

FINDINGS OF FACT
AMENDMENT TO THE DEVELOPMENT CODE
FILE NUMBER LND25-000005

REQUEST: To amend the City of Boardman Development Code to add proposed Section 2.1.700 High Density Housing to Chapter 2.1 Residential District.

APPLICANT: Unity Partners LLC
Hardeep Singh
5004 W. 32nd Avenue
Kennewick, Washington 99338

- I. GENERAL INFORMATION:** The applicant has acquired property in the City of Boardman that is currently zoned Residential with the Multi-Family subdistrict and is one of only two locations in Boardman that a Recreational Vehicle (RV) Park could be sited. After significant conversation with the developer about his project expectations, it was clear that the current Development Code would not allow review or approval. The proposed High Density Housing option was developed by the applicant.

As the Planning Commission and City Council are aware the City of Boardman has been doing extensive work over the past two years to address the inadequacy of the City's Comprehensive Plan and Development Code with several updates underway and others starting soon. The Transportation System Plan and Parks Master Plan are in the public hearings phase nearing adoption, the Economic Opportunities Analysis will start adoption hearings in early 2026, a Housing Capacity Analysis (pertinent to this request) is kicking off shortly, with work on the Comprehensive Plan and Development Code under with adoption slated to occur with the conclusion of the Housing Capacity Analysis to assure the best of inputs are available.

While the City is doing all this work, the Oregon Legislature has also been busy over the past six years working to address the housing shortage that is occurring throughout Oregon. Once legislation is passed, the next step in most instances is that the responsible state agency then undertakes Rulemaking. For land use planning the responsible state agency is the Department of Land Conservation and Development (DLCD) which is governed by the Land Conservation and Development Commission (LCDC). The outcomes of this work can be seen as either on a collision course with Boardman's local work or more appropriately should be seen as needed inputs.

Later in these Findings staff find that the application can and does meet the applicable substantive criteria. But what that analysis does not get to is how both the current Development Code (and by extension the Comprehensive Plan) along with the proposal does not comply with current Oregon Revised Statute (ORS) and adopted Oregon Administrative Rules (OAR). For that reason, additional analysis is included to address these changes and how the City of Boardman is better served to approach these changes in a better way.

- II. PROCEDURE:** This amendment is being processed using Type IV procedures found within the Boardman Development Code. The Type IV process requires a hearing before the Planning Commission with a recommendation to the City Council. The final hearing will occur before the City Council.

III. **APPROVAL CRITERIA:** The request has been filed under the BDC Chapter 4.1 Types of Applications and Review Procedures, more specifically 4.1.600 Type VI Procedures (Legislative). The criteria are identified below in **bold** type with responses in regular type.

G. Decision-Making Considerations. The recommendation by the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:

1. Approval of the request is consistent with the Statewide Planning Goals.

The Statewide Planning Goals applicable to this request are Goal 1, Citizen Involvement, Goal 2, Coordination, and Goal 10 Housing.

Goal 1 requires the City to “develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.” Because the proposed legislative amendment will be heard by both the Planning Commission and the City Council, there will be at least two opportunities for public comment to the proposed change. This proposal has also been put forward by a landowner with the intent of creating additional opportunities for the development of housing. This proposal and the public hearing process are both consistent with the City’s acknowledged citizen involvement program. (Goal 1, Policy 4: The Planning Commission is officially designated as the Citizen Involvement Committee.)

Goal 2 requires the City to adopt a comprehensive plan and implement the plan through its development code and by extension other planning level documents. The proposed amendment is consistent with and will support the comprehensive plan relative to residential lands. (Goal 2, Policy 2: The City encourages the development of infill and redevelopment of existing land in order to balance the need to expand the Urban Growth Boundary (UGB). And Goal 2, Policy 3: The City has adopted the City of Boardman Development Code, a unified zoning and subdivision land use code to facilitate the development process and implement the land use goals of the City as outlined in the Comprehensive Plan.)

Goal 10 requires the City to provide for the housing needs of citizens of the state. The State of Oregon has been in a housing shortage for several years and has been focused on addressing this issue identifying it as a statewide issue of concern. With recent growth in Boardman housing is also a local issue of concern, something that has seen significant focus over the past two plus years. While the City of Boardman Comprehensive Plan is dated having been adopted in 2003 relying on 1978 studies, it still calls for the City to be mindful of assuring an adequate supply of residential land. (Goal 10, Policy 1: The City shall provide a variety of living environments to meet regional housing needs for those of different family size and income.)

For these reasons, the criterion is met.

2. Approval of the request is consistent with the Comprehensive Plan.

The Boardman Comprehensive Plan (BCP) has a variety of policies that support the proposed amendment, and the process used to achieve it. Goal 1 policies support citizen involvement and

the public hearing process. Goal 1, Policy 4, designates the Planning Commission as the City's official Citizen Involvement Committee. Therefore, review by the Planning Commission ensures compliance with the comprehensive plan.

Two of the Goal 2 Policies are applicable to this action, focusing on infill and the application of the Development Code. (Goal 2 Policy 2: The City encourages the development of infill and redevelopment of existing land in order to balance the need to expand the Urban Growth Boundary (UGB). Goal 2 Policy 3: The City has adopted the City of Boardman Development Code, a unified zoning and subdivision land use code to facilitate the development process and implement the land use goals of the City as outlined in the Comprehensive Plan.)

As stated earlier, under criterion number 2 the City of Boardman Comprehensive Plan is significantly dated with Goal 10 Housing relying on studies from 1978. In 2019 Morrow County collaborated with all five communities, including Boardman, to accomplish a Housing Strategies Report to address Goal 10 requirements. The City of Boardman did not take any action on that Report, but it does provide some interesting information to be considered. Figure 1.1 Population Growth clearly tells the story of growth in Boardman, identifying a 1.4 percent growth projection for Boardman that was projected to result in a 2038 population of nearly 5,000 residents. In 2024 population was confirmed to already be larger than that projected amount with an estimated population of 5,749. In most instances construction over the past five to eight years has addressed many of the housing needs identified in the 2019 Housing Strategies Report with more multi-family housing units constructed than the report identified as needed. And the City of Boardman is still seeing a significant demand for housing of many different types. Even though the Housing Policies are outdated, with suggested changes in the 2019 Housing Strategies Report that should have been adopted, there are still Policies that are supportive of this request.

For these reasons, the criterion is met.

3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

The proposed text amendment would allow for higher density development that could be applied in any residential zone within the city limits. Infill and redevelopment projects are generally accomplished where public facilities are installed. New development proposals that would utilize the proposed provisions would be required, based on other provisions within the Boardman Development Code, to ensure that public facilities would be available or work with the City to bring those facilities to the development.

For these reasons, the criterion is met.

Other Considerations: Even though the proposal can meet the substantive criteria, the following outlines why Planning staff are recommending that we look more closely at the work of the

legislature and DLCD on housing issues. Adoption of the proposal would be at best a short-term fix when a long-term approach is needed. Over the past several weeks or months the learning curve about all that has occurred on the housing regulation front has been steep and was recently brought to brilliant light by two instances. The first was the delivery of the “BDC, Zoning Map, and Comprehensive Plan Map Audit” by the consultant team that is working on our Comprehensive Plan and Development Code update; the second was informal comment and a lengthy conversation with two DLCD staff, our Regional Representative Dawn Hert and a housing specialist Sean Edging.

Table 4 Assessment for Compliance with Housing-Related Statutes/Rules, found in the 'Audit' referenced above (and attached), outlines in black and white those statutes and rules that Boardman clearly could be determined to be in violation of from the simplest to the more complex. They include how we define family, the allowance of Accessory Dwelling Units, how duplexes should be reviewed for development, how land can be divided to meet middle housing needs, how manufactured homes are treated, how manufactured home parks are reviewed for development, occupancy of recreational vehicles and single rooms, how review for affordable housing is to be expedited, and a variety of other provisions that the city should consider incorporating into the Development Code.

The DLCDC Senior Housing Planner Sean Edging has provided informal comments on the request, and we did have a conversation with him and Dawn Hert, the eastern region representative, concerning where our current work is at and how the request does not effectively move that work forward and will most likely result in additional work. In many respects the proposal that is before the Planning Commission is simply ill-timed. What the City needs to do is bite that proverbial bullet and move to adopt the Draft Housing Model Code, most likely the Middle Cities version, which should be adopted by LCDC in the next 60 days. (See attached Draft Housing Model Code – Large and Medium Cities, Public Comment Draft dated October 9, 2025.)

Options to Consider for Recommendation: The Planning Commission discussion about this request and the Planning staff recommendation will drive next steps. Should the decision be made to move forward with the proposal, Planning staff would have significant comment to the draft language, particularly around lot size and applicable design standards, also outlining the implications of current statute and rule that is not codified in the current Boardman Development Code. If the alternative approach is chosen to consider adoption of the Housing Model Code for Middle Cities the proposal will need to be re-noticed to DLCD and in the East Oregonian as the change will be a major modification to the proposal.

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| IV. | LEGAL NOTICE PUBLISHED: | October 29, 2025
East Oregonian |
| V. | DLCD 35-DAY NOTICE: | October 11, 2025 |
| VI. | AGENCIES NOTIFIED: Dawn Hert and Sean Edging, Department of Land Conservation and Development. | |

VII. HEARING DATES:

Planning Commission
November 20, 2025
Council Chambers
Boardman City Hall
200 City Center Circle
Boardman, Oregon 97818

City Council
TBD
Council Chambers
Boardman City Hall
200 City Center Circle
Boardman, Oregon 97818

VIII. PLANNING OFFICIAL RECOMMENDATION: The Planning Official recommends the Planning Commission forward the request to the City Council with a ‘do deny’ recommendation or alternatively making a recommendation to adopt provisions in the Medium Cities Draft Housing Model Code (adoption by the LCDC anticipated in the next 60 days) which will require amended notice for the process.

Zack Barresse, Chair
Planning Commission

Date

ATTACHMENTS:

- Applicant’s Redline of Chapter 2.1 Residential District
- Applicant’s Narrative
- Table 4 of the “BDC, Zoning Map, and Comprehensive Plan Map Audit”
- Draft Housing Model Code – Large and Medium Cities – Public Comment Draft 10092025