background 2033 conditions.
 - Interchange analysis is missing a large volume of trips due to incorrect application of the seasonal adjustment factor. V/C ratios may increase.

- Queue Analysis
 - The network is not balanced, which will affect all results. See APM 5.6.1
 - Interchange analysis is missing a large volume of trips due to incorrect application of the seasonal adjustment factor. Queue length is may increase.
 - Per the development review guidelines – “In cases where a TIA includes a queue analysis for an Interstate or Expressway off-ramp, vehicles should have enough stopping sight distance (determined from the recent AASHTO A Policy on Geometric Design of Highways and Streets) to decelerate from the beginning of the off-ramp to stop at the end of the 95th-percentile queue. If the total traffic does not allow reasonable stopping sight distance, the TIA should state what if any mitigation measure(s) would reduce the queue on the off-ramp. Any methodology used to determine queue lengths must be approved by the Region Access Management Engineer or his/her designee.”
 - 70 MPH, at 2% grade, stopping sight distance would be 730 feet.
 - The queue length exceeds available storage at both interchange ramps

5. Mitigation Analysis

- Analysis and Summary sections indicate two intersections exceed acceptable levels of operation per ODOT and City performance targets. This section states three.
- IAMP triggers for mitigation at the interchange ramps are the v/c ratio and are met
- ODOT cannot recreate results with the consultant’s synchro file, at least for the queue analysis.

6. Conclusions

- The queue length exceeds available storage at both interchange ramps
- Interim measures to address the queue length should be constructed prior to day of opening.



Oregon

Tina Kotek, Governor

Department of Transportation

Region 5

3012 Island Avenue

La Grande, OR 97850

(541) 805-6630

Kelli.N.Martin@odot.oregon.gov

April 20, 2026

City of Boardman

C/O Carla McLane VIA EMAIL: mclanec@cityofboardman.com

200 City Center Circle

Post Office Box 229

Boardman, Oregon 97818

Subject: *Boardman Wilson Lane Site Design Review Traffic Impact Study*
ODOT Review Comments

The Oregon Department of Transportation (ODOT) has received a Traffic Impact Study titled "Boardman Wilson Lane Site Design Review, Traffic Impact Study" conducted by AKS Engineering and Forestry dated April 9, 2026, for review and comment.

ODOT has jurisdiction of the Interstate I-84 and associated interchange ramps at Exit 164, and is party to the Boardman Main Street Interchange Area Management Plan (2009). The proposed development may pose an operational or safety concern along the state highway, therefore pursuant to City of Boardman Code Section 4.10 ODOT is party to the review of the transportation impact analysis and acceptance of mitigation measures, and has provided the following comments.

1. Executive Summary

The Executive Summary should be revised based on the entirety of the comments provided

- Item 7:

Mitigation for transportation impacts is required under Boardman City Code 410.400(A)(2).

Potential mitigation solutions should be evaluated and proposed. See comments provided in the mitigation and conclusion sections below.

- Item 9:

The updated transportation system plan lists the access changes to Front Street as improvements that should not be implemented until the upcoming refinement of the 2009 IAMP is complete; Project ID 1-2 and 1-5 on pages 23 and 25. The needed improvements to the I-84 ramps were not identified for referral in the same manner.

The 2009 IAMP triggers for changes in access are shown to be met. The IAMP trigger is defined as LOS dropping below E or traffic signal installation at the I-84 Ramps. Phases 3 and 4 are not dependent on phase 2 (per page 33 of the IAMP). Phase 3, if not also Phase 4, is triggered due to the V/C ratio of the ramps. Page 33 supports widening of the ramps and addition of turn lanes as development increases traffic.

Below is a description of when the improvements would be expected to be needed.

Main Street & I-84 Westbound Ramp

Because projected minor street volumes are relatively low, the timing of the need for this signal is uncertain and will depend on the actual pattern of development in the area of the interchange. As development occurs, the City should monitor the traffic volumes at the I-84 Ramp intersection to determine if the volumes would warrant a traffic signal.

Assuming a constant rate of development over the next 20 years, the operation of the intersection, with stop control for the side street, is expected to fall below the performance standards in approximately 15 years. Reconstructing the intersection to include a separate left turn and right turn lane for the westbound approach will improve the operation of the intersection and reduce the westbound queuing. Preliminary traffic signal warrants for the PM peak hour may be met in approximately 10 years. This does not automatically mean a traffic signal should be installed, but the intersection operation should be monitored by the City.

Main Street & I-84 Eastbound Ramp

This intersection does not currently meet the preliminary traffic signal warrants in the forecast year, but a small amount of development beyond what was forecasted would likely increase the volume sufficiently to warrant a signal. In the forecast year, the minor street volumes at the intersection of Main Street & I-84 Eastbound Ramp are expected to be approximately 90% of the volumes needed to meet the Peak Hour traffic signal warrant.

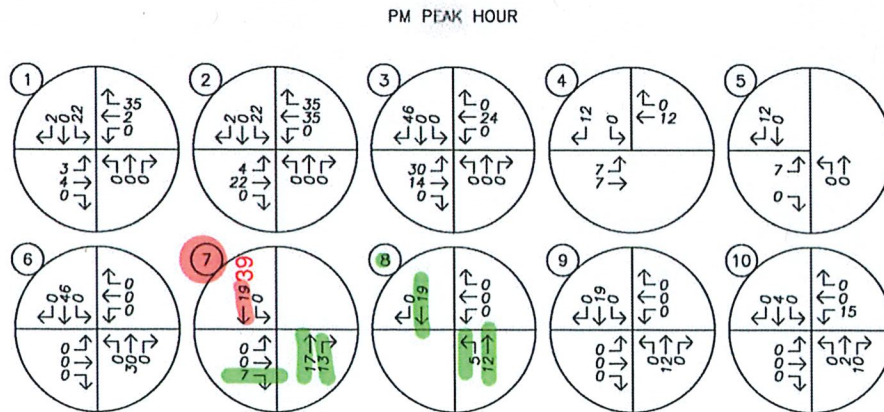
Reconstructing the intersection to include a separate left turn and right turn lane for the eastbound approach will improve the operation of the intersection and reduce the eastbound queuing.

Improvements will be evaluated and planned in the IAMP refinement, but mitigation should still be required for the incremental improvements at minimum as required.

See further comment in the mitigation and conclusion sections below.

2. Site Trips Distribution and Assignment

- Figure 3 incorrectly lists the Southern thru movement of Intersection 7 during the PM peak hour as 19 vehicles. The correct traffic volume is 39.



3. Traffic Volumes

- Existing Conditions:

Interchange Ramps should have 16 hour counts. Previous comments are as follows
“For all major intersections where significant signal modifications or where signals are being proposed, the counts shall be a minimum of 16-hour long, with 15-minute breakdowns in the A.M. and P.M. peak hours, unless pre-approved for a lesser time. Justification for deviation from these counts will be required”

Please confirm the peak hour was clearly identified within the counts provided at the interchange.

If the recently collected traffic counts cannot be utilized due to the value of the Seasonal Adjustment Factor as described below, additional counts should be obtained, or ODOT counts from 2023 may be utilized adjusting for seasonal factor, background growth and all approved in process development traffic from the date of the count.

- Seasonal Adjustment Factor

A seasonal adjustment factor above 30% is not allowed per the Analysis Procedures Manual, Part 5.5.

The TSP utilized the average of ATR 25-008 and ATR 11-009, using that method ODOT calculated a Seasonal Adjustment Factor of 1.35.

How was the seasonal adjustment factor determined? Please identify the methodology..

- Background Conditions:

If the growth rate within the City of Boardman is 2%, the growth rate applied to background conditions at the Ramps should also be 2%.

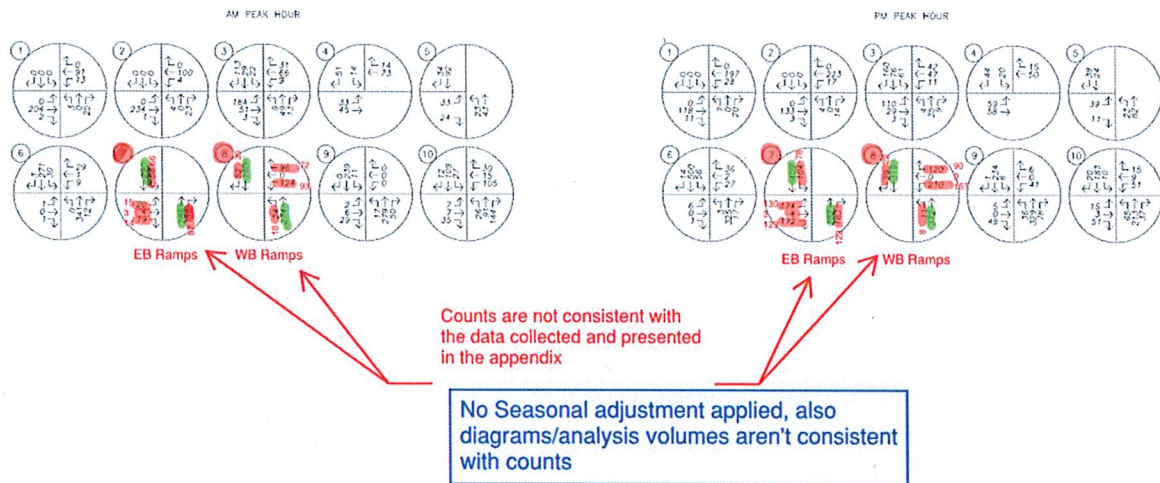
ODOT calculated 1.51% background growth rate utilizing ODOT's 2044 Future Volumes Table.

In process traffic should include all approved development projects within the study area. The approved Burger King and Gas station on tax lot 1200 should also be included along with the Woodspring Suits.

Additional in process traffic may be required to adjust the exiting count data from the date of the count in 2023, if the seasonal adjustment factor is not less than 30%.

- Figure 4:

The existing traffic data shown is not consistent with the data collected and presented in the appendix. The volumes should then be seasonally adjusted with the seasonal adjustment factor.



- Figure 5:

Verify traffic data with the correct background data as noted on Figure 4 and consider comments on background traffic. The volumes do not appear to include both the seasonal adjustment factor and background growth.

- Figure 6:

Verify traffic data with the correct background data as noted on Figure 4 and consider comments on background traffic. The volumes appear to have added trips but the seasonal adjustment factor and background growth are not both included.

- Figure 7:

Verify traffic data with the correct background data as noted on Figure 4 and consider comments on background traffic. Check calculations based on previous comments and round to the nearest 5 per Analysis Procedures Manual Section 5.6.2

4. Safety Analysis

This section will need to be reviewed when the analysis has been revised.

Safety mitigation should be proposed and evaluated, per the Development Review Guidelines:

"In situations where the mobility targets are already exceeded prior to the addition of the proposed development's traffic, where transportation improvements are not planned that would bring performance levels back to the mobility standard, the standard is to avoid further degradation of the facility, pursuant to OHP Action 1F.6."

5. Operational Analysis

- Analysis needs to be revised with the correct traffic volume data. This section will need to be reviewed when the analysis has been revised.

The chosen analysis software, Synchro, will typically over report v/c ratio compared to how the TSP was conducted and how ODOT would propose analyzing the ramps. ODOT would propose including one vehicle worth of right turn storage due to the existence of a right turn flare at both ramps. AKS can use either option 2 or 3 from the APM to account for this APM 12.3.1 “right turn flares”.

- Table 7: Intersection 7

The TSP lists the V/C for this intersection as 0.64 without in-process traffic. Inconsistent with the TSP analysis, verify.

- Table 7: Intersection 8

The TSP lists the V/C for this intersection as 0.93 without in-process traffic. Inconsistent with the TSP analysis, verify.

- Queuing Analysis

2033 Queuing was not included. Please include the analysis for the 5 year planning horizon year.

Queuing is increased 175 feet on the EB of ramp between background and buildout. Mitigation measures should be considered and proposed as appropriate.

6. Mitigation Analysis

The analysis finds the transportation system is inadequate to support the development, the applicant must identify mitigation so the development can meet local approval criteria. The analysis has shown the proposed development results in one or more of the effects in Section 4.10.200A.5 of the City of Boardman Code. The development results in a negative impact to the transportation facility as evidenced by the further degradation of the capacity of the interchange. City of Boardman Code 410.400(A)(2), identifies mitigation measures satisfactory to the City Engineer and ODOT for transportation impacts are required.

Mitigation measures were not proposed as part of this transportation impact analysis. Appropriate measures should be proposed and evaluated within the revised report. Mitigation alternatives can include geometric improvements such as ramp lengthening and widening as identified in the IAMP, alternative approach configurations, installation of traffic control devices, Transportation Demand Management strategies, and other measures. Any ramp modifications will require review and approval by the Federal Highway Administration, as changes in access to the Interstate System (624).

In situations where the mobility targets are already exceeded prior to the addition of the proposed development's traffic, where transportation improvements are not planned that would bring performance levels back to the mobility standard, the standard is to avoid further degradation of the facility, pursuant to OHP Action 1F.6. A development is therefore required to mitigate the degradation of the capacity directly attributable to the development. This equates to the difference between the 2033 build out with development and 2033 background conditions.

Negotiation for mitigation achieved through a proportional share may be considered. Analysis should be included in this section determining the proportional share, based on the projects identified in the 2009 IAMP. Several methods exist, and ODOT would be happy to assist in the determination of the most appropriate method.

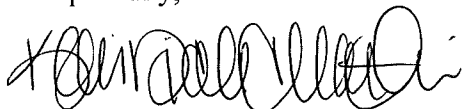
7. Conclusion

ODOT will request the City of Boardman to include any necessary mitigation measures as a condition of approval. The mitigation should be required to be in place on the day of opening of the development.

However, ODOT would support mitigation achieved through a project funded and constructed by the City of Boardman, with both funding and timing sufficient to avoid a significant adverse impact on the Highway system. Provided the governments enter into an official agreement for the project. ODOT would provide written notification in support of the project satisfying the requirement for mitigation at the time an intergovernmental agreement could be reached and the developer assessed appropriate proportional shares. Mitigation measures would be required to be in place in a timely manner, limiting the impacts to short term degradation of the interchange ramp capacity. The queue length shall at no point in time be allowed to exceed the available storage and extend into the deceleration zone of the interchange ramps. Such conditions would pose an immediate safety and operations concern.

ODOT looks forward to working with both the City and the Applicant to address these issues. We would appreciate the opportunity to review the TIA once revised and coordinate any potential impacts to the state highway system.

Respectfully,



Kelli Nicole Martin, P.E.
Region 5 Access Management Engineer

Cc: Ken Patterson, ODOT Region 5 Manager
Rich Lani, ODOT District 12 Manager
Paul Howland, ODOT District 12
Teresa Penninger, ODOT Region 5 Planner
Marlow Stanton, ODOT Region 5 Traffic Engineer
Dan Fine, ODOT Region 5 Traffic & Roadway Manager
Brandon Hammond, City of Boardman, City Manager



Oregon

Tina Kotek, Governor

Department of Transportation

Region 5

3012 Island Avenue

La Grande, OR 97850

(541) 963-3177

May 4, 2026

City of Boardman

C/O Brandon Hammond VIA EMAIL: HammondB@cityofboardman.com

200 City Center Circle

Post Office Box 229

Boardman, Oregon 97818

Subject: *Proposal for an Intergovernmental Agreement for a Negotiated Comprehensive Mitigation Plan*

ODOT and the City of Boardman have been in conversation regarding the limited capacity available for growth at the I-84 Boardman (Main Street) Interchange Ramps and the impact on current and future development within the City. Analysis conducted as part of the *Transportation System Plan (2025)* for the City of Boardman, within Appendix F, shows that capacity of the interchange has degraded as anticipated in the *Main Street IAMP* completed in 2009. The result is this interchange no longer meets the acceptable volume to capacity ratio. The N Main Street / I-84 Westbound ramp terminal is currently over capacity and the S Main Street / I-84 Eastbound Ramp terminal is nearing capacity in the PM peak hour (2025 TSP, Appendix F, Figure 18). This presents a safety and operational risk that ODOT is not able to avoid.

The Interchange Area Management Plan, local code, the Transportation Planning Rule, and the Oregon Highway Plan all acknowledge the shared responsibility for protection of the state transportation system as communities develop. Enclosed are excerpts from these documents that support intergovernmental coordination, collaboration, and enforcement of mitigative efforts to ensure that state facilities will safely function consistent with their classification.

As such, ODOT requests the City of Boardman consider our request for an intergovernmental agreement for a negotiated comprehensive mitigation plan at the Boardman Main Street Interchange. This agreement would serve as a means of satisfying the mitigation requirement of current and future development consistent with the IAMP and local code and ultimately resolve both the intermediate and long-term safety and operations concerns of the interchange.

Enclosed you will find a draft proposal of the major agreement elements, for your consideration. This draft aligns with our collaborative conversation with the City, March 16 of this year.

ODOT believes this agreement would meet the intent of the IAMP, TPR, OHP, and local code; would support reasonable and responsible development within the City of Boardman to continue while also addressing the safety and operations considerations of the interchange. We would welcome a meeting to discuss this proposal and negotiate details and next steps.

ODOT looks forward to our continued work with the City of Boardman and thank you for consideration of this proposal.

Respectfully,



Ken Patterson,
ODOT Region 5 Manager

Cc: Rich Lani, ODOT District 12 Manager
Paul Howland, ODOT District 12
Kelli Martin, Region 5 Access Management Engineer
Teresa Penninger, ODOT Region 5 Planner
Marlow Stanton, ODOT Region 5 Traffic Engineer
Dan Fine, ODOT Region 5 Traffic & Roadway Manager
Carla McLane, City of Boardman, Planning Official

Enclosure:

Background and Support in Favor of Collaboration and Negotiated Mitigation (2)
DRAFT Agreement for Comprehensive Mitigation at the I-84 Main Street Interchange (2)

Background and Support in Favor of Collaboration and Negotiated Mitigation

Local Code

Any proposed development or land use action that would add unmitigated traffic to the Boardman (Main Street) Interchange ramp terminals poses a potential safety and operation concern for ODOT. Traffic impact studies should be required and reviewed by both the City and ODOT, and should include mitigation measures satisfactory to the City Engineer and ODOT pursuant to *Sections 4.10.200A.1.b and 4.10.400A.2* of the City of Boardman Code. These requirements should apply everywhere within the City jurisdiction, not just within the Interchange Management Areas.

4.10.200A.1.b “Any proposed development or land use action that ODOT states may have operational or safety concerns along a state highway;”

4.10.400A.2 “If the proposed development shall cause one or more of the effects in Section 4.10.200A.5. above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Study includes mitigation measures satisfactory to the City Engineer, and ODOT when applicable;”

Boardman Main Street IAMP (2009)

The 2009 IAMP and its findings discuss in detail the limited lifespan of the interchange and the anticipated mitigation and funding mechanisms. Furthermore, the IAMP addresses key triggers for further analysis and evaluation including an IAMP update when the interchange area meets or exceeds 85% of anticipated development, and a full traffic analysis for any development if either ramp terminal is operating over 0.75 V/C.

Policy 1F: “The analysis of future traffic conditions in the vicinity of the Main Street interchange shows that the existing interchange facility does not meet acceptable safety standards and that it will not be able to accommodate the expected traffic volumes over a 20-year planning horizon without the proposed improvements.”

Policy 2F: “The main goal of the IAMP is to provide for safe and efficient travel around the interchange. A key outcome of the IAMP is the identification of potential vehicle queuing onto the mainline freeway. The IAMP protects the safe and efficient operation of the interchange by proposing transportation system and facility improvements to meet the year 2026 traffic demand, regulating access, and providing alternatives to highway use via a planned local street network.

As a result the IAMP required the City of Boardman to update the Capital Improvement Plan project list to be consistent with the transportation improvements contained in the IAMP and to adopt a local funding mechanism to be used for funding projects associated with the identified improvements in order to meet the City’s Goal 11 policies and the State Transportation Planning Rile requirements.¹

¹ Boardman Main Street IAMP (2009), page 33

Transportation Planning Rule

Transportation Planning Rule, Section 660-012-0045 (Implementation of the Transportation System Plan) requires that local governments adopt land use regulations to protect transportation facilities for their identified functions. Regulations should include a process to apply conditions to development proposals to minimize impacts and protect transportation facilities and a process for coordinated review of future land use decisions affecting transportation facilities. Acknowledged Transportation System Plans, by virtue of being found consistent with the TPR, either implicitly or explicitly establish that the protection of state facilities is a shared responsibility with local and regional governments.²

Oregon Highway Plan

The 1999 *Oregon Highway Plan (OHP)* provides emphatic support for coordination between ODOT and local government to ensure that state facilities will function consistent with their classification. Several OHP Policies assert that local governments have a responsibility to do land use planning in a manner that protects the public investment in the statewide transportation system.³

Action 2.A.7 supports negotiation with the private sector where development has occurred or will occur that necessitate(s) major highway improvements.

² Oregon Department of Transportation – Development Review Guidelines

³ Oregon Department of Transportation – Development Review Guidelines

***DRAFT Agreement for Comprehensive Mitigation at the I-84 Main Street
Interchange***

1. ODOT agrees the IAMP should be refined and will move forward, collaboratively, to determine the correct solution for the interchange failure and identify the preferred solutions for a project at the interchange.
2. The City will fund and construct the preferred solution identified in the IAMP. The project will be required to have both funding and timing sufficient to avoid a significant adverse impact on the Highway system (interchange ramps).
 - The City may fund the project however they so choose, including but not limited to any available grants or loans, system development charges, through the formation of a reimbursement district, or any/all combinations thereof.
 - The project will be subject to FHWA review and approval for a change in access to the Interstate System.
 - ODOT does not have an existing project in our STIP nor is funding reasonably likely to be provided by the time of need or end of the planning period.
 - A project completion date will be determined to provide assurance mitigation measures will be constructed in a timely manner.
3. Intermediate V/C improvements shall be identified and installed as quickly as feasible, either by the City or by ODOT with funding provided by the City, or as a requirement of development as available mitigation.
 - Interim measures would extend the life of the safety measure and could include ramp lengthening, ramp widening, installation of turns lanes, and potential conversion of Front Street to a right in / right out configuration per the 2009 IAMP.
 - Interim measures are subject to FHWA review and approval for a change in access to the Interstate System.
4. A safety measure is to be established and continually monitored. Once the safety threshold is met, no further development is to be approved which would further degrade the safety and operations of the interchange until the final project is in place and open or an additional interim measure is in place that alleviates the immediate need, and extends the life of the threshold.
 - The safety measure will be based on the queue length of the interchange ramps. At no point in time will be length of the queue be allowed to extend into the deceleration zone. This would pose an immediate safety concern and may warrant immediate action. This measure is consistent with the 2009 IAMP which identified potential vehicle queuing onto the mainline freeway.
 - This measure would apply to all development that contributes traffic to the interchange regardless of location or trip generation, not limited to developments within the interchange management area.
 - The safety measure should be both theoretically tracked via analysis and physically monitored and verified. A physical monitoring method is to be determined.

- ODOT will agree to evaluate and provide more information on this threshold. A sensitivity analysis will be performed to evaluate the capacity of the intermediate improvements and expected development that could be accommodated.
5. Conditions of approval for all development should assess a proportional share of the project and/or reference the City project in lieu of mitigation, or be assessed a system development charge as appropriate.
- Development that does not cause one or more of the effects in Section 4.10.200A.5 of the City code, and doesn't otherwise trigger the transportation impact study requirement still pose a safety and operations concern for ODOT when adding potential traffic to the interchange and meets a key trigger for evaluation pursuant to the IAMP. The development should be assessed system development charge (or other local funding mechanism) to be utilized for improvements at the interchange consistent with the requirements of the 2009 IAMP.
 - Development that does cause one or more of the effects in Section 4.10.200A.5 of the City code, should be assessed a proportional share of the project and/or reference the City project in lieu of mitigation as a condition of approval. ODOT agreed to work with the City on the development of a formula for a proportional share.
6. Coordination should occur between the City and ODOT on how best to review and deliver the project.

Chapter 4.10 - Traffic Impact Study

Sections:

- 4.10.100 - Purpose
- 4.10.200 - When Required
- 4.10.300 - Traffic Impact Study Requirements
- 4.10.400 - Approval Criteria

4.10.100 Purpose

- A. Purpose.** The purpose of this section of the code is to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. This Chapter establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study.
- B. Typical Average Daily Trips.** Standards by which to gauge average daily vehicle trips include: 10 trips per day per single family household, 5 trips per day per apartment; and 30 trips per day per 1,000 square feet of gross floor area such a new supermarket or other retail development.

4.10.200 When Required

- A. When a Traffic Impact Study is Required.** A Traffic Impact Study shall be prepared and submitted to the City with the application, for review by the City and the Oregon Department of Transportation, when the following apply:
1. The development application involves one or more of the following actions:
 - a. A change in zoning or a plan amendment designation; or
 - b. Any proposed development or land use action that ODOT states may have operational or safety concerns along a state highway; and
 2. The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and/or information and studies provided by the local reviewing jurisdiction and/or ODOT:
 - a. An increase in site traffic volume generation by 500 Average Daily Trips (ADT) or more; or
 - b. An increase in ADT volume of a particular movement to and from the State highway by 20% or more; or
 - c. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 20 vehicles or more per day; or

4.10.200 When Required

- d. The location of the access driveway does not meet minimum site distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or
- e. A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

4.10.300 Traffic Impact Study Requirements

- A. **Preparation.** A Traffic Impact Study shall be prepared by a professional engineer in accordance with OAR 734-051-180.
- B. **Transportation Planning Rule Compliance.** See Chapter 4.7. 600.

4.10.400 Approval Criteria

- A. **Criteria.** When a Traffic Impact Study is required, approval of the development proposal requires satisfaction of the following criteria:
 - 1. The Traffic Impact Study was prepared by a professional engineer in accordance with OAR 734-051-180; and
 - 2. If the proposed development shall cause one or more of the effects in Section 4.10.200A.5. above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Study includes mitigation measures satisfactory to the City Engineer, and ODOT when applicable; and
 - 3. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:
 - a. Have the least negative impact on all applicable transportation facilities; and
 - b. Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and
 - c. Make the most efficient use of land and public facilities as practicable; and
 - d. Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
 - e. Otherwise comply with applicable requirements of the City of Boardman Development Code, including Chapters 3.1 Access and Circulation, 3.2. Landscaping, 3.3 Vehicle and Bicycle Parking, 3.4 Public Facilities Standards, 3.5 Stormwater Management, and 3.8 Loading Standards.
- B. **Conditions of Approval.** The City may deny, approve, or approve the proposal with appropriate conditions.