



PLANNING DEPARTMENT

P.O. Box 40 • Irrigon, Oregon 97844
 (541) 922-4624 or (541) 676-9061 x 5503
 FAX: (541) 922-3472

AGENDA

Morrow County Planning Commission

Tuesday, October 28, 2025, 6:00 pm

Morrow County Government Center, Irrigon, OR

For Electronic Participation See Meeting Information on Page 2

Members of Commission

Stacie Ekstrom, Chair

John Kilkenny, Vice Chair

Norma Ayala

Charlene Cooley

Stephen Henthorn

Karl Smith

Tripp Finch

Brian Thompson

Elizabeth Peterson

Members of Staff

Tamra Mabbott, Planning Director

Stephen Wreccics, Associate Planner, GIS

Michaela Ramirez, Administrative Assistant

Clint Shoemake, Planning Tech

Kaitlin Kennedy, Code Compliance Planner

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Minutes:** (Draft) September 30, 2025 [pg. 4-6](#)
5. **Public Hearings** to begin at 6:00 PM (COMMISSION ACTION REQUIRED)
 - I. **Legislative Code Update: AZ-160-25, Morrow County Zoning Ordinance Amendment**
 Zoning Code text update to implement new Eastern Oregon Solar Siting Standards found in Oregon Administrative Rules 660-33-0130(44) and OAR 660-006-0025. The new standards will be incorporated into the Exclusive Farm Use Zone and the Forest Use Zone. Criteria for approval are provided in MCZO Article 8 Amendments. [pg. 8-20](#)
6. **Other Business:**
 - I. Columbia River Heritage Trail Concept Plan Update [pg. 22-23](#)
7. **Correspondence:**
 - I. October Monthly Update [pg. 25-30](#)
 - II. Jonathan Tallman emails and other information [pg. 32-322](#)
8. **Public Comment:**

9. Adjourn

Next Meeting: Tuesday, December 2, 2025, at 6:00 p.m.
Location: Bartholomew Building, Heppner, OR

ELECTRONIC MEETING INFORMATION

Morrow County Planning is inviting you to a scheduled Zoom meeting. Topic: Planning Commission
Time: October 28, 2025, 6:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/6554697321?pwd=dFMxR2xlaGZkK1ZJRrFVrS1Q0SmRxUT09&omn=84249165172>

Meeting ID: 655 469 7321

Passcode: 513093

Find your local number: <https://us02web.zoom.us/j/kdmj6471tm>

Should you have any issues connecting to the Zoom meeting, please call 541-922-4624. Staff will be available at this number after hours to assist.

This is a public meeting of the Morrow County Planning Commission and may be attended by a quorum of the Morrow County Board of Commissioners. Interested members of the public are invited to attend. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours before the meeting to Tamra Mabbott at (541) 922-4624, or by email at tmabbott@morrowcountyor.gov

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**Draft Minutes of the Public Meeting of the
Morrow County Planning Commission
Tuesday, September 30, 2025, 6:00 pm
Bartholomew Building
110 N Court Heppner, OR**

COMMISSIONERS PRESENT:

Stacie Ekstrom, Chair
Norma Ayala
Tripp Finch
Stephen Henthorn
John Kilkenny
Karl Smith

COMMISSIONERS ABSENT:

Charlene Cooley
Liz Peterson
Brian Thompson

ATTENDANCE via ZOOM:**STAFF PRESENT:**

Tamra Mabbott, Planning Director
Michaela Ramirez, Administrative Assistant
Clint Shoemake, Planning Technician

Staff Zoom:

Stephen Wrecsics, GIS Analyst

1. CALL TO ORDER

Chair Ekstrom called the meeting to order at 6:00 PM

2. ROLL CALL**3. PLEDGE****4. APPROVAL OF JUNE 24, 2025, DRAFT MINUTES**

Recommended Action: Approve

Action: Unanimously Approved

Presented by: Planning Director Tamra Mabbott and Planning Technician Clint Shoemake

Request: Legislative Code Updates: AZ-159-25, Zoning Ordinance Amendment

Zoning Code update to implement new Oregon Administrative Rules for lands zoned Exclusive Farm Use and Forest Use. The update will also include other minor code amendments to the Morrow County Zoning Ordinance Article 1. Definitions and Section 3.100 Flood Hazard Overlay Zone. Criteria for approval are provided in MCZO Article 8 Amendments.

Staff Clint Shoemake: read through the Exclusive Farm Use changes on pages 16, 18, 20, and 21.

Commissioner Peterson: asked about the outdoor gathering definition on pages 21 and 27. She asked if it was just different verbiage than what was on page 18.

Staff Clint Shoemake: explained if events were between 24 and 120 hours, it is an Administrative Review, and if they were over 120 hours, it becomes a Conditional Use.

Staff Clint Shoemake: continued with pages 22, 23, 32, 33, 34, 39, 40, 43, 45, 46, 48, 50. He then moved on to Forest Use zone pages 67, 68, 69, 70, 71, 73.

Director Mabbott: spoke on the Flood Hazard Overlay Zone on page 91.

County Counsel Dan Kearns: spoke on NIMPS and FEMA.

Staff Clint Shoemake: continued with Article 1, page 105.

Chair Ekstrom asked if the Planning Commission had any questions for Staff:

Commissioner Kilkenny: asked if the tax return rule was something new.

Director Mabbott: responded that the state wanted some consistency amongst the counties. She asked County Counsel Kearns if the returns had to be kept in the property file.

County Counsel Kearns: responded that they could be kept electronically, and they only had to be held onto through the appeal period.

Chair Ekstrom opened the Public Hearing for public testimony, comments, presentations, or rebuttal. There were none.

Chair Ekstrom then closed the Public Hearing.

She then asked if the Planning Commission had any questions for the Staff; there were none.

Recommended Action: The Planning Commission recommend that the BOC approve Legislative Code Updates: AZ-159-25

Motion: The Planning Commission recommended that the BOC approve Legislative Code Updates: AZ-159-25

Motion by: Commissioner Henthorn

Seconded by: Commissioner Peterson

Vote: All voted

Action: Unanimously Approved

Other Business: Columbia River Heritage Trail 60% Draft Plan Update

Presented by: Elizabeth Smith, Planner at J-U-B Engineers, Inc., Kennewick, WA 99337

Elizabeth: presented pages 119-132 of the packet. She mentioned she would like comments completed on Tuesday, October 7th, so that they can incorporate them in the next presentation. They would like to present the plan to the Board of Commissioners in December.

Director Mabbott: explained the two different types of trails on page 126 of the packet.

Commissioner Ayala: asked if J-U-B was working with the contractors that were working with the City of Boardman.

Elizabeth: responded that they had briefly crossed paths and they would certainly reach out.

Staff Clint Shoemake: added that they were waiting for the City of Boardman's Master Park Plan.

Chair Ekstrom asked if the Planning Commission had any questions for Elizabeth.

Commissioner Henthorn: asked if there is a speculated route.

Elizabeth: responded yes, for some of the sections with multiple alternatives. She said in theory, there is a preliminary route that would go from county line to county line. She then asked Stephen, GIS Analyst, to display the maps.

Commissioner Peterson: asked how much of the trail was private land.

Elizabeth: responded that she didn't believe there was any.

Director Mabbott: also responded that she didn't believe there was any either.

Commissioner Ayala: asked if the Heritage Trail went through Laurel Lane.

Chair Ekstrom: requested guidance from County Counsel Dan Kearns.

County Counsel Dan Kearns: responded that comments were not taken in a work session, only in a hearing. He also recommended that comments not be taken because there was no notice sent that this would be on the Agenda. Written material can be submitted, but not public comments.

Commissioner Peterson: asked if there was going to be landowner information available in the next presentation.

Elizabeth: responded that they would not because it is only a proposed route.

Commissioner Kilkenny: asked what percentage of the trail is on private property.

Director Mabbott: responded that she didn't think there was any and hoped to compare with the City of Boardman.

Staff Clint Shoemake: commented that when they got to the 90% draft, it was a somewhat arbitrary number and was essentially complete.

Commissioner Henthorn: asked if there could be clarification on adjacent landowners, especially where there is an affected right of way.

Staff Clint Shoemake: explained some information that is on the maps. There was more discussion about land being used, and it was discovered that there was private property in the Heritage Trail.

There was discussion on the county and the City of Boardman working together on the trail.

Commissioner Peterson: pointed out to make sure landowners were notified about what plans are being made with their property.

There was continued discussion on the location of the trail.

Correspondence: August/September Planning Update

Public Comment: Jonathan Tallman, landowner in the city limits of Boardman.

Adjourned: Meeting adjourned at 8:06 PM

Next Meeting: Tuesday, October 28, 2025, at 6:00 p.m. The next meeting will be held in Irrigon, OR, in the Morrow County Government Center.

Respectfully submitted,
Michaela Ramirez

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PLANNING DEPARTMENT

PO Box 40 • Irrigon, Oregon 97844
(541) 922-4624

October 21, 2025

TO: Planning Commission
FROM: Tamra Mabbott, Planning Director
RE: New Eastern Oregon Solar Siting Rules
October 28, 2025 Legislative Hearing

The hearing on October 28, 2025 is the first of at least two hearings to adopt and implement the new Eastern Oregon Solar Siting Rules that were adopted on June 26, 2025, by the Land Conservation and Development Commission (LCDC). A work session was held with the Board of Commissioners on August 6, 2025, together with agency representatives and members of the development community.

The new Administrative Rules OAR 660-033-130(44) will become effective January 1, 2026, unless a county “opts out” of implementing the rules. The Board of Commissioners directed staff to pursue adoption of the new section (44) rules into the Morrow County Zoning Ordinance (MCZO) and retain the existing rules to provide the most flexibility for varying sizes and types of solar developments. A third option to site a solar facility will also be available on a case-by-case basis if a landowner(s) or developer chooses to apply the new Goal 5 process under new OAR 660-023-0195. That Goal 5 process would be a legislative amendment to the County Comprehensive Plan and would be subject to the Goal 5 standards.

If adopted into the MCZO, the new OAR 660-033-130(44) would apply to individual facilities/sites of set sizes: up to 160 acres on eligible high-value farmland, 1,280 acres on arable farmland, and 1,920 acres on non-arable, lower-quality farmland. This new section (44) option includes several new siting standards designed to eliminate the Goal 3 exception requirement. The new standards also include standards for agricultural mitigation, and a Conditional Use Permit review and process.

SUMMARY AND COMPARISON OF OAR 660-033-0130 Section (38) and the new (44) rules. The tables below compare the acreage thresholds for permitting.

Acreage thresholds for Sections (38) and (44) and Goal 5 Options:

Section (38)*	New Section (44)*	Goal 5 Division 23	Soil Classification
12 ac	160 ac	240 ac	high-value farmland
20 ac	1,280 ac	2,560 ac	arable lands
320 ac	1,920 ac	3,840 ac	non-arable lands

*Local permitting threshold is higher if the application includes a Goal 3 exception. See table below and here for EFSC jurisdiction <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/Council-Jurisdiction.aspx>

County versus State Jurisdiction

ORS 469.300 requires that larger projects be under the Energy Facility Siting Council (EFSC) jurisdiction. *The new rules did not change ORS 469.300.* The table below illustrates the jurisdictional thresholds.

Section (38)	New Section (44)	Goal 5 Division 23	Soil Types
<u>MCZO 3.010(E)(17), (M)(3)</u>			
240 ac	240 ac	240 ac	high-value farmland
2,560 ac	2,560 ac	2,560 ac	arable lands
3,840 ac	3,840 ac	3,840 ac	non-arable lands

Summary of new OAR 660-033-0130(44)

The new Section (44) rules create a modest increase in local siting thresholds and add new siting criteria and standards intended to be more comprehensive and to address cumulative impacts. The tradeoff for developers would be that an application would not need to include a Goal 3 exception, which is arguably more subjective and more difficult to prove. Notably, the new Section (44) rules codify the agricultural impacts mitigation that has been applied to one project in Morrow County, the value of which would allow an applicant to demonstrate compliance with Statewide Planning Goal 3 and avoid a Goal 3 exception. Under the Section (44) rules, a county would apply most of the Section (38) standards, as well as additional standards. An application would have additional limitations such that a county could NOT approve a solar project that is on land with: significant sage grouse habitat, a Priority Wildlife Connectivity Area, High Use and Very High Use Wildlife Migration Corridors, wildlife habitat characterized by ODFW as Category 1, or on lands included within an Urban Reserve Area. An application would be restricted to an area with no more than 5% soils that are prime, unique, class I or Class II, or high value farmland except where the land no longer has appurtenant water rights. Sites would also restrict significant impacts to historic, cultural and archaeological resources.

Summary of the new and additional standards included in OAR 660-033-0130 (44).

- Topography slope predominantly 15% or less.
- Utility-scale solar capacity of 19% or greater.
- Predominantly within 10 miles of a transmission line with a rating of 69 KV or above.
- Require a study to evaluate impacts of lands within two miles of a project external boundary.
- Mitigate agricultural impacts.
- Provide community benefits.
- Mitigate potential impacts to fish and wildlife habitat.
- Mitigate potential impacts to historic, cultural, and archeological resources.

- Consider impacts on workforce housing.
- Comply with Section (38) Siting Standards.
- Allows the county to consider wildfire mitigation.
- Limit siting on arable soils unless required to make a viable project.

Summary of OAR 660-023-0195 - the Goal 5 Approach

The new Division 23 Rule (Goal 5 Natural Resources) provides another option for solar facilities. The Goal 5 approach is a comprehensive plan process (legislative amendment) that would require the county (or private property owners/developers) to identify solar power generation areas and evaluate the potential impacts. The process is data-intensive, requiring a county or developer to identify, inventory, and prioritize ideal locations for projects that would then be subject to some regulatory relief and a less discretionary permitting process. The State has already undertaken some of the data and mapping. While complex, the Goal 5 option is arguably the most comprehensive approach and would require extensive public engagement. A solar resource included in a Goal 5 inventory and identified as significant would be deemed in compliance with Goal 3, thereby eliminating the need to take a Goal 3 exception for an individual application, an aspect of permitting that the development community has found challenging. At this time, the Planning Department does not have the staffing capacity or expertise to undergo a county-wide Goal 5 process for solar. The process is available for landowners and developers to pursue.

For additional background, here is a link to the LCDC June 26th packet materials:

https://www.oregon.gov/lcd/Commission/Documents/2025-06_Item_4_Combined.pdf

Here is a link to the LCDC June 26th presentation slides:

https://www.oregon.gov/lcd/Commission/Documents/Item%204_June_LCDC_Slideshow_JJ_lat_est.pdf

Summary of MCZO Changes to adopt new OAR 660-033-0130(44) Eastern Oregon Solar Siting Rules

3.010 E. Conditional Uses

17. Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale, subject to Subsection M.3 or M.4.

3.010 M. Commercial Facilities for Generating Power

4. Photovoltaic Solar Power Generation Facility permitted in accordance with and subject to the standards included in OAR 660-033-0130(44).

OAR 660-033-0130

Photovoltaic Solar Sites in Eastern Oregon

(38) A proposal to site a photovoltaic solar power generation facility, **except for a photovoltaic solar power generation facility in eastern Oregon, subject to the provisions of paragraphs (44)(a)(B) and (C)** shall be subject to the following definitions and provisions:

ALL NEW LANGUAGE BELOW IN SECTION 44

(44)(a) A county may review a proposed photovoltaic solar power generation facility on agricultural land in eastern Oregon under one of the following three alternatives:

(A) A county may review a proposed photovoltaic solar power generation facility on agricultural land under section (38).

(B) If a county has not adopted a program under OAR 660-023-0195, the county may review a proposed photovoltaic solar power generation facility on agricultural land located in eastern Oregon under the provisions of subsections (b) through (n) of this section; or

(C) If a county has adopted a program under the provisions of OAR 660-023-0195, a county may review a proposed photovoltaic solar power generation facility on agricultural land located in eastern Oregon.

(b) A proposal to site a photovoltaic solar power generation facility under paragraph (a)(B) is subject to the following definitions and provisions:

(A) "Arable land" means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.

(B) "Arable soils" means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application, but "arable soils" does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.

(C) "Eastern Oregon" means that portion of the State of Oregon lying east of a line beginning at the intersection of the northern boundary of the state and the western boundary of Wasco County, thence southerly along the western boundaries of the counties of Wasco, Jefferson, Deschutes and Klamath to the southern boundary of the state.

(D) "High-value farmland means land described in ORS 195.300(10).

(E) "Nonarable land" means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.

(F) "Nonarable soils" means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V–VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.

(G) "Photovoltaic solar power generation facility" includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity.

This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances, including but not limited to on-site and off-site facilities for temporary workforce housing for workers constructing a photovoltaic solar power generation facility. For purposes of applying the acreage standards of this section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.

(c)(A) If an applicant files an application for a proposed photovoltaic solar power generation facility pursuant to OAR 660-033-0130(45)(a)(B), a county must process the application unless a county has either:

(i) Approved a program for significant solar photovoltaic resource areas under the provisions of OAR 660-023-0195; or

(ii) Taken action through the county elected body, either prior to, or after the effective date of this rule, that declines to consider photovoltaic solar power generation facilities under paragraph (a)(B).

(B) A county may choose to consider photovoltaic solar power generation facilities under paragraphs (a)(A) or (C).

(d) A county may approve a photovoltaic solar power generation facility under paragraph (a)(B) as follows:

(A) On high-value farmland that qualifies for an exemption pursuant to the provisions of subparagraph (D)(vii) and that is not otherwise limited by the provisions of subparagraph (D)(vi), the facility may not use, occupy, or cover more than 160 acres not including lands devoted to temporary workforce housing.

(B) On arable land, the photovoltaic solar power generation facility may not use, occupy, or cover more than 1,280 acres not including lands devoted to temporary workforce housing.

(C) On non-arable land, the photovoltaic solar power generation facility may not use, occupy, or cover more than 1,920 acres not including lands devoted to temporary workforce housing.

(D) Notwithstanding paragraphs (A) through (C), a county may not approve a photovoltaic solar power generation facility under paragraph (a)(B) on land that is:

(i) Significant Sage-Grouse Habitat described at OAR 660-023-0115(6)(a) and (b). The county may refine the exact location of Significant Sage-Grouse Habitat during consideration of a specific photovoltaic solar power generation facility but must consult with the Oregon Department of Fish and Wildlife (ODFW).

(ii) Priority Wildlife Connectivity Areas (PWCA's) as designated by ODFW that do not qualify under OAR 660-023-0195(4) (j)(D).

(iii) High Use and Very High Use Wildlife Migration Corridors designated by ODFW. The county may refine the exact location of high use and very high use wildlife mitigation corridors during consideration of a specific photovoltaic solar power generation facility but must consult with ODFW.

(iv) Wildlife habitat characterized by ODFW as Category 1 based on field data provided by the applicant and developed in consultation with ODFW. The county may refine the exact location and characterization of Category 1 wildlife habitat during consideration of a specific photovoltaic solar power generation facility but must must consult with ODFW.

(v) On lands included within Urban Reserve Areas acknowledged pursuant to OAR chapter 660, division 21.

(vi) Soils that are irrigated or not irrigated and NRCS classified as prime, unique, Class I or Class II, unless such soils make up no more than five percent of a proposed photovoltaic solar site and are present in an irregular configuration or configurations that prevent them from being independently managed for farm use.

(vii) High-Value Farmland as defined at ORS 195.300(10)(c) through (f) except otherwise described in paragraphs (vi) and (viii).

(viii) Agricultural lands protected under Goal 3 with an appurtenant water right on January 1, 2024. This subparagraph does not apply if the ability to use the appurtenant water right to irrigate subject property becomes prohibited due to a situation that is beyond the control of the water right holder including but not limited to: critical groundwater designations or other state regulatory action, reduced federal contract allocations, and other similar regulatory circumstances. If retained, the appurtenant water right has been transferred to another portion of the subject property, tract or another property and maintained for agricultural purposes. Where this paragraph does not apply then no agricultural mitigation is required.

(viii) High-Value Farmland as defined at ORS 195.300(10)(c) through (f) except otherwise described in subparagraphs (vi) and (vii).

(ix) Sites where the construction and operation of the photovoltaic solar power generation facility will result in significant adverse impacts to historic, cultural or archaeological Resources that cannot be mitigated pursuant to OAR 660-023-0195(6).

(x) The Metolius Area of Critical State Concern identified as Area 1 and Area 2 in the management plan adopted by the Land Conservation and Development Commission, as referenced in ORS 197.416.

(e) Approval of a proposed photovoltaic solar power generation facility under paragraph (a)(B) is subject to the following requirements:

(A) The proposed photovoltaic solar power generation facility is located in an area with the following characteristics:

(i) Topography with a slope that is predominantly 15 percent or less;

(ii) An estimated Annual Solar Utility-Scale Capacity Factor of 19 percent or greater; and

(iii) Predominantly within 10 miles of a transmission line with a rating of 69 KV or above.

(B) For a proposed photovoltaic solar power generation facility on high-value farmland or arable land, a study area consisting of lands zoned for exclusive farm use located within two miles measured from the exterior boundary of the subject property shall be established and:

(i) If fewer than 320 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits wholly or partially within the study area, no further action is necessary.

(ii) When at least 320 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities wholly or partially within the study area, the county must find that the photovoltaic solar power generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar power generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

(C) The proposed photovoltaic solar power generation facility shall take measures to mitigate agricultural impacts as provided in OAR 660-023-0195(5)(b)(B) and (C).

(D) The proposed photovoltaic solar power generation facility shall take measures to provide community benefits as provided in OAR 660-023-0195(7)(b).

(E) The proposed photovoltaic solar power generation facility shall mitigate potential impacts to fish and wildlife habitat pursuant to the requirements of ORS 215.446(3)(a).

(F) The proposed photovoltaic solar power generation facility shall mitigate potential impacts to historic, cultural, and archeological resources pursuant to OAR 660-023-0195(6).

(G) (i) The application will demonstrate that considerations for the amount, type, and location of temporary workforce housing have been made. This provision may be satisfied by the submittal and county approval of a workforce housing plan prepared by an individual with qualifications determined to be acceptable by the county demonstrating that such temporary housing is reasonably likely to occur. The plan need not obligate the applicant to financially secure the temporary housing. The approved workforce housing plan shall be attached to the decision as a condition of approval.

(ii) On-site and off-site facilities for temporary workforce housing for workers constructing a photovoltaic solar power generation facility must be removed or converted to an allowed use under section (19) or other statute or rule when project construction is complete.

(iii) The county may consider temporary workforce housing facilities not included in the initial approval through a minor amendment request filed after a decision to approve a

156 photovoltaic solar power generation facility. A minor amendment request shall be subject to
 157 section (5) and shall have no effect on the original approval of the project.

158 (H) The requirements of paragraphs (38)(h)(A) through (D)¹ have been satisfied for proposed
 159 photovoltaic solar power generation facilities on high-value farmland and arable land, and the
 160 requirements of paragraph (h)(D) have been satisfied for proposed photovoltaic solar power
 161 generation facilities on nonarable land.

162 (I) A county may condition approval of a proposed photovoltaic solar power generation facility to
 163 address other issues, including but not limited to assuring that the design and operation of the facility
 164 will promote the prevention and mitigate the risk of wildfire.

165 (J) For a photovoltaic solar power generation facility located on arable or nonarable lands, the project
 166 is not located on arable soils unless it can be demonstrated that:

167 (i) Siting the facility on nonarable soils present on the subject tract would significantly
 168 reduce the project's ability to operate successfully; or

169 (ii) The proposed site is better suited to allow continuation of an existing commercial farm or
 170 ranching operation on the subject tract as compared to other possible sites also located on
 171 the subject tract, including sites that are comprised of nonarable soils;

172 (K) For a photovoltaic solar power generation facility located on nonarable lands no more than 1,280
 173 acres of the facility will be located on arable soils.

174 (L) A county that receives an application for a permit under this section shall, upon receipt of the
 175 application, provide notice as required by ORS 215.446(6) and (7).

176 (f) Notwithstanding any other rule in this division, a county may determine that ORS 215.296 and section (5)
 177 for a proposed photovoltaic solar power generation facility are met when it finds that the applicable
 178 provisions of subsections (b) through (e) are satisfied.

179 (g) A county shall satisfy the requirements of OAR 660-023-0195(9)(a) through (c).

180 (h) The county has identified and attached as conditions of approval all mitigation required pursuant to this
 181 rule.

182 (i) Any applicable local provisions have been satisfied.

183 (j) A permit approved for a photovoltaic solar power generation facility shall be valid until commencement of
 184 construction or for six years, whichever is less. A county may grant up to two extensions for a period of up to
 185 24 months each when an applicant submits a written request for an extension of the development approval
 186 period prior to the expiration of the approval period.

187 (k) A county may grant a permit described in subsection (j) a third and final extension for a period of up to 24
 188 months if:

189 (A) An applicant submits a written request for an extension of the development approval period prior
 190 to the expiration of the second extension granted under subsection (j);

¹ See the end of the document for the language in 660-033-0130(38)(h)(A) through (D)

(B) The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and

(C) The county determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.

(l) In addition to other sources, a local government may rely on data from online mapping tools, such as that data included in the Oregon Renewable Energy Siting Assessment (ORESAs), to inform determinations made under this section.

(m) The county governing body or its designate shall require as a condition of approval for a photovoltaic solar power generation facility, that the project owner sign and record in the deed records for the county a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).

(n) Nothing in this section shall prevent a county from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.

660-033-0145

Agriculture/Forest Zones

(1) Agriculture/forest zones may be established and uses allowed pursuant to OAR 660-006-0050;

(2) Land divisions in agriculture/forest zones may be allowed as provided for under OAR 660-006-0055; **and**

(3) Land may be replanned or rezoned to an agriculture/forest zone pursuant to OAR 660-006-0057.; **and**

(4) A county in eastern Oregon shall apply either OAR chapter 660, division 6 or 33 standards for siting a photovoltaic solar power generation facility in an agriculture/forest zone based on the predominant use of the tract on January 1, 2024.

OAR 660-033-0130(38(h)(A) through (D), referenced on Page 5, Line 152, Footnote 1, are shown here for reference. They are not proposed for amendment.

(h) The following criteria must be satisfied in order to approve a photovoltaic solar power generation facility on high-value farmland described at ORS 195.300(10).

(A) The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project

components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;

(B) The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied. The approved plan shall be attached to the decision as a condition of approval;

(C) Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval;

(D) Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;



Eastern Oregon Solar Siting Rules

The Land Conservation and Development Commission (LCDC) adopted new rules for Eastern Oregon Solar Siting at the June 2025 LCDC meeting. These rules will go into effect January 1, 2026.

Background

This rulemaking was directed by the passage of House Bill 3409 (HB 3409) in 2023 and the subsequent LCDC charge to DLCD staff in November 2023. DLCD staff formed and worked with a Rulemaking Advisory Committee (RAC) to draft new regulations designed to find opportunities and reduce conflicts when siting photovoltaic solar power generation facilities in Eastern Oregon.

Rulemaking

The new rules aim to make the process of siting photovoltaic solar facilities easier for counties and developers while protecting farmland, wildlife habitat, and important cultural resources.

The RAC met 13 times to help shape these recommendations. Staff held five of these meetings in Eastern Oregon. Five Technical Advisory Committees (TAC's) were also created to help inform this process.

Key updates include:

- New “solar area” designations for Eastern Oregon counties (OAR 660-023-0195)
- The ability for Eastern Oregon counties to review individual solar applications on farmland (OAR 660-033-0130(44))
- An emphasis on community benefits for Eastern Oregon communities
- Protections for wildlife habitat, high-value farmland, and archaeological, historical, and cultural resources

Pathways for Solar Development

It is important to note that these new pathways for solar development are in addition to existing permitting pathways of OAR 6660-033-0130(38), the Exceptions Process, and the option of going through the Energy Facility Siting Council (EFSC). These rules apply only to Eastern Oregon. Standards for renewable energy development in Western Oregon remain unchanged. Counties in Eastern Oregon may continue using existing rules if they prefer.

Solar Areas and Solar Sites

This rulemaking offers two pathways for permitting photovoltaic solar Division 23: Solar Areas and Division 33: Solar Sites. While largely similar, the chart on the following page highlights these similarities and a few important differences between them.



	Division 23: Solar Areas	Division 33: Solar Sites
Applicability	Requires Plan Amendment	Direct unless county opts out
Acreage Thresholds	240 acres high value farmland 2,560 acres arable land 3,840 acres nonarable land	160 acres high value farmland 1,280 acres arable land 1,920 acres nonarable land
Agricultural Mitigation Considerations	Payment Option and Alternative Option	Payment Option only
Wildlife Mitigation Considerations	Yes, with recommendations from ODFW	Yes, with recommendations from ODFW
Historic, Cultural, Archaeological	Individual project review required	Individual project review required
Community Benefits Considerations	Payment Option and Alternative Option	Payment Option only
Military Airspace Considerations	Yes	Yes
Robust Public Process and Community Engagement	Yes	No

Ongoing Work

HB 3409 requires DLCD to provide a report to the Legislature that will include a summary of the adopted rules. The report will also include related items, such as mitigation practices, technical assistance resources to support local governments and tribes, and recommendations for future consideration. A draft report is due on or before September 15, 2025. The final report is due on or before December 31, 2025.

The department will monitor the effectiveness of these rules over time. Staff will report to LCDC in July 2027 on how effective the rules have been, which counties have implemented them, and suggestions for improvements.

For more information, please contact Sadie Carney, 503-383-6648, sadie.carney@dlcd.oregon.gov or Jon Jinings, 541-325-6928, jon.jinings@dlcd.oregon.gov

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PLANNING DEPARTMENT

PO Box 40 • Irrigon, Oregon 97844
(541) 922-4624

October 21, 2025

MEMO

TO: Planning Commission
FROM: Tamra Mabbott, Planning Director and Clint Shoemake, Planning Tech
RE: Columbia River Heritage Trail Concept Plan Update

At the September 30, 2025, meeting, Planning Commission heard a presentation from JUB Engineering and then held a work session to review the 60% draft of the Columbia River Heritage Trail (CRHT) Concept Plan. During the work session, the Commission requested staff inventory all CRHT segments that are proposed on private land and confirm interest in future development from the underlying landowners. Staff found there are approximately 11 linear miles of proposed trail on privately-owned (non-federal) land within unincorporated Morrow County, consisting exclusively of proposed future alignments west of the Boardman City Limits. Of the ~11 miles, ~7.5 miles are on land west of Tower Road, and are owned by either Threemile Canyon Farms or the Port of Morrow.

- On October 3, 2025, R.D. Offutt, parent company of Threemile Canyon Farms, communicated to staff that they generally support the proposed trail concept on their respective parcels west of Boardman, however, they were not comfortable committing to any specific alignment or development details at this time, and their input would depend on their own future development.
- Port of Morrow (POM) representatives have been involved in design stages for the proposed trail alignment, including a targeted POM concept meeting with JUB Engineering in December of 2024 and attending the public open house event in February of 2025. On October 20, 2025, POM confirmed their support of the proposed concept and alignment within the port industrial area and echoed the sentiments of R.D. Offutt on supporting future development west of Boardman.

The remaining ~2.5 miles on private land between Tower Road and the western Boardman City Limits; however, are all proposed within the Bonneville Power Administration's (BPA) transmission line easement. The City of Boardman is leading discussions with the BPA and this proposed alignment would be contingent on the City of Boardman securing permission and developing a connection to the west. All other trail segments within unincorporated County, both existing and proposed, are either on federally owned land or follow rights-of-way along county-owned roads.

The Commission also requested staff confirm with the City of Boardman that proposed CRHT connections between county and city jurisdictions are compatible and agreed upon and properly reflected in the update. Staff held a meeting with the City of Boardman Planning Department on October 6, 2025. The city was supportive and agreed that the CRHT Concept Plan Update and Boardman Master Park Plan are generally aligned in concept and intent, noting the respective plans are conceptual, jurisdiction-specific, and expected to evolve.

Lastly, staff shared a trailhead concept in the Port of Morrow that was designed around an existing soccer field owned by Oregon Potato Company (OPC). On October 16, 2025, OPC communicated to staff that they are not open to any additional development at that location. Accordingly, all references to this location have been removed from the plan, and staff are discussing a path forward with the consultant on how and where to utilize this concept.

Delivery of a 90% draft of the CRHT Concept Plan Update was scheduled for review and comment at the October 28, 2025, Planning Commission meeting. This has been postponed until December 2, 2025, while further work is completed on the proposed trailhead. The role of the Planning Commission at the December 2, 2025, meeting will be to provide final comments to staff and make a recommendation to the Board of Commissioners, who will vote on formally adopting the plan. The hearing with the Board is tentatively scheduled for December 17, 2025.

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To: Morrow County Board of Commissioners
 From: Tamra Mabbott, Planning Director
 CC: Planning Commission
 BOC Date: October 15, 2025
 RE: Monthly Planning Update



Mission Statement

Morrow County Planning Department provides guidance and support to citizens for short-term and long-range planning in land use, to sustain and improve the county's lands for future generations. Our goal is to foster development where people can live, work & play.

Planning Commission Meeting

At the September 30th Planning Commission meeting in Heppner, the commission reviewed a set of legislative code updates and unanimously recommended that the Board approve the code changes. Planning Commission also had a work session on the draft Heritage Trail Plan Update. County planner Clint Shoemake and Elizabeth Smith, planner with JUB Engineering, gave the update. The commission shared several ideas and gave staff suggestions. The next draft will be presented at the October meeting.

Land Use Permit Appeal to Land Use Board of Appeals

The Cities of Irrigon and Boardman are appealing a Conditional Use Permit that was approved by the Board of Commissioners on August 20, 2025. The Conditional Use Permit allows the temporary parking of commercial trucks in a residential zone for a one-year period. The Board upheld the action of the Planning Commission. Multiple CUPs have been approved in the past two years to allow landowners who have commercial trucking operations in a residential zone to stay in place temporarily while the businesses find property that is properly zoned.

Energy

On Monday, October 6th, Oregon Governor Tina Kotek issued Executive Order 25-25 for the purpose of accelerating wind and solar energy development. Four projects proposed to be in Morrow County are in the permitting queue with the Energy Facility Siting Council (EFSC) and stand to benefit. Additional projects are expected. The order is intended to help projects meet the July 4, 2026, deadline to qualify for federal tax credits. Federal tax credits are available in addition to state and local tax credits. A copy of the Order is attached, which includes a link to a FAQ. The Order does not apply to smaller projects that are permitted at the county level.

The status of energy projects in Morrow County is available on the Planning Department's web page here:

https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/16138/morrow_county_energy_project_list.pdf

Staff have consulted with the Umatilla Electric Cooperative on their preliminary Application for Site Certificate (pASC) to the Energy Facility Siting Council (EFSC) as follow up to the county comments to EFSC dated September 3rd. The UEC project is a bi-county transmission line that will connect substations and switchyards in Umatilla and Morrow Counties. For more information about the project, here is a link to the Oregon Department of Energy website <https://www.oregon.gov/energy/facilities-safety/facilities/Pages/UMCC.aspx>

Several permitted projects, wind and solar, have filed to amend their state Site Certificates (state permit). Planners are working with the developers and EFSC staff to navigate the permitting process and to review the amendments. Given the changes adopted in recent federal legislation, namely the Big Beautiful Bill, the renewable energy industry is feverishly working to permit projects and begin construction to qualify for taxation programs. Staff expect several new and amended applications over the next 10 months.

Here is a link to the Planning Department's online interactive energy map:

<https://www.arcgis.com/apps/dashboards/8508dc9076e84317a9fac30475a37bb0>

New Eastern Oregon Solar Siting Rules

Staff have initiated the formal legislative process to adopt and implement the new Administrative Rules for siting solar facilities. At their August 20th meeting, the Board of Commissioners directed staff to begin the code



Wheatridge Solar Facility near Lexington

amendment process to implement the new solar siting standards. The first hearing will be October 28 before the Planning Commission. The Board of Commissioners hearing is scheduled for December 3rd. The new Administrative Rules were adopted by the Land Conservation and Development Commission (LCDC) and become effective January 1, 2026. The MCZO will incorporate solar siting standards in OAR 660-033 Agricultural Lands. Those changes are intended to provide a clear path for permitting and avoiding conflicts with natural resources, habitats, and cultural and archaeological resources. Additionally, they will remove the requirement to file a Goal 3 exception for certain projects. The county will not need to

amend its Comprehensive Plan or Zoning Ordinance to implement new OAR 660-023 which provides yet another path for permitting by protecting areas as a significant Goal 5 Resource.

Columbia River Heritage Trail Update

Planning staff and J-U-B Engineering continue to develop the 2024-2025 Heritage Trail Master Plan update. Planning, Administration, and Parks staff had an initial meeting to discuss implementation of the plan. A progress update and opportunity for feedback were then presented to the Morrow County Parks Committee at their September 9, 2025, meeting. Planning staff and J-U-B Engineering held an online meeting on September 10, 2025, to incorporate feedback and coordinate upcoming deliverables and meetings. The next monthly check-in meeting is planned for October 8, 2025.

Planning staff and the consultant also presented an overview and held a work session for the 60% draft of the updated concept plan at the September 30, 2025, Planning Commission meeting. Delivery of a 90% draft of the updated plan is anticipated from the consultant in October and will be presented to the Planning Commission for a recommendation at their October 28, 2025, meeting. A work session with the Board of Commissioners is being tentatively scheduled for November with final adoption of the updated plan anticipated in December.

Anyone interested in being involved in the trail plan update is encouraged to contact Clint Shoemake, Planning Technician at (541) 922-4624 X 5517 or cshoemake@morrowcountyor.gov.

New Goal 3 Farmland and Goal 4 Forestland Administrative Rules

Planners prepared a code update to implement the new Land Conservation & Development Commission (LCDC) farm (Exclusive Farm Use) and forest (Forest Use) Administrative Rules. The statewide rules became effective January 1st and are applied directly; however, the code update will incorporate the language into the Morrow County Zoning Ordinance (MCZO). The code update process began with informal work sessions with the Planning Commission at their June 24th meeting and with the Board of Commissioners on July 2nd. Staff incorporated some additional code amendments recommended by the Board. The amendments were unanimously recommended for approval by the Planning Commission during the first hearing at their September 30th meeting. The second hearing will be with the Board of Commissioners on November 5th.

GIS Mapping and Drone:

Drone flights captured orthomosaic imagery and a 3D point cloud of Liberty School Road, Rhea Creek Road, and Baker Lane improvement areas. The Rhea Creek Road flight covered approximately 10 miles and collected nearly 3,000 images. The point cloud consists of millions of georeferenced 3D coordinates representing terrain, road surfaces, and surrounding features, supporting design modeling, volumetric and cut/fill analysis, and integration with GIS and CAD systems.



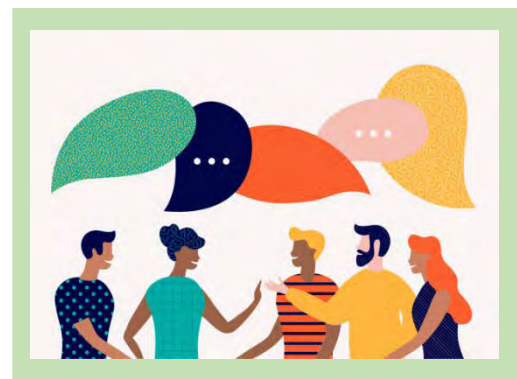
Liberty School Road and Rhea Creek Road Intersection 3D Model:

<https://sitescan.arcgis.com/share/ae1ea69a-620f-4608-85c5-0b2e266056ec>

CODE COMPLIANCE

The Code Compliance Planner continues to focus on maintaining community standards and public safety through education, inspections, and enforcement actions. This monthly update summarizes activity and outcomes for the month of September. The Code Compliance Planner attended the Oregon Code Enforcement Association Conference in Seaside, OR. It was an engaging experience. Participation among attendees included breakout sessions to discuss challenging code situations and brainstorming ideas on how best to address or abate the violation(s). Several code enforcement members throughout our local area attended and it provided a good discussion on shared resources.

September Monthly Activity Summary	
New Complaints	6
Follow-Up Inspections/Site Visits	13
Conditional Use Permit Application	0
Medical Hardship Application	0
Violations Closed	1
Active/Open Violations	44



WATER AND PLANNING ACTIVITIES

Water Advisory Committee

A summary of work on the implementation of the four water initiatives adopted by the Board of Commissioners in December 2024, as recommended by the Water Advisory Committee (WAC), is below.

Initiative 1: Update the comprehensive plan Goals 5 and 6. Assembling materials and soliciting volunteers to serve on a working group. Researching relevant laws.

Initiative 2: Develop a Morrow County Drinking Water Program. Underway at the Public Health Department.

Initiative 3: Support Regional Water Planning; staff have included budget for this work. Staff continue to provide support for county efforts working with neighborhoods.

Initiative 4: Partner in a Clean Water Consortium. This effort is underway with the formation and initial meetings of the Clean Water Consortium, led by Board Chair David Sykes. Planning Director Mabbott is a Board member and is continuing with various efforts to secure funding.

EPA Grant - Morrow Umatilla County Drinking Water-ROADMAP

GSI Water Solutions Inc. is now working on the Stage 3 Scope of Work. The next Steering Committee meeting will be in December, date to be determined. As follow up to the September Steering Committee meeting staff are assembling data and developing another GIS map layer to show future buildout. Staff and GSI Water Solutions Inc met with the Eastern Oregon Regional Solutions Team on September 25th to discuss implementation challenges.

Clean Drinking Water Consortium (CWC)

Planning Director attended the September 9th CWC meeting. The next meeting is scheduled for October 14th from 6-8 at the Port of Morrow Riverfront Administration Building in Boardman. Meetings are open to the public.

West Glen Neighborhood and Area

Planners and GIS staff continue to provide data and maps to support outreach efforts in the West Glen neighborhood. Planning Director provides support to the County Administrator and consultants as needed. The Rural Engagement and Vitality Center (REV), a nonprofit organization affiliated with Eastern Oregon University (EOU), is contracted to conduct outreach work. Meier Engineering has submitted a final preliminary engineering design for extending water and sewer. REV and the county will host another meeting with West Glen residents in October. Anyone wanting more information about the West Glen outreach meetings may contact Grace Donovan, REV Director, at (541) 962-3012 or gdonovan@revcenter.org or Matt Jensen, County Administrator.

Transportation Planning

Tower Road Interchange Area Management Plan (IAMP)

The Planning Department remains committed to supporting public comments about the interchange design concepts and continues to work with the consultant team and ODOT in



defining the county's role and financial contribution for this project. Team discussions continue through bi-weekly check-ins as we work together to finalize design concepts and draft tech memos six and seven for review in February 2026. These plans and designs can be found with all the Tower Road IAMP materials on the ODOT project page, linked on the county's website under Transportation Planning. [Tower Road 2025 IAMP | Morrow County Oregon](#)

Transportation System Plan (TSP) Update

A Scope of Work for the Morrow County Transportation System Plan (TSP) has been completed. Procurement for the project consultant was posted by the State of Oregon. The bid closing is Monday, October 27th at 4:45 pm. Planning Staff will have a pre-evaluation kickoff meeting on Thursday, October 30th, together with ODOT planners. Planning work will begin in early 2026, after the contract has been awarded and

finalized. Anyone interested in participating in serving on the transportation planning committee please contact Kaitlin Kennedy in the Planning Department at (541) 922-4624 or kkennedy@morrowcountyor.gov

2025 Oregon Legislature

Staff have reviewed most of the land use bills and several water bills that were passed by the 2025 legislature. Most of the bills will not require a code or plan amendment; however, staff are researching some of the more complicated bills to make a final assessment. An analysis of the bills and how they will affect Morrow County will follow.

Other

Planning Director attended the in-person meeting of the Association of Oregon County Planning Directors (AOC PD) September 11-12 in Florence, Oregon. This is one of only two in-person events AOC PD hosts.

Planning Department is recruiting for a Principal Planner or Senior Planner. Keep an eye out for postings on the county webpage. Please contact Tamra Mabbott, Planning Director, if you have an interest or would like to learn more about this exciting career opportunity.

<https://www2.appone.com/Search/Search.aspx?ServerVar=morrowcounty.appone.com>

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Michaela and Tamra,

I am submitting this letter to be placed in the public record for the September 30, 2025 Planning Commission hearing regarding code updates and related matters. I intend to speak on this issue at the hearing as well.

My concern involves the BPA Park Blocks / Heritage Trail corridor, which is currently identified as being only 60% complete in draft form. As an adjacent property owner, and with Morrow County also a direct neighbor, I am requesting that several questions be addressed on the record before this project advances further:

1. Alignment and Boundaries

- Where will the BPA Trail be aligned in relation to my property?
- Will trail easements or buffers cross or affect private parcels, including mine?

2. Access and Connectivity

- What formal access points are being planned, and do any assume connections across my frontage?
- Has the County committed to managing trail access where it intersects with private property?

3. Design at 60% Stage

- What elements of the trail design are still open for input, including fencing, buffers, and surfacing standards? What standards is the city using now?
- How will nuisance impacts such as trespass, lighting, and noise be addressed for adjacent landowners?

4. Legal and Property Impacts

- Will this project establish any new public easements or modify existing BPA easements?
- How does the trail corridor interact with zoning, the Comprehensive Plan, and prior findings in my LUBA (attached) case regarding road standards and access?
- Will adjacent landowners be indemnified against liability arising from trail users?

5. Public Records and Transparency

- I have already submitted a public records request to the City of Boardman for documents related to this project, but have not received a response.
- As you can see from the first map I attached, it clearly shows an RV Park designation, but in later versions this has been blurred out or omitted. How can such a change be made with no public discussion, and no paper trail showing who directed it? Please see attached below maps and Luba decision.
- Will the County itself ask for these documents and require a full explanation of mapping changes for accountability and transparency, especially where they intersect with the BPA trail corridor? Please see attached video of meeting reference of BPA trail and Rv site.

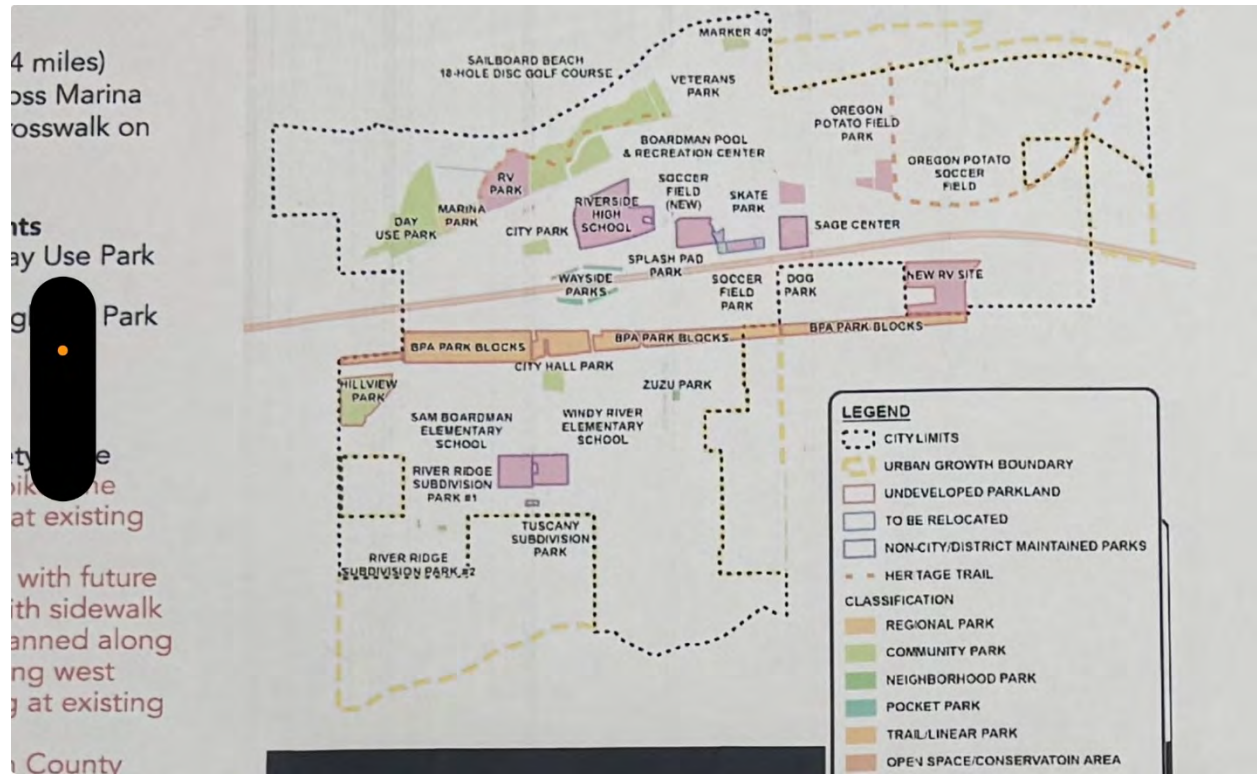
Because the County is a neighboring landowner along this corridor, these questions directly affect both of us. I ask that this letter be incorporated into the hearing record so that my concerns are preserved, and so that they can be addressed transparently as part of the County's review process.

Thank you for your attention to this matter. I look forward to discussing it further at the upcoming hearing as well as have the county find out information for these concerns.

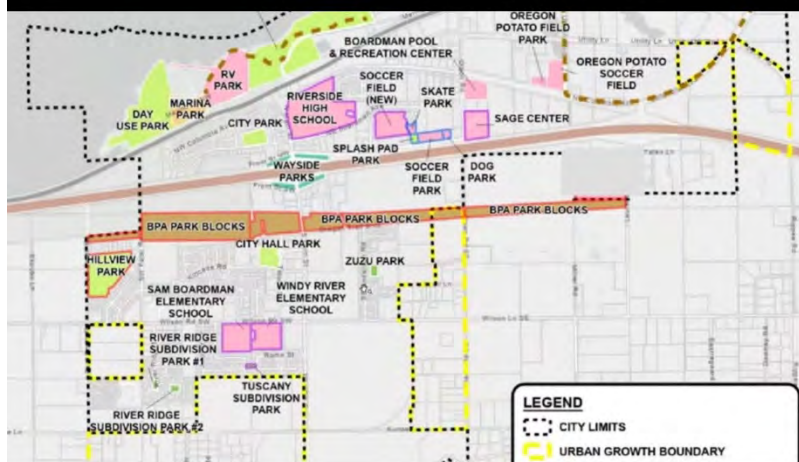
Sincerely,

Jonathan Tallman

City of Boardman RV site map



Blurr e out omission and changes to BPA easement and trail.



Planning commission meeting:

<https://www.youtube.com/watch?v=CDuqhyTX7RI>

Listen at about 1:51 mark talking about my families property and Amazon paying for it. 3 to 4 minutes from there.

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

1ST JOHN 2:17, LLC and JONATHAN TALLMAN,
Petitioners,

v.

CITY OF BOARDMAN,
Respondent.

LUBA No. 2022-062

PETITION FOR REVIEW

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Boardman Development Code Excerpts.....	App-5

I. PETITIONERS' STANDING

Petitioners, 1st John 2:17, LLC and Jonathan Tallman, appeared before Respondent City of Boardman ("City") orally and in writing during the proceedings below and timely filed a Notice of Intent to Appeal the challenged decision. ORS 197.830(2). Petitioners have standing.

II. STATEMENT OF THE CASE

A. Nature of the Land Use Decision and Relief Sought

The challenged decision by the Boardman City Council governing body approves "Zoning Permit" #ZP21-068, which authorizes the reconstruction of Yates Lane, an existing unpaved, graveled City Street, and the development of Devin Loop, a new City street (collectively, the "Loop Road"). Rec-2-8 (City Council decision) (App-1); Rec-10-17 (ZP21-068) (App-2, p 2-9); Rec-311-43 (Plans).¹ The "Loop Road" will be situated south of I-84 and east of Laurel Lane. Rec-4. The decision states that the Loop Road will only be within the City's Commercial District-Service Center Sub District ("C-SC subdistrict"). Rec-4. However,

¹ The challenged decision's findings attach three "attachments", including Petitioners' notice of appeal to the City Council and the Planning Commission's decision, which are not clearly incorporated as findings and are therefore not part of the challenged decision. *Gonzalez v. Lane County*, 24 Or LUBA 251, 259 (1992) ("if a local government decision maker chooses to incorporate all or portions of another document by reference into its findings, it must clearly (1) indicate its intent to do so, and (2) identify the document or portions of the document so incorporated.").

Petitioners dispute that conclusion – surveys of the right-of-way dedications for the Loop Road in the record show that a portion of the Loop Road is within the 395-foot-wide BPA Transmission Line Easement. Rec-383-84. The BPA Transmission Line Easement has its own City zoning district – the Commercial District-BPA Transmission Easement Sub District (“BPA subdistrict”). BDC 2.2.210.² The Loop Road is also within the BPA subdistrict.

Petitioners seek reversal or remand of the challenged decision.

B. Summary of Arguments

The disputed Loop Road consists of the reconstruction of existing and construction of new City streets, which are “public transportation facilities” to which the standards of the Boardman Development Code (BDC) 3.4 expressly apply, the purposes for which are “to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth, and provide a range of transportation options, including options for driving, walking and bicycling”. BDC 3.4.000.A. The City misconstrued applicable law in concluding that the Loop Road does not require land use review when its land development code expressly provides otherwise.

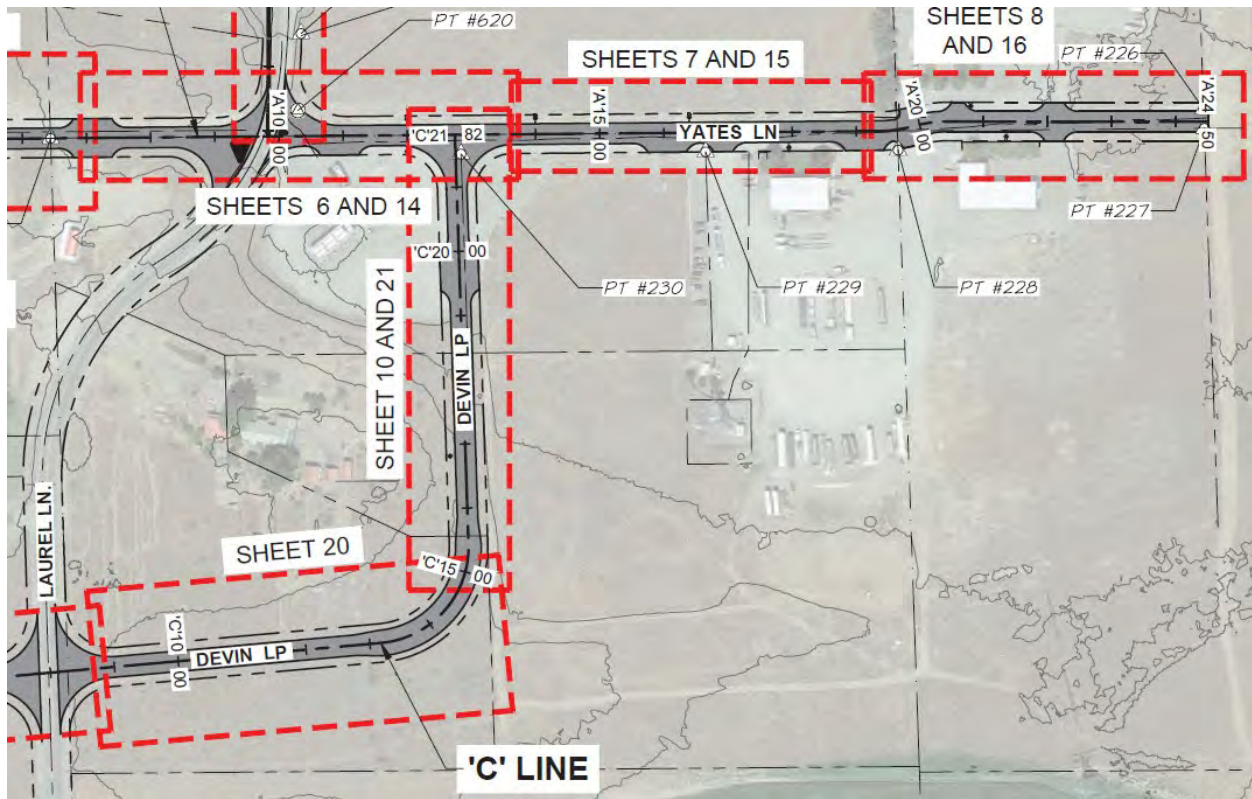
BDC 3.4.100.A.2 requires that the “Development of new streets, and additional street width or improvements planned as a portion of an existing street

² Cited Boardman Development Code (BDC) provisions are App-5.

shall be improved in accordance with this Section.” “This Section” is BDC 3.4.100.A-Y. BDC 3.4.100(A)-(Y) contain the standards that “new streets” and “existing street” improvements are required to meet. The City misconstrued applicable law and adopted inadequate alternative findings that are not supported by substantial evidence in (1) exempting itself from many of the BDC 3.4.100.A-Y standards applicable to the Loop Road and (2) with no textual, purpose or policy support, deciding that compliance with BDC 3.4.100.A-Y standards requiring things like sidewalks, landscape strips, street lights and bike lanes could be deferred until the time of development of adjacent property; (3) in concluding that the Loop Road is a “neighborhood collector”; and (4) in failing to apply the standards of the BPA subdistrict that expressly apply to the portions of the Loop Road that is approved to be developed in that subdistrict.

C. Summary of Material Facts

The disputed “Loop Road” consists of a new City street (Devin Loop) and reconstruction of an existing, unpaved, graveled City street (Yates Lane) (Rec-313):



The Loop Road is proposed to be located south of the I-84/Laurel Lane interchange (aka Port of Morrow (POM) Interchange) and within the POM Interchange area. Rec-2. The POM Interchange area is the subject of the Port of Morrow Interchange Area Management Plan (POM IAMP), which was adopted by the City in 2012 as an amendment to its Transportation System Plan (TSP). Rec-2; App-3 (POM IAMP); App-3, p 2 (Ordinance 2-2012). The challenged decision approves reconstructing existing “Yates Lane” and its intersection with Laurel Lane and constructing new “Devin Loop” and its new intersection with Laurel Lane. The alignments for the improvements are identified in the POM IAMP, Figure 7-2 as “D” (Devin Loop) and “YATES LN” (App-3, p 98):



Project “D” is described in the POM IAMP, Table 7-1 (App-3, p 99) as:

- Construct a new Collector street connection to Yates Lane that would access Laurel Lane just north of the existing BPA transmission easement.
- Restrict the Laurel Lane/Yates Lane intersection to right-in/right-out access only.”

And is further described in POM IAMP, p 81-82 (App-3, p 100-01) as:

“A new connection to Yates Lane from Laurel Lane will be constructed (at City Collector standards) just north of the existing BPA transmission easement. The existing Yates Lane intersection will remain as a right-in/right-out access. * * *”

1 While the alignment of existing Yates Lane and the restriction of its
2 intersection with Laurel Lane to right-in/right out access only is identified in the
3 POM IAMP, the full reconstruction of Yates Lane is not identified as an
4 improvement. See POM IAMP, Table 7-1 (App-3, p 99).

5 Petitioner Jonathan Tallman is the managing member of 1st John 2:17, LLC.
6 Rec-285. Petitioner 1st John 2:17, LLC owns property west of and abutting Laurel
7 Lane (tax lots 3302, 3207 and 3205) and directly across Laurel Lane from the Loop
8 Road improvements. Rec-285.

9 In September 2021, Petitioners learned that the City planned to start
10 construction of the Loop Road later that year. The City provided no notice to
11 Petitioners of that City decision to construct the Loop Road, even though as an owner
12 of property within 250 feet of the Loop Road site, they were entitled to notice of that
13 decision. BDC 4.1.400.C.1.a. Rather, Petitioners discovered by inquiring to the
14 City that the City had entered into a contract with a construction company in August
15 2021 to build the Loop Road. Petitioners appealed that decision to LUBA on
16 September 21, 2021 in LUBA No. 2021-086. That appeal is currently pending at
17 LUBA awaiting a decision on the City's motion to dismiss.

18 On March 11, 2022, while LUBA No. 2021-086 was pending, again without
19 any notice or opportunity for comment or hearing, the City's planning official
20 approved a "Zoning Permit" authorizing the Loop Road construction at issue in

1 LUBA No. 2021-086 under the City’s Type I procedures for “Ministerial” decisions.
2 Rec-302.

3 Sometime after that “Zoning Permit” decision was made, the City decided that
4 it should have been processed as a Type II “Administrative” decision requiring
5 notice and opportunity for a public hearing and so on April 4, 2022, the City mailed
6 notice of the “Administrative Decision” and provided an opportunity for comment
7 and appeal. Rec-255, 301. Although the “Administrative” decision’s findings
8 purported to only approve construction of the Loop Road east of Laurel Lane, the
9 “Zoning Approval” sheet signed off on by the planning official and an attached map
10 of the improvements appeared to approve construction of the entirety of the Loop
11 Road (including associated improvements to Laurel Lane) both east and west of
12 Laurel Lane, including on Petitioners’ property west of Laurel Lane, tax lots 3302,
13 3207 and 3205, over which there was and is no existing City right-of-way. Rec-306-
14 08. Petitioners appealed that decision both locally and as a precaution to LUBA in
15 LUBA No. 2022-037. LUBA No. 2022-037 is currently suspended.

16 The City took up the local appeal and held a public hearing before the
17 Planning Commission on Petitioners’ appeal. Rec-5, 225. At the public hearing,
18 Petitioners argued that the City erred in approving the Loop Road on Petitioners’
19 property over which there is no existing right-of-way and in not applying or finding
20 compliance with any of the City’s standards for transportation facilities. Rec-284-

91. The Planning Commission denied the appeal and affirmed the planning official's decision, but now "clarifying" that the "Administrative Decision" approved the Loop Road only on the east side of Laurel Lane. Rec-254. Petitioners appealed the Planning Commission's decision to the City Council who, after a public hearing, denied the appeal and upheld the Administrative Decision approving the Loop Road. Rec-2.

This appeal followed.

III. LUBA'S JURISDICTION

LUBA's jurisdiction is comprehensively governed by statute. ORS 197.825; *Lake Oswego Preservation Society v. City of Lake Oswego*, 69 Or LUBA 475, 481 (2014); *Conte v. City of Eugene*, 66 Or LUBA 95, 99 (2012). The challenged decision is a final "land use decision" over which LUBA has exclusive jurisdiction. ORS 197.825(1); ORS 197.015(10)(a). The challenged decision does not fall under the transportation facility exception to the definition of "land use decision" at ORS 197.015(10)(b)(D) because the Loop Road is not "consistent" with the City's comprehensive plan and land use regulations, as explained below.

1. The challenged decision is a "land use decision" under ORS 197.015(10)(a)(A).

The challenged decision erroneously takes the position that the City's approval of the Loop Road is "not a land use decision." LUBA affords no deference to a local government on issues of state law. *Forster v. Polk County*, 115 Or App

1 475, 478 (1992). A “land use decision” is expressly defined by statute to include “a
 2 final decision or determination made by a local government” that “concerns” the
 3 application of a comprehensive plan provision or land use regulation. ORS
 4 197.015(10)(a)(A). LUBA has explained that a decision “concerns” the application
 5 of a comprehensive plan provision or land use regulation if a provision or regulation
 6 is actually applied or should have been applied in making the decision. *Jaqua v.*
 7 *City of Springfield*, 46 Or LUBA 566, 574 (2004); *Bradbury v. City of Independence*,
 8 18 Or LUBA 552, 559 (1989); *Dorall v. Coos County*, 53 Or LUBA 32, 34 (2006).
 9 The challenged decision is the City governing body’s final decision to approve the
 10 Loop Road. The Boardman Development Code is quintessentially a “Land Use
 11 Regulation.”³ In making the challenged decision, the City applied multiple BDC
 12 land use regulations for Type II Administrative decisions in BDC 4.1.400, certain
 13 standards for uses in the C-SC subdistrict in BDC 2.2.200, and certain transportation

³ ORS 197.015(11) defines a “land use regulation” as “any local government zoning ordinance” or “similar general ordinance establishing standards for implementing a comprehensive plan.” BDC 1.1.300 “Consistency with Plan and Laws” states that every “development and use application and other procedure initiated under this Code shall be consistent with the [City comprehensive plan] as implemented by this Code * * *.” BDC 1.0 explains that the BDC “is a comprehensive land use and development code that governs all of the land” within the City. BDC 1.0 also explains under “Chapter 2” that “as required by state law, the zones or ‘land use districts’ conform to the Boardman Comprehensive Plan.” BDC 1.0 under Chapter 3 further explains: “The design standards contained in Chapter 3 apply throughout the City. They are used in preparing development plans, and reviewing applications, to ensure compliance with City standards for access and circulation, landscaping, parking, public facilities, surface water management * * *.”

1 standards in BDC 3.4.100. Rec-5 (the City processed the application as a “Type II
2 land use decision”; “The application is being reviewed under Boardman
3 Development Code (“BDC”) Chapter 4 Applications and Review Procedures, 4.1
4 Types of Applications and Review Procedures, and 4.1.400 Type II Procedure
5 (Administrative) G Appeal. * * * These findings address the applicable criteria in
6 the development code[.]”; the application is “subject to BDC 2.2.200.”); Rec-6
7 (finding that “the following standards apply to the proposed roadways” [application
8 of BDC 3.4.100.C, E, F, J, O and N.1 follow]); Rec-8 (findings addressing BDC
9 3.4.100.X). And the City should have applied more.⁴ *Jaqua*, 46 Or LUBA at 574.
10 Accordingly, the challenged decision “concerns” the application of the City’s land
11 use regulations because many regulations were actually applied, and more should
12 have been applied, in making the decision and, therefore, the challenged decision is
13 a “land use decision” subject to LUBA’s exclusive jurisdiction. ORS
14 197.015(10)(a)(A); *Jaqua*, 46 Or LUBA at 574.

⁴ BDC Chapter 4.2 (Development Review and Site Design Review); BDC Chapter 3.1 (Access and Circulation); BDC Chapter 3.2 (Landscaping, Street Trees, Fences and Walls); BDC 3.4.100.A (Development Standards); BDC 3.4.100.G (Traffic Signals and Traffic Calming Features); BDC 3.4.100.I (Street Alignment and Connections); BDC 3.4.100.K (Intersection Angles); BDC 3.4.100.L (Existing Rights-of-Way); BDC 3.4.100.Q (Development Adjoining Arterial Streets); BDC 3.4.100.T (Street Names); BDC 3.4.100.U (Survey Monuments); BDC 3.4.100.V (Street Signs); BDC 3.4.100.W (Mail Boxes); BDC 3.4.100.Y (Street Cross-Sections); BDC 3.4.400 (Storm Drainage); BDC 3.4.500 (Utilities); BDC Chapter 3.5 (Stormwater Management); BDC 2.2.210 (BPA Transmission Easement Sub District).

- 1 2. The transportation facility exception to the definition of “land use
2 decision” at ORS 197.015(10)(b)(D) does not apply.

3 The challenged decision does not fall under the transportation facility
4 exception to the definition of “land use decision” at ORS 197.015(10)(b)(D) for
5 decisions that determine “final engineering design, construction, operation,
6 maintenance, repair or preservation of a transportation facility that is otherwise
7 authorized by and consistent with the comprehensive plan and land use regulations”.
8 That exception expressly only applies if the transportation facility is “consistent”
9 with the comprehensive plan and land use regulations. *7th Street Station v. City of*
10 *Corvallis*, 58 Or LUBA 93, 99 (2008), *aff’d*, 227 Or App 506, 206 P3d 286 (2009).
11 The Loop Road is not “consistent” with the City’s comprehensive plan, the TSP
12 (which is an element of the City’s comprehensive plan (App-4, p 1)), the POM IAMP
13 (which is an amendment to the City’s TSP (App-3, p 2)), or the City’s land use
14 regulations expressed in the BDC. Accordingly, the transportation facility exception
15 to the definition of “land use decision” does not apply.

16 In *Regency Centers, L.P. v. Washington County*, 69 Or LUBA 135 (2014),
17 *aff’d*, 265 Or App 49, 335 P3d 856 (2014), LUBA held that a county decision
18 authorizing certain improvements to an arterial street, which would result in a six-
19 lane, 80-foot wide arterial street within a 101-foot right-of-way, did not fall under
20 the transportation facility exception to the definition of “land use decision” where
21 the street was inconsistent with the county’s TSP and land use regulations – the

1 county's TSP designated the street to be no more than five lanes and the county's
2 land use regulations specified the maximum width of arterial streets to be 74-feet
3 wide within 98-foot rights-of-way. The circumstances here are the same as in
4 *Regency* – the challenged decision approves roadways that are inconsistent with the
5 City's comprehensive plan, including the TSP and POM IAMP, and land use
6 regulations, and so the transportation facility exception to the definition of "land use
7 decision" does not apply.

- 8 a. The Loop Road is not consistent with the City's comprehensive
9 plan, which includes the City's TSP and POM IAMP.

10 The POM IAMP identifies Devin Loop as a "new Collector street connection"
11 (App-3, p 82) and states that it will be constructed "at City Collector standards"
12 (App-3, p 100). Existing Yates Lane east of Laurel Lane is not classified in the
13 comprehensive plan, TSP or POM IAMP. The decision concludes that the Loop
14 Road (Yates Lane and Devin Loop) is a "neighborhood collector". Rec-7. The TSP
15 identifies five functional categories of roadways in the City: freeways, arterials,
16 minor collectors, neighborhood collectors, and local streets. App-4, p 9. The TSP
17 describes "neighborhood collectors" as a "subset of collectors". App-4, p 10. It is
18 undisputed that the Loop Road is a some type of "collector".⁵

⁵ Petitioners dispute that the Loop Road is a "neighborhood collector" and challenge the City's finding in this regard in their second assignment of error.

1 The comprehensive plan at Chapter XII (Transportation), p 3 provides that
2 “[b]ikeways shall be included on all new arterials and collectors within the Urban
3 Growth Boundary except on limited access freeways.” App-4, p 3. No bikeways
4 are included on Devin Loop, which is a “new collector” that is within the City’s
5 UGB and is not a limited access freeway. Rec-7, 311-43. There are also no
6 bikeways on Yates Lane to the extent that it is a “new” collector. *Id.* The plan at
7 Chapter XII, p 3 also provides that “[s]idewalks shall be included on all new streets
8 within the Urban Growth Boundary except on limited access freeways.” App-4, p
9 3. No sidewalks are included on Devin Loop, which is a “new street” and is not a
10 limited access freeway. Rec-7, 311-43. There are also no sidewalks on Yates Lane
11 to the extent that it is a “new street”. The Loop Road is inconsistent with the
12 comprehensive plan.

13 The City’s TSP, Table 7 “Street Design Standards” provides standards for two
14 types of “collectors” – “Collector – City Developed Alternative” and “Downtown
15 Collector”.⁶ App-4, p 13. Table 7 provides that City Developed Alternative
16 Collectors shall have 75-foot rights-of-way, turn lanes at intersections, 12-foot travel
17 lanes, 8-foot bikeways, 5-foot sidewalks, and 7 feet for on-street parking. *Id.* The

⁶ The Loop Road cannot be a “Downtown Collector” because it is not located “downtown”, which the TSP identifies as the area around the I-84/Main Street interchange (App-4, p 6).

1 Loop Road has a 60-foot right-of-way, no turn lanes at its intersections with Laurel
2 Lane, and no bikeways, sidewalks or on-street parking. Rec-334; *see generally* Rec-
3 311-43 (plans). The Loop Road is inconsistent with TSP, Table 7.

4 Confusingly, the TSP identifies two categories of “collectors” that differ from
5 those listed in TSP Table 7: “Minor Collectors” and “Neighborhood Collectors”.
6 App-4, p 9. As noted above, the decision concluded that the Loop Road is a
7 “neighborhood collector” without any explanation. The TSP provides that it is
8 “imperative” for the City to classify roadways in consideration of the adjacent
9 properties and their uses and that each street “must be appropriately designed so as
10 to accommodate local travelers (i.e., passenger cars, heavy trucks, pedestrians, and
11 bicycles).” App-4, p 9. The City’s cursory classification of the Loop Road as a
12 neighborhood collector fails to consider that the POM IAMP Loop Road is intended
13 to serve future heavy commercial development in the area and to accommodate a
14 significant increase in traffic – a large proportion of which is estimated to be from
15 large semi-trucks patronizing an expanded Pacific Pride truck stop on the corner of
16 Laurel Lane and Yates Lane (App-3, p 49-52) – and whether, given that intent, the
17 neighborhood collector classification provides an appropriate design for the Loop
18 Road. The City’s bare conclusion that the Loop Road is a neighborhood collector is
19 inconsistent with the TSP’s policy for classifying roadways.

20 The TSP provides that “Neighborhood Collectors”:

1 “are a subset of collectors serving the objective of penetrating local
2 neighborhoods to provide direct land access service and traffic
3 circulation. These facilities tend to carry lower traffic volumes at slower
4 speeds than typical collectors. On-street parking is more prevalent and
5 bike facilities may be exclusive or shared roadways.” App-4, p 10.

6 This is opposed to “Minor Collectors”, which the TSP provides:

7 “link arterials with the local street system. As implied by their name,
8 collectors are intended to collect traffic from local streets and
9 sometimes from direct land access, and channel it to arterial facilities.
10 Collectors are shorter than arterials and tend to have moderate speeds.

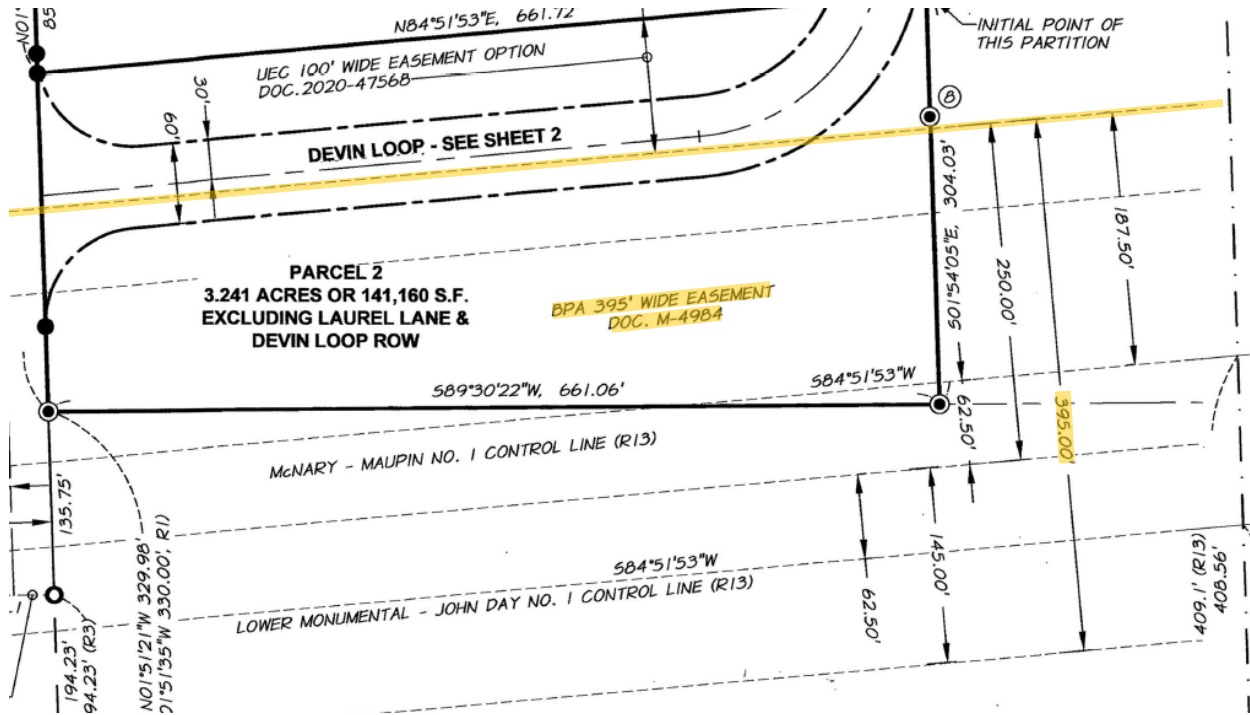
11 It is clear that the Loop Road will “link” Laurel Lane, a City arterial in this
12 location (App-4, p 10), with a future local street system and will collect and channel
13 that traffic to the Laurel Lane arterial. Rec-15-16 (showing Loop Road connections
14 to Laurel Lane); Rec-318-19, 321 (plans showing access approaches for future
15 roadways). Moreover, the TSP states that “all collector facilities in this TSP are
16 considered to be Minor Collectors”. App-4, p 10. The City’s unexplained
17 conclusion that the Loop Road is a Neighborhood Collector is unsupported by the
18 plans in the record and is inconsistent with the description of neighborhood
19 collectors in the TSP. The Loop Road is a Minor Collector.

20 The TSP provides that minor collectors will have “a right-of-way requirement
21 of 70 feet”, “two 12-foot travel lanes” and “an optional center turn lane”, and that
22 “[s]idewalks and bike lanes will not be required where a multi-use path is
23 available[.]” App-4, p 14. The Loop Road has a right-of-way width of only 60 feet.
24 Rec-6, 334. It does not have bike lanes and sidewalks, which are required by the

1 TSP because there is no “multi-use path”. Rec-7; *see generally* Rec-311-43. The
2 Loop Road is inconsistent with the TSP’s requirements for a “Minor Collector”.

3 Moreover, the TSP encourages the installation of sidewalks on all collector
4 streets: “Sidewalks should be included in any full reconstruction of arterials or
5 collectors.” (App-4, p 24); “As properties develop/redevelop at urban densities in
6 Boardman, the city should consider replacing the multi-use paths with sidewalks on
7 all streets and bicycle lanes on arterial and collector streets.” (App-4, p 26);
8 “Provision of sidewalks along both sides of key collector and local roads not
9 specifically identified in this plan is also encouraged.” TSP, p 22, (App-4, p 26).
10 And encourages the provision of street lighting to increase visibility on collector
11 streets and at arterial/collector intersections. App-4, p 17, 26. The Loop Road is not
12 consistent with the TSP.

13 Further, the POM IAMP, Figure 7-2, Table 7-1 and p 81-82 identify and
14 describe the Loop Road improvements as being located “just north of” and outside
15 the BPA Transmission Line Easement. App-3, p 98, 99, 100-01. However, as shown
16 on the surveys for the right-of-way dedication for the Loop Road at Rec-349-97, a
17 portion of the Loop Road is *within* the BPA Transmission Line Easement,
18 inconsistent with the POM IAMP (Rec-349):



The Loop Road is inconsistent with the City's comprehensive plan, TSP and POM IAMP.

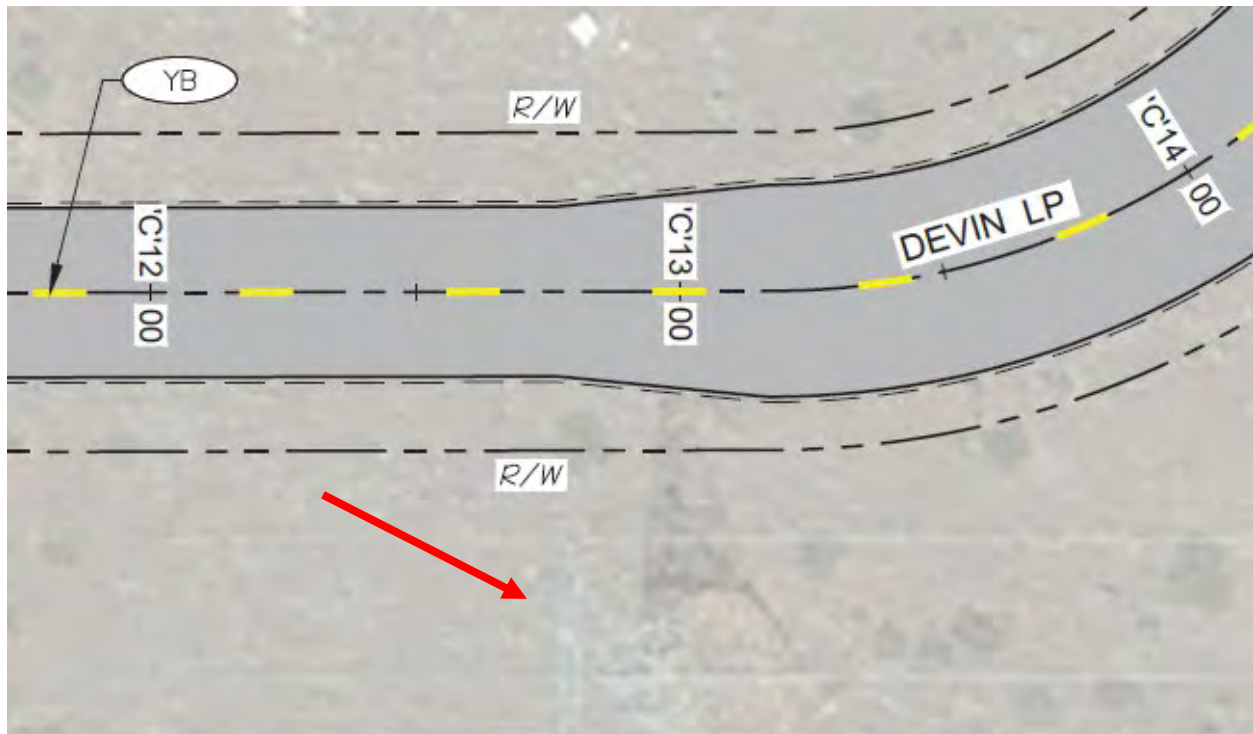
b. The Loop Road is not consistent with the City's land use regulations.

While the majority of the Loop Road is located within the City's C-SC subdistrict, a portion of the road is within the BPA Transmission Line Easement (Rec-383-84) and is therefore within the City's BPA subdistrict. BDC 2.2.210.A. BDC 2.2.210.B prohibits "permanent structures" within the easement area. The terms "permanent" and "structure" are undefined in the code, so their plain and ordinary meaning must be used. *PGE v. Bureau of Labor and Industries*, 317 Or 606, 610-12, 859 P2d 1143 (1993); *State v. Gaines*, 346 Or 160, 171-73, 206 P3d 1042 (2009). The dictionary definition of structure is broad: "something constructed

or built”. *Webster’s Third New Int’l Dictionary* 2267 (unabridged ed 2002). The term “structure” cannot be synonymous with the term “building” because those terms are used separately in the City’s code. *See e.g.* BDC Chapter 1.2 (defining “development” to include “buildings” and “other structures”). “Permanent” is defined as “continuing or enduring (as in the same state, status, place) without fundamental or marked change : not subject to fluctuation or alteration : fixed or intended to be fixed : LASTING, STABLE”. *Id.* at 1683. The Loop Road is “something constructed or built” – it is a new, paved street – and, as is the general nature of paved streets, fixed in place, or intended to be fixed in place. Accordingly, the Loop Road is prohibited in the BPA easement as a “permanent structure”.

Standards for uses within the BPA subdistrict are at BDC 2.2.210. App-5, p 36-38. BDC 2.2.210.A provides: “All uses within the easement shall be approved by agreement with BPA prior to approval for development by the City.” The challenged decision does not address this standard and there is zero evidence in the record of any agreement between the City and BPA to allow the development of the Loop Road. “Transportation infrastructure”, specifically, is only allowed within “guidelines approved by BPA in writing.” BDC 2.2.210.D. Again, the challenged decision does not address this standard and there is no evidence in the record BPA has approved written guidelines for the development of the Loop Road. BDC 2.2.210.E provides that all “activities” must be set back a minimum of 50 feet from

any transmission line tower and that such towers must be “protected from any traffic or other possible disturbance to the structural integrity of the towers.” A road and related infrastructure is plausibly, if not certainly, an “activity”. The challenged decision makes no findings with regard to this standard. Images in the record suggest that the Loop Road is plausibly within 50 feet of at least one tower. See Rec-31 (Loop Road Plans, Sheet 31: transmission tower visible south of Loop Road just below “R/W” notation on image; for scale, the right-of-way is 60-feet wide):



And, if the Loop Road is constructed to required widths and with required sidewalks and bike lanes, it is even more plausible that those “activities” will be within 50 feet of a tower.

1 Further, BDC 2.2.210.F provides that “Utility infrastructure including * * *
2 transportation routes” can only be approved in a Conditional Use Permit process
3 pursuant to BDC Chapter 4.4 and then only if the planning commission finds that
4 they are “compatible” per BDC 2.2.210.F.13 and 4.4.400.D.1. BDC 2.2.210.F
5 further provides that the application must be forwarded to BPA for an approved
6 and signed Land Use Agreement prior to any hearing by the Planning Commission.
7 The Loop Road was not approved as a conditional use permit, there is no evidence
8 it was ever forwarded to BPA, or that there is any “approved land use agreement”
9 and there has been no Planning Commission hearing on a CUP that decides the
10 disputed road is “compatible”. The challenged decision is inconsistent with these
11 standards.

12 The Loop Road is also inconsistent with several development standards in
13 BDC Chapter 3, including BDC 3.4.100.F, which provides that “[s]treet rights-of-
14 way and improvements shall conform with the widths in Table 3.4.100.” And that
15 a “Class B variance shall be required * * * to vary the standards in Table 3.4.100.”
16 Table 3.4.100 provides that Minor Collectors shall have a minimum right-of-way
17 width of 68 feet and a minimum roadway of 47 feet. The Loop Road has a right-
18 of-way width of 60 feet and a roadway width that ranges from 32 feet to 40 feet,⁷

⁷ The majority of the Loop Road’s roadway is 32-feet wide (travel lane and shoulder). Rec-334. A small portion of the Loop Road (curve on southeast portion) is 40-feet wide. Rec-334.

(Rec-311-43), which are smaller than the minimum right-of-way and roadway width requirements of Table 3.4.100. Even if the Loop Road is a Neighborhood Collector as the City erroneously concluded (with no evidentiary support), Table 3.4.100 requires a minimum roadway width of 38 feet and the majority of the Loop Road's roadway is just 32 feet. Rec-334. The City has not obtained a Class B variance to these standards. The Loop Road is inconsistent with the City's land use regulations. BDC 3.4.100.J requires bicycle lanes, sidewalks, and plater strips. BDC 3.4.100.X requires streetlights. The challenged decision includes none of these and other required features of new and reconstructed City streets.

Because the Loop Road is inconsistent with the City's comprehensive plan, which includes the TSP and POM IAMP, and BDC land use regulations, the transportation facility exception to the definition of "land use decision" in ORS 197.015(10)(b)(D) does not apply. *7th Street Station*, 58 Or LUBA at 99; *Regency*, 69 Or LUBA at 141-45.

LUBA has jurisdiction.

IV. FIRST ASSIGNMENT OF ERROR

The City Misconstrued the Applicable Law in Concluding that the Loop Road Does Not Require Land Use Review.

A. Preservation of Error

Petitioners raised the issue below that the Loop Road requires land use review and approval. Rec-70. Demonstrating that the issue is preserved, the challenged

1 decision addressed that issue, deciding that construction of Yates Lane and Devin
2 Loop are “within the existing right-of-way; identified in the IAMP, which is a part
3 of the TSP, and they do not require further land use review” (Rec-21; App-1, p 5)
4 and that the challenged decision is a “ministerial decision that approves a
5 transportation facility that is consistent with the IAMP and TSP”. Rec-7-8; App-6-
6 7.

7 **B. Standard of Review**

8 LUBA will remand a land use decision that misconstrues the applicable law.
9 ORS 197.835(9)(a)(D); OAR 661-010-0071(2)(d).

10 LUBA owes no deference to governing body interpretations that are
11 inconsistent with the express text and context of the standard or that are implausible.
12 *Kaplowitz v. Lane County*, 285 Or App 764, 773-75 (2017) (*citing Siporen v. City of*
13 *Medford*, 349 Or 247, 262 (2010)); ORS 197.829(1).

14 **C. Argument**

15 Citing BDC Table 2.2.200.B, the challenged decision finds that: “The city has
16 acquired the right-of-way for Yates Lane and Devin Loop. Therefore, construction
17 of the roads is the installation of improvements within existing right-of-way. The
18 roads are also identified in the IAMP, which is part of the TSP, and *they do not*
19 *require further land use review*. Accordingly, roads are a permitted use in the zone.”
20 Rec-6. (Emphasis added).

1 There is no dispute that the approved construction of the elements of the Loop
2 Road on the east side is a “permitted use” in the C-SC zone. But the City’s apparent
3 interpretation that being a permitted use in the zone is the equivalent of an exemption
4 from other mandatory BDC standards that apply, is wrong and implausible. Table
5 2.2.200B lists as permitted uses in the zone: “Installation of improvements within
6 the existing right-of-way.” That does not mean that every improvement in the right-
7 of-way is exempt from otherwise applicable standards. Turning to the standard the
8 challenged decision interpreted, the C-SC zone, Table 2.2.200.B.2.e.3 lists as a
9 permitted use: “Projects identified in the adopted Transportation System Plan not
10 requiring *future* land use review and approval”. (Emphasis added). The City
11 apparently interpreted this use authorization to mean that because the Loop Road is
12 identified in the POM IAMP, which is part of the TSP, it does not require land use
13 review. The challenged decision’s leap from a use being permitted in the zone to
14 mean that the use is therefore exempted from land use standards that expressly apply
15 to the construction and reconstruction of public streets, lacks any support in the
16 express words, purpose, policy or context of the Table. The fact that a project, such
17 as a rail, air or pipeline, or road project is in the right-of-way and discussed in the
18 TSP, simply does not mean that such improvement is exempt from the BDC
19 standards that expressly apply.

1 There is Nothing About a Use Being Listed as Permitted in a Zone
2 that Suggests the Use is Therefore Exempt from Standards the BDC
3 Applies to that Exact Use. Rather, a Use Being Listed in the Zone
4 Allows it to be Reviewed Against Other Applicable Provisions of the
5 BDC.

6 There is nothing in Table 2.2.200.B that remotely suggests that the Table's
7 list of uses that are permitted in the C-SC zone (or in any other zone for that matter),
8 means that the use is thereby exempted from compliance with other City standards
9 that expressly apply to that use. Here, the City's apparent interpretation otherwise
10 means that no permitted use in the C-SC zone would *ever* need to comply with the
11 City's "Public Facility Standards" standards in BDC 3.4. App-5, p 60. This is
12 because no permitted (or conditional) use in *any* Commercial zone says anything
13 about complying with the City's Chapter 3.4 "Public Facilities Standards". In fact,
14 the City's use tables say the same thing – that certain uses are "permitted" in the
15 particular zone, no more and no less. None of the City's Commercial zone permitted
16 use tables say *anything* about permitted (or conditional uses), complying with the
17 City's "Public Facilities Standards". See BDC Table 2.2.110.A (App-5, p 20); *and*
18 BDC Table 2.2.180.A (App-5, p 20).

19 The fallacy and disingenuous nature of this interpretation is revealed by other
20 inconsistent positions the challenged decision takes. For example, the challenged
21 decision inconsistently insists that City road standards in fact do apply, but can
22 somehow wait to be applied until adjoining properties develop. For example, the

1 challenged decision claims that BDC 3.4.100.J’s requirement for “sidewalks, planter
2 strips and bicycle lanes” “are intended to apply at the time of site development of
3 the adjacent property.” Rec-7. If the Loop Road is exempted from land use review,
4 then why would these standards apply when adjoining property develops? The Loop
5 Road is either exempt from applicable standards or it is not. Another example is the
6 challenged decision acknowledges that BDC 3.4.100.F (App-5, p 62), requires that
7 street “improvements shall confirm with the widths in Table 3.4.100”, which
8 includes minimum widths for rights-of-way and minimum widths for roadways for
9 each type of street. The challenged decision then claims for compliance that “Yates
10 Lane” is approved to have a right-of-way width of 60 feet, but makes no findings
11 that it complies with the required roadway width. Rec-6. And there are no findings
12 that Devin Loop meets the required widths, and it does not. Rec-334 (App-5, p 64).

13 The proper interpretation of the City code is that it the Loop Road is not
14 exempted from the BDC 3.4 standards, as the decision makes plain in punting
15 compliance or erroneously finding compliance. The City can’t have it both ways.

16 Properly interpreted, the structure of the BDC relies upon BDC standards self-
17 announcing their applicability. Thus, the requirement for compliance comes from
18 the express terms of the applicable mandatory BDC standards that, here, require that
19 all new or reconstructed streets comply with City street standards.

1 In this regard, BDC 3.4.000.B expressly states that “construction,” and
2 “reconstruction” of “transportation facilities” “shall” comply “with the standards of
3 this Chapter.” The challenged decision approves both the construction of the new
4 street “Devin Loop” and the reconstruction of “Yates Lane.” That means that by the
5 express terms of BDC 3.4.100.B, the challenged decision’s approval of those streets’
6 construction and reconstruction must comply with BDC 3.4. The challenged
7 decision’s conclusion otherwise is implausible.

8 “This Chapter” that the construction and reconstruction of public streets must
9 comply with is BDC 3.4 and it contains several mandatory standards that apply to
10 street construction or reconstruction. For example, BDC 3.4.100.J requires that
11 “Sidewalks, planter strips and bicycle lanes *shall* be installed in conformance with
12 the standards in Table 3.4.100 * * *” and BDC 3.4.100.X that requires that
13 “Streetlights shall be installed” at “intervals of 300 feet,” among others.⁸ App-5, p
14 62, 67, 70. Instead of interpreting the City code, the challenged decision improperly
15 amends it by interpretation. *Loud v. City of Cottage Grove*, 26 Or LUBA 152 (1993)
16 (city may not amend the development code in the guise of interpreting it).

⁸ The challenged decision also inconsistently says these standards in fact do apply, they just apply later when adjoining property develops. There is no support in the express words, purpose, policy or context of the standard for that interpretation as explained below.

1 In regards to “development”, the City’s code requires “all developments in the
2 City” to undergo Site Design Review.⁹ BDC 4.2.200.A. Site Design Review
3 “ensures compliance with the basic development standards of the land use district
4 (e.g., building setbacks, lot coverage, maximum building height), as well as the more
5 detailed design standards and public improvement requirements in Chapters 2 and
6 3.” *Id.* The Loop Road is subject to Site Design Review as “development”, which
7 the City’s code defines as “[a]ll improvements on a site, including buildings, other
8 structures, parking and loading areas, landscaping, *paved or graveled areas*,
9 *grading*, and areas devoted to exterior display, storage, or activities. Development
10 includes improved open areas such as plazas and walkways, but does not include
11 natural geologic forms or landscapes.” BDC Chapter 1.2 (Emphasis added). Site
12 Design Review is subject to either Type II or Type III land use review and approval.
13 BDC 4.2.400.A. There can be no doubt that the Loop Road, as “development”,
14 requires land use review and approval.

15 Moreover, part of the Transportation Planning Rule, OAR 660-012-
16 0050(3)(b), which specifies the circumstances in which transportation “project
17 development” involves “land use decision-making”, requires the City to make
18 findings of compliance with applicable acknowledged comprehensive plan policies

⁹ Site Design Review applies to all developments, except for those developments specifically listed under BDC 4.2.200(B) that are subject to Development Review. Transportation improvements are not listed under BDC 4.2.200(B).

1 and land use regulations for the Loop Road. *Regency*, 69 Or LUBA at 153. “Project
2 development addresses how a transportation facility or improvement authorized in a
3 TSP is designed and constructed” and “involves land use decision-making to the
4 extent that issues of compliance with applicable requirements requiring
5 interpretation or the exercise of policy or legal discretion or judgment remain
6 outstanding at the project development phase.” OAR 660-012-0050(3) and (3)(b).
7 Further, OAR 660-012-0050(3)(c) provides that local governments may rely on and
8 reference *earlier* findings of compliance with applicable local standards if
9 compliance with local requirements has already been determined during the
10 transportation system planning phase. LUBA in *Van Dyke v. Yamhill County*, 78 Or
11 LUBA 530, 541 (2018), explained that OAR 660-012-0050(3) is clear that “project
12 development can avoid application of land use standards and decision making only
13 if all applicable standards have been applied and required decision making have been
14 made by the time of project development.” As explained above, neither the City’s
15 TSP nor the POM IAMP, or any other prior City decision, made any findings of
16 compliance with applicable local standards for the Loop Road.

17 The City’s apparent interpretation of the use table that merely listing a use as
18 permitted means it is exempted from mandatory requirements that apply, is contrary
19 to well-established canons of interpretation set forth in ORS 174.010 that when
20 constructing an enactment, the object is to “ascertain and declare what is * * *

1 contained” in the enactment, that it is improper “to insert what has been omitted, or
2 to omit what has been inserted”, and that the goal “where there are several
3 provisions” is that the reviewer should interpret the provisions to “give effect to all.”

4 Nothing in the TSP Suggests that the Loop Road Constituent Parts of
5 Either Devin Loop or Yates Lane is Exempt from Future Land Use
6 Review.

7 The provision the City relies upon to exempt the challenged decision from
8 land use review is Table 2.2.200.B that states just that a permitted use in the C-SC
9 zone includes transportation projects “identified in the adopted” City TSP “not
10 requiring future land use review.” As explained above, that is not what that listing
11 says or means. Moreover, the improvement to Yates Lane approved in the
12 challenged decision is not discussed at all in the TSP or POM IAMP. The POM
13 IAMP talks only about restricting the existing Yates Lane intersection with Laurel
14 Lane to right-in/right-out access only and that a new connection to Yates would be
15 constructed. App-3, p 83, 99. It is impossible that the TSP contemplates that there
16 will be no further review of the Loop Road, the constituent parts for which includes
17 both Devin Loop and the reconstructed Yates Lane, when that Yates Lane
18 improvement is not even discussed or listed in the TSP or POM IAMP.

19 A Road Project Being Discussed in the TSP does not show the Road
20 Project is “Not Subject to Future Land Use Review”.

21 The City’s apparent interpretation that if an improvement is in the road right-
22 of-way and is discussed in the TSP, it is not subject to land use review, is implausible

1 because it ignores the required element that the transportation project is not subject
2 to “future review.” The mandatory standards of BDC 3.4 make it clear that the east
3 Loop Road approved in the challenged decision is subject to those standards and
4 there is nothing in the TSP, POM IAMP or the C-SC zone use table that comes close
5 to suggesting otherwise.

6 In fact, the decision does not identify any previous land use review undertaken
7 or approval given for the constituent parts or the whole of the approved east side
8 Loop Road. Neither the TSP nor the POM IAMP determine the Loop Road’s
9 compliance with applicable City requirements; those documents simply propose an
10 alignment of the Loop Road and specify that Devin Loop will be constructed “at
11 City Collector standards”. App-3, p 100. Simply because some of the approved the
12 Loop Road improvements are *identified* in the City’s TSP/POM IAMP does not
13 mean that the Loop Road that the City approved is exempt from otherwise required
14 application of the City’s land use regulations applicable to the development of
15 transportation facilities and “development” in general.

16 Although the City wrongly determined that the Loop Road did not require
17 land use review and approval, as explained above, it nevertheless identified
18 “approval criteria” applicable to the Loop Road and applied those criteria and
19 concluded they were met. Rec-5-7. Petitioners addresses those findings in the
20 second assignment of error.

1 The Loop Road requires land use review and approval; the City’s findings
2 otherwise misconstrue the applicable law.

3 **V. SECOND ASSIGNMENT OF ERROR**

4 **The City Misconstrued Applicable Law and Adopted Inadequate**
5 **Findings Not Supported by Substantial Evidence in Concluding**
6 **that Certain City Standards Applicable to the Loop Road were**
7 **Met, in Interpreting Other Standards to Not Apply Until the Time**
8 **of Development of Adjacent Property, and in Not Applying Other**
9 **Applicable Standards.**

10 **A. Preservation of Error**

11 Petitioners raised the issue that the Loop Road must, but does not, comply
12 with applicable City standards below. Rec-64-65, 150-54.

13 With regard to the fourth subassignment of error, Petitioners can raise the
14 issue at LUBA that the City was required to apply, but failed to apply, the standards
15 of the BPA Easement Subdistrict to the proposal. The reason the issue was not raised
16 below is that the fact that the Loop Road construction is approved to occur in the
17 BPA subdistrict was not identified in any City notice or during the local proceedings
18 or disclosed by the City during those local proceedings.

19 To further explain. During the local proceedings the City failed to identify
20 BPS subdistrict standards applied or attempt to comply with those standards. The
21 City did not provide a copy of the “guidelines approved by BPA in writing” that
22 BDC 2.2.210.D states governs whether and the extent to which “streets, electrical,
23 water, sewer, telephone, gas and “other essential services infrastructure” can be

1 allowed in the BPA Easement and then only with BPA’s consent. The City did not
2 process the approval of the Loop Road as a conditional use permit, which BDC
3 2.2.210.F.13 expressly requires. Further, per BDC 2.2.210.F, applications for
4 “Allowed uses” in the BPA Easement Subdistrict must be forwarded to BPA “for an
5 approved and signed Land Use Agreement prior to any Conditional Use Hearing by
6 the Planning Commission” and the record includes no evidence of these steps.

7 Accordingly, Petitioners did not raise that issue below, because they were
8 unaware that the City contemplated constructing any part of the Loop Road in the
9 BPA Subdistrict. Contrary to ORS 197.797(3)(b)¹⁰, no City notice ever suggested
10 that any part of the Loop Road or any part of the reconstruction of Laurel Lane would
11 occur on land in the BPA subdistrict and no City notice ever identified any BPA
12 Subdistrict standards as applicable to the challenged decision. (Rec-302, 142, 4).

13 The surveys that show that parts of the Loop Road are to be constructed in the
14 BPA subdistrict, surfaced for the first time when the City filed its record. The City
15 did not disclose these facts during the local proceedings – they did not discuss them,
16 write findings about them and did not post on the City’s website (where the local

¹⁰ ORS 197.797(3)(b) provides:

“(3) The notice provided by the jurisdiction shall”

“* * *

“(b) List the applicable criteria from the ordinance and the
plan that apply to the application at issue[.]”

1 record was nested for public review – see City notices at Rec-136, 278), the
2 dedication deeds and surveys that appear at Rec-349-97. Petitioners noticed these
3 new items for the first time when the City filed its record in this proceeding.
4 However, Petitioners did not object to their inclusion in the record, because their
5 inclusion seemed harmless and that an objection would serve no purpose other than
6 delay.

7 As noted, because the City did not list the standards of the BPA subdistrict in
8 their notice of the decision, planning commission proceedings or city council
9 proceedings, under ORS 197.835(4)(a), Petitioners are entitled to raise at LUBA that
10 the challenged decision is required to but fails to comply with the BPA Subdistrict
11 standards.

12 **B. Standard of Review**

13 Petitioners incorporate the standard of review from their first assignment of
14 error with the following supplement. LUBA will remand a land use decision that
15 adopts inadequate findings or is unsupported substantial evidence. ORS
16 197.835(9)(a); OAR 661-010-0071(2)(a) and (b).

17 Adequate findings must “(1) identify the relevant approval standards, (2) set
18 out the facts which are believed and relied upon, and (3) explain how those facts
19 lead to the decision on compliance with the approval standards.” *Heiller v.*
20 *Josephine County*, 23 Or LUBA 551, 556 (1992). Findings must address relevant

1 issues that are adequately raised. *Space Age Fuel, Inc. v. Umatilla County*, 72 Or
2 LUBA 92, 97 (2015).

3 Substantial evidence is evidence that a reasonable person would rely upon in
4 reaching a decision. *City of Portland v. Bureau of Labor and Industries*, 298 Or
5 104, 119 (1984). In reviewing for substantial evidence, LUBA considers and weighs
6 all the evidence in the record and determines whether, based on that evidence, the
7 local decision maker's conclusion is supported by substantial evidence. *Younger v.*
8 *City of Portland*, 305 Or 346, 358-60 (1998).

9 C. Argument

10 1. Subassignment of Error 1: The City erred in concluding that the 11 Loop Road is a "neighborhood collector".

12 Many of the City's errors in determining that the transportation standards in
13 BDC Chapter 3.4 were met flow from its conclusory determination that the Loop
14 Road is functionally classified as a "Neighborhood Collector". Petitioners disputed
15 below that the Loop Road is a neighborhood collector and argued that it is a minor
16 collector, but the decision does not explain why or how the City came to its contrary
17 conclusion. *Space Age Fuel, Inc.*, 72 Or LUBA at 97. The findings simply state:

18 "Under the applicable standards in the IAMP, TSP and development
19 code described in the findings above, staff concludes that the proposed
20 roadways are a neighborhood collector and comply with all of the
21 relevant standards for a neighborhood collector." Rec-8.

1 The “findings above” simply state that the Loop Road is a neighborhood
2 collector without any explanation of why that is so. *See e.g.*, Rec-7 (“Yates Lane
3 and Devin Loop are a neighborhood collector.”).

4 The POM IAMP designates the Loop Road only as a “Collector” street and
5 does not determine whether it is a “neighborhood collector” or a “minor collector”,
6 the two types of “collectors” described in the City’s TSP. *See e.g.*, App-3, p 100
7 (“A new connection to Yates Lane from Laurel Lane will be constructed (at City
8 Collector standards)”; App-3, p 99 (“Construct a new Collector street connection
9 to Yates Lane that would access Laurel Lane just north of the existing BPA
10 transmission easement.”).

11 As explained in the statement of LUBA’s jurisdiction, the function of the
12 Loop Road is consistent with that of a “Minor Collector” – it will collect traffic from
13 the area and channel it to Laurel Lane, which is a City arterial in this location (App-
14 4, p 10). The neighborhood collector designation does not provide for channeling
15 traffic to arterials. Moreover, the Loop Road is intended to accommodate increased
16 traffic, a significant proportion of which is estimated to be from large semi-trucks
17 patronizing the existing or an expanded Pacific Pride truck stop on the corner of
18 Laurel Lane and Yates Lane, and future commercial development in the area. Rec-
19 5; App-3, p 49-52. The Loop Road is simply not intended to provide local
20 neighborhood access as a smaller neighborhood collector would provide; it is

intended to accommodate future intense commercial development and semi-truck travel for which a minor collector designation is appropriate.

The City erred in concluding that the Loop Road is a neighborhood collector.

2. Subassignment of Error 2: The City erred in determining the certain transportation standards in BDC 3.4.100 were met and in interpreting other standards to not apply until the time of development of adjacent property.

The City applied the transportation standards BDC 3.4.100.C, E, F, J and O, N.1 and X to the Loop Road as if it were a neighborhood collector. Rec-6-8. Each standard is addressed in turn.

BDC 3.4.100.C concerns the creation of rights-of-way for streets and provides that “the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed essential by the City Council for the purpose of implementing the Transportation System Plan, and the deeded right-of-way conforms to the standards of this Code.” App-5, p 62. “This Code” includes BDC Table 3.4.100.F, which provides that the minimum right-of way for a neighborhood collector is 60 feet and for a minor collector is 68 feet. The City found that the Loop Road is a neighborhood collector and meets the standard because the deeded right-of-way is 60 feet. Rec-6. However, if the Loop Road is a minor collector as Petitioners argue, the Loop Road does not meet the standard, which requires a 68-foot right-of-way.

1 BDC 3.4.100.E concerns street location, width and grade and provides that
2 the location, width and grade of streets “shall conform to the [TSP]”. App-5, p 62.
3 The City found that this standard was met because the minimum “width” as
4 described in BDC Table 3.4.100.F is “60 feet” and that the Loop Road right-of-way
5 is 60 feet. Rec-6. There are several problems with this finding. For one, the table
6 in BDC 3.4 is not the TSP. A finding of compliance with the table in BDC 3.4 does
7 not demonstrate compliance with the TSP. Two, in any event, the “width”
8 requirement in BDC Table 3.4.100.F requires minimum right-of-way *and* roadway
9 widths and the finding does not address whether the Loop Road meets the required
10 roadway width. Three, the POM IAMP, which is part of the TSP, requires the Loop
11 Road to be constructed to “City Collector standards”. App-3, p 100. The TSP
12 identifies street design standards for only two types of “collectors” – “Downtown
13 Collector” and “Collector – City Developed Alternative”. App-3, p 13. It does not
14 identify standards for a neighborhood collector. The Loop Road cannot be a
15 “Downtown Collector” because it is not located “downtown”, which the TSP
16 identifies as the area around Main Street. App-3, p 7. The only other option is a
17 “Collector – City Developed Alternative”, which describes the standard for right-of-
18 way width as 75 feet. App-3, p 13. The Loop Road only has a right-of-way width
19 of 60 feet and does not conform with the required widths in the TSP.

BDC 3.4.100.F concerns the minimum rights-of-way and street sections and requires that street rights-of-way and improvements “shall conform with the widths in Table 3.4.100. A Class B variance shall be required in conformance with Section 3.4.1.B to vary the standards in Table 3.4.100.” App-5, p 62. Table 3.4.100 provides minimum required widths of both the “right-of-way” and the “roadway” for each type of street. App-5, p 64. For minor collectors, the minimum required right-of-way width is 68 feet and minimum required roadway width is 47 feet. For neighborhood collectors, the minimum required right-of-way width is 60 feet and minimum required roadway width is 38 feet. The City found that “Yates” complies with this standard because it is a neighborhood collector and the construction plans show a right-of-way width of 60 feet. Rec-7. Again, there are several errors with this finding. First, the finding is only for “Yates”; it does not address Devin Loop. Second, the City made no findings of compliance (for either street) with the minimum required *roadway* width, which if the Loop Road is a neighborhood collector, requires 38 feet. The Loop Road plans in the record show that the majority of the Loop Road’s roadway (travel lanes plus shoulder) is just 32-feet wide. Rec-334. Moreover, if the Loop Road is a minor collector, as Petitioners argue, the Loop Road does not meet either standard.

BDC 3.4.100.N.1 concerns street curves and provides that centerline curve radii “shall not be less than * * * 350 feet on minor collectors, or 100 feet on other

streets”. The City found that the curve radius in the southeast corner of the Loop Road is 150 feet and, as a neighborhood collector, the Loop Road meets the standard. Rec-7. The Loop Road construction plans do in fact show that the centerline curve radius of the curve in the southeast corner is 150 feet. Rec-331. However, if the Loop Road is a minor collector, it does not meet the standard which requires a minimum radius of 350 feet.

BDC 3.4.100.J requires that sidewalks, planter strips and bicycle lanes “shall be installed in conformance with the standards in Table 3.4.100, applicable provisions of the [TSP], the Comprehensive Plan, and adopted street plans. Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner.” BDC 3.4.100.O requires that concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches ramps and driveway approaches “shall be constructed in accordance with standards specified in Chapter 3.1 – Access and Circulation.” BDC 3.4.100.X requires that streetlights “shall be installed in accordance with City standards which provides for installation at intervals of 300 feet.” The City interpreted these standards not to apply to the development of the Loop Road, but rather at the time the property adjacent to the Loop Road is developed. Rec-7-8.

The City’s interpretations are inconsistent with the text and context of the standards and are implausible. *Kaplowitz*, 285 Or App at 773-75. BDC 3.4.100.J,

O and X use the mandatory phrases “shall be installed” or “shall be constructed”. The City’s interpretation that these standards do not apply to the development of the Loop Road, but rather apply at the time property adjacent to the Loop Road is developed, is contrary to the express text of the standards and inserts words that have been omitted contrary to ORS 174.010. The City’s interpretation is also not plausible. An interpretation is not plausible if, in order to reach it, the local government must add text essentially re-writing the local provision. *Friends of Hood River Waterfront v. City of Hood River*, 263 Or App 80, 90 (2014). By way of example, the City would have LUBA look at BDC 3.4.100.X, which provides, in full: “Streetlights shall be installed in accordance with City standards which provides for installation at intervals of 300 feet”, and affirm its interpretation that the standard actually means: “Streetlights shall be installed in accordance with City standards which provides for installation at intervals of 300 feet, *unless properties adjacent to the proposed street are currently undeveloped, then the required streetlights shall be installed by the developer of an adjacent property at the time that property is developed.*” The City’s interpretation impermissibly rewrites BDC 3.4.100.J, O and X.

Moreover, in regards to context, BDC 3.4.000.B provides that “the standard specifications for construction, reconstruction or repair of transportation facilities *

* * 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.” (Emphasis added). BDC 3.4.100.A.2 provides that “Development of new streets * * * *shall* be improved in accordance with this Section[.]” (Emphasis added). Accordingly, the express text and context of the standards require compliance with the requirements of BDC 3.4.100 at the time of development. The City cannot shirk its obligation, as the developer of the Loop Road, to fully comply with these mandatory standards to a “someday” developer of adjacent property.

In any event, the evidence in the record shows that several properties adjacent to the Loop Road are already developed – there is a Pacific Pride truck stop at the corner of Laurel Lane and Yates Lane, a warehouse, as well as several residences on parcels adjacent to and that will be served by the Loop Road. Rec-313, 16.

The City erred in determining that these standards in BDC 3.4.100 were either met or do not apply until the time adjacent properties are developed.

3. Subassignment of Error 3: The City erred in not applying other applicable standards in BDC Chapter 3.

The City did not apply the following standards applicable to the Loop Road: BDC Chapter 4.2 (Development Review and Site Design Review); BDC Chapter 3.1 (Access and Circulation); BDC Chapter 3.2 (Landscaping, Street Trees, Fences and Walls); BDC 3.4.100.A (Development Standards); BDC 3.4.100.G (Traffic Signals and Traffic Calming Features); BDC 3.4.100.I (Street Alignment and

Connections); BDC 3.4.100.K (Intersection Angles); BDC 3.4.100.L (Existing Rights-of-Way); BDC 3.4.100.Q (Development Adjoining Arterial Streets); BDC 3.4.100.T (Street Names); BDC 3.4.100.U (Survey Monuments); BDC 3.4.100.V (Street Signs); BDC 3.4.100.W (Mail Boxes); BDC 3.4.100.Y (Street Cross-Sections); BDC 3.4.400 (Storm Drainage); BDC 3.4.500 (Utilities); or BDC Chapter 3.5 (Stormwater Management).

As explained in Petitioners' statement of jurisdiction and first assignment of error, the City was required to apply the above standards, but failed to do so. To avoid duplication, Petitioners direct LUBA to their arguments regarding the City's failure to apply applicable standards in those sections.

4. Subassignment of Error 4: The City erred in not applying the standards in the BPA subdistrict. BDC 2.2.210.

To avoid duplication, Petitioners direct LUBA to their arguments in the statement of jurisdiction regarding the Loop Road's noncompliance with the standards of the BPA subdistrict.

The City applied none of the BPA subdistrict standards and the Loop Road cannot comply with BDC 2.2.210.B, which prohibits permanent structures within the easement area, and potentially BDC 2.2.210.E, which requires all activities to be set back a minimum of 50 feet from any transmission line tower. If LUBA finds that these standards apply and the Loop Road is prohibited, it must reverse. OAR 661-010-0071(1)(c).

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For the foregoing reasons, LUBA should reverse or, in the alternative, remand

Dated this 25th day of August, 2022.

KELLINGTON LAW GROUP PC

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CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with the word-count limitation in OAR 661-010-0030(2)(b) and that the word count of this brief is 9,599 words.

I further certify that this brief complies with the font limitation in OAR 661-010-0030(2)(e) and that the font size is not smaller than 14 point for both the text of the brief and footnotes.

Dated this 25th day of August, 2022.

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Attorney for Petitioners

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on August 25, 2022, I filed the original plus four copies of this PETITION FOR REVIEW, by FIRST CLASS U.S. MAIL, postage prepaid, with the Land Use Board of Appeals, 775 Summer Street NE, Suite 330, Salem, Oregon 97301-1283.

I further certify that on August 25, 2022, I served a true and correct copy of this PETITION FOR REVIEW, by FIRST CLASS U.S. MAIL, postage prepaid, on the following person(s):

Christopher D. Crean, OSB #942804
Beery, Elsner & Hammond, LLP
1804 NE 45th Ave.
Portland, OR 97213
(503) 226-7191
chris@gov-law.com
Attorney for Respondent

Dated this 25th day of August, 2022.

KELLINGTON LAW GROUP PC

By: 
Sarah C. Mitchell
sm@klgpc.com
Attorney for Petitioners

email received September 17, 2025, 9:23 PM-Sender Jonathan Tallman

Michaela and Tamra,

I am submitting this letter to be placed in the public record for the September 30, 2025 Planning Commission hearing regarding code updates and related matters. I intend to speak on this issue at the hearing as well.

My concern involves the BPA Park Blocks / Heritage Trail corridor, which is currently identified as being only 60% complete in draft form. As an adjacent property owner, and with Morrow County also a direct neighbor, I am requesting that several questions be addressed on the record before this project advances further:

1. Alignment and Boundaries

- Where will the BPA Trail be aligned in relation to my property?
- Will trail easements or buffers cross or affect private parcels, including mine?

2. Access and Connectivity

- What formal access points are being planned, and do any assume connections across my frontage?
- Has the County committed to managing trail access where it intersects with private property?

3. Design at 60% Stage

- What elements of the trail design are still open for input, including fencing, buffers, and surfacing standards? What standards is the city using now?
- How will nuisance impacts such as trespass, lighting, and noise be addressed for adjacent landowners?

4. Legal and Property Impacts

- Will this project establish any new public easements or modify existing BPA easements?
- How does the trail corridor interact with zoning, the Comprehensive Plan, and prior findings in my LUBA (attached) case regarding road standards and access?
- Will adjacent landowners be indemnified against liability arising from trail users?

5. Public Records and Transparency

- I have already submitted a public records request to the City of Boardman for documents related to this project, but have not received a response.
- As you can see from the first map I attached, it clearly shows an RV Park designation, but in later versions this has been blurred out or omitted. How can such a change be made with no public discussion, and no paper trail showing who directed it? Please see attached below maps and Luba decision.
- Will the County itself ask for these documents and require a full explanation of mapping changes for accountability and transparency, especially where they intersect with the BPA trail corridor? Please see attached video of meeting reference of BPA trail and Rv site.

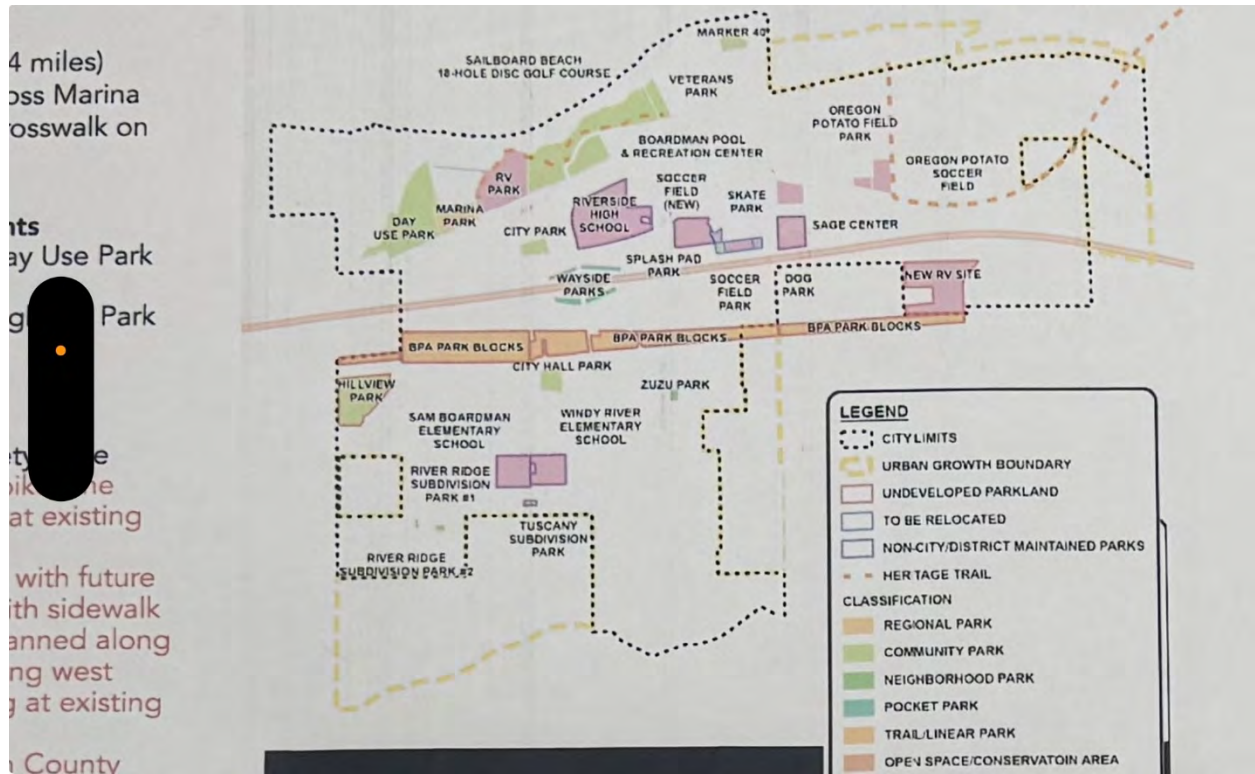
Because the County is a neighboring landowner along this corridor, these questions directly affect both of us. I ask that this letter be incorporated into the hearing record so that my concerns are preserved, and so that they can be addressed transparently as part of the County's review process.

Thank you for your attention to this matter. I look forward to discussing it further at the upcoming hearing as well as have the county find out information for these concerns.

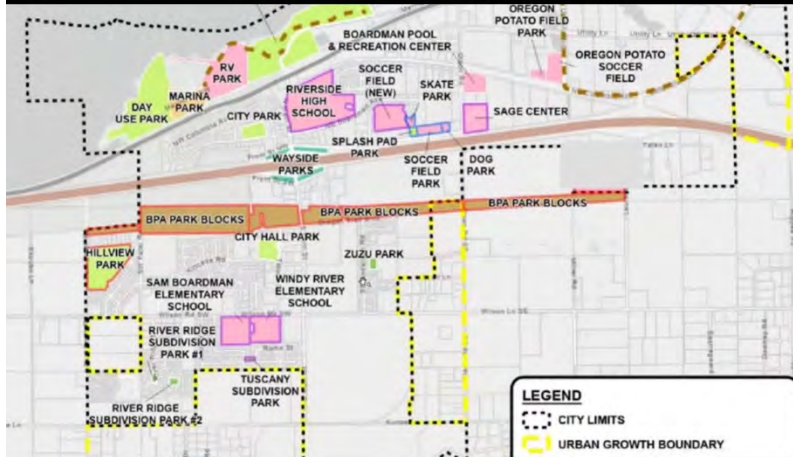
Sincerely,

Jonathan Tallman

City of Boardman RV site map



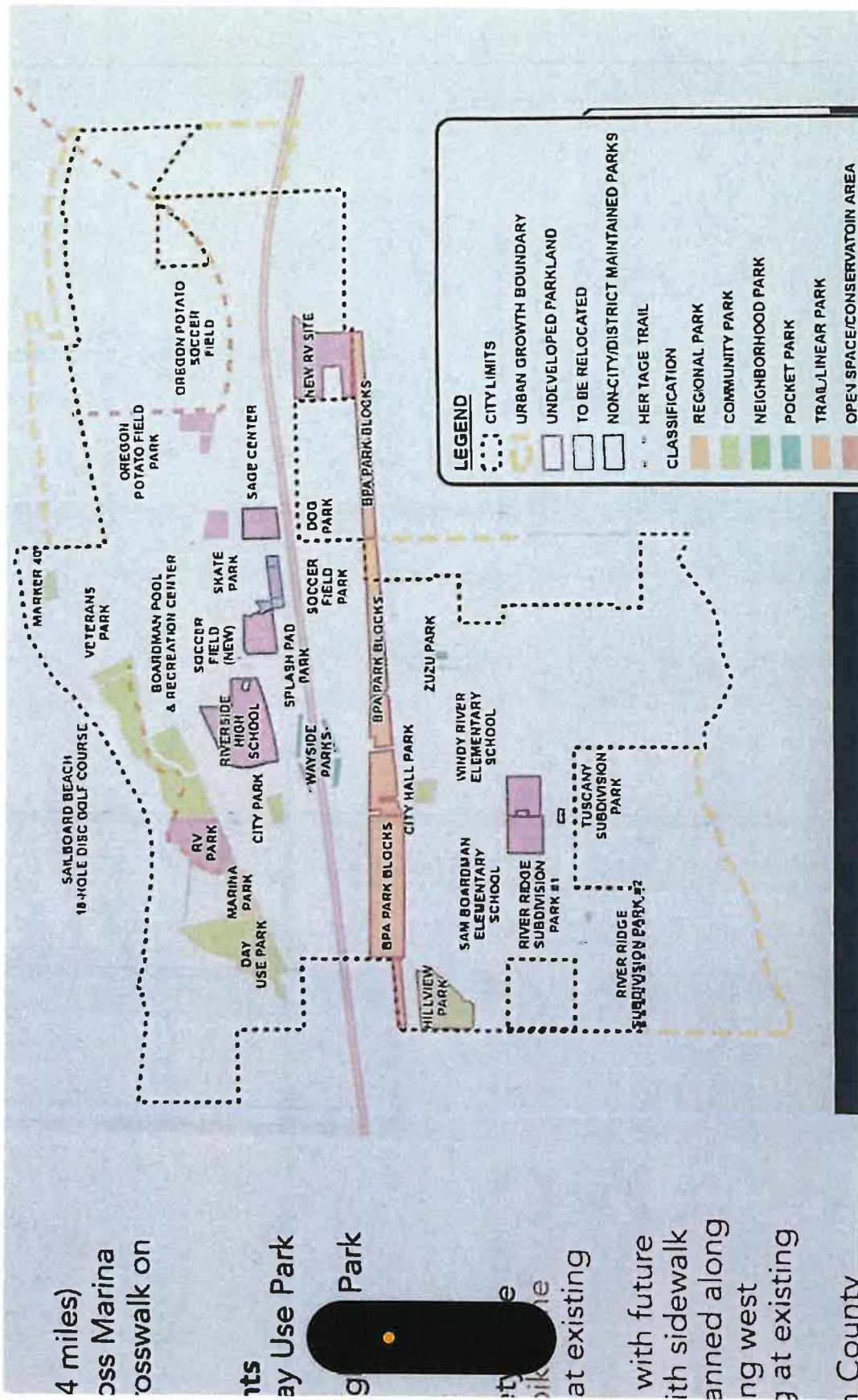
Blurr e out omission and changes to BPA easement and trail.



Planning commission meeting:

<https://www.youtube.com/watch?v=CDuqhyTX7RI>

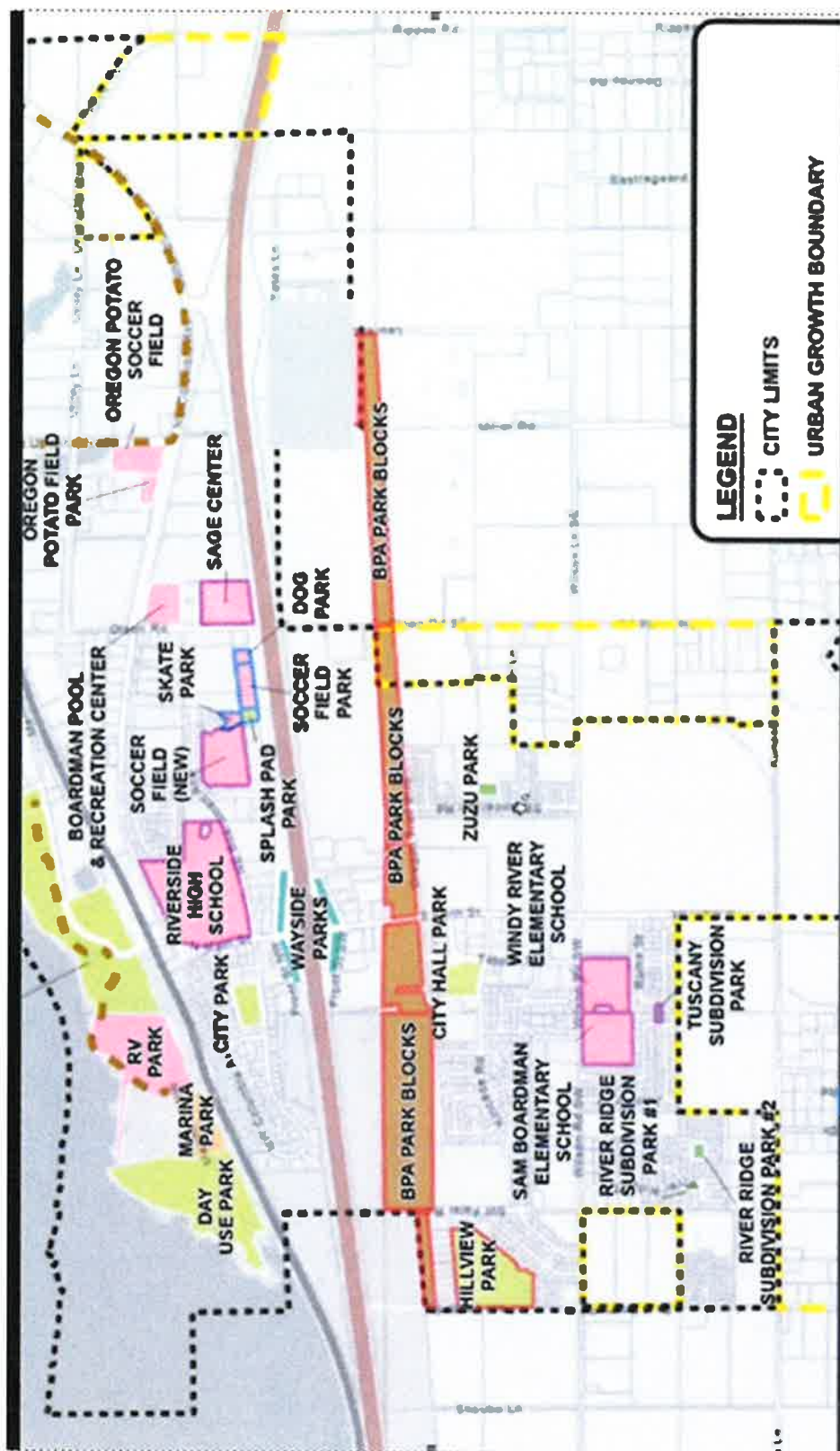
Listen at about 1:51 mark talking about my families property and Amazon paying for it. 3 to 4 minutes from there.



Blurred out omission and changes to BPA easement and trail.

TABLE 1. *Summary of the study*

Study	Year	Country	Sample	Design	Methods	Findings
1	2000	USA	1000	Cross-sectional	Interviews	No significant differences
2	2001	USA	1000	Cross-sectional	Interviews	No significant differences
3	2002	USA	1000	Cross-sectional	Interviews	No significant differences
4	2003	USA	1000	Cross-sectional	Interviews	No significant differences
5	2004	USA	1000	Cross-sectional	Interviews	No significant differences
6	2005	USA	1000	Cross-sectional	Interviews	No significant differences
7	2006	USA	1000	Cross-sectional	Interviews	No significant differences
8	2007	USA	1000	Cross-sectional	Interviews	No significant differences
9	2008	USA	1000	Cross-sectional	Interviews	No significant differences
10	2009	USA	1000	Cross-sectional	Interviews	No significant differences
11	2010	USA	1000	Cross-sectional	Interviews	No significant differences
12	2011	USA	1000	Cross-sectional	Interviews	No significant differences
13	2012	USA	1000	Cross-sectional	Interviews	No significant differences
14	2013	USA	1000	Cross-sectional	Interviews	No significant differences
15	2014	USA	1000	Cross-sectional	Interviews	No significant differences
16	2015	USA	1000	Cross-sectional	Interviews	No significant differences
17	2016	USA	1000	Cross-sectional	Interviews	No significant differences
18	2017	USA	1000	Cross-sectional	Interviews	No significant differences
19	2018	USA	1000	Cross-sectional	Interviews	No significant differences
20	2019	USA	1000	Cross-sectional	Interviews	No significant differences
21	2020	USA	1000	Cross-sectional	Interviews	No significant differences
22	2021	USA	1000	Cross-sectional	Interviews	No significant differences
23	2022	USA	1000	Cross-sectional	Interviews	No significant differences
24	2023	USA	1000	Cross-sectional	Interviews	No significant differences
25	2024	USA	1000	Cross-sectional	Interviews	No significant differences
26	2025	USA	1000	Cross-sectional	Interviews	No significant differences
27	2026	USA	1000	Cross-sectional	Interviews	No significant differences
28	2027	USA	1000	Cross-sectional	Interviews	No significant differences
29	2028	USA	1000	Cross-sectional	Interviews	No significant differences
30	2029	USA	1000	Cross-sectional	Interviews	No significant differences



I. PETITIONERS' STANDING

Petitioners, 1st John 2:17, LLC and Jonathan Tallman, appeared before Respondent City of Boardman ("City") orally and in writing during the proceedings below and timely filed a Notice of Intent to Appeal the challenged decision. ORS 197.830(2). Petitioners have standing.

II. STATEMENT OF THE CASE

A. Nature of the Land Use Decision and Relief Sought

The challenged decision by the Boardman City Council governing body approves "Zoning Permit" #ZP21-068, which authorizes the reconstruction of Yates Lane, an existing unpaved, graveled City Street, and the development of Devin Loop, a new City street (collectively, the "Loop Road"). Rec-2-8 (City Council decision) (App-1); Rec-10-17 (ZP21-068) (App-2, p 2-9); Rec-311-43 (Plans).¹ The "Loop Road" will be situated south of I-84 and east of Laurel Lane. Rec-4. The decision states that the Loop Road will only be within the City's Commercial District-Service Center Sub District ("C-SC subdistrict"). Rec-4. However,

¹ The challenged decision's findings attach three "attachments", including Petitioners' notice of appeal to the City Council and the Planning Commission's decision, which are not clearly incorporated as findings and are therefore not part of the challenged decision. *Gonzalez v. Lane County*, 24 Or LUBA 251, 259 (1992) ("if a local government decision maker chooses to incorporate all or portions of another document by reference into its findings, it must clearly (1) indicate its intent to do so, and (2) identify the document or portions of the document so incorporated.").

1 Petitioners dispute that conclusion – surveys of the right-of-way dedications for the
2 Loop Road in the record show that a portion of the Loop Road is within the 395-
3 foot-wide BPA Transmission Line Easement. Rec-383-84. The BPA Transmission
4 Line Easement has its own City zoning district – the Commercial District-BPA
5 Transmission Easement Sub District (“BPA subdistrict”). BDC 2.2.210.² The Loop
6 Road is also within the BPA subdistrict.

7 Petitioners seek reversal or remand of the challenged decision.

8 **B. Summary of Arguments**

9 The disputed Loop Road consists of the reconstruction of existing and
10 construction of new City streets, which are “public transportation facilities” to which
11 the standards of the Boardman Development Code (BDC) 3.4 expressly apply, the
12 purposes for which are “to provide standards for attractive and safe streets that can
13 accommodate vehicle traffic from planned growth, and provide a range of
14 transportation options, including options for driving, walking and bicycling”. BDC
15 3.4.000.A. The City misconstrued applicable law in concluding that the Loop Road
16 does not require land use review when its land development code expressly provides
17 otherwise.

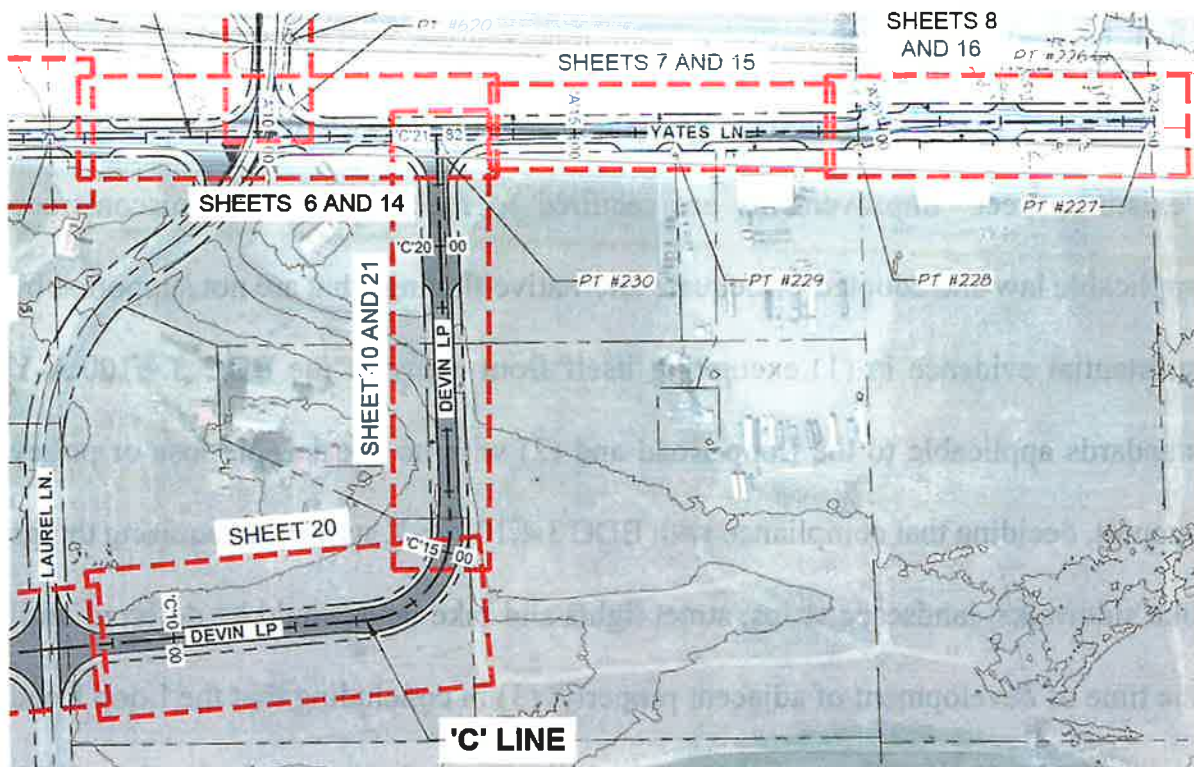
18 BDC 3.4.100.A.2 requires that the “Development of new streets, and
19 additional street width or improvements planned as a portion of an existing street

² Cited Boardman Development Code (BDC) provisions are App-5.

shall be improved in accordance with this Section.” “This Section” is BDC 3.4.100.A-Y. BDC 3.4.100(A)-(Y) contain the standards that “new streets” and “existing street” improvements are required to meet. The City misconstrued applicable law and adopted inadequate alternative findings that are not supported by substantial evidence in (1) exempting itself from many of the BDC 3.4.100.A-Y standards applicable to the Loop Road and (2) with no textual, purpose or policy support, deciding that compliance with BDC 3.4.100.A-Y standards requiring things like sidewalks, landscape strips, street lights and bike lanes could be deferred until the time of development of adjacent property; (3) in concluding that the Loop Road is a “neighborhood collector”; and (4) in failing to apply the standards of the BPA subdistrict that expressly apply to the portions of the Loop Road that is approved to be developed in that subdistrict.

C. Summary of Material Facts

The disputed “Loop Road” consists of a new City street (Devin Loop) and reconstruction of an existing, unpaved, graveled City street (Yates Lane) (Rec-313):



1
 2 The Loop Road is proposed to be located south of the I-84/Laurel Lane
 3 interchange (aka Port of Morrow (POM) Interchange) and within the POM
 4 Interchange area. Rec-2. The POM Interchange area is the subject of the Port of
 5 Morrow Interchange Area Management Plan (POM IAMP), which was adopted by
 6 the City in 2012 as an amendment to its Transportation System Plan (TSP). Rec-2;
 7 App-3 (POM IAMP); App-3, p 2 (Ordinance 2-2012). The challenged decision
 8 approves reconstructing existing “Yates Lane” and its intersection with Laurel Lane
 9 and constructing new “Devin Loop” and its new intersection with Laurel Lane. The
 10 alignments for the improvements are identified in the POM IAMP, Figure 7-2 as
 11 “D” (Devin Loop) and “YATES LN” (App-3, p 98):



Project "D" is described in the POM IAMP, Table 7-1 (App-3, p 99) as:

- Construct a new Collector street connection to Yates Lane that would access Laurel Lane just north of the existing BPA transmission easement.
- Restrict the Laurel Lane/Yates Lane intersection to right-in/right-out access only.

And is further described in POM IAMP, p 81-82 (App-3, p 100-01) as:

"A new connection to Yates Lane from Laurel Lane will be constructed (at City Collector standards) just north of the existing BPA transmission easement. The existing Yates Lane intersection will remain as a right-in/right-out access. * * *"

1 While the alignment of existing Yates Lane and the restriction of its
2 intersection with Laurel Lane to right-in/right out access only is identified in the
3 POM IAMP, the full reconstruction of Yates Lane is not identified as an
4 improvement. *See* POM IAMP, Table 7-1 (App-3, p 99).

5 Petitioner Jonathan Tallman is the managing member of 1st John 2:17, LLC.
6 Rec-285. Petitioner 1st John 2:17, LLC owns property west of and abutting Laurel
7 Lane (tax lots 3302, 3207 and 3205) and directly across Laurel Lane from the Loop
8 Road improvements. Rec-285.

9 In September 2021, Petitioners learned that the City planned to start
10 construction of the Loop Road later that year. The City provided no notice to
11 Petitioners of that City decision to construct the Loop Road, even though as an owner
12 of property within 250 feet of the Loop Road site, they were entitled to notice of that
13 decision. BDC 4.1.400.C.1.a. Rather, Petitioners discovered by inquiring to the
14 City that the City had entered into a contract with a construction company in August
15 2021 to build the Loop Road. Petitioners appealed that decision to LUBA on
16 September 21, 2021 in LUBA No. 2021-086. That appeal is currently pending at
17 LUBA awaiting a decision on the City's motion to dismiss.

18 On March 11, 2022, while LUBA No. 2021-086 was pending, again without
19 any notice or opportunity for comment or hearing, the City's planning official
20 approved a "Zoning Permit" authorizing the Loop Road construction at issue in

1 LUBA No. 2021-086 under the City's Type I procedures for "Ministerial" decisions.
2 Rec-302.

3 Sometime after that "Zoning Permit" decision was made, the City decided that
4 it should have been processed as a Type II "Administrative" decision requiring
5 notice and opportunity for a public hearing and so on April 4, 2022, the City mailed
6 notice of the "Administrative Decision" and provided an opportunity for comment
7 and appeal. Rec-255, 301. Although the "Administrative" decision's findings
8 purported to only approve construction of the Loop Road east of Laurel Lane, the
9 "Zoning Approval" sheet signed off on by the planning official and an attached map
10 of the improvements appeared to approve construction of the entirety of the Loop
11 Road (including associated improvements to Laurel Lane) both east and west of
12 Laurel Lane, including on Petitioners' property west of Laurel Lane, tax lots 3302,
13 3207 and 3205, over which there was and is no existing City right-of-way. Rec-306-
14 08. Petitioners appealed that decision both locally and as a precaution to LUBA in
15 LUBA No. 2022-037. LUBA No. 2022-037 is currently suspended.

16 The City took up the local appeal and held a public hearing before the
17 Planning Commission on Petitioners' appeal. Rec-5, 225. At the public hearing,
18 Petitioners argued that the City erred in approving the Loop Road on Petitioners'
19 property over which there is no existing right-of-way and in not applying or finding
20 compliance with any of the City's standards for transportation facilities. Rec-284-

91. The Planning Commission denied the appeal and affirmed the planning official's decision, but now "clarifying" that the "Administrative Decision" approved the Loop Road only on the east side of Laurel Lane. Rec-254. Petitioners appealed the Planning Commission's decision to the City Council who, after a public hearing, denied the appeal and upheld the Administrative Decision approving the Loop Road. Rec-2.

This appeal followed.

III. LUBA'S JURISDICTION

LUBA's jurisdiction is comprehensively governed by statute. ORS 197.825; *Lake Oswego Preservation Society v. City of Lake Oswego*, 69 Or LUBA 475, 481 (2014); *Conte v. City of Eugene*, 66 Or LUBA 95, 99 (2012). The challenged decision is a final "land use decision" over which LUBA has exclusive jurisdiction. ORS 197.825(1); ORS 197.015(10)(a). The challenged decision does not fall under the transportation facility exception to the definition of "land use decision" at ORS 197.015(10)(b)(D) because the Loop Road is not "consistent" with the City's comprehensive plan and land use regulations, as explained below.

1. The challenged decision is a "land use decision" under ORS 197.015(10)(a)(A).

The challenged decision erroneously takes the position that the City's approval of the Loop Road is "not a land use decision." LUBA affords no deference to a local government on issues of state law. *Forster v. Polk County*, 115 Or App

1 475, 478 (1992). A “land use decision” is expressly defined by statute to include “a
 2 final decision or determination made by a local government” that “concerns” the
 3 application of a comprehensive plan provision or land use regulation. ORS
 4 197.015(10)(a)(A). LUBA has explained that a decision “concerns” the application
 5 of a comprehensive plan provision or land use regulation if a provision or regulation
 6 is actually applied or should have been applied in making the decision. *Jaqua v.*
 7 *City of Springfield*, 46 Or LUBA 566, 574 (2004); *Bradbury v. City of Independence*,
 8 18 Or LUBA 552, 559 (1989); *Dorall v. Coos County*, 53 Or LUBA 32, 34 (2006).
 9 The challenged decision is the City governing body’s final decision to approve the
 10 Loop Road. The Boardman Development Code is quintessentially a “Land Use
 11 Regulation.”³ In making the challenged decision, the City applied multiple BDC
 12 land use regulations for Type II Administrative decisions in BDC 4.1.400, certain
 13 standards for uses in the C-SC subdistrict in BDC 2.2.200, and certain transportation

³ ORS 197.015(11) defines a “land use regulation” as “any local government zoning ordinance” or “similar general ordinance establishing standards for implementing a comprehensive plan.” BDC 1.1.300 “Consistency with Plan and Laws” states that every “development and use application and other procedure initiated under this Code shall be consistent with the [City comprehensive plan] as implemented by this Code * * *.” BDC 1.0 explains that the BDC “is a comprehensive land use and development code that governs all of the land” within the City. BDC 1.0 also explains under “Chapter 2” that “as required by state law, the zones or ‘land use districts’ conform to the Boardman Comprehensive Plan.” BDC 1.0 under Chapter 3 further explains: “The design standards contained in Chapter 3 apply throughout the City. They are used in preparing development plans, and reviewing applications, to ensure compliance with City standards for access and circulation, landscaping, parking, public facilities, surface water management * * *.”

1 standards in BDC 3.4.100. Rec-5 (the City processed the application as a “Type II
 2 land use decision”; “The application is being reviewed under Boardman
 3 Development Code (“BDC”) Chapter 4 Applications and Review Procedures, 4.1
 4 Types of Applications and Review Procedures, and 4.1.400 Type II Procedure
 5 (Administrative) G Appeal. * * * These findings address the applicable criteria in
 6 the development code[.]”; the application is “subject to BDC 2.2.200.”); Rec-6
 7 (finding that “the following standards apply to the proposed roadways” [application
 8 of BDC 3.4.100.C, E, F, J, O and N.1 follow]); Rec-8 (findings addressing BDC
 9 3.4.100.X). And the City should have applied more.⁴ *Jaqua*, 46 Or LUBA at 574.
 10 Accordingly, the challenged decision “concerns” the application of the City’s land
 11 use regulations because many regulations were actually applied, and more should
 12 have been applied, in making the decision and, therefore, the challenged decision is
 13 a “land use decision” subject to LUBA’s exclusive jurisdiction. ORS
 14 197.015(10)(a)(A); *Jaqua*, 46 Or LUBA at 574.

⁴ BDC Chapter 4.2 (Development Review and Site Design Review); BDC Chapter 3.1 (Access and Circulation); BDC Chapter 3.2 (Landscaping, Street Trees, Fences and Walls); BDC 3.4.100.A (Development Standards); BDC 3.4.100.G (Traffic Signals and Traffic Calming Features); BDC 3.4.100.I (Street Alignment and Connections); BDC 3.4.100.K (Intersection Angles); BDC 3.4.100.L (Existing Rights-of-Way); BDC 3.4.100.Q (Development Adjoining Arterial Streets); BDC 3.4.100.T (Street Names); BDC 3.4.100.U (Survey Monuments); BDC 3.4.100.V (Street Signs); BDC 3.4.100.W (Mail Boxes); BDC 3.4.100.Y (Street Cross-Sections); BDC 3.4.400 (Storm Drainage); BDC 3.4.500 (Utilities); BDC Chapter 3.5 (Stormwater Management); BDC 2.2.210 (BPA Transmission Easement Sub District).

1 2. The transportation facility exception to the definition of “land use
2 decision” at ORS 197.015(10)(b)(D) does not apply.

3 The challenged decision does not fall under the transportation facility
4 exception to the definition of “land use decision” at ORS 197.015(10)(b)(D) for
5 decisions that determine “final engineering design, construction, operation,
6 maintenance, repair or preservation of a transportation facility that is otherwise
7 authorized by and consistent with the comprehensive plan and land use regulations”.

8 That exception expressly only applies if the transportation facility is “consistent”
9 with the comprehensive plan and land use regulations. *7th Street Station v. City of*
10 *Corvallis*, 58 Or LUBA 93, 99 (2008), *aff’d*, 227 Or App 506, 206 P3d 286 (2009).

11 The Loop Road is not “consistent” with the City’s comprehensive plan, the TSP
12 (which is an element of the City’s comprehensive plan (App-4, p 1)), the POM IAMP
13 (which is an amendment to the City’s TSP (App-3, p 2)), or the City’s land use
14 regulations expressed in the BDC. Accordingly, the transportation facility exception
15 to the definition of “land use decision” does not apply.

16 In *Regency Centers, L.P. v. Washington County*, 69 Or LUBA 135 (2014),
17 *aff’d*, 265 Or App 49, 335 P3d 856 (2014), LUBA held that a county decision
18 authorizing certain improvements to an arterial street, which would result in a six-
19 lane, 80-foot wide arterial street within a 101-foot right-of-way, did not fall under
20 the transportation facility exception to the definition of “land use decision” where
21 the street was inconsistent with the county’s TSP and land use regulations – the

1 county's TSP designated the street to be no more than five lanes and the county's
2 land use regulations specified the maximum width of arterial streets to be 74-feet
3 wide within 98-foot rights-of-way. The circumstances here are the same as in
4 *Regency* – the challenged decision approves roadways that are inconsistent with the
5 City's comprehensive plan, including the TSP and POM IAMP, and land use
6 regulations, and so the transportation facility exception to the definition of "land use
7 decision" does not apply.

- 8 a. The Loop Road is not consistent with the City's comprehensive
9 plan, which includes the City's TSP and POM IAMP.

10 The POM IAMP identifies Devin Loop as a "new Collector street connection"
11 (App-3, p 82) and states that it will be constructed "at City Collector standards"
12 (App-3, p 100). Existing Yates Lane east of Laurel Lane is not classified in the
13 comprehensive plan, TSP or POM IAMP. The decision concludes that the Loop
14 Road (Yates Lane and Devin Loop) is a "neighborhood collector". Rec-7. The TSP
15 identifies five functional categories of roadways in the City: freeways, arterials,
16 minor collectors, neighborhood collectors, and local streets. App-4, p 9. The TSP
17 describes "neighborhood collectors" as a "subset of collectors". App-4, p 10. It is
18 undisputed that the Loop Road is a some type of "collector".⁵

⁵ Petitioners dispute that the Loop Road is a "neighborhood collector" and challenge the City's finding in this regard in their second assignment of error.

1 The comprehensive plan at Chapter XII (Transportation), p 3 provides that
2 “[b]ikeways shall be included on all new arterials and collectors within the Urban
3 Growth Boundary except on limited access freeways.” App-4, p 3. No bikeways
4 are included on Devin Loop, which is a “new collector” that is within the City’s
5 UGB and is not a limited access freeway. Rec-7, 311-43. There are also no
6 bikeways on Yates Lane to the extent that it is a “new” collector. *Id.* The plan at
7 Chapter XII, p 3 also provides that “[s]idewalks shall be included on all new streets
8 within the Urban Growth Boundary except on limited access freeways.” App-4, p
9 3. No sidewalks are included on Devin Loop, which is a “new street” and is not a
10 limited access freeway. Rec-7, 311-43. There are also no sidewalks on Yates Lane
11 to the extent that it is a “new street”. The Loop Road is inconsistent with the
12 comprehensive plan.

13 The City’s TSP, Table 7 “Street Design Standards” provides standards for two
14 types of “collectors” – “Collector – City Developed Alternative” and “Downtown
15 Collector”.⁶ App-4, p 13. Table 7 provides that City Developed Alternative
16 Collectors shall have 75-foot rights-of-way, turn lanes at intersections, 12-foot travel
17 lanes, 8-foot bikeways, 5-foot sidewalks, and 7 feet for on-street parking. *Id.* The

⁶ The Loop Road cannot be a “Downtown Collector” because it is not located “downtown”, which the TSP identifies as the area around the I-84/Main Street interchange (App-4, p 6).

1 Loop Road has a 60-foot right-of-way, no turn lanes at its intersections with Laurel
2 Lane, and no bikeways, sidewalks or on-street parking. Rec-334; *see generally* Rec-
3 311-43 (plans). The Loop Road is inconsistent with TSP, Table 7.

4 Confusingly, the TSP identifies two categories of “collectors” that differ from
5 those listed in TSP Table 7: “Minor Collectors” and “Neighborhood Collectors”.
6 App-4, p 9. As noted above, the decision concluded that the Loop Road is a
7 “neighborhood collector” without any explanation. The TSP provides that it is
8 “imperative” for the City to classify roadways in consideration of the adjacent
9 properties and their uses and that each street “must be appropriately designed so as
10 to accommodate local travelers (i.e., passenger cars, heavy trucks, pedestrians, and
11 bicycles).” App-4, p 9. The City’s cursory classification of the Loop Road as a
12 neighborhood collector fails to consider that the POM IAMP Loop Road is intended
13 to serve future heavy commercial development in the area and to accommodate a
14 significant increase in traffic – a large proportion of which is estimated to be from
15 large semi-trucks patronizing an expanded Pacific Pride truck stop on the corner of
16 Laurel Lane and Yates Lane (App-3, p 49-52) and whether, given that intent, the
17 neighborhood collector classification provides an appropriate design for the Loop
18 Road. The City’s bare conclusion that the Loop Road is a neighborhood collector is
19 inconsistent with the TSP’s policy for classifying roadways.

20 The TSP provides that “Neighborhood Collectors”:

1 “are a subset of collectors serving the objective of penetrating local
2 neighborhoods to provide direct land access service and traffic
3 circulation. These facilities tend to carry lower traffic volumes at slower
4 speeds than typical collectors. On-street parking is more prevalent and
5 bike facilities may be exclusive or shared roadways.” App-4, p 10.

6 This is opposed to “Minor Collectors”, which the TSP provides:

7 “link arterials with the local street system. As implied by their name,
8 collectors are intended to collect traffic from local streets and
9 sometimes from direct land access, and channel it to arterial facilities.
10 Collectors are shorter than arterials and tend to have moderate speeds.

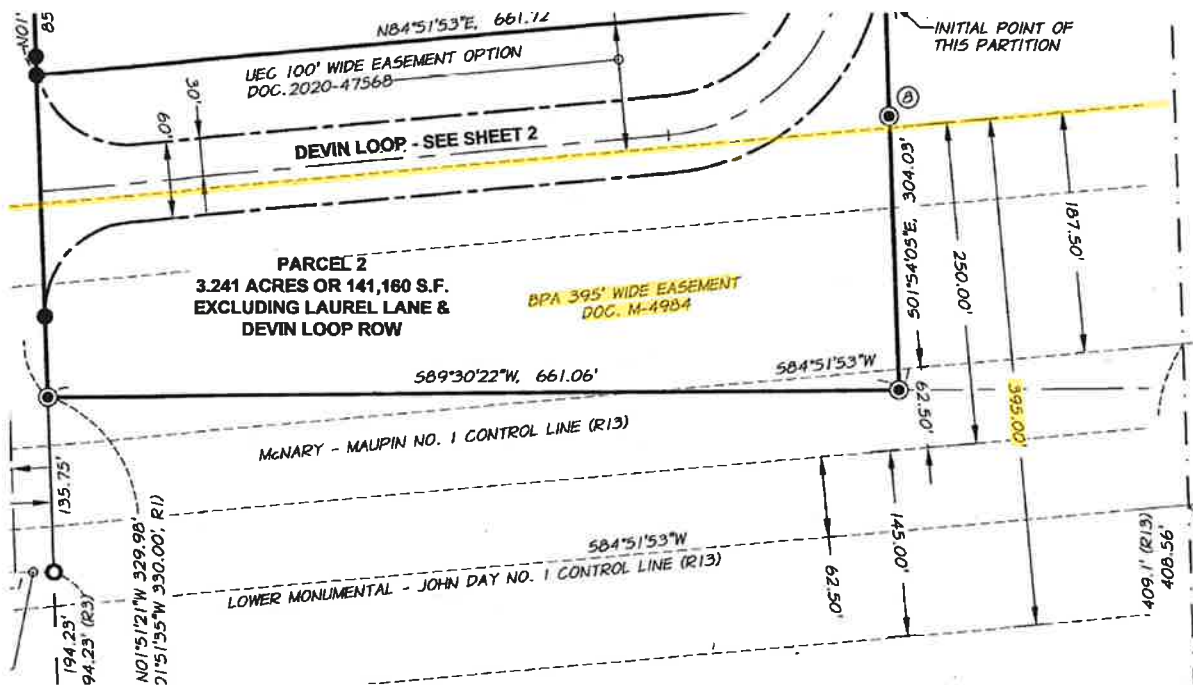
11 It is clear that the Loop Road will “link” Laurel Lane, a City arterial in this
12 location (App-4, p 10), with a future local street system and will collect and channel
13 that traffic to the Laurel Lane arterial. Rec-15-16 (showing Loop Road connections
14 to Laurel Lane); Rec-318-19, 321 (plans showing access approaches for future
15 roadways). Moreover, the TSP states that “all collector facilities in this TSP are
16 considered to be Minor Collectors”. App-4, p 10. The City’s unexplained
17 conclusion that the Loop Road is a Neighborhood Collector is unsupported by the
18 plans in the record and is inconsistent with the description of neighborhood
19 collectors in the TSP. The Loop Road is a Minor Collector.

20 The TSP provides that minor collectors will have “a right-of-way requirement
21 of 70 feet”, “two 12-foot travel lanes” and “an optional center turn lane”, and that
22 “[s]idewalks and bike lanes will not be required where a multi-use path is
23 available[.]” App-4, p 14. The Loop Road has a right-of-way width of only 60 feet.
24 Rec-6, 334. It does not have bike lanes and sidewalks, which are required by the

1 TSP because there is no “multi-use path”. Rec-7; *see generally* Rec-311-43. The
2 Loop Road is inconsistent with the TSP’s requirements for a “Minor Collector”.

3 Moreover, the TSP encourages the installation of sidewalks on all collector
4 streets: “Sidewalks should be included in any full reconstruction of arterials or
5 collectors.” (App-4, p 24); “As properties develop/redevelop at urban densities in
6 Boardman, the city should consider replacing the multi-use paths with sidewalks on
7 all streets and bicycle lanes on arterial and collector streets.” (App-4, p 26);
8 “Provision of sidewalks along both sides of key collector and local roads not
9 specifically identified in this plan is also encouraged.” TSP, p 22, (App-4, p 26).
10 And encourages the provision of street lighting to increase visibility on collector
11 streets and at arterial/collector intersections. App-4, p 17, 26. The Loop Road is not
12 consistent with the TSP.

13 Further, the POM IAMP, Figure 7-2, Table 7-1 and p 81-82 identify and
14 describe the Loop Road improvements as being located “just north of” and outside
15 the BPA Transmission Line Easement. App-3, p 98, 99, 100-01. However, as shown
16 on the surveys for the right-of-way dedication for the Loop Road at Rec-349-97, a
17 portion of the Loop Road is *within* the BPA Transmission Line Easement,
18 inconsistent with the POM IAMP (Rec-349):



The Loop Road is inconsistent with the City's comprehensive plan, TSP and POM IAMP.

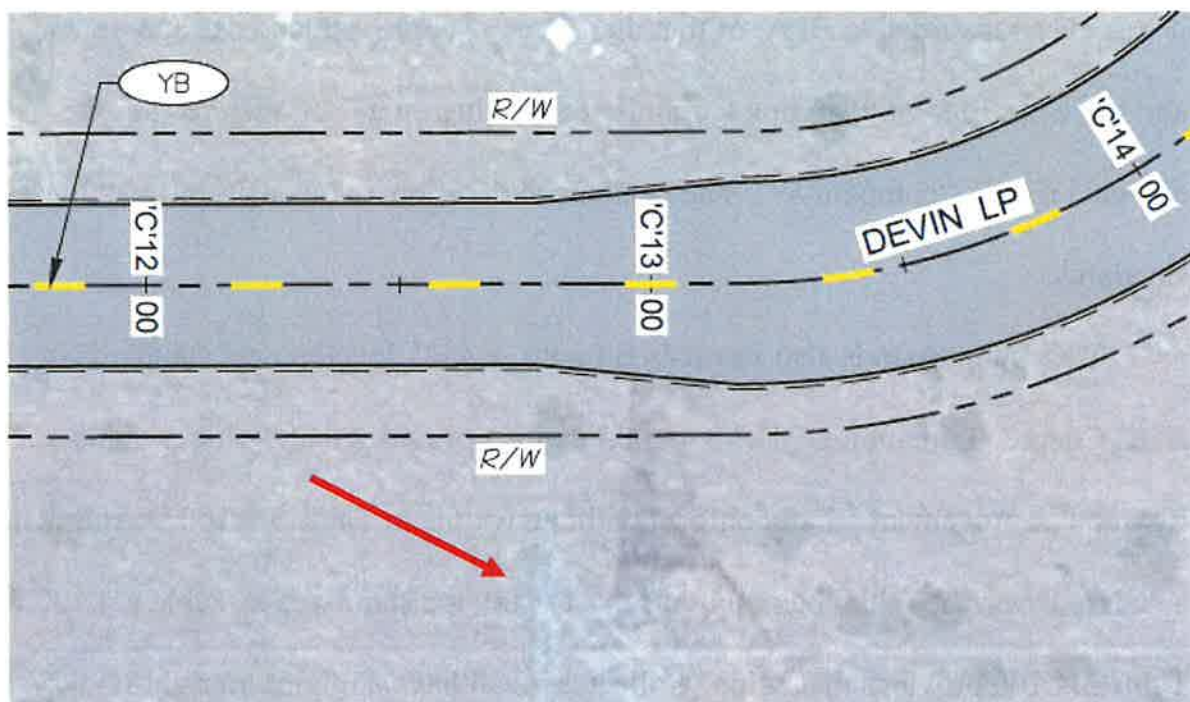
b. The Loop Road is not consistent with the City's land use regulations.

While the majority of the Loop Road is located within the City's C-SC subdistrict, a portion of the road is within the BPA Transmission Line Easement (Rec-383-84) and is therefore within the City's BPA subdistrict. BDC 2.2.210.A. BDC 2.2.210.B prohibits "permanent structures" within the easement area. The terms "permanent" and "structure" are undefined in the code, so their plain and ordinary meaning must be used. *PGE v. Bureau of Labor and Industries*, 317 Or 606, 610-12, 859 P2d 1143 (1993); *State v. Gaines*, 346 Or 160, 171-73, 206 P3d 1042 (2009). The dictionary definition of structure is broad: "something constructed

1 or built”. *Webster’s Third New Int’l Dictionary* 2267 (unabridged ed 2002). The
2 term “structure” cannot be synonymous with the term “building” because those
3 terms are used separately in the City’s code. *See e.g.* BDC Chapter 1.2 (defining
4 “development” to include “buildings” and “other structures”). “Permanent” is
5 defined as “continuing or enduring (as in the same state, status, place) without
6 fundamental or marked change : not subject to fluctuation or alteration : fixed or
7 intended to be fixed : LASTING, STABLE”. *Id.* at 1683. The Loop Road is
8 “something constructed or built” – it is a new, paved street – and, as is the general
9 nature of paved streets, fixed in place, or intended to be fixed in place. Accordingly,
10 the Loop Road is prohibited in the BPA easement as a “permanent structure”.

11 Standards for uses within the BPA subdistrict are at BDC 2.2.210. App-5, p
12 36-38. BDC 2.2.210.A provides: “All uses within the easement shall be approved
13 by agreement with BPA prior to approval for development by the City.” The
14 challenged decision does not address this standard and there is zero evidence in the
15 record of any agreement between the City and BPA to allow the development of the
16 Loop Road. “Transportation infrastructure”, specifically, is only allowed within
17 “guidelines approved by BPA in writing.” BDC 2.2.210.D. Again, the challenged
18 decision does not address this standard and there is no evidence in the record BPA
19 has approved written guidelines for the development of the Loop Road. BDC
20 2.2.210.E provides that all “activities” must be set back a minimum of 50 feet from

1 any transmission line tower and that such towers must be “protected from any traffic
2 or other possible disturbance to the structural integrity of the towers.” A road and
3 related infrastructure is plausibly, if not certainly, an “activity”. The challenged
4 decision makes no findings with regard to this standard. Images in the record suggest
5 that the Loop Road is plausibly within 50 feet of at least one tower. *See* Rec-31
6 (Loop Road Plans, Sheet 31: transmission tower visible south of Loop Road just
7 below “R/W” notation on image; for scale, the right-of-way is 60-feet wide):



8
9 And, if the Loop Road is constructed to required widths and with required
10 sidewalks and bike lanes, it is even more plausible that those “activities” will be
11 within 50 feet of a tower.

1 Further, BDC 2.2.210.F provides that “Utility infrastructure including * * *

2 transportation routes” can only be approved in a Conditional Use Permit process

3 pursuant to BDC Chapter 4.4 and then only if the planning commission finds that

4 they are “compatible” per BDC 2.2.210.F.13 and 4.4.400.D.1. BDC 2.2.210.F

5 further provides that the application must be forwarded to BPA for an approved

6 and signed Land Use Agreement prior to any hearing by the Planning Commission.

7 The Loop Road was not approved as a conditional use permit, there is no evidence

8 it was ever forwarded to BPA, or that there is any “approved land use agreement”

9 and there has been no Planning Commission hearing on a CUP that decides the

10 disputed road is “compatible”. The challenged decision is inconsistent with these

11 standards.

12 The Loop Road is also inconsistent with several development standards in

13 BDC Chapter 3, including BDC 3.4.100.F, which provides that “[s]treet rights-of-

14 way and improvements shall conform with the widths in Table 3.4.100.” And that

15 a “Class B variance shall be required * * * to vary the standards in Table 3.4.100.”

16 Table 3.4.100 provides that Minor Collectors shall have a minimum right-of-way

17 width of 68 feet and a minimum roadway of 47 feet. The Loop Road has a right-

18 of-way width of 60 feet and a roadway width that ranges from 32 feet to 40 feet,⁷

⁷ The majority of the Loop Road’s roadway is 32-feet wide (travel lane and shoulder). Rec-334. A small portion of the Loop Road (curve on southeast portion) is 40-feet wide. Rec-334.

(Rec-311-43), which are smaller than the minimum right-of-way and roadway width requirements of Table 3.4.100. Even if the Loop Road is a Neighborhood Collector as the City erroneously concluded (with no evidentiary support), Table 3.4.100 requires a minimum roadway width of 38 feet and the majority of the Loop Road's roadway is just 32 feet. Rec-334. The City has not obtained a Class B variance to these standards. The Loop Road is inconsistent with the City's land use regulations. BDC 3.4.100.J requires bicycle lanes, sidewalks, and plater strips. BDC 3.4.100.X requires streetlights. The challenged decision includes none of these and other required features of new and reconstructed City streets.

Because the Loop Road is inconsistent with the City's comprehensive plan, which includes the TSP and POM IAMP, and BDC land use regulations, the transportation facility exception to the definition of "land use decision" in ORS 197.015(10)(b)(D) does not apply. *7th Street Station*, 58 Or LUBA at 99; *Regency*, 69 Or LUBA at 141-45.

LUBA has jurisdiction.

IV. FIRST ASSIGNMENT OF ERROR

The City Misconstrued the Applicable Law in Concluding that the Loop Road Does Not Require Land Use Review.

A. Preservation of Error

Petitioners raised the issue below that the Loop Road requires land use review and approval. Rec-70. Demonstrating that the issue is preserved, the challenged

1 decision addressed that issue, deciding that construction of Yates Lane and Devin
2 Loop are “within the existing right-of-way; identified in the IAMP, which is a part
3 of the TSP, and they do not require further land use review” (Rec-21; App-1, p 5)
4 and that the challenged decision is a “ministerial decision that approves a
5 transportation facility that is consistent with the IAMP and TSP”. Rec-7-8; App-6-
6 7.

7 **B. Standard of Review**

8 LUBA will remand a land use decision that misconstrues the applicable law.
9 ORS 197.835(9)(a)(D); OAR 661-010-0071(2)(d).

10 LUBA owes no deference to governing body interpretations that are
11 inconsistent with the express text and context of the standard or that are implausible.
12 *Kaplowitz v. Lane County*, 285 Or App 764, 773-75 (2017) (*citing Siporen v. City of*
13 *Medford*, 349 Or 247, 262 (2010)); ORS 197.829(1).

14 **C. Argument**

15 Citing BDC Table 2.2.200.B, the challenged decision finds that: “The city has
16 acquired the right-of-way for Yates Lanc and Devin Loop. Therefore, construction
17 of the roads is the installation of improvements within existing right-of-way. The
18 roads are also identified in the IAMP, which is part of the TSP, and *they do not*
19 *require further land use review*. Accordingly, roads are a permitted use in the zone.”
20 Rec-6. (Emphasis added).

1 There is no dispute that the approved construction of the elements of the Loop
2 Road on the east side is a “permitted use” in the C-SC zone. But the City’s apparent
3 interpretation that being a permitted use in the zone is the equivalent of an exemption
4 from other mandatory BDC standards that apply, is wrong and implausible. Table
5 2.2.200B lists as permitted uses in the zone: “Installation of improvements within
6 the existing right-of-way.” That does not mean that every improvement in the right-
7 of-way is exempt from otherwise applicable standards. Turning to the standard the
8 challenged decision interpreted, the C-SC zone, Table 2.2.200.B.2.e.3 lists as a
9 permitted use: “Projects identified in the adopted Transportation System Plan not
10 requiring *future* land use review and approval”. (Emphasis added). The City
11 apparently interpreted this use authorization to mean that because the Loop Road is
12 identified in the POM IAMP, which is part of the TSP, it does not require land use
13 review. The challenged decision’s leap from a use being permitted in the zone to
14 mean that the use is therefore exempted from land use standards that expressly apply
15 to the construction and reconstruction of public streets, lacks any support in the
16 express words, purpose, policy or context of the Table. The fact that a project, such
17 as a rail, air or pipeline, or road project is in the right-of-way and discussed in the
18 TSP, simply does not mean that such improvement is exempt from the BDC
19 standards that expressly apply.

1 There is Nothing About a Use Being Listed as Permitted in a Zone
2 that Suggests the Use is Therefore Exempt from Standards the BDC
3 Applies to that Exact Use. Rather, a Use Being Listed in the Zone
4 Allows it to be Reviewed Against Other Applicable Provisions of the
5 BDC.

6 There is nothing in Table 2.2.200.B that remotely suggests that the Table's
7 list of uses that are permitted in the C-SC zone (or in any other zone for that matter),
8 means that the use is thereby exempted from compliance with other City standards
9 that expressly apply to that use. Here, the City's apparent interpretation otherwise
10 means that no permitted use in the C-SC zone would *ever* need to comply with the
11 City's "Public Facility Standards" standards in BDC 3.4. App-5, p 60. This is
12 because no permitted (or conditional) use in *any* Commercial zone says anything
13 about complying with the City's Chapter 3.4 "Public Facilities Standards". In fact,
14 the City's use tables say the same thing – that certain uses are "permitted" in the
15 particular zone, no more and no less. None of the City's Commercial zone permitted
16 use tables say *anything* about permitted (or conditional uses), complying with the
17 City's "Public Facilities Standards". See BDC Table 2.2.110.A (App-5, p 20); *and*
18 BDC Table 2.2.180.A (App-5, p 20).

19 The fallacy and disingenuous nature of this interpretation is revealed by other
20 inconsistent positions the challenged decision takes. For example, the challenged
21 decision inconsistently insists that City road standards in fact do apply, but can
22 somehow wait to be applied until adjoining properties develop. For example, the

1 challenged decision claims that BDC 3.4.100.J's requirement for "sidewalks, planter
2 strips and bicycle lanes" "are intended to apply at the time of site development of
3 the adjacent property." Rec-7. If the Loop Road is exempted from land use review,
4 then why would these standards apply when adjoining property develops? The Loop
5 Road is either exempt from applicable standards or it is not. Another example is the
6 challenged decision acknowledges that BDC 3.4.100.F (App-5, p 62), requires that
7 street "improvements shall confirm with the widths in Table 3.4.100", which
8 includes minimum widths for rights-of-way and minimum widths for roadways for
9 each type of street. The challenged decision then claims for compliance that "Yates
10 Lane" is approved to have a right-of-way width of 60 feet, but makes no findings
11 that it complies with the required roadway width. Rec-6. And there are no findings
12 that Devin Loop meets the required widths, and it does not. Rec-334 (App-5, p 64).

13 The proper interpretation of the City code is that it the Loop Road is not
14 exempted from the BDC 3.4 standards, as the decision makes plain in punting
15 compliance or erroneously finding compliance. The City can't have it both ways.

16 Properly interpreted, the structure of the BDC relies upon BDC standards self-
17 announcing their applicability. Thus, the requirement for compliance comes from
18 the express terms of the applicable mandatory BDC standards that, here, require that
19 all new or reconstructed streets comply with City street standards.

1 In this regard, BDC 3.4.000.B expressly states that “construction,” and
2 “reconstruction” of “transportation facilities” “shall” comply “with the standards of
3 this Chapter.” The challenged decision approves both the construction of the new
4 street “Devin Loop” and the reconstruction of “Yates Lane.” That means that by the
5 express terms of BDC 3.4.100.B, the challenged decision’s approval of those streets’
6 construction and reconstruction must comply with BDC 3.4. The challenged
7 decision’s conclusion otherwise is implausible.

8 “‘This Chapter’” that the construction and reconstruction of public streets must
9 comply with is BDC 3.4 and it contains several mandatory standards that apply to
10 street construction or reconstruction. For example, BDC 3.4.100.J requires that
11 “Sidewalks, planter strips and bicycle lanes *shall* be installed in conformance with
12 the standards in Table 3.4.100 * * *” and BDC 3.4.100.X that requires that
13 “Streetlights shall be installed” at “intervals of 300 feet,” among others.⁸ App-5, p
14 62, 67, 70. Instead of interpreting the City code, the challenged decision improperly
15 amends it by interpretation. *Loud v. City of Cottage Grove*, 26 Or LUBA 152 (1993)
16 (city may not amend the development code in the guise of interpreting it).

⁸ The challenged decision also inconsistently says these standards in fact do apply, they just apply later when adjoining property develops. There is no support in the express words, purpose, policy or context of the standard for that interpretation as explained below.

1 In regards to “development”, the City’s code requires “all developments in the
2 City” to undergo Site Design Review.⁹ BDC 4.2.200.A. Site Design Review
3 “ensures compliance with the basic development standards of the land use district
4 (e.g., building setbacks, lot coverage, maximum building height), as well as the more
5 detailed design standards and public improvement requirements in Chapters 2 and
6 3.” *Id.* The Loop Road is subject to Site Design Review as “development”, which
7 the City’s code defines as “[a]ll improvements on a site, including buildings, other
8 structures, parking and loading areas, landscaping, *paved or graveled areas*,
9 *grading*, and areas devoted to exterior display, storage, or activities. Development
10 includes improved open areas such as plazas and walkways, but does not include
11 natural geologic forms or landscapes.” BDC Chapter 1.2 (Emphasis added). Site
12 Design Review is subject to either Type II or Type III land use review and approval.
13 BDC 4.2.400.A. There can be no doubt that the Loop Road, as “development”,
14 requires land use review and approval.

15 Moreover, part of the Transportation Planning Rule, OAR 660-012-
16 0050(3)(b), which specifies the circumstances in which transportation “project
17 development” involves “land use decision-making”, requires the City to make
18 findings of compliance with applicable acknowledged comprehensive plan policies

⁹ Site Design Review applies to all developments, except for those developments specifically listed under BDC 4.2.200(B) that are subject to Development Review. Transportation improvements are not listed under BDC 4.2.200(B).

1 and land use regulations for the Loop Road. *Regency*, 69 Or LUBA at 153. “Project
2 development addresses how a transportation facility or improvement authorized in a
3 TSP is designed and constructed” and “involves land use decision-making to the
4 extent that issues of compliance with applicable requirements requiring
5 interpretation or the exercise of policy or legal discretion or judgment remain
6 outstanding at the project development phase.” OAR 660-012-0050(3) and (3)(b).
7 Further, OAR 660-012-0050(3)(c) provides that local governments may rely on and
8 reference *earlier* findings of compliance with applicable local standards if
9 compliance with local requirements has already been determined during the
10 transportation system planning phase. LUBA in *Van Dyke v. Yamhill County*, 78 Or
11 LUBA 530, 541 (2018), explained that OAR 660-012-0050(3) is clear that “project
12 development can avoid application of land use standards and decision making only
13 if all applicable standards have been applied and required decision making have been
14 made by the time of project development.” As explained above, neither the City’s
15 TSP nor the POM IAMP, or any other prior City decision, made any findings of
16 compliance with applicable local standards for the Loop Road.

17 The City’s apparent interpretation of the use table that merely listing a use as
18 permitted means it is exempted from mandatory requirements that apply, is contrary
19 to well-established canons of interpretation set forth in ORS 174.010 that when
20 constructing an enactment, the object is to “ascertain and declare what is * * *

1 contained” in the enactment, that it is improper “to insert what has been omitted, or
2 to omit what has been inserted”, and that the goal “where there are several
3 provisions” is that the reviewer should interpret the provisions to “give effect to all.”

4 Nothing in the TSP Suggests that the Loop Road Constituent Parts of
5 Either Devin Loop or Yates Lane is Exempt from Future Land Use
6 Review.

7 The provision the City relies upon to exempt the challenged decision from
8 land use review is Table 2.2.200.B that states just that a permitted use in the C-SC
9 zone includes transportation projects “identified in the adopted” City TSP “not
10 requiring future land use review.” As explained above, that is not what that listing
11 says or means. Moreover, the improvement to Yates Lane approved in the
12 challenged decision is not discussed at all in the TSP or POM IAMP. The POM
13 IAMP talks only about restricting the existing Yates Lane intersection with Laurel
14 Lane to right-in/right-out access only and that a new connection to Yates would be
15 constructed. App-3, p 83, 99. It is impossible that the TSP contemplates that there
16 will be no further review of the Loop Road, the constituent parts for which includes
17 both Devin Loop and the reconstructed Yates Lane, when that Yates Lane
18 improvement is not even discussed or listed in the TSP or POM IAMP.

19 A Road Project Being Discussed in the TSP does not show the Road
20 Project is “Not Subject to Future Land Use Review”.

21 The City’s apparent interpretation that if an improvement is in the road right-
22 of-way and is discussed in the TSP, it is not subject to land use review, is implausible

1 because it ignores the required element that the transportation project is not subject
2 to “future review.” The mandatory standards of BDC 3.4 make it clear that the east
3 Loop Road approved in the challenged decision is subject to those standards and
4 there is nothing in the TSP, POM IAMP or the C-SC zone use table that comes close
5 to suggesting otherwise.

6 In fact, the decision does not identify any previous land use review undertaken
7 or approval given for the constituent parts or the whole of the approved east side
8 Loop Road. Neither the TSP nor the POM IAMP determine the Loop Road’s
9 compliance with applicable City requirements; those documents simply propose an
10 alignment of the Loop Road and specify that Devin Loop will be constructed “at
11 City Collector standards”. App-3, p 100. Simply because some of the approved the
12 Loop Road improvements are *identified* in the City’s TSP/POM IAMP does not
13 mean that the Loop Road that the City approved is exempt from otherwise required
14 application of the City’s land use regulations applicable to the development of
15 transportation facilities and “development” in general.

16 Although the City wrongly determined that the Loop Road did not require
17 land use review and approval, as explained above, it nevertheless identified
18 “approval criteria” applicable to the Loop Road and applied those criteria and
19 concluded they were met. Rec-5-7. Petitioners addresses those findings in the
20 second assignment of error.

1 The Loop Road requires land use review and approval; the City's findings
2 otherwise misconstrue the applicable law.

3 **V. SECOND ASSIGNMENT OF ERROR**

4 **The City Misconstrued Applicable Law and Adopted Inadequate**
5 **Findings Not Supported by Substantial Evidence in Concluding**
6 **that Certain City Standards Applicable to the Loop Road were**
7 **Met, in Interpreting Other Standards to Not Apply Until the Time**
8 **of Development of Adjacent Property, and in Not Applying Other**
9 **Applicable Standards.**

10 **A. Preservation of Error**

11 Petitioners raised the issue that the Loop Road must, but does not, comply
12 with applicable City standards below. Rec-64-65, 150-54.

13 With regard to the fourth subassignment of error, Petitioners can raise the
14 issue at LUBA that the City was required to apply, but failed to apply, the standards
15 of the BPA Easement Subdistrict to the proposal. The reason the issue was not raised
16 below is that the fact that the Loop Road construction is approved to occur in the
17 BPA subdistrict was not identified in any City notice or during the local proceedings
18 or disclosed by the City during those local proceedings.

19 To further explain. During the local proceedings the City failed to identify
20 BPS subdistrict standards applied or attempt to comply with those standards. The
21 City did not provide a copy of the "guidelines approved by BPA in writing" that
22 BDC 2.2.210.D states governs whether and the extent to which "streets, electrical,
23 water, sewer, telephone, gas and "other essential services infrastructure" can be

1 allowed in the BPA Easement and then only with BPA's consent. The City did not
2 process the approval of the Loop Road as a conditional use permit, which BDC
3 2.2.210.F.13 expressly requires. Further, per BDC 2.2.210.F, applications for
4 "Allowed uses" in the BPA Easement Subdistrict must be forwarded to BPA "for an
5 approved and signed Land Use Agreement prior to any Conditional Use Hearing by
6 the Planning Commission" and the record includes no evidence of these steps.

7 Accordingly, Petitioners did not raise that issue below, because they were
8 unaware that the City contemplated constructing any part of the Loop Road in the
9 BPA Subdistrict. Contrary to ORS 197.797(3)(b)¹⁰, no City notice ever suggested
10 that any part of the Loop Road or any part of the reconstruction of Laurel Lane would
11 occur on land in the BPA subdistrict and no City notice ever identified any BPA
12 Subdistrict standards as applicable to the challenged decision. (Rec-302, 142, 4).

13 The surveys that show that parts of the Loop Road are to be constructed in the
14 BPA subdistrict, surfaced for the first time when the City filed its record. The City
15 did not disclose these facts during the local proceedings – they did not discuss them,
16 write findings about them and did not post on the City's website (where the local

¹⁰ ORS 197.797(3)(b) provides:

“(3) The notice provided by the jurisdiction shall”

“* * *

“(b) List the applicable criteria from the ordinance and the
plan that apply to the application at issue[.]”

1 record was nested for public review – *see* City notices at Rec-136, 278), the
2 dedication deeds and surveys that appear at Rec-349-97. Petitioners noticed these
3 new items for the first time when the City filed its record in this proceeding.
4 However, Petitioners did not object to their inclusion in the record, because their
5 inclusion seemed harmless and that an objection would serve no purpose other than
6 delay.

7 As noted, because the City did not list the standards of the BPA subdistrict in
8 their notice of the decision, planning commission proceedings or city council
9 proceedings, under ORS 197.835(4)(a), Petitioners are entitled to raise at LUBA that
10 the challenged decision is required to but fails to comply with the BPA Subdistrict
11 standards.

12 **B. Standard of Review**

13 Petitioners incorporate the standard of review from their first assignment of
14 error with the following supplement. LUBA will remand a land use decision that
15 adopts inadequate findings or is unsupported substantial evidence. ORS
16 197.835(9)(a); OAR 661-010-0071(2)(a) and (b).

17 Adequate findings must “(1) identify the relevant approval standards, (2) set
18 out the facts which are believed and relied upon, and (3) explain how those facts
19 lead to the decision on compliance with the approval standards.” *Heiller v.*
20 *Josephine County*, 23 Or LUBA 551, 556 (1992). Findings must address relevant

1 issues that are adequately raised. *Space Age Fuel, Inc. v. Umatilla County*, 72 Or
2 LUBA 92, 97 (2015).

3 Substantial evidence is evidence that a reasonable person would rely upon in
4 reaching a decision. *City of Portland v. Bureau of Labor and Industries*, 298 Or
5 104, 119 (1984). In reviewing for substantial evidence, LUBA considers and weighs
6 all the evidence in the record and determines whether, based on that evidence, the
7 local decision maker's conclusion is supported by substantial evidence. *Younger v.*
8 *City of Portland*, 305 Or 346, 358-60 (1998).

9 C. Argument

10 1. Subassignment of Error 1: The City erred in concluding that the 11 Loop Road is a "neighborhood collector".

12 Many of the City's errors in determining that the transportation standards in
13 BDC Chapter 3.4 were met flow from its conclusory determination that the Loop
14 Road is functionally classified as a "Neighborhood Collector". Petitioners disputed
15 below that the Loop Road is a neighborhood collector and argued that it is a minor
16 collector, but the decision does not explain why or how the City came to its contrary
17 conclusion. *Space Age Fuel, Inc.*, 72 Or LUBA at 97. The findings simply state:

18 "Under the applicable standards in the IAMP, TSP and development
19 code described in the findings above, staff concludes that the proposed
20 roadways are a neighborhood collector and comply with all of the
21 relevant standards for a neighborhood collector." Rec-8.

1 The “findings above” simply state that the Loop Road is a neighborhood
2 collector without any explanation of why that is so. *See e.g.*, Rec-7 (“Yates Lane
3 and Devin Loop are a neighborhood collector.”).

4 The POM IAMP designates the Loop Road only as a “Collector” street and
5 does not determine whether it is a “neighborhood collector” or a “minor collector”,
6 the two types of “collectors” described in the City’s TSP. *See e.g.*, App-3, p 100
7 (“A new connection to Yates Lane from Laurel Lane will be constructed (at City
8 Collector standards)”; App-3, p 99 (“Construct a new Collector street connection
9 to Yates Lane that would access Laurel Lane just north of the existing BPA
10 transmission easement.”).

11 As explained in the statement of LUBA’s jurisdiction, the function of the
12 Loop Road is consistent with that of a “Minor Collector” – it will collect traffic from
13 the area and channel it to Laurel Lane, which is a City arterial in this location (App-
14 4, p 10). The neighborhood collector designation does not provide for channeling
15 traffic to arterials. Moreover, the Loop Road is intended to accommodate increased
16 traffic, a significant proportion of which is estimated to be from large semi-trucks
17 patronizing the existing or an expanded Pacific Pride truck stop on the corner of
18 Laurel Lane and Yates Lane, and future commercial development in the area. Rec-
19 5; App-3, p 49-52. The Loop Road is simply not intended to provide local
20 neighborhood access as a smaller neighborhood collector would provide; it is

1 intended to accommodate future intense commercial development and semi-truck
2 travel for which a minor collector designation is appropriate.

3 The City erred in concluding that the Loop Road is a neighborhood collector.

4 2. Subassignment of Error 2: The City erred in determining the certain
5 transportation standards in BDC 3.4.100 were met and in
6 interpreting other standards to not apply until the time of
7 development of adjacent property.

8 The City applied the transportation standards BDC 3.4.100.C, E, F, J and O,
9 N.1 and X to the Loop Road as if it were a neighborhood collector. Rec-6-8. Each
10 standard is addressed in turn.

11 BDC 3.4.100.C concerns the creation of rights-of-way for streets and provides
12 that “the City may approve the creation of a street by acceptance of a deed, provided
13 that the street is deemed essential by the City Council for the purpose of
14 implementing the Transportation System Plan, and the deeded right-of-way
15 conforms to the standards of this Code.” App-5, p 62. “This Code” includes BDC
16 Table 3.4.100.F, which provides that the minimum right-of way for a neighborhood
17 collector is 60 feet and for a minor collector is 68 feet. The City found that the Loop
18 Road is a neighborhood collector and meets the standard because the deeded right-
19 of-way is 60 feet. Rec-6. However, if the Loop Road is a minor collector as
20 Petitioners argue, the Loop Road does not meet the standard, which requires a 68-
21 foot right-of-way.

1 BDC 3.4.100.E concerns street location, width and grade and provides that
2 the location, width and grade of streets “shall conform to the [TSP]”. App-5, p 62.
3 The City found that this standard was met because the minimum “width” as
4 described in BDC Table 3.4.100.F is “60 feet” and that the Loop Road right-of-way
5 is 60 feet. Rec-6. There are several problems with this finding. For one, the table
6 in BDC 3.4 is not the TSP. A finding of compliance with the table in BDC 3.4 does
7 not demonstrate compliance with the TSP. Two, in any event, the “width”
8 requirement in BDC Table 3.4.100.F requires minimum right-of-way *and* roadway
9 widths and the finding does not address whether the Loop Road meets the required
10 roadway width. Three, the POM IAMP, which is part of the TSP, requires the Loop
11 Road to be constructed to “City Collector standards”. App-3, p 100. The TSP
12 identifies street design standards for only two types of “collectors” – “Downtown
13 Collector” and “Collector – City Developed Alternative”. App-3, p 13. It does not
14 identify standards for a neighborhood collector. The Loop Road cannot be a
15 “Downtown Collector” because it is not located “downtown”, which the TSP
16 identifies as the area around Main Street. App-3, p 7. The only other option is a
17 “Collector – City Developed Alternative”, which describes the standard for right-of-
18 way width as 75 feet. App-3, p 13. The Loop Road only has a right-of-way width
19 of 60 feet and does not conform with the required widths in the TSP.

1 BDC 3.4.100.F concerns the minimum rights-of-way and street sections and
2 requires that street rights-of-way and improvements “shall conform with the widths
3 in Table 3.4.100. A Class B variance shall be required in conformance with Section
4 3.4.1.B to vary the standards in Table 3.4.100.” App-5, p 62. Table 3.4.100 provides
5 minimum required widths of both the “right-of-way” and the “roadway” for each
6 type of street. App-5, p 64. For minor collectors, the minimum required right-of-
7 way width is 68 feet and minimum required roadway width is 47 feet. For
8 neighborhood collectors, the minimum required right-of-way width is 60 feet and
9 minimum required roadway width is 38 feet. The City found that “Yates” complies
10 with this standard because it is a neighborhood collector and the construction plans
11 show a right-of-way width of 60 feet. Rec-7. Again, there are several errors with
12 this finding. First, the finding is only for “Yates”; it does not address Devin Loop.
13 Second, the City made no findings of compliance (for either street) with the
14 minimum required *roadway* width, which if the Loop Road is a neighborhood
15 collector, requires 38 feet. The Loop Road plans in the record show that the majority
16 of the Loop Road’s roadway (travel lanes plus shoulder) is just 32-feet wide. Rec-
17 334. Moreover, if the Loop Road is a minor collector, as Petitioners argue, the Loop
18 Road does not meet either standard.

19 BDC 3.4.100.N.1 concerns street curves and provides that centerline curve
20 radii “shall not be less than * * * 350 feet on minor collectors, or 100 feet on other

1 streets". The City found that the curve radius in the southeast corner of the Loop
2 Road is 150 feet and, as a neighborhood collector, the Loop Road meets the standard,
3 Rec-7. The Loop Road construction plans do in fact show that the centerline curve
4 radius of the curve in the southeast corner is 150 feet. Rec-331. However, if the
5 Loop Road is a minor collector, it does not meet the standard which requires a
6 minimum radius of 350 feet.

7 BDC 3.4.100.J requires that sidewalks, planter strips and bicycle lanes "shall
8 be installed in conformance with the standards in Table 3.4.100, applicable
9 provisions of the [TSP], the Comprehensive Plan, and adopted street plans.
10 Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of
11 the adjacent property owner." BDC 3.4.100.O requires that concrete curbs, curb
12 cuts, wheelchair, bicycle ramps and driveway approaches ramps and driveway
13 approaches "shall be constructed in accordance with standards specified in Chapter
14 3.1 – Access and Circulation." BDC 3.4.100.X requires that streetlights "shall be
15 installed in accordance with City standards which provides for installation at
16 intervals of 300 feet." The City interpreted these standards not to apply to the
17 development of the Loop Road, but rather at the time the property adjacent to the
18 Loop Road is developed. Rec-7-8.

19 The City's interpretations are inconsistent with the text and context of the
20 standards and are implausible. *Kaplowitz*, 285 Or App at 773-75. BDC 3.4.100.J,

1 O and X use the mandatory phrases “shall be installed” or “shall be constructed”.
2 The City’s interpretation that these standards do not apply to the development of the
3 Loop Road, but rather apply at the time property adjacent to the Loop Road is
4 developed, is contrary to the express text of the standards and inserts words that have
5 been omitted contrary to ORS 174.010. The City’s interpretation is also not
6 plausible. An interpretation is not plausible if, in order to reach it, the local
7 government must add text essentially re-writing the local provision. *Friends of*
8 *Hood River Waterfront v. City of Hood River*, 263 Or App 80, 90 (2014). By way
9 of example, the City would have LUBA look at BDC 3.4.100.X, which provides, in
10 full: “Streetlights shall be installed in accordance with City standards which provides
11 for installation at intervals of 300 feet”, and affirm its interpretation that the standard
12 actually means: “Streetlights shall be installed in accordance with City standards
13 which provides for installation at intervals of 300 feet, *unless properties adjacent to*
14 *the proposed street are currently undeveloped, then the required streetlights shall*
15 *be installed by the developer of an adjacent property at the time that property is*
16 *developed.*” The City’s interpretation impermissibly rewrites BDC 3.4.100.J, O and
17 X.

18 Moreover, in regards to context, BDC 3.4.000.B provides that “the standard
19 specifications for construction, reconstruction or repair of transportation facilities *
20 * * within the City *shall* occur in accordance with the standards of this Chapter. No

1 development may occur unless the public facilities related to development comply
2 with the public facility requirements established in this Chapter.” (Emphasis added).
3 BDC 3.4.100.A.2 provides that “Development of new streets * * * *shall* be improved
4 in accordance with this Section[.]” (Emphasis added). Accordingly, the express text
5 and context of the standards require compliance with the requirements of BDC
6 3.4.100 at the time of development. The City cannot shirk its obligation, as the
7 developer of the Loop Road, to fully comply with these mandatory standards to a
8 “someday” developer of adjacent property.

9 In any event, the evidence in the record shows that several properties adjacent
10 to the Loop Road are already developed – there is a Pacific Pride truck stop at the
11 corner of Laurel Lane and Yates Lane, a warehouse, as well as several residences on
12 parcels adjacent to and that will be served by the Loop Road. Rec-313, 16.

13 The City erred in determining that these standards in BDC 3.4.100 were either
14 met or do not apply until the time adjacent properties are developed.

15 3. Subassignment of Error 3: The City erred in not applying other
16 applicable standards in BDC Chapter 3.

17 The City did not apply the following standards applicable to the Loop Road:
18 BDC Chapter 4.2 (Development Review and Site Design Review); BDC Chapter
19 3.1 (Access and Circulation); BDC Chapter 3.2 (Landscaping, Street Trees, Fences
20 and Walls); BDC 3.4.100.A (Development Standards); BDC 3.4.100.G (Traffic
21 Signals and Traffic Calming Features); BDC 3.4.100.I (Street Alignment and

1 Connections); BDC 3.4.100.K (Intersection Angles); BDC 3.4.100.L (Existing
2 Rights-of-Way); BDC 3.4.100.Q (Development Adjoining Arterial Streets); BDC
3 3.4.100.T (Street Names); BDC 3.4.100.U (Survey Monuments); BDC 3.4.100.V
4 (Street Signs); BDC 3.4.100.W (Mail Boxes); BDC 3.4.100.Y (Street Cross-
5 Sections); BDC 3.4.400 (Storm Drainage); BDC 3.4.500 (Utilities); or BDC Chapter
6 3.5 (Stormwater Management).

7 As explained in Petitioners' statement of jurisdiction and first assignment of
8 error, the City was required to apply the above standards, but failed to do so. To
9 avoid duplication, Petitioners direct LUBA to their arguments regarding the City's
10 failure to apply applicable standards in those sections.

11 4. Subassignment of Error 4: The City erred in not applying the
12 standards in the BPA subdistrict. BDC 2.2.210.

13 To avoid duplication, Petitioners direct LUBA to their arguments in the
14 statement of jurisdiction regarding the Loop Road's noncompliance with the
15 standards of the BPA subdistrict.

16 The City applied none of the BPA subdistrict standards and the Loop Road
17 cannot comply with BDC 2.2.210.B, which prohibits permanent structures within
18 the easement area, and potentially BDC 2.2.210.E, which requires all activities to be
19 set back a minimum of 50 feet from any transmission line tower. If LUBA finds that
20 these standards apply and the Loop Road is prohibited, it must reverse. OAR 661-
21 010-0071(1)(c).

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with the word-count limitation in OAR 661-010-0030(2)(b) and that the word count of this brief is 9,599 words.

I further certify that this brief complies with the font limitation in OAR 661-010-0030(2)(e) and that the font size is not smaller than 14 point for both the text of the brief and footnotes.

Dated this 25th day of August, 2022.

KELLINGTON LAW GROUP PC

By: Sarah Mitchell
Sarah C. Mitchell
sm@klgpc.com
Attorney for Petitioners

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on August 25, 2022, I filed the original plus four copies of this PETITION FOR REVIEW, by FIRST CLASS U.S. MAIL, postage prepaid, with the Land Use Board of Appeals, 775 Summer Street NE, Suite 330, Salem, Oregon 97301-1283.

I further certify that on August 25, 2022, I served a true and correct copy of this PETITION FOR REVIEW, by FIRST CLASS U.S. MAIL, postage prepaid, on the following person(s):

Christopher D. Crean, OSB #942804
Beery, Elsner & Hammond, LLP
1804 NE 45th Ave.
Portland, OR 97213
(503) 226-7191
chris@gov-law.com
Attorney for Respondent

Dated this 25th day of August, 2022.

KELLINGTON LAW GROUP PC

By: Sarah Mitchell
Sarah C. Mitchell
sm@klgpc.com
Attorney for Petitioners



Michaela Ramirez

From: Jonathan Tallman <jonathan@tallman.cx>
Sent: Friday, September 19, 2025 10:54 AM
To: Tamra Mabbott
Cc: Michaela Ramirez; August Peterson
Subject: Re: September Planning Commission

[EXTERNAL EMAIL] - STOP and VERIFY - This message came from outside of Morrow County Gov

Hi Tamra,

Thank you for placing my materials in the Planning Commission packet. I just found this email below.

Please include this email in the public record for the September 30, 2025 hearing.

Statement of fact: Key projects affecting my frontage and the BPA Park Blocks/Heritage Trail corridor are not complete and, as of the dates referenced below, not in compliance with the adopted IAMP standards, which is why nothing has proceeded on the ground.

To document that point, I'm attaching an October 26–27, 2022 email thread in which Morrow County Public Works Director Eric Imes states (to City staff, including the Boardman City Planner (Carla McLarn) that while an easement and access permit exist, he is “not sure it will comply to the IAMP,” adding he’s “pretty sure the IAMP has that approach listed as farm/residential and I am neither of those.” This is direct evidence that the necessary access/approach did not meet the required standards, which explains the lack of progress.

Given that the County is an adjacent/affected landowner and these items are being referenced in current planning updates, I respectfully request that the County formally ask the City to provide, for inclusion in the record before any action:

1. The access permit and the City's written IAMP compliance determination for my frontage/approach, including any amendments or conditions.
2. The current design status (percent complete) and adopted standards being applied for the BPA Park Blocks/Heritage Trail corridor where it interfaces with private property (buffers, fencing, lighting, trespass mitigation).
3. The roadway/collector plan and schedule to bring existing parcels to code, not just into a CIP list.
4. The mapping change history (who, when, and why) for the RV site designation that appears on earlier maps but is blurred/omitted in later versions, plus any direction authorizing that change.

My intent is simple: ensure the Commission and the public are looking at a complete, accurate record—so there is no selective presentation of what land is “available” or “serviceable”. I will also speak to these points at the hearing.

Please let me know if you need me to re-send the email thread or any exhibits.

Thank you,

Jonathan Tallman

(208) 570-7589

Below is the email between Carla and Eric Imes:

Eric,

Do you happen to have the application (Carla mentions she sent you) that is listed in the email below and a copy of the access permit?

Thank you so much!

Jonathan Tallman

(208) 570-7589

On Mon, Jun 2, 2025 at 7:22 AM Eric Imes <eimes@morrowcountyor.gov> wrote:

Jonathan,

See below in response to your public records request. Following this correspondence is when I decided to no longer pursue development on this property as the county did not receive an access permit that complies with the IAMP. I figured it would be possible to gain access once the loop roads were built.

Thank You,

Eric Imes

Public Works Director

Morrow County Public Works

eimes@morrowcountyor.gov

541-989-9500



From: Eric Imes

Sent: Friday, October 28, 2022 1:38 PM

To: 'Carla McLane' <mclanec@cityofboardman.com>; Tamra Mabbott <tmabbott@co.morrow.or.us>; Glenn McIntire <mcintireg@cityofboardman.com>

Cc: Mike Haugen <mikehaugen@co.morrow.or.us>; Karen Pettigrew <PettigrewK@cityofboardman.com>; Richard Stokoe <StokoeR@cityofboardman.com>

Subject: RE: land use application

Carla,

I will get Kirsti do dig that up on Monday. We do have an easement and an access permit but I am not sure it will comply to the IAMP. I'm pretty sure the IAMP has that approach listed as farm/residential and I am neither of those 😊

Thank you,

Eric Imes

"Public servanthood is a privilege and should remain

Consistent no matter how good, bad, or ugly our day might be."

Public Works Director

Morrow County Public Works

eimes@co.morrow.or.us

541-989-9500



From: Carla McLane [<mailto:mclanec@cityofboardman.com>]

Sent: Thursday, October 27, 2022 12:24 PM

To: Eric Imes <eimes@co.morrow.or.us>; Tamra Mabbott <tmabbott@co.morrow.or.us>; Glenn McIntire <mcintireg@cityofboardman.com>

Cc: Mike Haugen <mikehaugen@co.morrow.or.us>; Karen Pettigrew <PettigrewK@cityofboardman.com>; Richard Stokoe <StokoeR@cityofboardman.com>

Subject: RE: land use application

STOP and VERIFY This message came from outside of Morrow County Gov

Eric,

Good morning.

Been thinking about your request. Attached is our newly minted, not fully implemented Site Design Review Type II Procedure Land Use Application. Please complete it and provide narrative and drawings as outlined on the application form or in the Development Code provisions referenced. It is not yet a fillable form so you will need to print, fill, and PDF.

I also need to ask, because the facility takes access from a County Road, that you provide a copy of the Access Permit that has been issued in compliance with the Port of Morrow Interchange Area Management Plan.

This is a Type II Administrative Decision which does require notice to adjoining property owners prior to the Planning Official issuing the final decision.

Let me know if you have any further questions.

Carla

From: Eric Imes <eimes@co.morrow.or.us>

Sent: Wednesday, October 26, 2022 2:57 PM

To: Carla McLane <mclanec@cityofboardman.com>; Tamra Mabbott <tmabbott@co.morrow.or.us>; Glenn McIntire <mcintireg@cityofboardman.com>

Cc: Mike Haugen <mikehaugen@co.morrow.or.us>

Subject: RE: land use application

Ha Ha!!! I love being a Guinea Pig! And thanks for the direction. Yes, the sand shed is 15' Wide X 36' Long X 12' High. Storing Sand is it's intended use. Storage for the van is temporary. Your explanation makes total sense. I attached the drawings for the sand shed if you are interested.

Thank you,

Eric Imes

"Public servanthood is a privilege and should remain

Consistant no matter how good, bad, or ugly our day might be."

Public Works Director

Morrow County Public Works

eimes@co.morrow.or.us

541-989-9500



From: Carla McLane [<mailto:mclanec@cityofboardman.com>]

Sent: Wednesday, October 26, 2022 2:43 PM

To: Eric Imes <eimes@co.morrow.or.us>; Tamra Mabbott <tmabbott@co.morrow.or.us>; Glenn McIntire <mcintireg@cityofboardman.com>

Cc: Mike Haugen <mikehaugen@co.morrow.or.us>

Subject: RE: land use application

STOP and VERIFY This message came from outside of Morrow County Gov

Eric,

Afternoon.

I have been considering this thread and just what type of permit might be applicable or required. Need to share that an accessory use isn't allowed without the primary use. My suggestion would be to apply for the sand shed and then use it for other things until it is needed as a sand shed. Establish the sand shed as the first primary use. Don't call it a carport for the LOOP as the property was identified for the public works office, shop, and other activities. Hope this makes sense.

What is the size of the sand shed? That will determine whether or not this will be a Type II Administrative Review or a Type III Quasi-Judicial Review. Get me that information and I'll send you a brand new, hot off the press, application form. And you all can be my guinea pig to see if it works!

Talk soon,

Carla

From: Eric Imes <eimes@co.morrow.or.us>

Sent: Wednesday, October 26, 2022 12:17 PM

To: Carla McLane <mclanec@cityofboardman.com>; Tamra Mabbott <tmabbott@co.morrow.or.us>; Glenn McIntire <mcintireg@cityofboardman.com>

Cc: Mike Haugen <mikehaugen@co.morrow.or.us>

Subject: RE: land use application

Carla,

Thank you for your quick response. Yes that is the property in question. I had reached out to Glenn this morning and was a bit confused about having to fill out the land use application for the county.

Thank you,

Eric Imes

"Public servanthood is a privilege and should remain

Consistant no matter how good, bad, or ugly our day might be."

Public Works Director

Morrow County Public Works

eimes@co.morrow.or.us

541-989-9500



From: Carla McLane [<mailto:mclanec@cityofboardman.com>]

Sent: Wednesday, October 26, 2022 11:27 AM

To: Tamra Mabbott <tmabbott@co.morrow.or.us>; Eric Imes <eimes@co.morrow.or.us>; Glenn McIntire <mcintireg@cityofboardman.com>

Cc: Mike Haugen <mikehaugen@co.morrow.or.us>

Subject: RE: land use application

STOP and VERIFY This message came from outside of Morrow County Gov

Is this at the county owned property along Laurel Lane? If so, then yes. The land use authorization would come from the City.

Share a bit more and I'll get you the necessary application form.

Carla

From: Tamra Mabbott <tmabbott@co.morrow.or.us>

Sent: Wednesday, October 26, 2022 10:12 AM

To: Eric Imes <eimes@co.morrow.or.us>; Glenn McIntire <mcintireg@cityofboardman.com>; Carla McLane <mclanec@cityofboardman.com>

Cc: Mike Haugen <mikehaugen@co.morrow.or.us>

Subject: RE: land use application

Hello Eric and Glenn –

If the carport is in citylimits the land use (zoning) permit should come from city.

I have included Carla as well to clarify.

These permits can get confusing...

Tara

From: Eric Imes <eimes@co.morrow.or.us>
Sent: Wednesday, October 26, 2022 10:09 AM
To: Tamra Mabbott <tmabbott@co.morrow.or.us>
Cc: Mike Haugen <mikehaugen@co.morrow.or.us>
Subject: land use application

Good Morning Again,

Attached is a Land Use Application for installing a carport on the Boardman property for a carport to house a Loop Van. It is in the City but Glenn McIntire says I need a zoning permit from the county. Is that common? Also, at which time the Loop Transit Facility is built, the carport will stay on the Road Department property and be used for a sand shed.

Thank you,

Eric Imes

"Public servanthood is a privilege and should remain

Consistant no matter how good, bad, or ugly our day might be."

Public Works Director

Morrow County Public Works

eimes@co.morrow.or.us

541-989-9500



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On Fri, Sep 19, 2025 at 10:39 AM Tamra Mabbott <tmabbott@morrowcountyor.gov> wrote:
Thank you Jonathan. We will print this and share with Planning Commission.

From: Jonathan Tallman <jonathan@tallman.cx>

Sent: Wednesday, September 17, 2025 9:23 PM

To: Michaela Ramirez <mramirez@morrowcountyor.gov>; Tamra Mabbott <tmabbott@morrowcountyor.gov>

Cc: August Peterson <apeterson@morrowcountyor.gov>

Subject: Re: September Planning Commission

[EXTERNAL EMAIL] - STOP and VERIFY - This message came from outside of Morrow County Gov

Michaela and Tamra,

I am submitting this letter to be placed in the public record for the September 30, 2025 Planning Commission hearing regarding code updates and related matters. I intend to speak on this issue at the hearing as well.

My concern involves the BPA Park Blocks / Heritage Trail corridor, which is currently identified as being only 60% complete in draft form. As an adjacent property owner, and with Morrow County also a direct neighbor, I am requesting that several questions be addressed on the record before this project advances further:

1. Alignment and Boundaries

- Where will the BPA Trail be aligned in relation to my property?
- Will trail easements or buffers cross or affect private parcels, including mine?

2. Access and Connectivity

- What formal access points are being planned, and do any assume connections across my frontage?
- Has the County committed to managing trail access where it intersects with private property?

3. Design at 60% Stage

- What elements of the trail design are still open for input, including fencing, buffers, and surfacing standards? What standards is the city using now?
- How will nuisance impacts such as trespass, lighting, and noise be addressed for adjacent landowners?

4. Legal and Property Impacts

- Will this project establish any new public easements or modify existing BPA easements?
- How does the trail corridor interact with zoning, the Comprehensive Plan, and prior findings in my LUBA (attached) case regarding road standards and access?
- Will adjacent landowners be indemnified against liability arising from trail users?

5. Public Records and Transparency

- I have already submitted a public records request to the City of Boardman for documents related to this project, but have not received a response.

– As you can see from the first map I attached, it clearly shows an RV Park designation, but in later versions this has been blurred out or omitted. How can such a change be made with no public discussion, and no paper trail showing who directed it? Please see attached below maps and Luba decision.

– Will the County itself ask for these documents and require a full explanation of mapping changes for accountability and transparency, especially where they intersect with the BPA trail corridor? Please see attached video of meeting reference of BPA trail and Rv site.

Because the County is a neighboring landowner along this corridor, these questions directly affect both of us. I ask that this letter be incorporated into the hearing record so that my concerns are preserved, and so that they can be addressed transparently as part of the County's review process.

Thank you for your attention to this matter. I look forward to discussing it further at the upcoming hearing as well as have the county find out information for these concerns.

Sincerely,

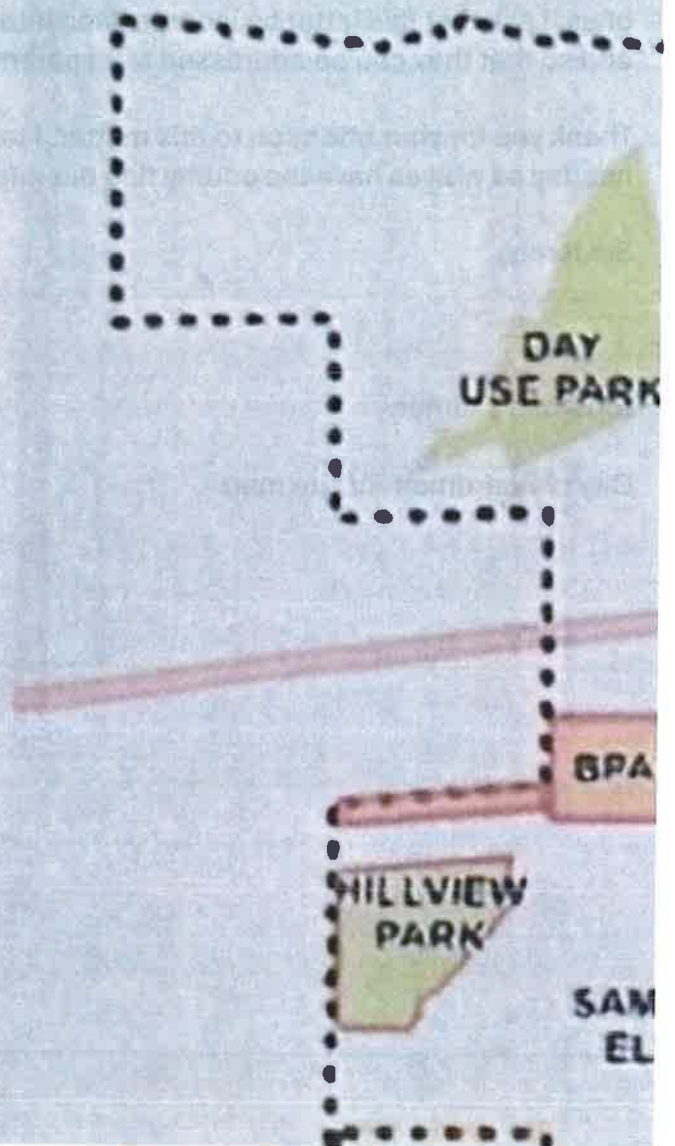
Jonathan Tallman

City of Boardman RV site map

4 miles)
 Cross Marina
 crosswalk on

nts
 Day Use Park

gl Park



Blur out omission and changes to BPA easement and trail.

Planning commission meeting:

<https://www.youtube.com/watch?v=CDuqhyTX7RI>

Listen at about 1:51 mark talking about my families property and Amazon paying for it. 3 to 4 minutes from there.

On Wed, Sep 17, 2025 at 12:19 PM Michaela Ramirez <mramirez@morrowcountyor.gov> wrote:

Hello,

Attached is the 09302025 Planning Commission packet.

This month's meeting will be in the Upper Floor Conference Room at the Bartholomew Building in Heppner at 6 pm sharp!

😊 Have a great day!

Michaela Ramirez, Administrative Asst.

PO Box 40

Michaela Ramirez

From: Jonathan Tallman <1stjohn217llc@gmail.com>
Sent: Saturday, September 20, 2025 9:14 PM
To: Tamra Mabbott; Clint Shoemake; Michaela Ramirez
Cc: fletcher@cfsilage.com; derrin@tallman.cx; frances@edglenn.net
Subject: Fwd: Request for Draft TSP/UGB Materials – City of Boardman To: dlcd.info@dlcd.oregon.gov Dear DLCD, I am a landowner in Boardman, Oregon, and I am trying to follow the City's current Transportation System Plan (TSP) and Urban Growth Boundary (UGB) update
Attachments: IMG_3481.jpeg; dji_fly_20250916_190540_659_1758074764421_photo_optimized.jpeg; 30287_BoardmanTSP_DRAFT TSP 091025.pdf; 2022 collectors.pdf

[EXTERNAL EMAIL] - STOP and VERIFY - This message came from outside of Morrow County Gov

Dear Chair and Members of the Morrow County Planning Commission,

I am the owner of 28.11 acres on Laurel Lane in Boardman, Oregon (home to The Farmer's Cup). My property lies fully inside the City of Boardman UGB and is zoned commercial. Please let me know if you have the City of Boardman CIP plan?

On September 15, 2025, the City submitted its TSP/UGB package to DLCD for acknowledgment. Because Morrow County must adopt coordinated findings under ORS 197.610–650, I respectfully request that County Planning staff prepare an independent staff report addressing the issues below.

1) Good Shepherd 61 acres (Plat 25-12, Parcels 2 & 3) – commercial, vacant/part-vacant inside UGB

- Shown on the City's own Employment BLI figure as vacant/partially-vacant employment land inside both City Limits and the UGB.
- Undeveloped, adjacent to services, fronting arterials.

Question: Why is this acreage not fully counted toward the 20-year commercial/employment land supply for Goal 14?

2) My 28.11 acres on Laurel Lane – vested commercial access; City-created “constraint”

- My site operates today with established commercial access (The Farmer's Cup).

- The City/County previously discussed building Laurel–Yates–Devin to code; the project was then abandoned/shifted, leaving my parcel treated as “constrained” only because the City will not construct the road to standard.

Question: Why is a vested, serviced parcel inside the UGB excluded from the buildable inventory due to infrastructure the City itself is failing to provide?

3) Compliance with

LUBA Case No. 2022-062

- LUBA remanded the Loop Road approval for inadequate findings on collector classification and failure to apply full BDC 3.4.100 improvements at time of construction (sidewalks, bike, curb, lighting, stormwater).
- Rather than cure the remand, the City advanced other corridors and is attempting to revise standards.

Question: Has the City actually complied with the 2022 remand, or is the County being asked to adopt a TSP that still avoids the required collector standards?

4) CIP deferrals that manufacture “constraints”

- The 2025 CIP defers Laurel Lane (ST-23.0) and Oregon Trail Blvd → Laurel (ST-22.0) to 2028–30, despite large, in-UGB commercial capacity (Good Shepherd + my 28.11 acres).

Question: How can the County adopt the TSP/CIP while these near-term, code-required improvements are deferred, thereby manufacturing a shortage contrary to Goals 12 and 14?

5) Evidence from Morrow County Public Works (Eric Imes) confirming IAMP/IAMP-access limits

Please include the following email excerpts in the County record and address them in your analysis:

Mon, Jun 2, 2025 – 7:49 AM – Eric Imes, Public Works Director, Morrow County Public Works

“Attached is the application. I did not move forward because the county never obtained an access permit. The IAMP does not allow for a commercial access where our easement is. Only Farm/Residential.”

Mon, Jun 2, 2025 – 7:22 AM – Eric Imes

“Following this correspondence is when I decided to no longer pursue development on this property as the county did not receive an access permit that complies with the IAMP. I figured it would be possible to gain access once the loop roads were built.”

Fri, Oct 28, 2022 – 1:38 PM – Eric Imes to City staff

“We do have an easement and an access permit but I am not sure it will comply to the IAMP. I’m pretty sure the IAMP has that approach listed as farm/residential and I am neither of those.”

These admissions show the constraint is administrative and self-created (IAMP classification/permit), not a physical impossibility of serving existing in-UGB land. That goes directly to the City’s shortage narrative and the necessity of advancing Laurel–Yates–Devin to full collector standards now, rather than deferring to 2028–30.

Requested County Action

Please direct County Planning staff to prepare an independent staff report that evaluates:

- Whether the City’s BLI/EOA fully accounts for all vacant/partially-vacant commercial land inside the UGB (including Good Shepherd’s ~61 acres and my 28.11 acres).
- Whether the City has complied with LUBA 2022-062 (collector classification; BDC 3.4.100 full improvements at construction).
- Whether the CIP deferrals unlawfully create artificial constraints on in-UGB land, contrary to Goal 12 and Goal 14.

If County staff do not intend to prepare such a report, please state that in writing with reasons and place it in the public record so DLCD has a clear, complete understanding of the County's position. I do have many more examples with drone pictures than what I am attaching.

I would also welcome the opportunity to sit down with County staff to go over these items and avoid unnecessary delays or disputes later in the process. Based on the County's response, I reserve the right to retain legal counsel (I really don't want to) to ensure these issues are properly vetted and addressed. My strong preference is to resolve this collaboratively and locally, not through extended appeals or unwanted costs.

Exhibits I will submit for the record now.

- Plat 25-12 (Good Shepherd Parcels 2 & 3, ~61 acres, commercial).
- Aerial/drone photograph of the same site (vacant).
- City Employment BLI map showing the site as vacant/part-vacant inside City & UGB.
- LUBA 2022-062 excerpts (collector classification; BDC 3.4.100 applies at construction).
- 2025 CIP excerpts (ST-22.0, ST-23.0) showing late phasing/deferrals.
- Contradiction chart: LUBA findings vs. CIP deferrals.
- Trip-Generation table for the 61-acre Good Shepherd site (office/medical/mixed scenarios).

Thank you for your attention. Please confirm whether County staff will prepare the independent report, or provide the written statement if not.

Respectfully submitted,

Jonathan Tallman

Good Shepherd Trip Generation Scenarios

Scenario	Gross Floor Area (ksf)	Daily Trips (veh/day)	Est. Peak Hour Two-Way (veh/hr)
A) General Office (FAR 0.25)	~664 ksf	~6,640	~660
B) Medical Campus (FAR 0.35)	~930 ksf	~33,500	~3,350
C) Mixed Use (200k Office + 150k Medical + 150k Retail)	500 ksf	~16,800	~1,680

LUBA vs. CIP Contradiction Chart

	Relevant CIP Project (2025 CIP)	City's Current Action (CIP / TSP)
City must classify Loop Road correctly (likely Minor Collector, not "Neighborhood Collector").	ST 22.0 – Oregon Trail Blvd to Laurel Lane (\$7.3M, FY 2029–30)	Deferring reclassification; no evidence of correcting collector designation now.
City must build full BDC 3.4.100 improvements (sidewalks, planter strips, curbs, bike lanes, lighting, stormwater) at time of road construction.	ST 23.0 – Laurel Lane Improvements (\$2.5M, FY 2028–29)	Projects are listed but pushed to the late window (2028–30), not committed in near-term. Standards still deferred.
City cannot defer improvements to "later when adjacent property develops"; findings must show compliance now.	ST 5.0 – S. Main Street (\$5M, FY 2025–26) and ST 13.0 – NE Front Street (\$5.5M, FY 2026–27) (other corridors prioritized first).	Prioritizing east-side and downtown corridors for full standards while leaving west-side parcels (Laurel/Yates/Devin) constrained

----- Forwarded message -----

From: **HERT Dawn * DLCD** <Dawn.Hert@dlcd.oregon.gov>

Date: Mon, Sep 15, 2025 at 10:19 AM

Subject: RE: Request for Draft TSP/UGB Materials – City of Boardman To: dlcd.info@dlcd.oregon.gov

Dear DLCD, I am a landowner in Boardman, Oregon, and I am trying to follow the City's current Transportation System Plan (TSP) and Urban Growth Boundary (UGB) update

To: Jonathan Tallman <1stjohn217llc@gmail.com>

Good morning Jonathan,

It looks like Boardman's draft TSP has been submitted to DLCD's Post-Acknowledge Plan Amendment(PAPA) portal. I will let our records staff know that it has been submitted and that you are still wanting copies as detailed in your public records request. You should be hearing back from them in the next day or two. I was a little off on the date it was being scheduled for hearings to kick off, they have planned to present at the October 16th Planning Commission meeting, with hopes of the plan being reviewed by the City Council on November 18th.

I have attached the copy that was emailed to me on Friday to all Public Advisory Committee members. I have not reviewed it, nor have I checked that it is what was submitted to our PAPA portal. It appears to be the same document as what was downloaded on our system and has the same number of pages and file name.

With regards to being added to an interested parties list, my suggestion would be that you reach out to the Planning Department asking to be notified. I cover a large region of 10 counties and 59 cities and am not always involved in their pre-application processes. If you would also like copies that are submitted as PAPAs, please be sure to follow the same public records request as you did for the TSP.

Thanks again for reaching out.

Take care,
Dawn

Dawn Marie Hert  [Hear my name](#)



DLCD

Eastern Oregon Regional Representative | Community
Services Division

Pronouns: She/Her/Hers

Oregon Department of Land Conservation and Development

Eastern Oregon University, One University Blvd, Badgely Hall,
Room 233A | LaGrande, OR 97850-2807

Cell: 503-956-8163 | Main: 503-373-0050

dawn.hert@dlcd.oregon.gov | www.oregon.gov/LCD

Regional Representative for the ten most eastern Counties and 59 Cities.

From: Jonathan Tallman <1stjohn217llc@gmail.com>

Sent: Wednesday, September 10, 2025 9:57 PM

To: HERT Dawn * DLCD <Dawn.Hert@dlcd.oregon.gov>

Subject: Re: Request for Draft TSP/UGB Materials – City of Boardman To: dlcd.info@dlcd.oregon.gov Dear DLCD, I am a landowner in Boardman, Oregon, and I am trying to follow the City's current Transportation System Plan (TSP) and Urban Growth Boundary (UGB) update

Dawn,

Thank you for your response and for clarifying the status of Boardman's submittals to DLCD.

I'm actively pursuing public records from the City of Boardman related to the Transportation System Plan (TSP) and certain capital projects (e.g., the Loop Road/Laurel Lane realignment and BPA corridor planning). My goal is to develop my property for an RV use, but I'm receiving mixed signals locally and have not been provided the underlying engineering information.

Once a TSP draft is available—either from the City/consultant or when DLCD receives it—I would like to review it to confirm whether it aligns with the materials I've requested through public records. Please add me to any interested-parties list for both the TSP and the EOA, and kindly share any preliminary schedules, scoping memos, or public review drafts when you have them.

Also, when the City transmits anything to DLCD for the PAPA record, I'd appreciate a direct link or copy so I can compare it against what I receive from the City.

Thank you again for your help. I'm eager to ensure my private development plans are consistent with the adopted transportation and land-use framework.

Best regards,

Jonathan Tallman

On Tue, Sep 2, 2025 at 6:05 PM HERT Dawn * DLCD <Dawn.Hert@dlcd.oregon.gov> wrote:

| Jonathan,

Thank you for reaching out to DLCD. I am the Eastern Oregon Regional Representative from the Agency and cover the ten most eastern counties and 59 cities in Eastern Oregon.

I am following up from your inquiry on submittals for Boardman to my Agency. Currently there have been no formal submittals to our Post-Acknowledge Plan Amendment(PAPA) website for the upcoming Transportation System Plan(TSP) or Economic Opportunities Analysis(EOA). Both projects have been self-funded.

I have been in contact with Boardman's planner and consultant about the EOA that is currently underway. In addition, the TSP is expected to kick off soon(early November.) Please let me know if you have any additional questions and I will do my best to answer.

Take care,

Dawn



Dawn Marie Hert [Hear my name](#)

Eastern Oregon Regional Representative | Community Services Division

Pronouns: She/Her/Hers

Oregon Department of Land Conservation and Development

Eastern Oregon University, One University Blvd, Badgely Hall, Room 233A | LaGrande, OR 97850-2807

Cell: 503-956-8163 | Main: 503-373-0050

dawn.hert@dlcd.oregon.gov | www.oregon.gov/LCD

Regional Representative for the ten most eastern Counties and 59 Cities.

From: Jonathan Tallman <1stjohn217llc@gmail.com>

Sent: Wednesday, August 27, 2025 8:12 PM

To: INFO DLCD * DLCD <dlcd.info@dlcd.oregon.gov>

Subject: Request for Draft TSP/UGB Materials – City of Boardman To: dlcd.info@dlcd.oregon.gov Dear DLCD, I am a landowner in Boardman, Oregon, and I am trying to follow the City's current Transportation System Plan (TSP) and Urban Growth Boundary (UGB) update p...

Some people who received this message don't often get email from 1stjohn217llc@gmail.com. [Learn why this is important](#)

Dear DLCD,

I am a landowner in Boardman, Oregon, and I am trying to follow the City's current Transportation System Plan (TSP) and Urban Growth Boundary (UGB) update process.

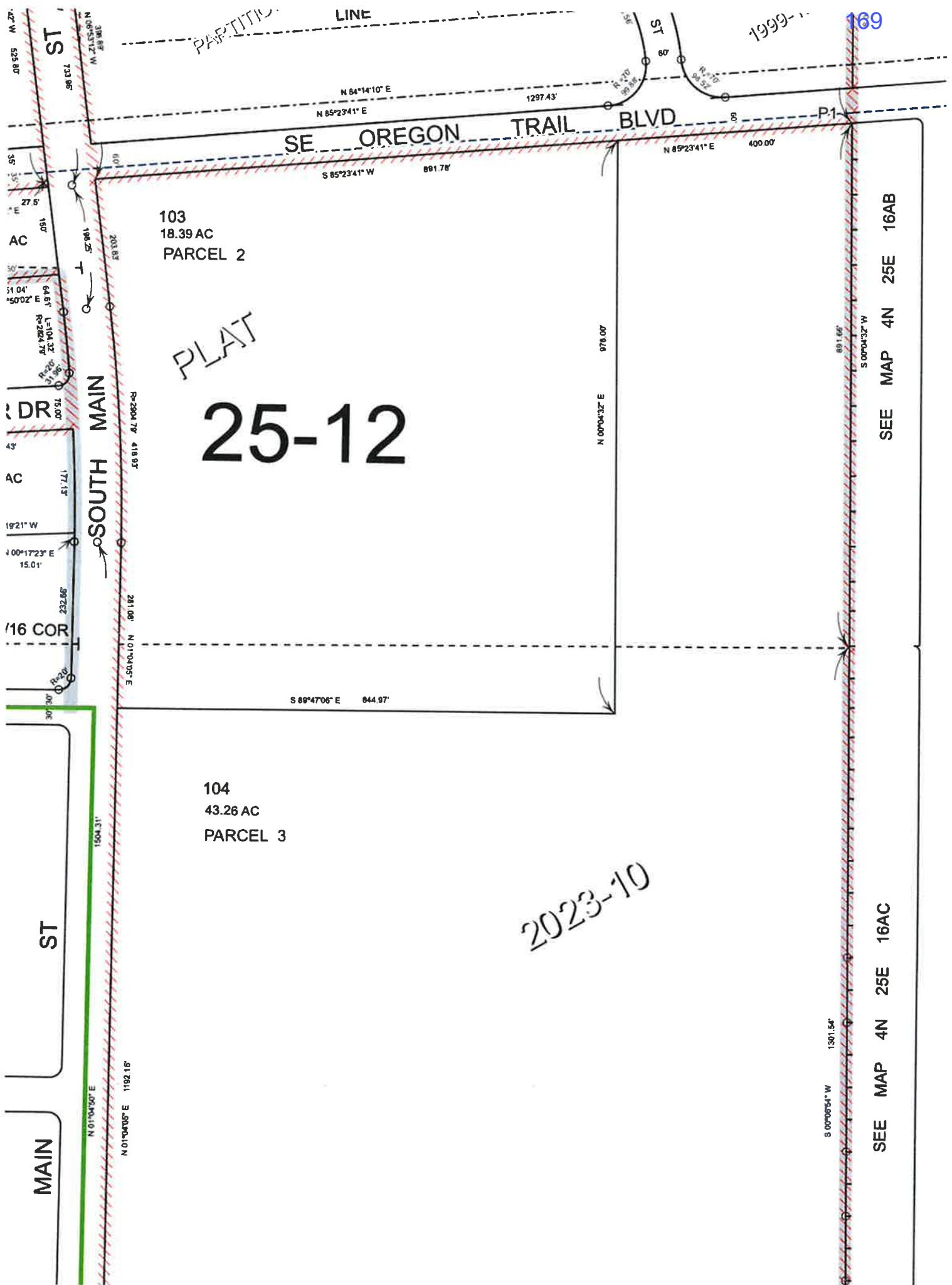
Could you please provide me with copies of any draft TSP or UGB amendment materials that the City of Boardman has transmitted to DLCD under ORS 197.610? If no such drafts have been received, I would appreciate written confirmation. Any future list to be notified would be appreciated.

Thank you for your assistance.

Sincerely,

Jonathan Tallman

1st John 2:17 LLC landowner



103
18.39 AC
PARCEL 2

25-12

104
43.26 AC
PARCEL 3

2023-10

SEE MAP 4N 25E 16AB

SEE MAP 4N 25E 16AC





City of Boardman TRANSPORTATION SYSTEM PLAN

DRAFT TSP Content

Date: September 10, 2025

Kittelson Project No: 30287

To: Project Management Team (PMT)

From: Matt Hughart, AICP and Eza Gaigalas

Subject: Transportation System Plan – DRAFT Content

Note to Reviewer:

This document presents the Draft Boardman Transportation System Plan (TSP) Update, developed through collaboration between City and agency partners, the results of technical and policy analyses, and feedback received from the community and local constituent groups. This unformatted version has been developed specifically for content development and review and has purposefully left out photos and enhanced graphics. Prior to the first evidentiary adoption hearing in October, this DRAFT will be updated/enhanced for formal publication, ensuring it is formatted to be graphically and visually accessible to all audiences.

Boardman Transportation System Plan

Volume I

September 2025

(Cover Page placeholder)

Acknowledgements

The City of Boardman would like to acknowledge the following committees and individuals who helped guide the development of the Boardman Transportation System Plan. Their time and effort devoted to the planning process was instrumental in the creation of all aspects of the planning document.

Project Management Team

- Carla McLane; City of Boardman Planning Official
- Stephanie Case; City of Boardman Principal Planner
- Roy Drago Jr; City of Boardman Public Works Director
- Mike Lees; Anderson Perry & Associates
- Devin Hearing; ODOT Contract Project Manager

Project Advisory Committee (PAC)

- Heather Baumgartner; Boardman City Council
- Alex Hattenhauer; Business owner
- Jacob Cain; Port of Morrow
- Stephan Faus; Local bike/ped advocate
- Gabe Hansen; Morrow County School District
- Kaitlin Kennedy; Morrow County Planning
- Erik Imes; Morrow County Public Works
- Patrick Keely; The Loop
- Marlow Stanton; ODOT Region 5 Traffic Engineer
- David Jones; Boardman Planning Commission
- George Shimer; Boardman Parks and Recreation District
- Patter Perry; CTUIR
- Dawn Hert; Department of Land Conservation and Development (DLCD)
- Torrie Griggs; Boardman Chamber of Commerce
- Dejan Dudich; ODOT Transportation Planning & Analysis Unit (TPAU)
- Abby Gisler; ODOT Region 5 Planner

Consultant Team

- Kittelson & Associates, Inc.
- MIG
- Zan Associates

This project is partially funded by a grant from the Transportation and Growth Management (TGM) Program, a joint program of the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development. This TGM grant is financed, in part, by Federal Highway Administration, local government, and the State of Oregon funds.

The contents of this document do not necessarily reflect views or policies of the State of Oregon.

TSP Organization

The Boardman TSP is presented in two volumes. Volume 1 constitutes the main TSP document and contains information that is likely to be of interest to the broadest audience. Volume 2 contains technical memoranda and data related to local transportation needs and facilities; these materials provide technical support for the information summarized in Volume 1.

Volume I

Volume I includes the following plan chapters:

- **Chapter 1 - Introduction:** An overview of the planning context for the TSP.
- **Chapter 2 – Goals and Objectives:** Goals and objectives that reflect the community's long-term vision for the transportation system.
- **Chapter 3 – Transportation Context:** A high-level overview of the existing and future transportation system deficiencies and needs.
- **Chapter 4 – Guiding the Transportation Network:** An overview of the key system elements that guide future changes to the multimodal transportation system over the next 20 years.
- **Chapter 5 –Transportation Improvement Projects:** Recommended projects to support the city's anticipated transportation needs over the next 20 years.
- **Chapter 6:** Overview of transportation funding and implementation.

Volume II (Under Separate Cover)

Volume 2 includes the following technical appendices:

- **Appendix A:** Community Profile and Trends
- **Appendix B:** Plans and Policy Review
- **Appendix C:** Goals, Objectives, and Evaluation Criteria
- **Appendix D:** Code Assessment Memorandum
- **Appendix E:** Methodology Memorandum
- **Appendix F:** Existing Conditions Inventory and Analysis
- **Appendix G:** Future Conditions Analysis
- **Appendix H:** Proposed Solutions
- **Appendix I:** Implementing Ordinances
- **Appendix J:** Public Outreach Summary

Chapter 1 - Introduction

The Boardman Transportation System Plan (TSP) establishes a vision for the multimodal transportation system within Boardman for the next 20 years. It provides an adaptable framework for making transportation decisions in an increasingly unpredictable and financially constrained future. Once adopted, the TSP will serve as the transportation section of the Boardman Comprehensive Plan.

The local transportation system is intended to move people, goods, and services to, through, and within the City of Boardman and its Urban Growth Boundary (UGB). The system is used in essential aspects of daily life, including commuting to and from workplaces and schools, fulfilling basic needs, and recreating. The TSP aims to support projects, programs, and further studies that will upgrade and maintain the local transportation system to meet the needs of all users.

TSP Purpose

The Boardman TSP identifies the transportation facilities, services, and investment priorities necessary to achieve the community's vision for a safe, efficient, and reliable transportation system. To meet future needs anticipated from ongoing growth over the next 20 years, the plan identifies priority investments, policies, and programs to support future transportation and land use decision making through the City's Comprehensive Plan. The TSP also serves as a resource for coordination amongst regional, local, and state agencies by providing:

- Location, function, and capacity of future streets, sidewalks, bikeways, pathways, transit services, and other transportation facilities.
- Solutions to address existing and future transportation needs for people walking, biking, riding transit, driving, and moving freight;
- Strategies to prioritize transportation investments that improve safety and access for all users of all ages and abilities; and
- Planning-level cost estimates for transportation infrastructure investments needed to support the community's vision, as well as possible funding sources and partners for these investments.

The TSP satisfies the state's requirements for a local transportation system plan to provide and encourage a safe, convenient, and economic transportation system, as established by Oregon Statewide Planning Goal 12: Transportation (OAR 660-012-0015).

TSP Process

The Boardman TSP was updated through a process that identified transportation needs, analyzed potential options for addressing those needs over the next 20 years, and provided a financial

assessment of funding and a prioritized implementation plan. The following steps were involved in this process:

- Reviewing state, regional, and local transportation plans and policies that the Boardman TSP must either comply with or be consistent with.
- Gathering community input through regular interactions with a project advisory committee (PAC) and multiple public workshops/engagement activities.
- Establishing goals and objectives for the future transportation network
- Using a detailed inventory of existing transportation facilities and serve as a foundation to establish needs near- and long-term.
- Identifying and evaluating future transportation needs to support the land use vision and economic vitality of the urban area.
- Prioritizing improvements and strategies that are reflective of the community's vision and fiscal realities.

Guiding Principles and Context

The TSP was developed in compliance with Oregon Revised Statute (ORS) 197.712 and the Department of Land Conservation and Development (DLCD) administrative rule known as the Transportation Planning Rule (TPR, OAR 660-012). These rules require that the TSP provides for a transportation system that accommodates the expected growth in population and employment based on the visions and expectations of the Comprehensive Plan. As required by the TPR, the TSP was developed in coordination with local, regional, and state plans, which helped shape the TSP's goals and objectives, as detailed in Chapter 2.

Per the TPR, this TSP identifies multimodal transportation needs for users of all ages, abilities, and incomes. As such, the TSP identifies solutions to address existing and future transportation needs, with a focus on enhancing safety and connectivity for people bicycling, walking, using transit, and driving. Also per the TPR, updates for the City's development code have been prepared to support implementation of the solutions in the TSP (see TSP Vol 2, Appendix I).

Chapter 2: Goals and Objectives

The TSP goals are broad statements that, at a high level, reflect the community's desires and vision for the local transportation system. At the onset of the planning process, Boardman defined six goals and supporting objectives for its transportation system. These goals and objectives helped guide the review and documentation of existing and future transportation system needs, the development and evaluation of potential alternatives to address the needs, and the selection and prioritization of preferred projects for inclusion in the TSP update. The goals and objectives will enable the City to plan for, and consistently work toward, achieving the community vision.

These goals and objectives are presented below. Each goal is equal in priority and presented in no particular order.

Goal #1: Safety

Improve the safety and comfort of the multimodal transportation network.

- Objective #1a: Address known safety issues at locations with a history of fatal and/or severe injury crashes.
- Objective #1b: Identify and prioritize transportation improvements that provide safe access for all users, regardless of age, ability, or mode of transportation.
- Objective #1c: Manage vehicular access to key transportation corridors consistent with engineering standards and access management principles, while maintaining reasonable access to adjacent land uses.

Goal #2: Mobility

Provide an efficient multimodal transportation system.

- Objective #2a: Identify capacity constraints and develop projects and strategies to address those constraints, including intersection improvements, new crossings of I-84, and alternative multimodal connections.
- Objective #2b: Preserve and maintain the existing transportation system.
- Objective #2c: Support local and regional transit services through the advancement of stop amenities, service hubs, etc.

Goal #3: Accessibility & Connectivity

Provide an interconnected, multimodal transportation network that connects all members of the community to key destinations.

- Objective #3a: Provide new connections to/from Boardman's neighborhoods, schools, parks, transit stops, employment centers, and other key destinations.

- Objective #3b: Address existing walking, biking, and rolling gaps in Boardman's multimodal network.
- Objective #3c: Increase multimodal connectivity across I-04.

Goal #4: Community Focused

Provide a multimodal transportation system for all users to promote a livable and fully connected community.

- Objective #4a: Ensure that the transportation system provides equitable multimodal access for underserved and vulnerable populations to schools, parks, employment centers, commercial centers, health and social services, and other essential destinations.
- Objective #4b: Strengthen economic opportunities through the development of new transportation infrastructure.

Goal #5: Sustainability

Provide a sustainable transportation system by promoting transportation choices and preserving environmental resources.

- Objective #5a: Consider alternative transportation facility designs in constrained areas to avoid or minimize impacts to natural resources.
- Objective #5b: Avoid or minimize transportation impacts to natural and cultural resources in the city.

Goal #6: Strategic Investment

Make the most of transportation resources by leveraging available funding opportunities, preserve existing infrastructure, and reduce system maintenance costs.

- Objective #6a: Preserve and maintain the existing transportation system assets to extend their useful life.
- Objective #6b: Pursue grants and collaborate with partnering agencies to creatively fund transportation improvements and supporting programs.
- Objective #6c: Identify and maintain stable and diverse revenue sources to address transportation needs.

Chapter 3 – Transportation Context

This chapter provides a high-level overview of findings from the transportation needs assessment, describing existing and future deficiencies in the transportation system based on existing conditions of each travel mode, population forecasts, and the community's vision for a connected, accessible, and equitable transportation system.

Existing Transportation Conditions

The assessment provides a baseline understanding of the existing transportation system inventory and an analysis of how it operates, including traffic conditions, street connectivity, safety performance, and other aspects. The inventory also covers a review of land uses and population demographics to understand how they are served by the current transportation system.

Details on the inventory, review, and analyses of needs are provided in Volume 2, Appendix D. Key highlights of the inventory and findings are presented in Table 3-1 below and more details are provided in the following sections.

Table 3-1. Existing Conditions Key Findings

Needs Category	Key Findings
Land Uses & Population Demographics	- The City of Boardman has significant residential growth potential, with many of these growth areas located south of the I-84 corridor. To ensure the transportation system effectively and efficiently serves these land uses, it is critical to plan for a well-balanced multimodal transportation system that accommodates a variety of travel modes. - The Boardman UGB is large geographically but limited in some areas by land use constraints that can restrict connectivity to and from certain areas. To address these challenges, targeted strategies and transportation system improvements are needed to enhance existing connections and identify feasible options for new connections. - Ensuring access to key destinations and local activity centers including schools, recreation areas, parks, and businesses is important for maintaining a high quality of life for residents.
Streets	- There are many infill development opportunities. An efficient expansion of the existing street grid network is needed to service this infill development potential. - Maintenance of existing facilities is a key need for the Urban Area.
Intersections	Intersection improvements are needed at locations that are currently exceeding or projected to exceed capacity limitations by 2045. These key intersections are located along the Main Street corridor and the two I-84 interchange terminals at Main Street and Laurel Lane.

Needs Category	Key Findings
Safety	- No fatal crashes were identified at any study intersections in the study period. - The observed crash rate at the S Main Street / Wilson Lane intersection exceeds the 90th percentile crash rate. The urban four-leg stop controlled crash rate was used in the comparison. It is noted that if the rural four-leg stop controlled rate was used then the observed crash rate would not exceed the 90th percentile crash rate. Angle and turning-movement crashes were predominantly observed at this intersection.
Walking & Biking Facilities	Walking and biking infrastructure is generally limited. While sidewalks exist on one or both sides of some key corridors like Main Street, there are significant gaps in the supporting collector and neighborhood collector network. As infill development occurs in Boardman, it will be important to address these gaps and ensure a fully connected network that meets the walking and biking needs of all community members.
Public Transportation	Continued coordination between the City, County, and other transit providers within the Boardman and the adjacent Port of Morrow is necessary to ensure that transit is a safe, reliable, and efficient transportation option, especially in areas where there are higher proportions of transit-dependent populations.
Freight, Rail, & Marine	The Boardman Urban Area has a variety of freight, rail, and marine infrastructure that serve vital roles in the movement of goods. To support economic growth and ensure the safe and efficient movement of freight through the Urban Area, it is essential that these critical facilities effectively meet regional transportation needs.

Population Forecasts

Future transportation needs were identified based on the existing transportation needs summarized previously and the anticipated growth in households within the Urban Area. The Portland State University (PSU) Population Research Center forecasts that the population within the UGB is expected to increase by 5,429 people as of the year 2045, representing an annual average growth rate of 3.5 percent.

Future No-Build Traffic Analysis

To understand the needs of people driving and transporting freight in the Boardman Urban Area in 20 years, the future no-build traffic analyses at 14 study intersections based on forecast year 2045 traffic volumes. These analyses help identify areas that are expected to exceed applicable performance thresholds in 2045 and inform transportation projects, policies, and programs needed to support economic growth through the planning horizon.

Details on how traffic volumes were developed are provided in Volume 2, Appendix E. Based on discussions with the City regarding planned transportation improvements in Boardman's Capital Improvement Program (CIP) and anticipated private development projects, lane configuration changes were assumed. Key findings are presented below.

Ten intersections are forecast to exceed their mobility targets in either the weekday AM or PM peak hour conditions or both in 20 years including intersections owned by both ODOT and the City. The intersections projected to exceed mobility targets in 20 years include:

ODOT	• N Main Street / I-84 Westbound Ramp Terminal • S Main Street / I-84 Eastbound Ramp Terminal • Laurel Lane / I-84 Westbound Ramp Terminal • Laurel Lane / I-84 Eastbound Ramp Terminal
City	• N Main Street / Boardman Avenue • N Main Street / N Front Street • S Main Street / S Front Street • S Main Street / Oregon Trail Boulevard • S Main Street / Kinkade Road • Laurel Lane / Columbia Avenue

Resultant traffic operations for all study intersections are detailed in Volume 2, Appendix E.

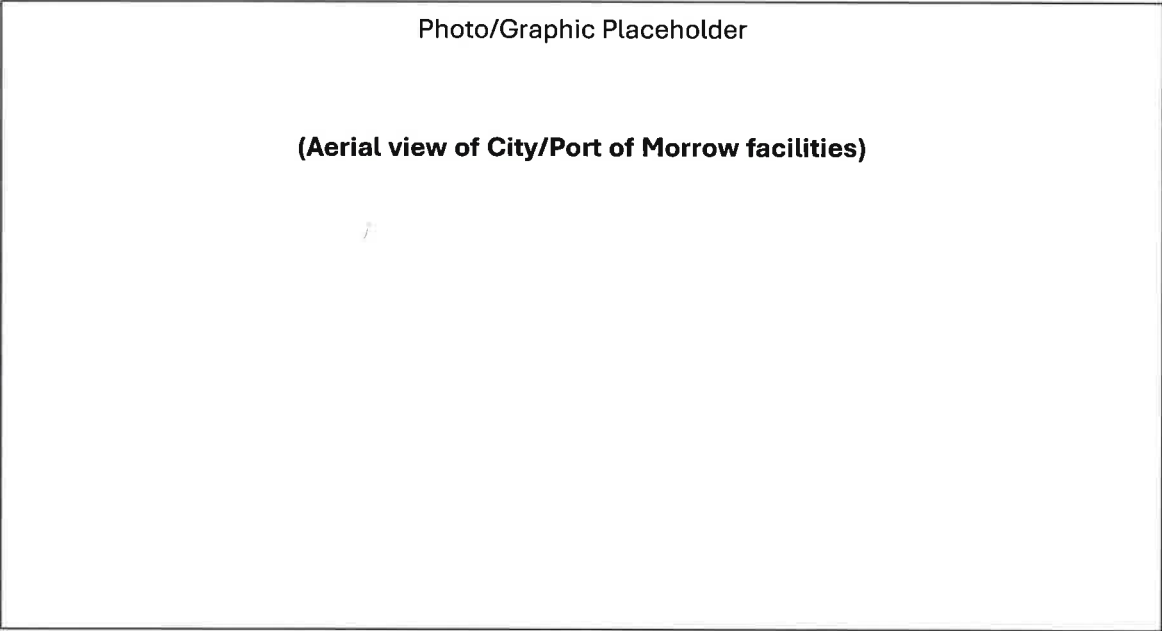
Chapter 4 – Guiding the Transportation Network

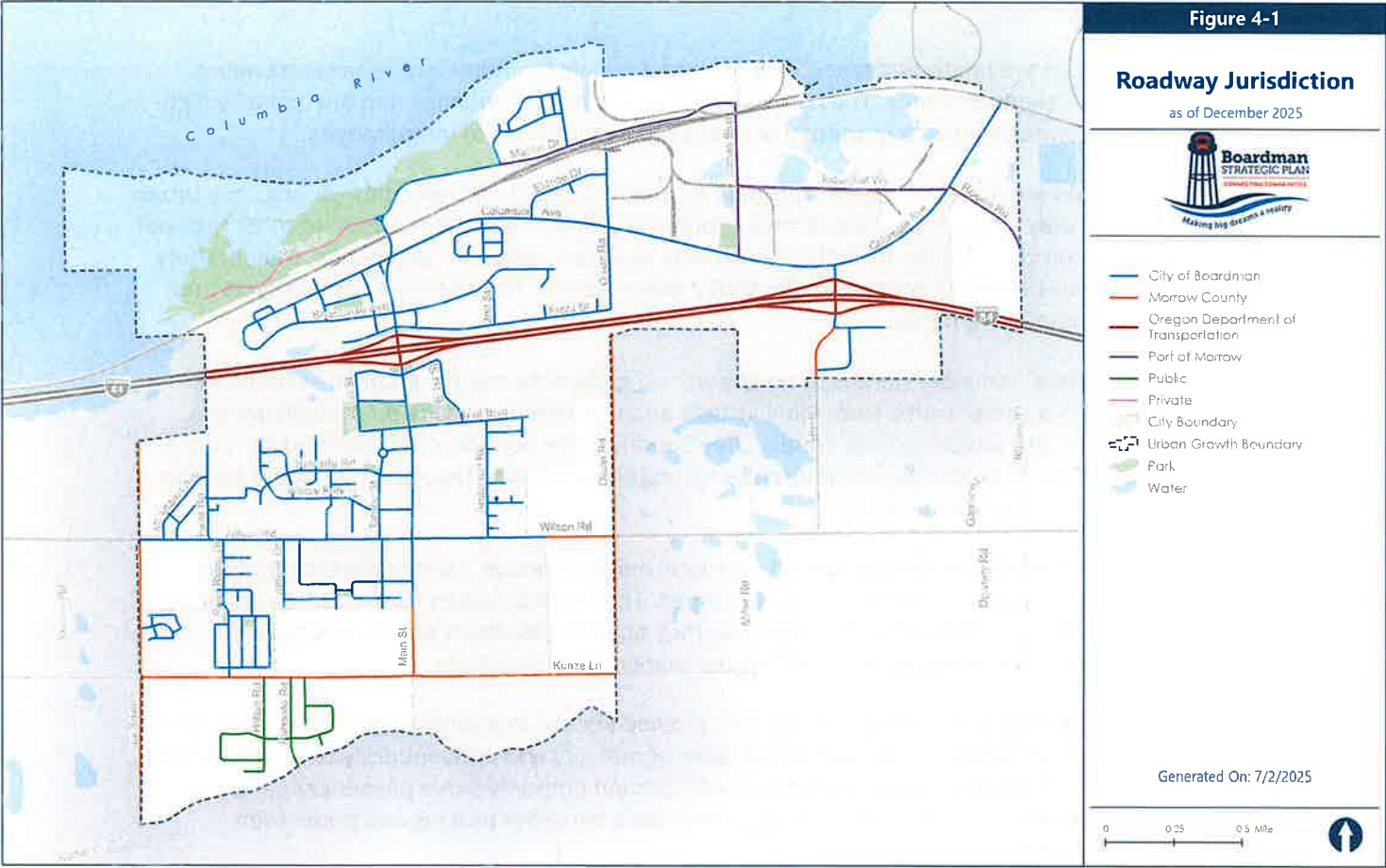
Boardman manages its transportation network through a variety of management plans, regulations, and standards to ensure a cohesive and coordinated system and one that reflects the goals and objectives of the City. This chapter presents the key system elements that guide needed changes to the multimodal transportation system over the next 20 years. A detailed project list and associated cost estimates are provided in Chapter 5.

Roadway Jurisdiction

The roadways within the Boardman UGB fall under City, County, Port of Morrow, or ODOT jurisdiction. The respective jurisdiction of individual street segments is illustrated in Figure 4-1.

The City, Port of Morrow, and Morrow County intend to continue managing and maintaining their streets. It is recognized that streets within the UGB currently under Morrow County jurisdiction could be transferred to City control over time through various land use actions, such as annexations. Future potential transfers will be evaluated individually and carried out in accordance with relevant agreements between the City and the County.





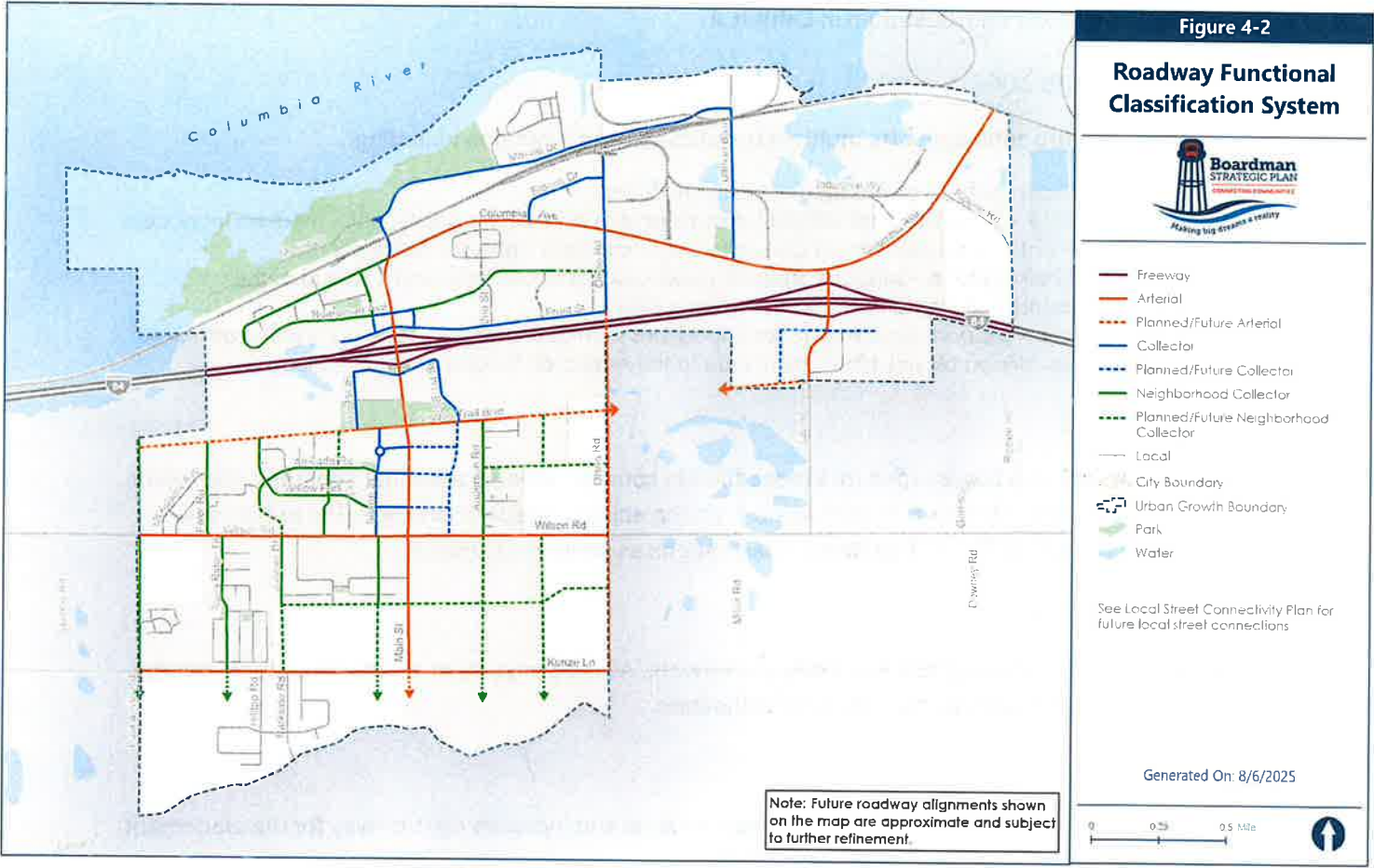
Roadway Functional Classification System

Roadway functional classifications organize the street network based on their role in the transportation system. The classifications define a roadway by their intended mobility and access control as they relate to land use. They designate desired street characteristics such as operational and design characteristics, pavement width, driveway (access) spacing requirements, and context-appropriate pedestrian and bicycle facilities.

The City's roadway functional classification system is illustrated in Figure 4-2 and consists of the following designations:

- **Freeways** are limited-access roads designed mainly for motorized vehicles traveling across regions or states. They provide the highest level of mobility and are typically high-speed routes with widely spaced access points in the form of interchanges.
- **Arterials** are major roadways designed primarily to facilitate traffic flow through the urban areas. They support significant intra-urban travel and connect Boardman to other regional travel corridors. While arterials may provide access to adjacent properties, their primary function is to accommodate major traffic movements. They accommodate bicycle and pedestrian movements.
- **Collectors** connect arterials to neighborhood collectors and the local street network. Collectors gather traffic from local streets and sometimes provide direct land access, channeling it toward arterial roads. They directly serve commercial/industrial land uses, are shorter than arterials, and operate at moderate speeds. They accommodate bicycle and pedestrian movements.
- **Neighborhood Collectors** extend into local neighborhoods, supporting local traffic circulation primarily within residential areas. They typically carry lower traffic volumes at slower speeds compared to collectors. They accommodate on-street parking and pedestrian movements with shared-lane markings for bicyclists.
- **Local Streets** are primarily intended to provide access to abutting residential land uses. Local street facilities offer the lowest level of mobility and consequently tend to be short, low-speed facilities. As such, local streets should primarily serve passenger cars, pedestrians, and bicyclists. They accommodate on-street parking and pedestrian movements.

Over time, as the city continues to grow, functional classifications will be periodically revisited to ensure that street designations are still appropriate. Future land use approvals may require changes to existing streets (beyond those identified in the TSP) consistent with functional classification requirements.



Multimodal Network Design

The multimodal network is guided by a policy framework that establishes the function, design, construction, and operation of travel ways in Boardman.

Roadway Design Elements

All roadways in Boardman will consist of different zones that accommodate motor vehicle travel, on-street parking, bicycle travel, landscaping/buffers, pedestrian travel, and utilities. These zones are outlined below and illustrated in **Exhibit A**.

CURB-TO-CURB ZONE

The curb-to-curb zone supports multiple travel zones and functions including:

- Motor Vehicle Zone – Supports motor vehicle functions.
- Median Zone – Supports motor vehicle turning functions and, where appropriate, medians for access management. The median zone is unique to the Arterial and Collector designations.
- On-Street Parking Zone – Supports on-street parking accommodations and is unique to the Neighborhood Collector and Local Street designations.
- Bicycle Zone – Supports bicycling accommodations such as striped bicycle lanes and shared/mixed travel lanes. Striped bicycle lanes are unique to the Arterial and Collector designations.

BUFFER ZONE

The buffer zone is a hardscaped (or landscaped in some situations) area that separates the motor vehicle functions in the curb-to-curb zone from the adjacent pedestrian zone. The buffer zone is unique to the Arterial and Local Street designations as shown in Exhibit A.

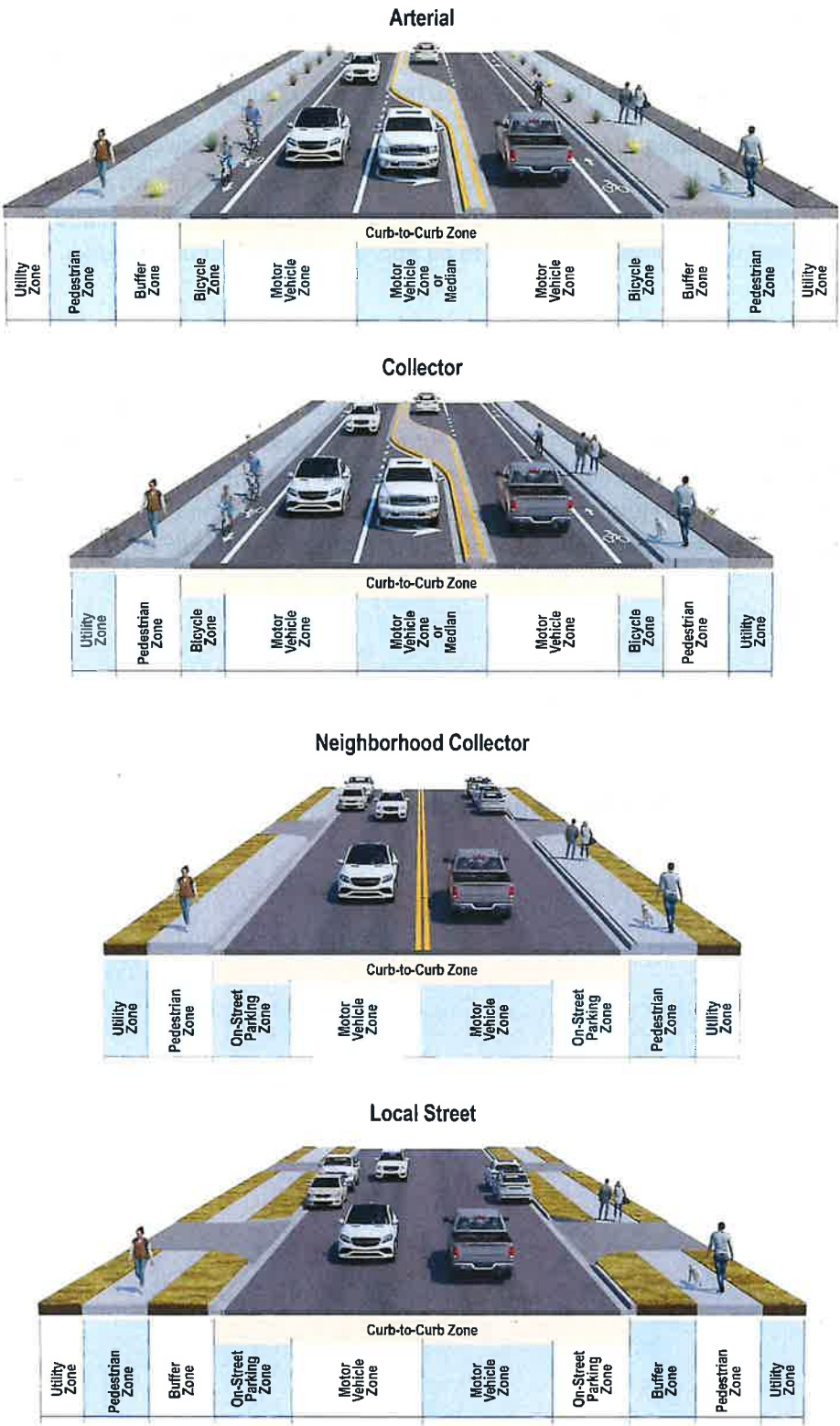
PEDESTRIAN ZONE

The pedestrian zone supports the sidewalk network. All roadways have a pedestrian zone, but the width and location vary by functional classification.

UTILITY ZONE

The utility zone is located outside the pedestrian zone and includes right-of-way for the placement of utilities and other supporting infrastructure.

Exhibit A – Boardman Roadway Design Framework



Based on this framework, the City of Boardman has developed detailed roadway cross section standards specific to each functional classification. These standards are contained in the City of Boardman's *Public Works Standards*. The street cross sections are intended to define a system that allows standardization of key characteristics to provide consistency, but also to provide criteria for application that provides some flexibility while meeting the design standards.

Unless prohibited by significant topographic or environmental constraints, newly constructed streets should meet the standards indicated in the cross sections. When widening an existing street, the City may use lesser standards than the maximum to accommodate physical and existing development constraints where determined to be appropriate by the Public Works Director.

SEPARATED MULTI-USE PATHS

Separated multi-use paths are designed to accommodate a variety of users, including pedestrians, cyclists, and other users of non-motorized forms of transportation. The pathways typically separate these uses from vehicular traffic to enhance safety and provide a more pleasant experience for all ages and abilities. Multi-use pathways are typically located in their own right-of-way. Multi-use pathway standards are contained in the City of Boardman's *Public Works Standards*.

Photo/Graphic Placeholder

(Multi-Use Pathway photo)

Vehicle Performance Standards

Vehicle performance standards (also known as operational standards or mobility targets) for streets and intersections define the maximum amount of congestion that an agency or community has deemed acceptable. These standards are commonly used to assess the impacts of proposed land use actions on vehicular operating conditions and are one measure that staff use to determine transportation improvement needs for project planning.

Mobility targets are typically defined by motor vehicle level of service (LOS), which is presented as grades “A” (free-flow traffic conditions) to “F” (congested traffic conditions) and/or by a volume-to-capacity ratio (V/C), which represents the amount of measured traffic volumes that are utilizing the capacity of a street or intersection. As V/C ratios approach 1.0, traffic congestion increases.

City street performance standards for motor vehicles are identified in the Boardman Development Code (BDC).

Traffic Management

The City of Boardman strives to provide a safe and efficient transportation network that accommodates travelers of all ages and abilities. Effectively managing traffic volumes and speeds on the transportation network is a means to this goal. This section identifies a variety of traffic management tools the city will use as situations arise.

The Traffic Management Toolbox provides information about specific treatments and considerations when applying the treatments. The treatments are generally intended to reduce traffic speeds through at least one of the following ways:

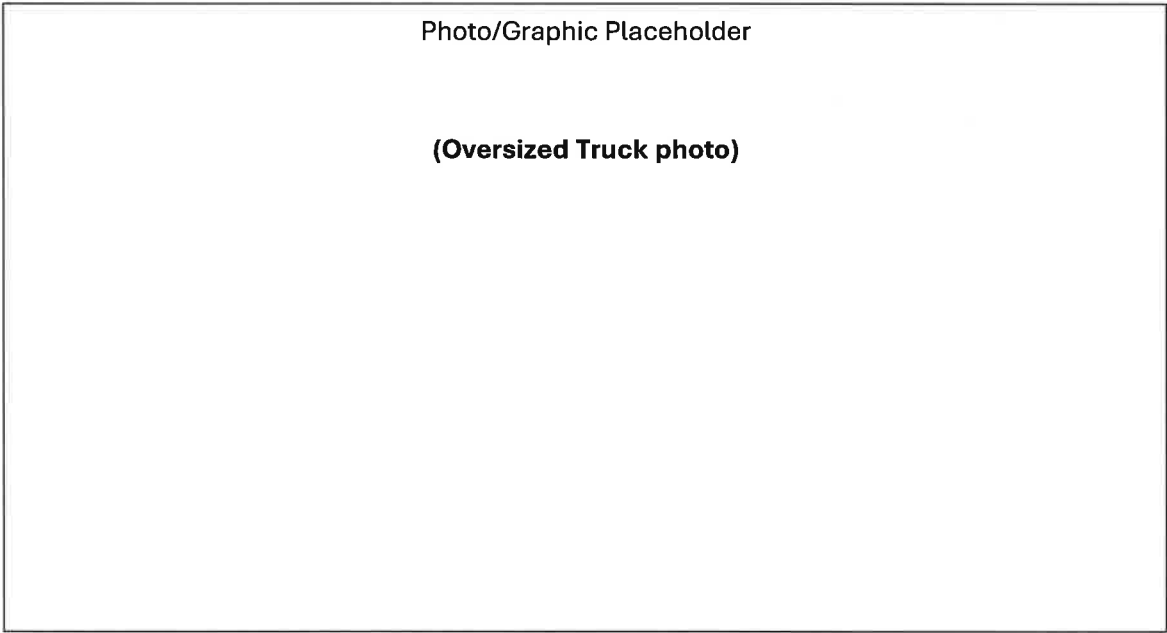
- Create a narrower cross-section (throughout a roadway corridor or at individual locations along the corridor) or tighter turning radii at intersections, which has been shown to slow traffic speeds;
- Create a visual change in context and/or gateways to the corridor to alert drivers of the need to reduce speed;
- Provide a visual or audible warning to drivers to reduce their speed;
- Create horizontal or vertical curvature in the roadway to reduce travel speeds; and/or
- Provide breaks in the corridor to slow or stop through traffic.

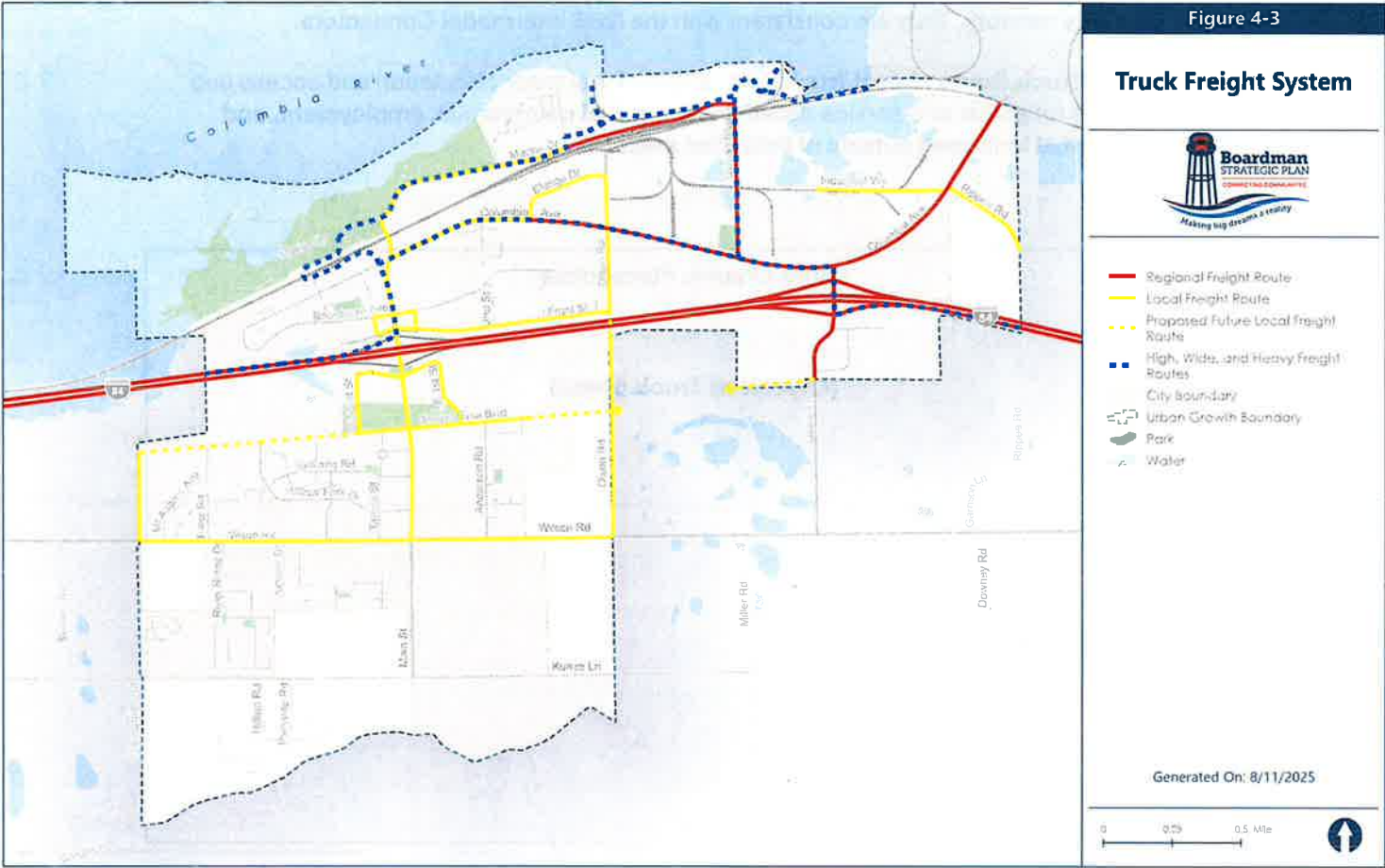
(Insert Traffic Calming Toolbox sheets – 18 pages. Currently removed to facilitate ease of content review)

Truck Freight System

Truck freight route classifications are provided at the State and Federal levels. In Oregon, the Oregon Highway Plan documents State freight designations. Locally, Boardman has established a local truck freight route network that supports truck freight movements off the State Highway System. The truck freight system is illustrated in Figure 4-3 and consists of the following:

- **Regional Truck Route** - Regional Truck Routes accommodate the continuous and regional flow of truck freight through the city. These routes serve as the primary travel routes for regionally oriented truck freight, connecting freight-generating land uses to the state highway network. They are consistent with the NHS Intermodal Connectors.
- **Local Truck Route** - Local Truck Routes serve local truck circulation and access and provide for goods and service delivery to individual commercial, employment, and residential land uses outside of industrial areas.





Chapter 5 – Transportation Improvement Projects

This chapter presents the transportation system improvement projects that are intended to address Boardman’s circulation needs over the next 20 years. These projects represent recommended investments in the transportation system that can provide a (1) safe, (2) efficient, (3) interconnected, (4) community focused, (5) sustainable, and (6) achievable multimodal transportation network.

Projects were identified and prioritized through feedback obtained from the community and stakeholders, technical analysis of existing/projected travel patterns, and input from partnering agencies. Many of the identified projects carry forward the recommendations from prior plans or studies adopted by the City, Morrow County, and/or ODOT. Specific references are identified in the project tables contained in this chapter. Original priorities for projects identified in prior plans and studies have been maintained, unless findings from this TSP warranted adjustments; priorities for new projects were determined using the goals and policies in Chapter 2 and from community input.

Inclusion of a project in the TSP does not represent a commitment by the City of Boardman to fund, allow, or construct the project. Projects on the State of Oregon (“State”) Highway System that are contained in the TSP are not considered “planned” projects until they are programmed in the Statewide Transportation Improvement Program (STIP). As such, projects proposed in the TSP that are located on a State Highway cannot be considered until they are programmed into an adopted STIP or ODOT provides a letter indicating that the project is “reasonably likely” to be funded in the STIP. For the purposes of the TSP, transportation projects involving ODOT are identified for planning purposes and for determining planning-level costs. As part of the TSP implementation, the City will continue to coordinate with ODOT and other partner agencies regarding project prioritization, funding, and implementation.

This section presents the recommended transportation projects for the TSP Update and are organized into five primary categories:

- **Intersection Projects:** These projects include intersection modifications that address either an identified capacity, geometric, or safety needs.
- **Roadway Corridor Projects:** These projects include new street connections and street modifications that address either connectivity, safety, or traffic calming needs – or the need for further study.
- **Local Street Connectivity and Extension Plan:** These projects include new street connections for future local circulation.
- **Pedestrian Projects:** These projects include pedestrian connections and crossing treatments that address either a system gap or safety need.

- **Bicycle Projects:** These projects include bicycle connections that address either a system gap or safety need.
- **Transit Supportive Projects:** These projects include various projects to support and facilitate access to transit stops/routes.

Project Prioritization

The projects presented in this chapter are prioritized as follows:

- **High Priority Projects:** Projects that address critical multimodal circulation needs for a variety of user groups and should be implemented in a near-term time frame.
- **Medium Priority Projects:** Projects that address general multimodal circulation needs and should be implemented in a near- to longer-term time frame.
- **Low Priority Projects:** Projects that address circulation needs associated with long-term growth.
- **Vision Projects:** Aspirational projects that are associated with long-term development areas and/or may extend beyond the 20-year TSP planning horizon.

Financially Constrained Projects

Financially constrained projects are those critical multimodal infrastructure investments that the City anticipates being able to implement over the next 20 years through known financial resources. The financially constrained projects are highlighted in the modal project lists.

The City of Boardman recognizes financial resources, multimodal priorities, and needs can change over time. As such, the financially constrained projects are not required to be implemented first and that other projects on the list may be pursued as needs arise.

Unconstrained Projects

Unconstrained projects are all other multimodal infrastructure investments that are not likely to be implemented with known financial resources.

Intersection Projects

Intersection projects aim to enhance the operational efficiency, safety, and/or geometrics at intersecting roadways on the roadway network. These projects were identified through a combination of prior plans and studies, technical analyses, and community input to address the needs summarized in Chapter 3. Intersection projects are categorized by capacity and geometric changes, safety treatments, and access management applications. Projects may overlap between categories (e.g., capacity-induced changes can also have safety benefits). Intersection projects are illustrated in Figure 5-1 and described in the following table.

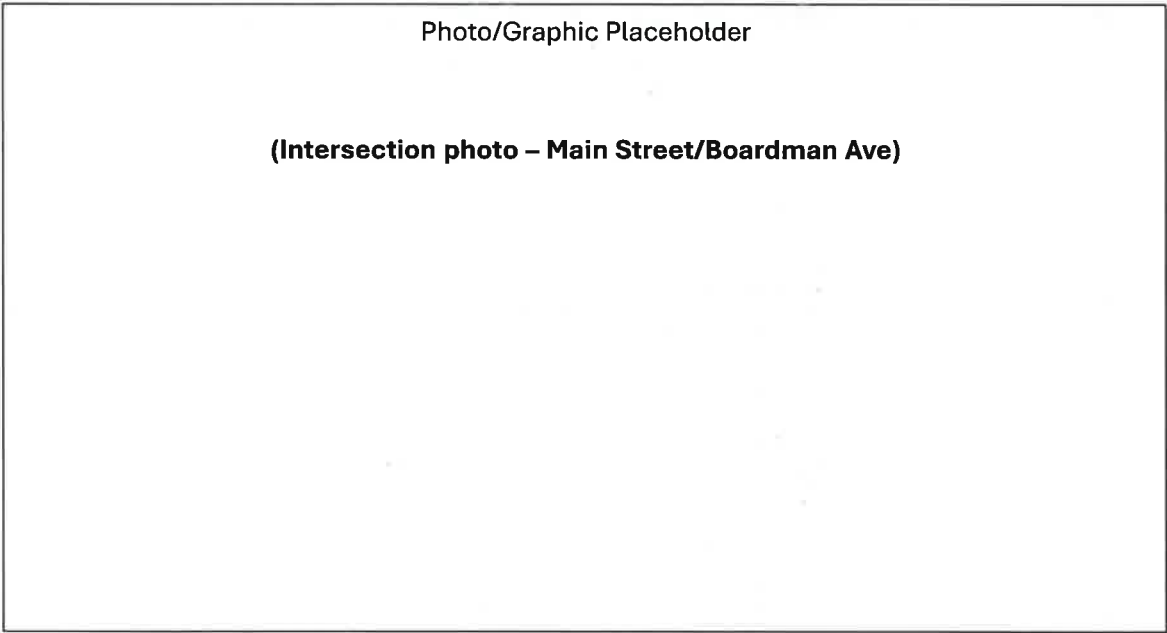


Table 5-1. Intersection Traffic Control, Capacity and/or Geometric Improvement Projects

Project ID	Intersection	Jurisdiction	Project Description	Project Source	Cost Estimate	Priority
I-1	N. Main Street / Boardman Ave	City	1. Signalize (with widening/re-stripping of east and west approaches to provide separate left- and through/right-turn lanes). Project may be refined as part of R-25 (IAMP Refinement). - or 2. Construct a roundabout. Project may be refined as part of R-25 (IAMP refinement).	2024 Main St Corridor Refinement	1. \$1.3M 2. \$3M	High (Financially Constrained)
I-2	N. Main Street / N. Front Street	City	• Modify intersection to be consistent with the outcome of project R-25 (IAMP Refinement). Modifications may include implementing right-in/right-out turning movement restrictions to/from N. Front Street via a raised median or other access management measures.	2009 Main Street IAMP	\$100k	High (Financially Constrained)
I-3	I-84 WB Ramp / N. Main Street	ODOT/City	• Modify intersection to be consistent with the outcome of project R-25 (IAMP Refinement). Modifications may include providing a separate northbound left-turn lane and through lane, installing traffic signals once ODOT standards for traffic control are met, widening the offramp to include separate left- and through/right-turn lanes, and/or lengthening of the offramp.	2009 Main Street IAMP	\$35M+	Medium (Unconstrained)
I-4	I-84 EB Ramp / S. Main Street	ODOT/City	• Modify intersection to be consistent with the outcome of project R-25 (IAMP Refinement). Modifications may include providing a separate southbound left-turn lane and through lane, installing traffic signals once ODOT standards for traffic control are met, widening the offramp to include separate left- and through/right-turn lanes, and/or lengthening of the offramp.	2009 Main Street IAMP		
I-5	S. Main Street / S. Front Street	City	• Modify intersection to be consistent with the outcome of project R-25 (IAMP Refinement). Modifications may include implementing right-in/right-out turning movement restrictions to/from S. Front Street via a raised median or other access management measures.	2009 Main Street IAMP	\$100k	High (Financially Constrained)

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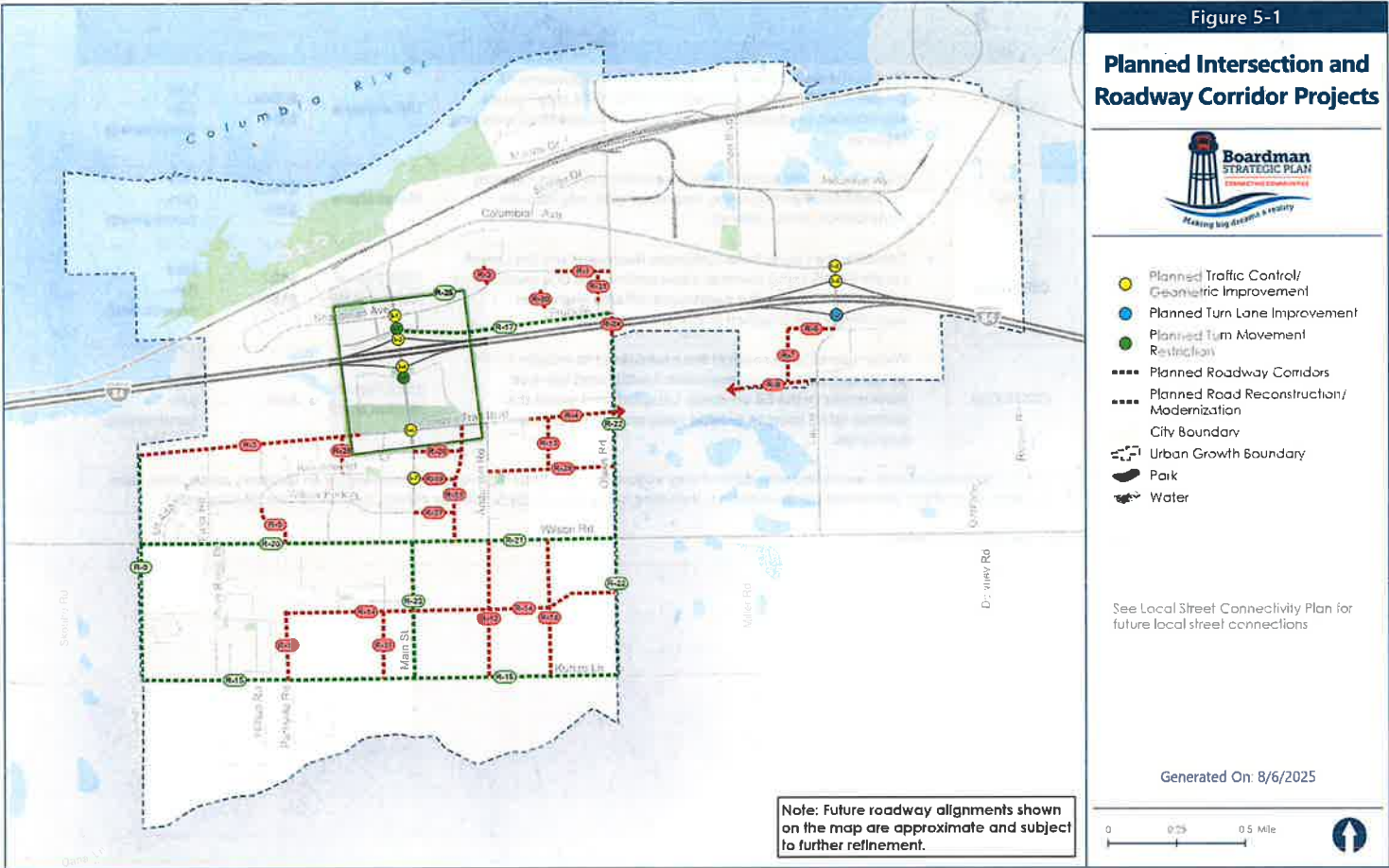
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Project ID	Intersection	Jurisdiction	Project Description	Project Source	Cost Estimate	Priority
I-6	S. Main Street / Oregon Trail Blvd	City	Modify intersection to be consistent with the outcome of project R-25 (IAMP Refinement). Modifications may include signalization or roundabout, and enhanced pedestrian crossing features.	TSP analysis	\$750k-\$3M	Low (Un-constrained)
I-7	S. Main Street/ Kinkade Rd	City	Implement traffic control improvements to address capacity constraints when they arise. Improvements may include signalization or roundabout.	TSP analysis	\$750k-\$3M	Low ¹ (Un-constrained)
I-8	I-84 WB Ramp / Laurel Lane / Columbia Blvd	ODOT/City	Combine the Laurel Lane/Columbia Boulevard and the Laurel Lane/I-84 WB ramp terminal intersections into one roundabout intersection. Modify the westbound offramp alignment accordingly and lengthen to current standards.	2022 Port of Morrow IAMP	\$10-\$15M+	Med (Un-constrained)
I-9	I-84 EB Ramp / Laurel Lane	ODOT/City	Widen Laurel Lane south of the roundabout to include a 14-ft center turn lane to accommodate southbound left-turn movements at the EB on-ramp. Lengthen and widen the eastbound off ramp to provide separate left/through and right-turn lanes.	2022 Port of Morrow IAMP	\$4M	Med (Un-constrained)

Note: The cost estimates presented do not include costs associated with right-of-way acquisition due to its high variability depending on location, parcel sizes, and other characteristics. The cost estimates also reflect the full cost of the projects, including costs likely to be funded by others, such as private development.

¹ Project anticipated to be primarily development-driven.



Roadway Corridor Projects

Roadway corridor projects entail new roadway segments or modifications to existing roadway corridors. New roadway segments are intended to improve overall circulation in the city and meet the needs of future development. Modifications to existing roadway corridors are intended to improve or modernize the travel conditions on existing unimproved roadway segments. Some roadway corridor projects are carried forward from previously adopted plans and studies, while others are newly identified in this TSP. The combined corridor projects for Neighborhood Collectors and higher are illustrated in Figure 5-1 and described in the following table.

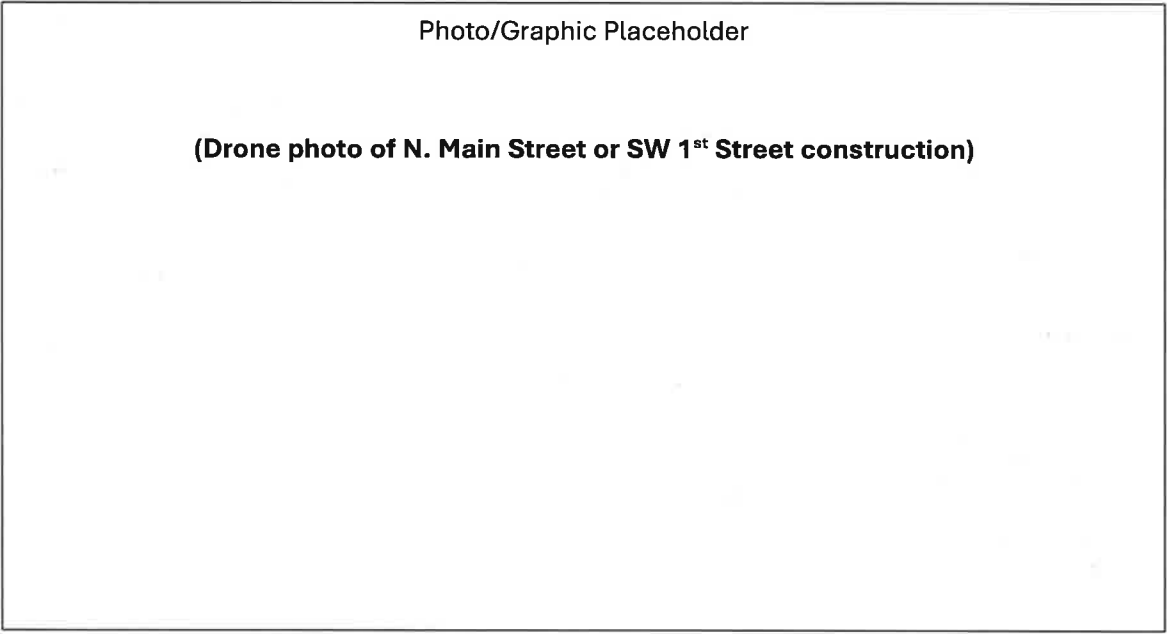


Table 5-2. New/Modified Roadway Corridor Improvement Projects

Project ID	Roadway Segment	Jurisdiction	Project Description	Project Source	Cost Estimate	Priority
R-1	NE Boardman Avenue: Eastern extents to NE Olson Road	City	Extend Boardman Avenue to Olson Road at Municipal street standards	2001 TSP	\$1.6M	High (Financially Constrained)
R-2	NE 2nd Street: NE Boardman Avenue to Marshall Loop Road	City	Extend NE 2nd Street (at Municipal street standards) to fill in the gap between NE Boardman Avenue and Marshall Loop Road	TSP Analysis	\$540k	High (Financially Constrained)
R-3	Oregon Trail Boulevard: S. Main Street to Paul Smith Road	City	Construct a new Oregon Trail Boulevard corridor between S Main Street and Paul Smith Road at Arterial standards	2001 TSP	\$14.3M	High (Financially Constrained)
R-4	Oregon Trail Boulevard: Eastern extents to Olson Road	City	Extend Oregon Trail Boulevard to Olson Road at Arterial standards	2001 TSP	\$4.9M	Med (Un-constrained)
R-5	Kinkade Road Western extents to Wilson Lane/Juniper Drive intersection	City	Extend Kinkade Road to Wilson Road at Neighborhood Collector standards	TSP analysis	\$2.4M	Low ¹ (Un-constrained)
R-6	New East-West Roadway (west of Laurel Lane): Laurel Lane to New North-South Roadway	City	Construct a new east-west roadway from Laurel Lane to a future north-south roadway (R-7) at Collector standards	TSP analysis	\$2.5M	Med ¹ (Un-constrained)
R-7	New North-South Roadway (west of Laurel Lane) Parallel circulation road to Laurel Lane	City	Construct a new north-south roadway that would link projects R-2 and R-8 at Collector standards	TSP analysis	\$3.1M	Med ¹ (Un-constrained)
R-8	Oregon Trail Boulevard Laurel Lane to UGB line	City	Construct a new east-west roadway from Laurel Lane to the city limits at Arterial standards	TSP analysis	\$4.6M	Med (Un-constrained)

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Project ID	Roadway Segment	Jurisdiction	Project Description	Project Source	Cost Estimate	Priority
R-9	Paul Smith Road: Oregon Trail Boulevard Extension to Kunze Lane	City/ County	Upgrade Paul Smith Road between Kunze Lane and a future Oregon Trail Boulevard (R-3) to Neighborhood Collector standards	TSP analysis	\$9.5M	Low (Un-constrained)
R-10	Juniper Drive: Current southern extents to Kunze Lane	City	Extend Juniper Drive to Kunze Lane at Neighborhood Collector standards	TSP analysis	\$3.2M	Vision ¹ (Un-constrained)
R-11	Tatone Street: Current southern extents to Kunze Lane	City	Extend Tatone Street to Kunze Lane at Neighborhood Collector standards	TSP analysis	\$3.2M	Vision ¹ (Un-constrained)
R-12	Anderson Road: Wilson Road to Kunze Lane	City	Extend Anderson Road to Kunze Lane at Neighborhood Collector standards	TSP analysis	\$6.4M	Vision ¹ (Un-constrained)
R-13	New North-South Road: Oregon Trail Boulevard to New East-West Road (R-6)	City	Construct a new north-south roadway that would link R-4 and R-6 at Neighborhood Collector standards	TSP analysis	\$2.5M	Low ¹ (Un-constrained)
R-14	New East-West Road: Juniper Drive to Olson Road	City	Construct a new east-west roadway between R-10 and Olson Road at Neighborhood Collector standards	TSP analysis	\$15.5M	Vision ¹ (Un-constrained)
R-15	Kunze Lane: Paul Smith Road to Olson Road	City/ County	Upgrade Kunze Lane between Paul Smith Road and Olson Road at Arterial standards	TSP analysis	\$13.5M	Vision (Un-constrained)
R-16	New North-South Road: Wilson Road to Kunze Lane	City	Construct a new north-south roadway between Wilson Road and Kunze Lane at Neighborhood Collector standards	TSP analysis	\$6.4M	Vision ¹ (Un-constrained)
R-17	N. Front Street: N. Main Street to Olson Road	City	Upgrade Front Street from N. Main Street to Olson Road at Collector standards	2024 Capital Improvement Plan	\$6.9M	High (Financially Constrained)
R-18	SE 1st Street: Oregon Trail Boulevard to Wilson Road	City	Extend SE 1st Street from Oregon Trail Boulevard to Wilson Road at Collector standards	TSP analysis	\$5.5M	Low ¹ (Un-constrained)

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Project ID	Roadway Segment	Jurisdiction	Project Description	Project Source	Cost Estimate	Priority
R-19	Kinkade Road: S. Main Street to Future Roadway	City	Extend Kinkade Road from S Main Street to Anderston Road at Collector standards	TSP analysis	\$4.0M	Low ¹ (Un-constrained)
R-20	Wilson Road: Faler Road to Paul Smith Road	City	Upgrade Wilson Road between Paul Smith Road and S. Main Street at Arterial standards	TSP analysis	\$9.2M	Med (Un-constrained)
R-21	Wilson Road: S. Main Street to Olson Road	City	Upgrade Wilson Road between S. Main Street and Olson Road at Arterial standards	TSP analysis	\$6.8M	Low (Un-constrained)
R-22	Olson Road: Kunze Lane to End of Olson Road/UGB	City/ County	Upgrade S. Olson Road between Kunze Lane and northern extents at Arterial standards	TSP analysis	\$10.1M	Vision (Un-constrained)
R-23	S. Main Street: Wilson Road to Kunze Lane	City	Upgrade S. Main Street between Wilson Road and Kunze Lane at Arterial standards	TSP analysis	\$3.5M	Low (Un-constrained)
R-24	Olson Road	ODOT	Extend S. Olson Road underneath I-84 from northern extents to Front Street at Arterial standards	2001 TSP	\$33.7M	Vision (Un-constrained)
R-25	Main Street Interchange Area Refinement Plan	City/ ODOT	Refine the 2009 Interchange Area Management Plan to specifically address interchange location/form, traffic control improvements at the I-84 ramp terminals, Main Street overpass limitations, and access management at north and south Front Streets.	TSP Analysis	\$100k	High (Financially constrained)
R-26	New East-West street: S. Main Street to future R-18	City	Construct a new east-west road from S. Main Street to a future north-south roadway (R-18) at Collector standards	TSP Analysis	\$2.4M	Low ¹ (Un-constrained)
R-27	Willow Fork Drive: S. Main Street to future R-18	City	Extend Willow Fork Drive from S. Main Street to a future north-south roadway (R-18) at Collector standards	TSP Analysis	\$2.3M	Low ¹ (Un-constrained)

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Project ID	Roadway Segment	Jurisdiction	Project Description	Project Source	Cost Estimate	Priority
R-28	New North-South street: Kinkade Road to future Oregon Trail Blvd	City	Construct a new north-south road from Kinkade Road to a future Oregon Trail Boulevard (R-3) at Neighborhood Collector standards	TSP Analysis	\$1.6M	Low ¹ (Un-constrained)
R-29	New East-West Road: Anderson Road to Olson Road	City	Construct a new east-west roadway between Anderson Road and Olson Road at Neighborhood Collector standards	TSP analysis	\$5.8M	Low ¹ (Un-constrained)
R-30	NE 3rd Street: NE Front Street to NE Boardman Avenue	City	Extend NE 3rd Street (at Municipal street standards) to fill in the gap between NE Front Street and NE Boardman Avenue	TSP Analysis	\$565K	High (Financially Constrained)
R-31	NE 4th Street: NE Front Street to NE Boardman Avenue	City	Extend NE 4th Street (at Municipal street standards) to fill in the gap between NE Front Street and a future extension of NE Boardman Avenue	TSP Analysis	\$895K	High (Financially Constrained)

Note: The cost estimates presented do not include costs associated with right-of-way acquisition due to its high variability depending on location, parcel sizes, and other characteristics. The cost estimates also reflect the full cost of the projects, including costs likely to be funded by others, such as private development.

¹ Project anticipated to be primarily development-driven.

Local Street Connectivity and Extension Plan

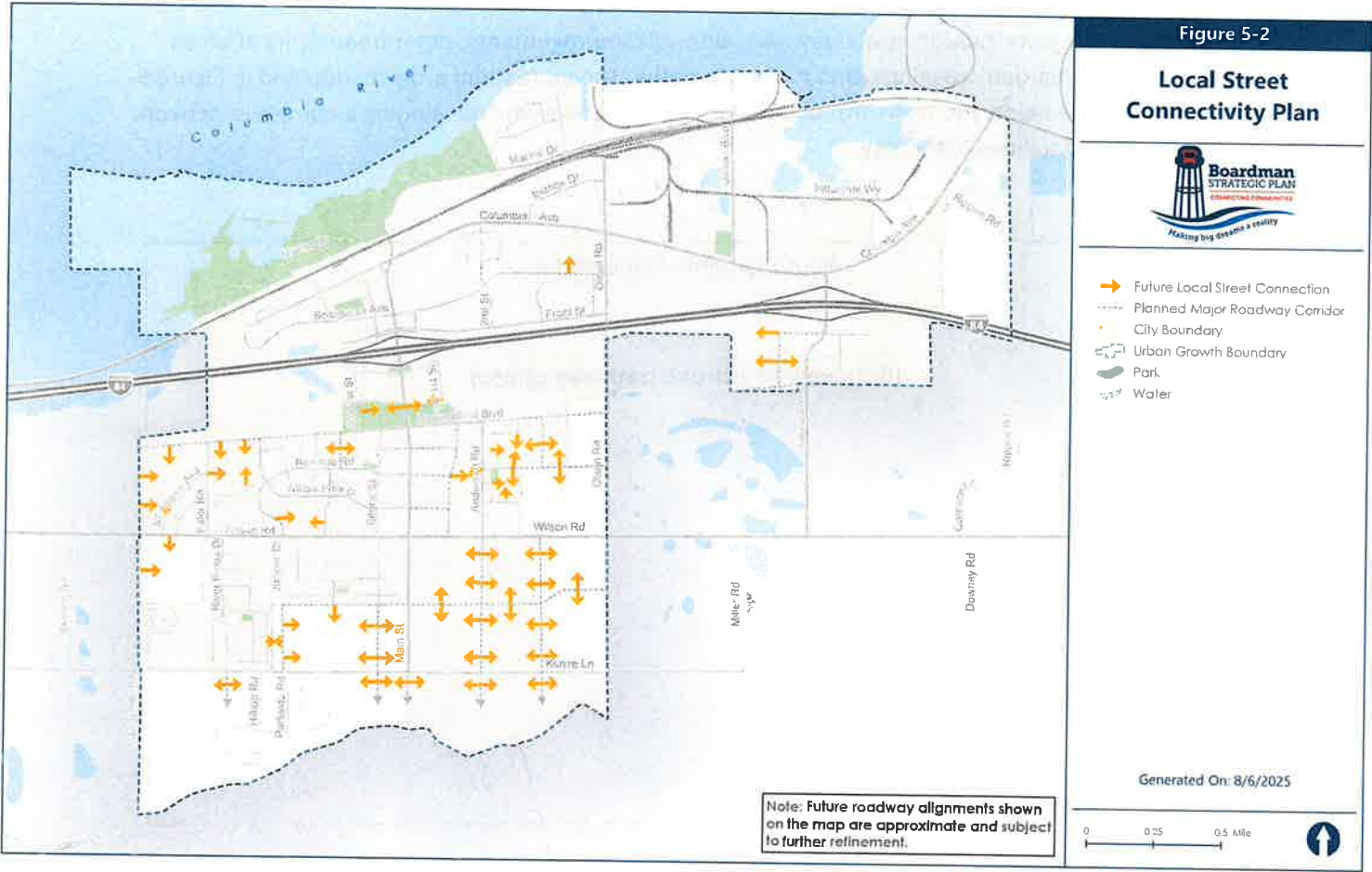
Most streets within Boardman are classified as local streets. Most of Boardman's residential growth potential is located south of I-84. Development to date has been laid out on a partial street grid. With large parcels available for future infill and master-planned development, improvements to the street grid can be planned to create a more efficient local street network and maximize connections for motorists, cyclists, and pedestrians while accounting for potential neighborhood impacts. In addition, the quality of the transportation system can be improved by making connectivity improvements to the pedestrian and bicycle system separate from street connectivity, as discussed in previous TSP sections.

Local Street Connections

There are a number of areas within Boardman that could experience future residential development or redevelopment, including in the southwest, southeast, and northeast parts of the City. Within these areas, there are opportunities for new local streets that could improve access and circulation for all travel modes. Figure 5-2 illustrates the desired location of future local street connections to serve this development. The arrows shown in Figure 5-2 represent preferred connections and the general direction for the placement of the connection. In each case, the specific alignments and design will be determined upon development review. As shown, these local street extensions are consistent with the future Collector and Neighborhood Collector extensions identified in Figure 4-2.

Photo/Graphic Placeholder

(Neighborhood street photo)



Active Transportation (Pedestrian and Bicycle) Projects

Active transportation projects include pedestrian and bicycle connections and crossing treatments that promote a safe, efficient, and connected active transportation network for people walking, biking, and rolling. Treatments include sidewalks, multi-use paths, enhanced crossings, and bicycle lanes.

Pedestrian Projects

Pedestrian projects include new sidewalks, sidewalk improvements, other treatments such as enhanced pedestrian crossings, and multi-use paths. The pedestrian projects detailed in Figure 5-3 and the table below focus on improving overall connectivity and developing a complete network of pedestrian facilities in the city.

Photo/Graphic Placeholder

(Sidewalk/Multi-use pathway photo)

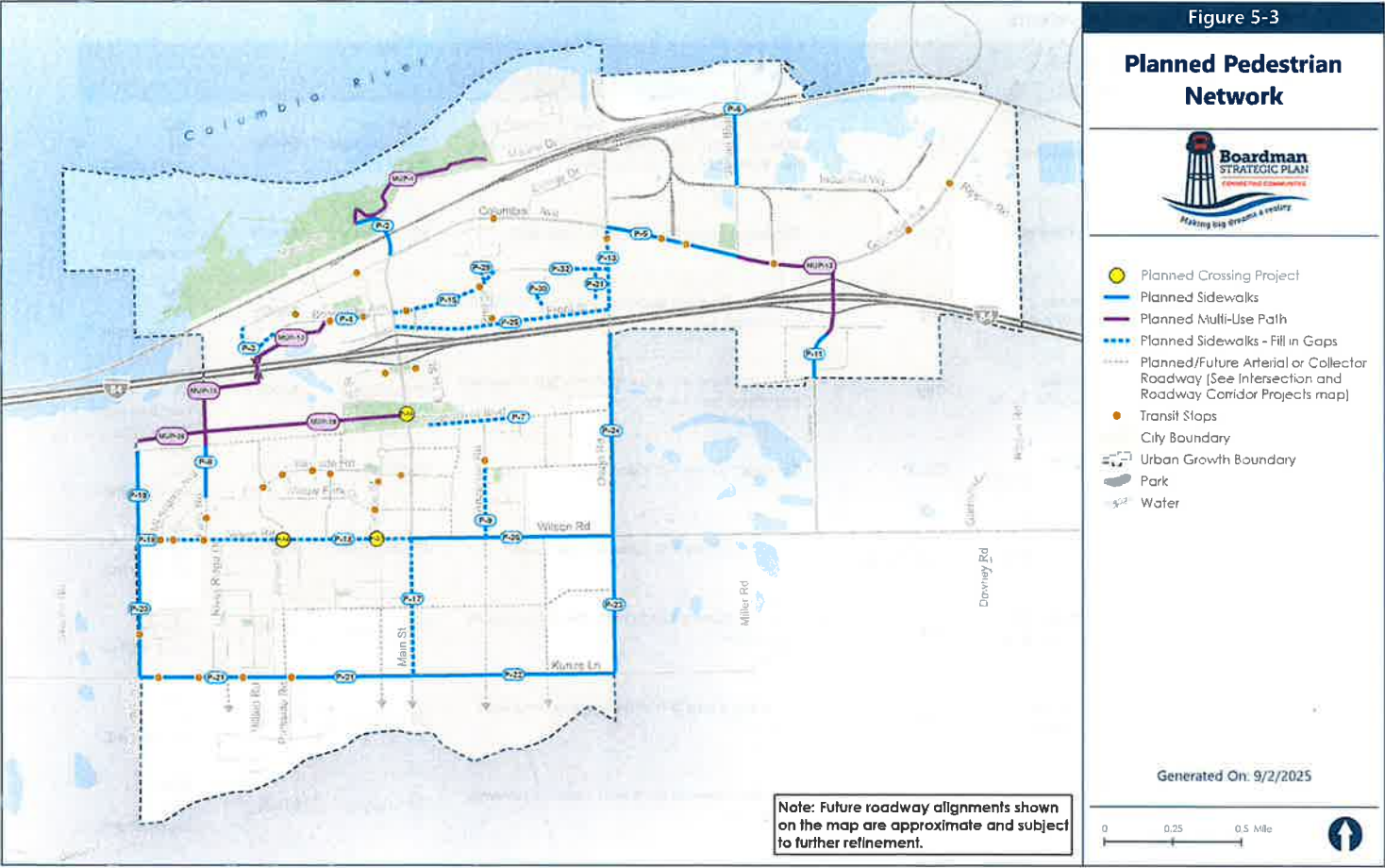


Table 5-3. Pedestrian Projects

Project ID	Roadway Segment	Jurisdiction	Project Description	Project Source	Cost Estimate	Priority
MUP-1	Columbia River Heritage Trail: Marina Park to Riverfront Center	City	Reconstruct the Columbia River Heritage Trail to be an 8-foot multi-use path and construct a new connection to Marine Drive	Columbia River Heritage Trail Plan	\$550k	High (Un-constrained)
P-2	N Main Street: Marine Drive to Columbia Ave	City	Construct a new 6-ft sidewalk (west side)	TSP analysis	\$1.5 M	High (Un-constrained)
P-3	Boardman Avenue: Allen Court to NW 3rd St	City	Fill in the sidewalk gaps with new 5-ft sidewalk (north/east side)	TSP analysis	\$460k	Low (Un-constrained)
P-4	Boardman Avenue: NW 2nd Street to NW 1st St	City	Fill in the sidewalk gaps with new 5-ft sidewalks (north and south side)	TSP analysis	\$400k	Low (Un-constrained)
P-5	Columbia Avenue: Olson Road to Ullman Blvd	City	Construct a new 6-ft sidewalk (north side)	TSP analysis	\$1.3 M	Med (Un-constrained)
P-6	Ullman Boulevard: Rail Crossing to Marine Drive	Port of Morrow/City	Construct a new 5-ft sidewalk (east side)	TSP analysis	\$1.8 M	Med (Un-constrained)
P-7	Oregon Trail Boulevard: S. Main Street to east extents	City	Fill in the sidewalk gaps with new 6-ft sidewalk (south side)	TSP analysis	\$810K	High (Un-constrained)
P-8	Faler Road: Mt Hood Ave to future Oregon Trail Boulevard extension	City	Construct a new 5-ft sidewalk (east and west sides)	TSP analysis	\$670k	Med (Un-constrained)
P-9	Anderson Road: Wilson Road to 1/2 of Anderson Road	City	Fill in the sidewalk gaps with new 5-ft sidewalk (west side)	TSP analysis	\$160k	High (Un-constrained)

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Project ID	Roadway Segment	Jurisdiction	Project Description	Project Source	Cost Estimate	Priority
MUP-10	New Multi Use Path and I-84 over crossing: NE Boardman Ave to Oregon Trail Blvd	City	Construct an 8-foot multi-use path that connects NE Boardman Avenue on the north side of I-84 to a future Oregon Trail Boulevard extension (R-3) on the south side of I-84. This would include a grade-separated multi-use bridge across the I-84 corridor.	TSP analysis	\$15M	Vision (Un-constrained)
P-11	Laurel Lane: Curve on Laurel Ln to UGB	City	Construct a new 6-ft sidewalk (east and west sides)	TSP analysis	\$620k	Low (Un-constrained)
MUP-12	Laurel Lane/Columbia Ave: Yates Lane to Ullman Blvd	City/ODOT	Construct a new 8-ft multi-use path (west/south side)	POM IAMP	\$1.6 M	Low (Un-constrained)
P-13	N. Olson Road: N. Front St to Columbia Ave	City	Fill in the sidewalk gaps with a new 5-ft sidewalk (west side)	TSP analysis	\$720k	Med ¹ (Un-constrained)
P-14	Wilson Road/ Jupiter Drive/ future Kinkade Rd intersection	City	When Kinkade Road is extended and connected to Wilson Road/Jupiter Drive intersection, relocate nearby pedestrian crossing to the intersection and install enhanced pedestrian crossing treatment	TSP analysis	\$125k	Med ¹ (Un-constrained)
P-15	Boardman Avenue: N. Main Street to NE 2nd Ave	City	Fill in the sidewalk gaps with new 5-ft sidewalks (south side)	TSP analysis	\$910k	High ¹ (Un-constrained)
P-16	S. Main Street/ S. Front Street intersection	City	Relocate the existing pedestrian crossing beacon on S. Main Street in conjunction with connections and access control modifications planned for the corridor between S. Front Street and Oregon Trail Boulevard	TSP analysis	\$125k	Med (Un-constrained)
P-17	S. Main Street: Wilson Road to Kunze Lane	City/County	Fill in the sidewalk gaps with new 6-ft sidewalks (east and west side)	TSP analysis	\$- ²	Low ¹ (Un-constrained)

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Project ID	Roadway Segment	Jurisdiction	Project Description	Project Source	Cost Estimate	Priority
P-18	Wilson Road: Faler Road to Paul Smith Rd	City/ County	Fill in sidewalk gaps with new 6-ft sidewalks (north and south side)	TSP analysis	\$- ²	Low ¹ (Un-constrained)
P-19	Paul Smith Road: Oregon Trail Blvd to Kunze Ln	City/ County	Construct a new 5-ft sidewalk (east side)	TSP analysis	\$- ²	Vision ¹ (Un-constrained)
P-20	Paul Smith Road: Wilson Road to Kunze Ln	City/ County	Construct a new 5-ft sidewalk (east side)	TSP analysis	\$- ²	Low ¹ (Un-constrained)
P-21	Kunze Lane: Paul Smith Road to S Main St	City/ County	Construct a new 6-ft sidewalk (north and south side)	TSP analysis	\$- ²	Vision ¹ (Un-constrained)
P-22	Kunze Lane: S. Main Street to Olson Road	City/ County	Construct a new 6-ft sidewalk (north and south side)	TSP analysis	\$- ²	Vision ¹ (Un-constrained)
P-23	Olson Road: Kunze Lane to Wilson Road	City/ County	Construct a new 6-ft sidewalk (west side)	TSP analysis	\$- ²	Vision ¹ (Un-constrained)
P-24	Olson Road: Wilson Road to north extents	City/ County	Construct a new 6-ft sidewalk (west side)	TSP analysis	\$- ²	Vision ¹ (Un-constrained)
P-25	Front Street: S Main Street to Olson Road	City	Construct a new 6-ft sidewalk (north side)	TSP analysis	\$- ²	High (Financially Constrained)
P-26	Wilson Road: S Main Street to Olson Road	City/ County	Construct a new 6-ft sidewalk (north and south side)	TSP analysis	\$- ²	Vision ¹ (Un-constrained)

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Project ID	Roadway Segment	Jurisdiction	Project Description	Project Source	Cost Estimate	Priority
P-27	Wilson Road/ Tatone Street intersection	City	Install enhanced pedestrian crossing treatment	TSP analysis	\$125k	High (Un-constrained)
MUP-28	New Multi Use Path: S. Main Street to west UGB	City/ County	Construct an 8-foot multi-use path within the BPA transmission line easement	TSP analysis	\$1.0M	Low (Un-constrained)
P-29	NE 2nd Street: NE Boardman Avenue to Marshall Loop Road	City	Fill in the sidewalk gaps with new 5-ft sidewalks (both sides)	TSP analysis	\$215K	High ¹ (Un-constrained)
P-30	NE 3rd Street: NE Front Street to NE Boardman Avenue	City	Fill in the sidewalk gaps with new 5-ft sidewalks (both sides)	TSP analysis	\$205K	Med ¹ (Un-constrained)
P-31	NE 4th Street: NE Front Street to NE Boardman Avenue	City	Fill in the sidewalk gaps with new 5-ft sidewalks (both sides)	TSP analysis	\$330K	Med ¹ (Un-constrained)
P-32	NE Boardman Avenue: Eastern extents to NE Olson Road	City	Fill in the sidewalk gaps with new 5-ft sidewalks (both sides)	TSP analysis	\$625K	Med ¹ (Un-constrained)

Note: The cost estimates presented do not include costs associated with right-of-way acquisition due to its high variability depending on location, parcel sizes, and other characteristics. The cost estimates also reflect the full cost of the projects, including costs likely to be funded by others, such as private development.

¹ Project anticipated to be primarily development-driven.

² Pedestrian component costs included in the corresponding roadway reconstruction/modernization project (see Table 5-2).

Bicycle Projects

To encourage increased travel by bicycle, the TSP provides a list of bike facility projects as well as programs that will improve safety, convenience, and direct connections for this mode. Riding bikes can help promote health, has a lower environmental impact, and allows people to move independently throughout the community without motorized vehicles, including many who cannot or choose not to drive.

The bicycle project list includes a variety of on- and off-street facilities that provide various levels of separation between people biking and people driving. The projects detailed in Table 5-4 focus on connectivity within, to, and from transportation disadvantaged areas, first- and last-mile connections to transit, and increasing recreational opportunities by enhancing connections to and from recreational trails and parks. The bicycle-focused projects detailed in Figure 5-4 and Table 5-4 focus on improving overall connectivity and serving riders of all ages and abilities.

Photo/Graphic Placeholder

(Biking photo)

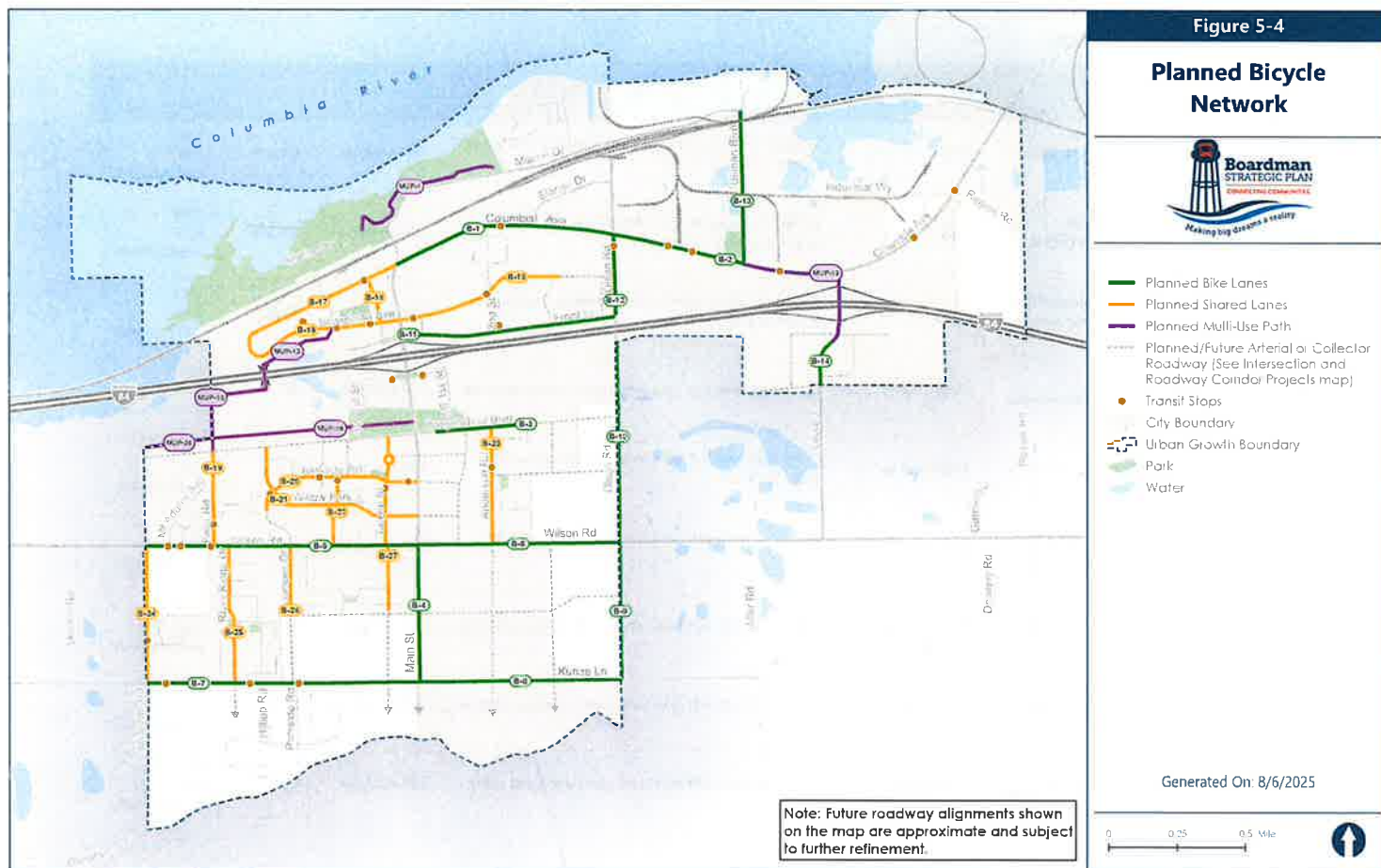


Table 5-4. Bicycle Projects

Project ID	Roadway Segment	Jurisdiction	Project Description	Project Source	Cost Estimate	Priority
B-1	Columbia Avenue: N. Main Street to N. Olson Road	City	Widen roadway and construct new 6-ft bike lanes (north and south side)	TSP analysis	\$3.4 M	High (Un-constrained)
B-2	Columbia Avenue: N. Olson Road to Laurel Ln	City	Widen roadway and construct new 6-ft bike lanes (north and south side)	TSP analysis	\$3.5 M	Med (Un-constrained)
B-3	Oregon Trail Boulevard: S. Main Street to east extents	City	Widen roadway and construct new 6-ft bike lane (north and south side)	TSP analysis	\$1.9M	Low (Un-constrained)
B-4	S Main Street: Wilson Road to Kunze Lane	City/County	Construct new 6-ft bike lanes (east and west side)	TSP analysis	\$ ⁻²	Low ¹ (Un-constrained)
B-5	Wilson Road: Paul Smith Road to S. Main Street	City/County	Construct new 6-ft bike lanes (north and south side)	TSP analysis	\$ ⁻²	Med ¹ (Un-constrained)
B-6	Wilson Road: S. Main Street to S. Olson Road	City	Construct new 6-ft bike lanes (north and south side)	TSP analysis	\$ ⁻²	Low ¹ (Un-constrained)
B-7	Kunze Lane: Paul Smith Road to S. Main Street	City/County	Construct new 6-ft bike lane (north and south side)	TSP analysis	\$ ⁻²	Vision ¹ (Un-constrained)
B-8	Kunze Lane: S. Main Street to S. Olson Road	City/County	Construct new 6-ft bike lane (north and south side)	TSP analysis	\$ ⁻²	Vision ¹ (Un-constrained)
B-9	Olson Road: Kunze Lane to Wilson Road	City/County	Construct new 6-ft bike lane (east and west side)	TSP analysis	\$ ⁻²	Vision ¹ (Un-constrained)

TSP Content DRAFT

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City of Boardman | Transportation System Plan Update

#30287

Project ID	Roadway Segment	Jurisdiction	Project Description	Project Source	Cost Estimate	Priority
B-10	Olson Road: Wilson Road to north extents	City/County	Construct new 6-ft bike lane (east and west side)	TSP analysis	\$- ²	Vision ¹ (Un-constrained)
B-11	NE Front Street: N. Main Street to N. Olson Road	City	Construct new 6-ft bike lane (north and south side)	TSP analysis	\$- ²	High (Financially Constrained)
B-12	Olson Road: NE Front Street to Columbia Ave	County	Widen roadway and construct new 6-ft bike lane (east and west side)	TSP analysis	\$1.2 M	High ¹ (Un-constrained)
B-13	Ullman Blvd: Columbia Avenue to Marine Drive	Port of Morrow/City	Widen roadway and construct new 6-ft bike lane (east and west side)	TSP analysis	\$2.3 M	Low (Un-constrained)
B-14	Laurel Lane: Yates Lane to south city limits	City/County	Widen roadway and construct new 6-ft bike lane (east and west side)	TSP analysis	\$740k	Low ¹ (Un-constrained)
B-15	Boardman Avenue: N. Main Street to eastern limits	City	Install shared lane markings and signs	TSP analysis	\$20k	High (Un-constrained)
B-16	Boardman Avenue: N. Main Street to Columbia Avenue	City	Install shared lane markings and signs	TSP analysis	\$20k	High (Un-constrained)
B-17	Columbia Avenue: Boardman Avenue to N. Main Street	City	Install shared lane markings and signs	TSP analysis	\$20k	High (Un-constrained)
B-18	NW 1st Street: Boardman Avenue to Columbia Avenue	City	Install shared lane markings and signs	TSP analysis	\$10k	High (Un-constrained)
B-19	Faler Road: Wilson Road to north extents	City	Install shared lane markings and signs	TSP analysis	\$20K	High (Un-constrained)

TSP Content DRAFT

September 10, 2025

City of Boardman | Transportation System Plan Update

#30287

Project ID	Roadway Segment	Jurisdiction	Project Description	Project Source	Cost Estimate	Priority
B-20	Kinkade Road: West extents to S. Main St	City	• Install shared lane markings and signs	TSP analysis	\$20k	High (Un-constrained)
B-21	Willow Fork Drive: Cottonwood Loop to S. Main Street	City	• Install shared lane markings and signs	TSP analysis	\$20k	High (Un-constrained)
B-22	Locust Road: Wilson Road to Kinkade Rd	City	• Install shared lane markings and signs	TSP analysis	\$20k	High (Un-constrained)
B-23	Anderson Road: Wilson Road to Oregon Trail Boulevard	City	• Install shared lane markings and signs	TSP analysis	\$20k	High (Un-constrained)
B-24	Paul Smith Road: Wilson Road to Kunze Lane	City	• Install shared lane markings and signs	TSP analysis	\$20k	Low (Un-constrained)
B-25	River Ridge Drive: Wilson Road to Kunze Lane	City	• Install shared lane markings and signs	TSP analysis	\$20k	High (Un-constrained)
B-26	Juniper Drive: Sage Street to Wilson Road	City	• Install shared lane markings and signs	TSP analysis	\$10k	High (Un-constrained)
B-27	Tatone Street: City Center Drive to South extents	City	• Install shared lane markings and signs	TSP analysis	\$10k	High (Un-constrained)

Note: The cost estimates presented do not include costs associated with right-of-way acquisition due to its high variability depending on location, parcel sizes, and other characteristics. The cost estimates also reflect the full cost of the projects, including costs likely to be funded by others, such as private development.

¹ Project anticipated to be primarily development-driven.

² Biking component costs included in the corresponding roadway reconstruction/modernization project (see Table 5-2).

Transit Projects

The TSP promotes providing high-quality, available, and reliable transit service that can support the environment, economic development, and improve travel options for all residents. Public transportation service in Boardman is provided by Morrow County's The Loop and Kayak. To better facilitate access to these transit services, Table 5-5 identifies various transit supportive projects throughout Boardman.

Table 5-5. Boardman Transit Supportive Projects

Transit Facilities and Services	Improvement	Project Source
Service Frequency, Hours, Coverage	- Work with Morrow County to install signage at every bus stop that indicates the location of the stop and includes scheduling information for The Loop. - Work with Morrow County The Loop to explore service modifications and infrastructure enhancements to existing fixed route services lines as needed.	- Morrow County TSP - Morrow County Coordinated Transit Plan
New Amenities	- Add transit shelters and/or benches to existing bus stops - As new service is added, improve ADA accessibility to all new/proposed stop locations (if needed)	- Morrow County TSP - Morrow County Coordinated Transit Plan
Park and Ride Locations	- Explore establishing a shared park-n-ride at or near the Boardman Pool & Recreation Center/SAGE Center. - Explore establishing a park-n-ride at or near the Boardman City Hall.	- Morrow County TSP - Morrow County Coordinated Transit Plan

Chapter 6 - Transportation Funding Plan

Given the uncertainty of today's fiscal environment for funding transportation projects, this plan includes a prudent and conservative list of transportation investments, emphasizes lower cost methods that strengthen multimodal mobility within the city, and increases reliance on partnerships to help implement projects.

The identified TSP projects are under City, Morrow County, Port of Morrow, and ODOT jurisdiction, and some may occur as part of private development activities. For this reason, each project may be funded through a different combination of Federal, State, City, County, or private sources.

This chapter presents the City's current funding sources and revenue, a summary of the overall cost for the recommended projects, and possible new funding mechanisms that could help implement projects during the life of the TSP. It is important to note that the possible new funding mechanisms presented in this chapter do not guarantee that every project that is contained in the TSP will be constructed over the next 20 years.

Current Funding

The City of Boardman currently receives funding from the state gas tax, which is comprised of proceeds from excise taxes imposed by the state and federal government, and from several local sources.

Project Costs and Funding Gap

The City of Boardman has limited to no revenue for capital improvements based on available resources and ongoing regular maintenance needs. As such, only a few projects identified in this TSP are considered financially constrained. Table 6-1 provides a summary, by project type, of the recommended TSP projects, which are provided in 2025 dollars, and rounded to the nearest \$100,000.

In comparing the City's street funding to the estimated costs of recommended transportation solutions, the City will need to identify additional funding sources to implement future improvements to its transportation system. As such, the City will need to partner with other agencies, the private development community, and pursue alternative funding sources to address these 20-year transportation projects.

Table 6–1. Total Cost of Project Types

Facility/Project Type	Total Cost (In 2025 Dollars)
Intersections	\$28.2M+
Roadways	\$187.1M
Pedestrian Facilities	\$28.6M
Bicycle Facilities	\$14.0M
Total	\$257.9M+

Potential Future Funding Sources

Based on the current transportation funding sources, the City of Boardman needs to identify additional funding sources that can be dedicated to transportation-related capital improvement projects over the next 20 years. Reliance upon transportation improvements grants, partnerships with regional and state agencies, and other funding sources to help implement future transportation-related improvements is a reality. Table 6–2.-2 summarizes the funding opportunities and identifies the intended use of the funds and any applicable project types, broken out into the following categories.

- Local Funding Mechanisms:** These mechanisms can currently be used to fund future projects or can be considered by elected officials for adoption as new funding sources. Inclusion of these sources in the TSP does not create a new funding source but identifies the various funding sources that local governments throughout Oregon have utilized. In general, local funding sources are more flexible than funding obtained from state or federal grant sources.
- State and Federal Grants:** The City can seek opportunities to leverage funding from grants at the state and federal levels for specific projects. Potential state funding sources are extremely limited, with some having significant competition. Any future improvements that rely on state funding may require City, County, and regional consensus that they are more important than transportation needs elsewhere in the region and the state. It will likely be necessary to combine multiple funding sources to pay for a single improvement project (e.g., combining state or City bicycle and pedestrian funds to pay for new bike lanes and sidewalks). At the federal level, many new grant opportunities have become available through the Infrastructure Investment and Jobs Act (IIJA). The City and partner agencies should continue to monitor available funding opportunities offered by this program through its end in fiscal year 2026.

Table 6–2. Priority Funding Sources for Boardman TSP Implementation

Funding Source	Description	Application
Local City-Wide Funding Sources		
Local Gas Tax	A local tax can be assessed on the purchase of gas within the urban area. This tax is added to the cost of gasoline at the pump, along with the state and federal gas taxes.	System-wide transportation facilities including streets, sidewalks, and bike lanes.
Street Utility Fees	A fee based on the number of automobile trips a particular land use generates; usually collected through a regular utility bill. Fees can also be tied to the annual registration of a vehicle to pay for improvements, expansion, and maintenance of the street system.	System-wide transportation facilities including streets, sidewalks, bike lanes, and shared use paths.
General Obligation Bond	Bonding allows municipal and county government to finance construction projects by borrowing money and paying it back over time, with interest. General obligation bonds are often used to pay for construction of large capital improvements and must be approved by a public vote because the cost of the improvement is added to property taxes over time.	Construction of major capital improvement projects within the urban area, street maintenance and incidental improvements.
Vehicle Registration Fee	An extra fee on all registered motor vehicles in the urban area. Requires county-wide approval and implementation.	Operations or capital programs.
State/Federal Sources for Specific Projects		
Statewide Transportation Improvement Program (STIP)	STIP is the State of Oregon's four-year transportation capital improvement program. ODOT's system for distributing these funds has varied over recent years. Generally, local agencies apply in advance for projects to be funded in each four-year cycle.	Projects on any facility that meet the benefit categories of the STIP.
Statewide Transportation Improvement Fund (STIF)	Introduced by the House Bill 2017 Transportation Funding Package to fund public transportation improvements across Oregon, STIF funds may be used for public transportation purposes that support the effective planning, deployment, operation, and administration of public transportation programs. This can include projects that are secondary but important to public transportation, such as walking and biking infrastructure near transit stops.	Pedestrian and bicycle improvements that provide connections to transit.
All Roads Transportation Safety (ARTS)	The federal Highway Safety Improvement Program is administered as ARTS in Oregon. ARTS provides funding to infrastructure and non-infrastructure projects that improve safety on all public roads. ARTS requires a data-driven approach and prioritizes projects in demonstrated problem areas.	Areas of safety concerns within the urban area, consistent with Oregon's Transportation Safety Action Plan.
Safe Routes to School (SRTS)	Administered by ODOT and focuses on infrastructure and non-infrastructure programs to improve access and safety for children to walk, roll, and/or bike to school.	Pedestrian and bicycle-related projects within the vicinity of local schools.
Community Paths Program	This is a State of Oregon program focused on helping communities create and maintain connections through shared-use paths.	Shared-use paths.

Funding Source	Description	Application
Oregon Parks and Recreation Local Government Grants	Oregon Parks and Recreation Department administers this program using Oregon Lottery revenues. These grants can fund acquisition, development, and major rehabilitation of public outdoor parks and recreation facilities. A match of at least 20 percent is required.	Trails and other recreational facility development or rehabilitation.
Rebuilding American Infrastructure with Sustainability and Equity (RAISE)	The RAISE Discretionary Grant program invests in projects that promise to achieve national objectives. RAISE can provide capital funding directly to any public entity, in contrast to traditional Federal programs which provide funding to very specific groups of applicants. The RAISE program provides supplemental funding for grants to the State and local entities on a competitive basis for projects that will have a significant local/regional impact.	Road, rail, transit, and port projects aimed toward national objectives with significant local or regional impact.
Infrastructure Investment and Jobs Act (IIJA)	The IIJA (aka "Bipartisan Infrastructure Law," BIL) signed into law in November 2021 includes a five-year (FY 2022-26) reauthorization of existing federal highway, transit, safety, and rail programs as well as new programs (resilience, carbon reduction, bridges, electric vehicle charging infrastructure, wildlife crossings, and reconnecting communities) and increased funding. Oregon will receive over \$4.5 billion through the life of the act.	Projects around the state that will benefit drivers, transit riders, cyclists, and pedestrians, and that help maintain roads and bridges, and address climate change.
Rural Surface Transportation Grant Program (Rural Surface)	This program will support projects to improve and expand the surface transportation infrastructure in rural areas to increase connectivity, improve safety and reliability for moving people and freight, and generate regional economic growth and improve quality of life.	Surface transportation infrastructure in rural areas.

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Email received September 20, 2025, 9:14 PM-Sender Jonathan Tallman

Dear Chair and Members of the Morrow County Planning Commission,

I am the owner of 28.11 acres on Laurel Lane in Boardman, Oregon (home to The Farmer's Cup). My property lies fully inside the City of Boardman UGB and is zoned commercial. Please let me know if you have the City of Boardman CIP plan?

On September 15, 2025, the City submitted its TSP/UGB package to DLCD for acknowledgment. Because Morrow County must adopt coordinated findings under ORS 197.610–650, I respectfully request that County Planning staff prepare an independent staff report addressing the issues below.

---

### 1) Good Shepherd 61 acres (Plat 25-12, Parcels 2 & 3) – commercial, vacant/part-vacant inside UGB

- Shown on the City's own Employment BLI figure as vacant/partially-vacant employment land inside both City Limits and the UGB.
- Undeveloped, adjacent to services, fronting arterials.

Question: Why is this acreage not fully counted toward the 20-year commercial/employment land supply for Goal 14?

### 2) My 28.11 acres on Laurel Lane – vested commercial access; City-created “constraint”

- My site operates today with established commercial access (The Farmer's Cup).
- The City/County previously discussed building Laurel–Yates–Devin to code; the project was then abandoned/shifted, leaving my parcel treated as “constrained” only because the City will not construct the road to standard.

Question: Why is a vested, serviced parcel inside the UGB excluded from the buildable inventory due to infrastructure the City itself is failing to provide?

### 3) Compliance with

#### LUBA Case No. 2022-062

- LUBA remanded the Loop Road approval for inadequate findings on collector classification and failure to apply full BDC 3.4.100 improvements at time of construction (sidewalks, bike, curb, lighting, stormwater).
- Rather than cure the remand, the City advanced other corridors and is attempting to revise standards.

Question: Has the City actually complied with the 2022 remand, or is the County being asked to adopt a TSP that still avoids the required collector standards?

#### 4) CIP deferrals that manufacture “constraints”

- The 2025 CIP defers Laurel Lane (ST-23.0) and Oregon Trail Blvd → Laurel (ST-22.0) to 2028–30, despite large, in-UGB commercial capacity (Good Shepherd + my 28.11 acres).

Question: How can the County adopt the TSP/CIP while these near-term, code-required improvements are deferred, thereby manufacturing a shortage contrary to Goals 12 and 14?

### 5) Evidence from Morrow County Public Works (Eric Imes) confirming IAMP/IAMP-access limits

Please include the following email excerpts in the County record and address them in your analysis:

Mon, Jun 2, 2025 – 7:49 AM – Eric Imes, Public Works Director, Morrow County Public Works

“Attached is the application. I did not move forward because the county never obtained an access permit. The IAMP does not allow for a commercial access where our easement is. Only Farm/Residential.”

Mon, Jun 2, 2025 – 7:22 AM – Eric Imes

“Following this correspondence is when I decided to no longer pursue development on this property as the county did not receive an access permit that complies with the IAMP. I figured it would be possible to gain access once the loop roads were built.”

Fri, Oct 28, 2022 – 1:38 PM – Eric Imes to City staff

“We do have an easement and an access permit but I am not sure it will comply to the IAMP. I’m pretty sure the IAMP has that approach listed as farm/residential and I am neither of those.”

These admissions show the constraint is administrative and self-created (IAMP classification/permit), not a physical impossibility of serving existing in-UGB land. That goes directly to the City’s shortage narrative and the necessity of advancing Laurel–Yates–Devin to full collector standards now, rather than deferring to 2028–30.

---

## Requested County Action

Please direct County Planning staff to prepare an independent staff report that evaluates:

- Whether the City’s BLI/EOA fully accounts for all vacant/partially-vacant commercial land inside the UGB (including Good Shepherd’s ~61 acres and my 28.11 acres).
- Whether the City has complied with LUBA 2022-062 (collector classification; BDC 3.4.100 full improvements at construction).
- Whether the CIP deferrals unlawfully create artificial constraints on in-UGB land, contrary to Goal 12 and Goal 14.

If County staff do not intend to prepare such a report, please state that in writing with reasons and place it in the public record so DLCD has a clear, complete understanding of the County’s position. I do have many more examples with drone pictures than what I am attaching.

I would also welcome the opportunity to sit down with County staff to go over these items and avoid unnecessary delays or disputes later in the process. Based on the County’s response, I reserve the right to retain legal counsel (I really don’t want to) to ensure these issues are properly vetted and addressed. My strong preference is to resolve this collaboratively and locally, not through extended appeals or unwanted costs.

---

## Exhibits I will submit for the record now.

- Plat 25-12 (Good Shepherd Parcels 2 & 3, ~61 acres, commercial).
- Aerial/drone photograph of the same site (vacant).
- City Employment BLI map showing the site as vacant/part-vacant inside City & UGB.
- LUBA 2022-062 excerpts (collector classification; BDC 3.4.100 applies at construction).
- 2025 CIP excerpts (ST-22.0, ST-23.0) showing late phasing/deferrals.
- Contradiction chart: LUBA findings vs. CIP deferrals.
- Trip-Generation table for the 61-acre Good Shepherd site (office/medical/mixed scenarios).

Thank you for your attention. Please confirm whether County staff will prepare the independent report, or provide the written statement if not.

Respectfully submitted,

Jonathan Tallman

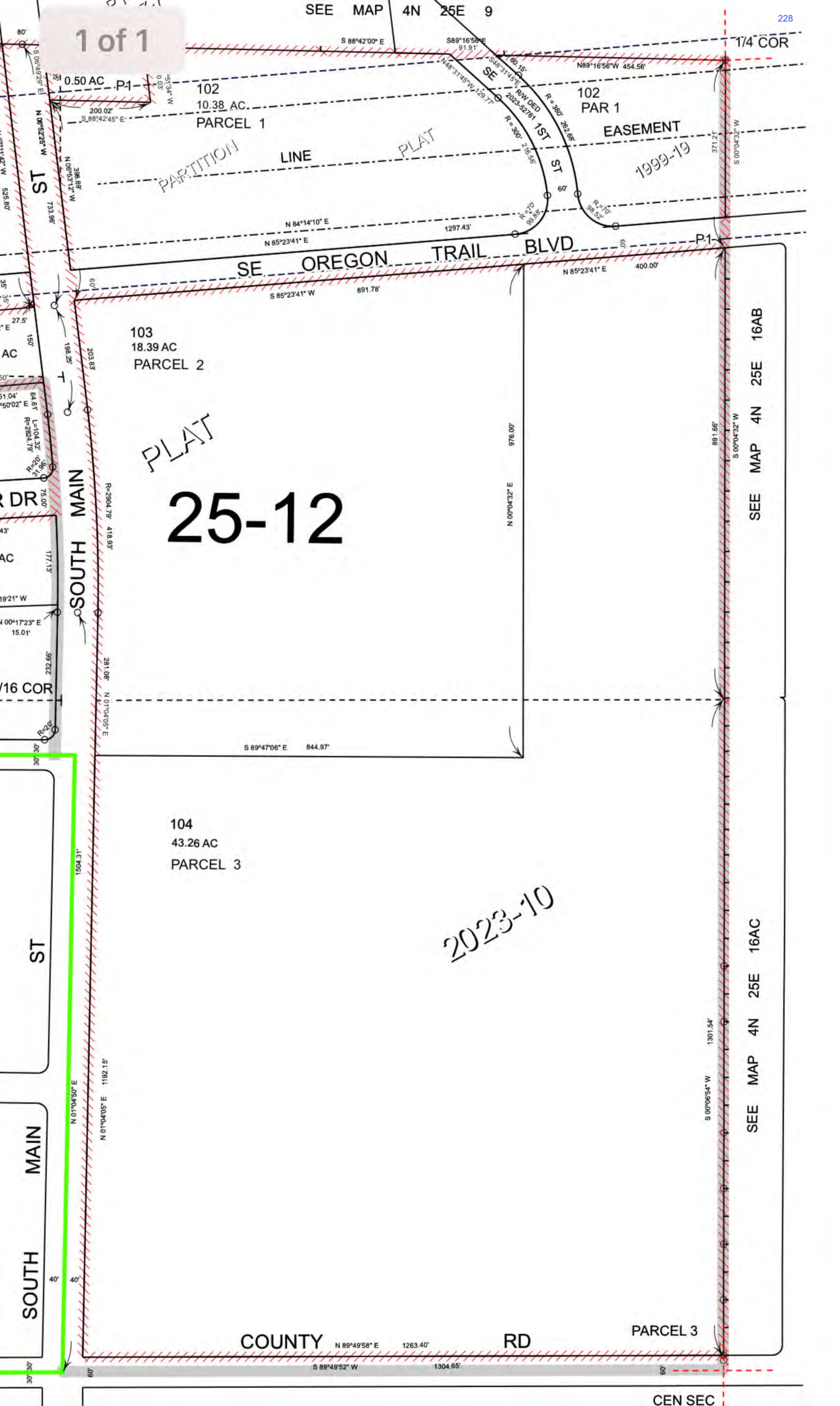
### Good Shepherd Trip Generation Scenarios

| Scenario                                                | Gross Floor Area (ksf) | Daily Trips (veh/day) | Est. Peak Hour Two-Way (veh/hr) |
|---------------------------------------------------------|------------------------|-----------------------|---------------------------------|
| A) General Office (FAR 0.25)                            | ~664 ksf               | ~6,640                | ~660                            |
| B) Medical Campus (FAR 0.35)                            | ~930 ksf               | ~33,500               | ~3,350                          |
| C) Mixed Use (200k Office + 150k Medical + 150k Retail) | 500 ksf                | ~16,800               | ~1,680                          |

### LUBA vs. CIP Contradiction Chart

|                                                                                                                                                  | Relevant CIP Project (2025 CIP)                                                                                                    | City's Current Action (CIP / TSP)                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| City must classify Loop Road correctly (likely Minor Collector, not "Neighborhood Collector").                                                   | ST 22.0 – Oregon Trail Blvd to Laurel Lane (\$7.3M, FY 2029–30)                                                                    | Deferring reclassification; no evidence of correcting collector designation now.                                                  |
| City must build full BDC 3.4.100 improvements (sidewalks, planter strips, curbs, bike lanes, lighting, stormwater) at time of road construction. | ST 23.0 – Laurel Lane Improvements (\$2.5M, FY 2028–29)                                                                            | Projects are listed but pushed to the late window (2028–30), not committed in near-term. Standards still deferred.                |
| City cannot defer improvements to "later when adjacent property develops"; findings must show compliance now.                                    | ST 5.0 – S. Main Street (\$5M, FY 2025–26) and ST 13.0 – NE Front Street (\$5.5M, FY 2026–27) (other corridors prioritized first). | Prioritizing east-side and downtown corridors for full standards while leaving west-side parcels (Laurel/Yates/Devin) constrained |

1 of 1







## DRAFT TSP Content

**Date:** September 10, 2025

Kittelson Project No: 30287

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**To:** Project Management Team (PMT)

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**From:** Matt Hughart, AICP and Eza Gaigalas

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**Subject:** Transportation System Plan – DRAFT Content

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*Note to Reviewer:*

*This document presents the Draft Boardman Transportation System Plan (TSP) Update, developed through collaboration between City and agency partners, the results of technical and policy analyses, and feedback received from the community and local constituent groups. This unformatted version has been developed specifically for content development and review and has purposefully left out photos and enhanced graphics. Prior to the first evidentiary adoption hearing in October, this DRAFT will updated/enhanced for formal publication, ensuring it is formatted to be graphically and visually accessible to all audiences.*

# Boardman Transportation System Plan

## Volume I

September 2025

*(Cover Page placeholder)*

## Acknowledgements

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The City of Boardman would like to acknowledge the following committees and individuals who helped guide the development of the Boardman Transportation System Plan. Their time and effort devoted to the planning process was instrumental in the creation of all aspects of the planning document.

### Project Management Team

- Carla McLane; City of Boardman Planning Official
- Stephanie Case; City of Boardman Principal Planner
- Roy Drago Jr; City of Boardman Public Works Director
- Mike Lees; Anderson Perry & Associates
- Devin Hearing; ODOT Contract Project Manager

### Project Advisory Committee (PAC)

- Heather Baumgartner; Boardman City Council
- Alex Hattenhauer; Business owner
- Jacob Cain; Port of Morrow
- Stephan Faus; Local bike/ped advocate
- Gabe Hansen; Morrow County School District
- Kaitlin Kennedy; Morrow County Planning
- Erik Imes; Morrow County Public Works
- Patrick Keely; The Loop
- Marlow Stanton; ODOT Region 5 Traffic Engineer
- David Jones; Boardman Planning Commission
- George Shimer; Boardman Parks and Recreation District
- Patter Perry; CTUIR
- Dawn Hert; Department of Land Conservation and Development (DLCD)
- Torrie Griggs; Boardman Chamber of Commerce
- Dejan Dudich; ODOT Transportation Planning & Analysis Unit (TPAU)
- Abby Gisler; ODOT Region 5 Planner

### Consultant Team

- Kittelson & Associates, Inc.
- MIG
- Zan Associates

*This project is partially funded by a grant from the Transportation and Growth Management (TGM) Program, a joint program of the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development. This TGM grant is financed, in part, by Federal Highway Administration, local government, and the State of Oregon funds.*

*The contents of this document do not necessarily reflect views or policies of the State of Oregon.*

## TSP Organization

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The Boardman TSP is presented in two volumes. Volume 1 constitutes the main TSP document and contains information that is likely to be of interest to the broadest audience. Volume 2 contains technical memoranda and data related to local transportation needs and facilities; these materials provide technical support for the information summarized in Volume 1.

### Volume I

Volume I includes the following plan chapters:

- **Chapter 1 - Introduction:** An overview of the planning context for the TSP.
- **Chapter 2 – Goals and Objectives:** Goals and objectives that reflect the community’s long-term vision for the transportation system.
- **Chapter 3 – Transportation Context:** A high-level overview of the existing and future transportation system deficiencies and needs.
- **Chapter 4 – Guiding the Transportation Network:** An overview of the key system elements that guide future changes to the multimodal transportation system over the next 20 years.
- **Chapter 5 –Transportation Improvement Projects:** Recommended projects to support the city’s anticipated transportation needs over the next 20 years.
- **Chapter 6:** Overview of transportation funding and implementation.

### Volume II (Under Separate Cover)

Volume 2 includes the following technical appendices:

- **Appendix A:** Community Profile and Trends
- **Appendix B:** Plans and Policy Review
- **Appendix C:** Goals, Objectives, and Evaluation Criteria
- **Appendix D:** Code Assessment Memorandum
- **Appendix E:** Methodology Memorandum
- **Appendix F:** Existing Conditions Inventory and Analysis
- **Appendix G:** Future Conditions Analysis
- **Appendix H:** Proposed Solutions
- **Appendix I:** Implementing Ordinances
- **Appendix J:** Public Outreach Summary

## Chapter 1 - Introduction

The Boardman Transportation System Plan (TSP) establishes a vision for the multimodal transportation system within Boardman for the next 20 years. It provides an adaptable framework for making transportation decisions in an increasingly unpredictable and financially constrained future. Once adopted, the TSP will serve as the transportation section of the Boardman Comprehensive Plan.

The local transportation system is intended to move people, goods, and services to, through, and within the City of Boardman and its Urban Growth Boundary (UGB). The system is used in essential aspects of daily life, including commuting to and from workplaces and schools, fulfilling basic needs, and recreating. The TSP aims to support projects, programs, and further studies that will upgrade and maintain the local transportation system to meet the needs of all users.

### TSP Purpose

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The Boardman TSP identifies the transportation facilities, services, and investment priorities necessary to achieve the community's vision for a safe, efficient, and reliable transportation system. To meet future needs anticipated from ongoing growth over the next 20 years, the plan identifies priority investments, policies, and programs to support future transportation and land use decision making through the City's Comprehensive Plan. The TSP also serves as a resource for coordination amongst regional, local, and state agencies by providing:

- Location, function, and capacity of future streets, sidewalks, bikeways, pathways, transit services, and other transportation facilities.
- Solutions to address existing and future transportation needs for people walking, biking, riding transit, driving, and moving freight;
- Strategies to prioritize transportation investments that improve safety and access for all users of all ages and abilities; and
- Planning-level cost estimates for transportation infrastructure investments needed to support the community's vision, as well as possible funding sources and partners for these investments.

The TSP satisfies the state's requirements for a local transportation system plan to provide and encourage a safe, convenient, and economic transportation system, as established by Oregon Statewide Planning Goal 12: Transportation (OAR 660-012-0015).

### TSP Process

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The Boardman TSP was updated through a process that identified transportation needs, analyzed potential options for addressing those needs over the next 20 years, and provided a financial

assessment of funding and a prioritized implementation plan. The following steps were involved in this process:

- Reviewing state, regional, and local transportation plans and policies that the Boardman TSP must either comply with or be consistent with.
- Gathering community input through regular interactions with a project advisory committee (PAC) and multiple public workshops/engagement activities.
- Establishing goals and objectives for the future transportation network
- Using a detailed inventory of existing transportation facilities and serve as a foundation to establish needs near- and long-term.
- Identifying and evaluating future transportation needs to support the land use vision and economic vitality of the urban area.
- Prioritizing improvements and strategies that are reflective of the community's vision and fiscal realities.

## Guiding Principles and Context

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The TSP was developed in compliance with Oregon Revised Statute (ORS) 197.712 and the Department of Land Conservation and Development (DLCD) administrative rule known as the Transportation Planning Rule (TPR, OAR 660-012). These rules require that the TSP provides for a transportation system that accommodates the expected growth in population and employment based on the visions and expectations of the Comprehensive Plan. As required by the TPR, the TSP was developed in coordination with local, regional, and state plans, which helped shape the TSP's goals and objectives, as detailed in Chapter 2.

Per the TPR, this TSP identifies multimodal transportation needs for users of all ages, abilities, and incomes. As such, the TSP identifies solutions to address existing and future transportation needs, with a focus on enhancing safety and connectivity for people bicycling, walking, using transit, and driving. Also per the TPR, updates for the City's development code have been prepared to support implementation of the solutions in the TSP (see TSP Vol 2, Appendix I).

## Chapter 2: Goals and Objectives

The TSP goals are broad statements that, at a high level, reflect the community's desires and vision for the local transportation system. At the onset of the planning process, Boardman defined six goals and supporting objectives for its transportation system. These goals and objectives helped guide the review and documentation of existing and future transportation system needs, the development and evaluation of potential alternatives to address the needs, and the selection and prioritization of preferred projects for inclusion in the TSP update. The goals and objectives will enable the City to plan for, and consistently work toward, achieving the community vision.

These goals and objectives are presented below. Each goal is equal in priority and presented in no particular order.

### Goal #1: Safety

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Improve the safety and comfort of the multimodal transportation network.

- Objective #1a: Address known safety issues at locations with a history of fatal and/or severe injury crashes.
- Objective #1b: Identify and prioritize transportation improvements that provide safe access for all users, regardless of age, ability, or mode of transportation.
- Objective #1c: Manage vehicular access to key transportation corridors consistent with engineering standards and access management principles, while maintaining reasonable access to adjacent land uses.

### Goal #2: Mobility

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Provide an efficient multimodal transportation system.

- Objective #2a: Identify capacity constraints and develop projects and strategies to address those constraints, including intersection improvements, new crossings of I-84, and alternative multimodal connections.
- Objective #2b: Preserve and maintain the existing transportation system.
- Objective #2c: Support local and regional transit services through the advancement of stop amenities, service hubs, etc.

### Goal #3: Accessibility & Connectivity

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Provide an interconnected, multimodal transportation network that connects all members of the community to key destinations.

- Objective #3a: Provide new connections to/from Boardman's neighborhoods, schools, parks, transit stops, employment centers, and other key destinations.

- Objective #3b: Address existing walking, biking, and rolling gaps in Boardman’s multimodal network.
- Objective #3c: Increase multimodal connectivity across I-84.

## Goal #4: Community Focused

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Provide a multimodal transportation system for all users to promote a livable and fully connected community.

- Objective #4a: Ensure that the transportation system provides equitable multimodal access for underserved and vulnerable populations to schools, parks, employment centers, commercial centers, health and social services, and other essential destinations.
- Objective #4b: Strengthen economic opportunities through the development of new transportation infrastructure.

## Goal #5: Sustainability

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Provide a sustainable transportation system by promoting transportation choices and preserving environmental resources.

- Objective #5a: Consider alternative transportation facility designs in constrained areas to avoid or minimize impacts to natural resources.
- Objective #5b: Avoid or minimize transportation impacts to natural and cultural resources in the city.

## Goal #6: Strategic Investment

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Make the most of transportation resources by leveraging available funding opportunities, preserve existing infrastructure, and reduce system maintenance costs.

- Objective #6a: Preserve and maintain the existing transportation system assets to extend their useful life.
- Objective #6b: Pursue grants and collaborate with partnering agencies to creatively fund transportation improvements and supporting programs.
- Objective #6c: Identify and maintain stable and diverse revenue sources to address transportation needs.

## Chapter 3 – Transportation Context

This chapter provides a high-level overview of findings from the transportation needs assessment, describing existing and future deficiencies in the transportation system based on existing conditions of each travel mode, population forecasts, and the community’s vision for a connected, accessible, and equitable transportation system.

### Existing Transportation Conditions

The assessment provides a baseline understanding of the existing transportation system inventory and an analysis of how it operates, including traffic conditions, street connectivity, safety performance, and other aspects. The inventory also covers a review of land uses and population demographics to understand how they are served by the current transportation system.

Details on the inventory, review, and analyses of needs are provided in Volume 2, Appendix D. Key highlights of the inventory and findings are presented in Table 3-1 below and more details are provided in the following sections.

**Table 3-1. Existing Conditions Key Findings**

| Needs Category                      | Key Findings                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Land Uses & Population Demographics | <ul style="list-style-type: none"> <li>The City of Boardman has significant residential growth potential, with many of these growth areas located south of the I-84 corridor. To ensure the transportation system effectively and efficiently serves these land uses, it is critical to plan for a well-balanced multimodal transportation system that accommodates a variety of travel modes.</li> <li>The Boardman UGB is large geographically but limited in some areas by land use constraints that can restrict connectivity to and from certain areas. To address these challenges, targeted strategies and transportation system improvements are needed to enhance existing connections and identify feasible options for new connections.</li> <li>Ensuring access to key destinations and local activity centers including schools, recreation areas, parks, and businesses is important for maintaining a high quality of life for residents.</li> </ul> |
| Streets                             | <ul style="list-style-type: none"> <li>There are many infill development opportunities. An efficient expansion of the existing street grid network is needed to service this infill development potential.</li> <li>Maintenance of existing facilities is a key need for the Urban Area.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Intersections                       | <ul style="list-style-type: none"> <li>Intersection improvements are needed at locations that are currently exceeding or projected to exceed capacity limitations by 2045. These key intersections are located along the Main Street corridor and the two I-84 interchange terminals at Main Street and Laurel Lane.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| Needs Category                         | Key Findings                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Safety</b>                          | <ul style="list-style-type: none"> <li>No fatal crashes were identified at any study intersections in the study period.</li> <li>The observed crash rate at the S Main Street / Wilson Lane intersection exceeds the 90th percentile crash rate. The urban four-leg stop controlled crash rate was used in the comparison. It is noted that if the rural four-leg stop controlled rate was used then the observed crash rate would not exceed the 90th percentile crash rate. Angle and turning-movement crashes were predominantly observed at this intersection.</li> </ul> |
| <b>Walking &amp; Biking Facilities</b> | <ul style="list-style-type: none"> <li>Walking and biking infrastructure is generally limited. While sidewalks exist on one or both sides of some key corridors like Main Street, there are significant gaps in the supporting collector and neighborhood collector network. As infill development occurs in Boardman, it will be important to address these gaps and ensure a fully connected network that meets the walking and biking needs of all community members.</li> </ul>                                                                                           |
| <b>Public Transportation</b>           | <ul style="list-style-type: none"> <li>Continued coordination between the City, County, and other transit providers within the Boardman and the adjacent Port of Morrow is necessary to ensure that transit is a safe, reliable, and efficient transportation option, especially in areas where there are higher proportions of transit-dependent populations.</li> </ul>                                                                                                                                                                                                     |
| <b>Freight, Rail, &amp; Marine</b>     | <ul style="list-style-type: none"> <li>The Boardman Urban Area has a variety of freight, rail, and marine infrastructure that serve vital roles in the movement of goods. To support economic growth and ensure the safe and efficient movement of freight through the Urban Area, it is essential that these critical facilities effectively meet regional transportation needs.</li> </ul>                                                                                                                                                                                  |

## Population Forecasts

Future transportation needs were identified based on the existing transportation needs summarized previously and the anticipated growth in households within the Urban Area. The Portland State University (PSU) Population Research Center forecasts that the population within the UGB is expected to increase by 5,429 people as of the year 2045, representing an annual average growth rate of 3.5 percent.

## Future No-Build Traffic Analysis

To understand the needs of people driving and transporting freight in the Boardman Urban Area in 20 years, the future no-build traffic analyses at 14 study intersections based on forecast year 2045 traffic volumes. These analyses help identify areas that are expected to exceed applicable performance thresholds in 2045 and inform transportation projects, policies, and programs needed to support economic growth through the planning horizon.

Details on how traffic volumes were developed are provided in Volume 2, Appendix E. Based on discussions with the City regarding planned transportation improvements in Boardman's Capital Improvement Program (CIP) and anticipated private development projects, lane configuration changes were assumed. Key findings are presented below.

Ten intersections are forecast to exceed their mobility targets in either the weekday AM or PM peak hour conditions or both in 20 years including intersections owned by both ODOT and the City. The intersections projected to exceed mobility targets in 20 years include:

|      |                                                                                                                                                                                                                                                                                                     |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ODOT | <ul style="list-style-type: none"><li>• N Main Street / I-84 Westbound Ramp Terminal</li><li>• S Main Street / I-84 Eastbound Ramp Terminal</li><li>• Laurel Lane / I-84 Westbound Ramp Terminal</li><li>• Laurel Lane / I-84 Eastbound Ramp Terminal</li></ul>                                     |
| City | <ul style="list-style-type: none"><li>• N Main Street / Boardman Avenue</li><li>• N Main Street / N Front Street</li><li>• S Main Street / S Front Street</li><li>• S Main Street / Oregon Trail Boulevard</li><li>• S Main Street / Kinkade Road</li><li>• Laurel Lane / Columbia Avenue</li></ul> |

Resultant traffic operations for all study intersections are detailed in Volume 2, Appendix E.

## Chapter 4 – Guiding the Transportation Network

Boardman manages its transportation network through a variety of management plans, regulations, and standards to ensure a cohesive and coordinated system and one that reflects the goals and objectives of the City. This chapter presents the key system elements that guide needed changes to the multimodal transportation system over the next 20 years. A detailed project list and associated cost estimates are provided in Chapter 5.

### Roadway Jurisdiction

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The roadways within the Boardman UGB fall under City, County, Port of Morrow, or ODOT jurisdiction. The respective jurisdiction of individual street segments is illustrated in Figure 4-1.

The City, Port of Morrow, and Morrow County intend to continue managing and maintaining their streets. It is recognized that streets within the UGB currently under Morrow County jurisdiction could be transferred to City control over time through various land use actions, such as annexations. Future potential transfers will be evaluated individually and carried out in accordance with relevant agreements between the City and the County.

Photo/Graphic Placeholder

**(Aerial view of City/Port of Morrow facilities)**

Figure 4-1

Roadway Jurisdiction

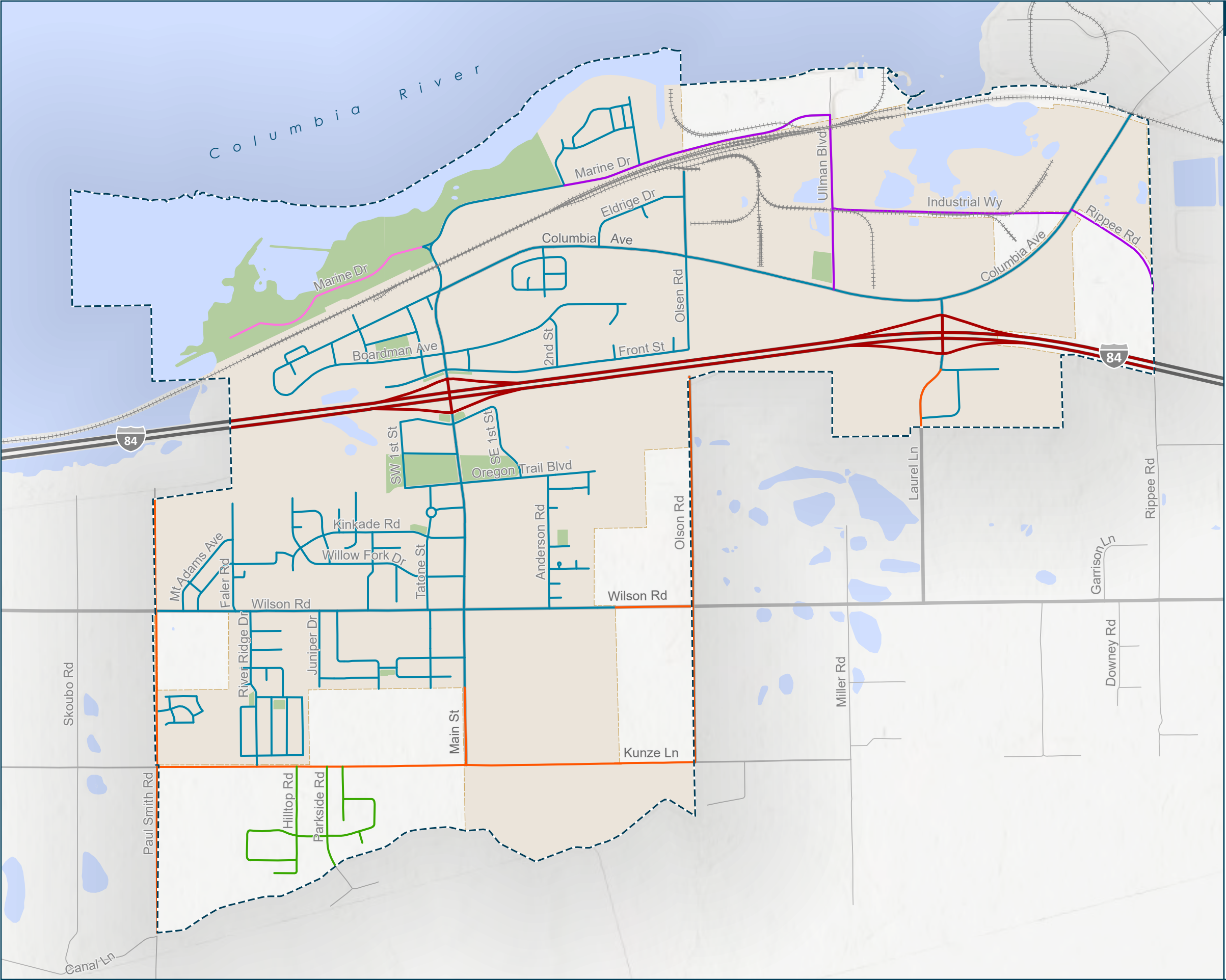
as of December 2025



- City of Boardman
- Morrow County
- Oregon Department of Transportation
- Port of Morrow
- Public
- Private
- City Boundary
- Urban Growth Boundary
- Park
- Water

Generated On: 7/2/2025

0 0.25 0.5 Mile



## Roadway Functional Classification System

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Roadway functional classifications organize the street network based on their role in the transportation system. The classifications define a roadway by their intended mobility and access control as they relate to land use. They designate desired street characteristics such as operational and design characteristics, pavement width, driveway (access) spacing requirements, and context-appropriate pedestrian and bicycle facilities.

The City's roadway functional classification system is illustrated in Figure 4-2 and consists of the following designations:

- **Freeways** are limited-access roads designed mainly for motorized vehicles traveling across regions or states. They provide the highest level of mobility and are typically high-speed routes with widely spaced access points in the form of interchanges.
- **Arterials** are major roadways designed primarily to facilitate traffic flow through the urban areas. They support significant intra-urban travel and connect Boardman to other regional travel corridors. While arterials may provide access to adjacent properties, their primary function is to accommodate major traffic movements. They accommodate bicycle and pedestrian movements.
- **Collectors** connect arterials to neighborhood collectors and the local street network. Collectors gather traffic from local streets and sometimes provide direct land access, channeling it toward arterial roads. They directly serve commercial/industrial land uses, are shorter than arterials, and operate at moderate speeds. They accommodate bicycle and pedestrian movements.
- **Neighborhood Collectors** extend into local neighborhoods, supporting local traffic circulation primarily within residential areas. They typically carry lower traffic volumes at slower speeds compared to collectors. They accommodate on-street parking and pedestrian movements with shared-lane markings for bicyclists.
- **Local Streets** are primarily intended to provide access to abutting residential land uses. Local street facilities offer the lowest level of mobility and consequently tend to be short, low-speed facilities. As such, local streets should primarily serve passenger cars, pedestrians, and bicyclists. They accommodate on-street parking and pedestrian movements.

Over time, as the city continues to grow, functional classifications will be periodically revisited to ensure that street designations are still appropriate. Future land use approvals may require changes to existing streets (beyond those identified in the TSP) consistent with functional classification requirements.

Figure 4-2

# Roadway Functional Classification System



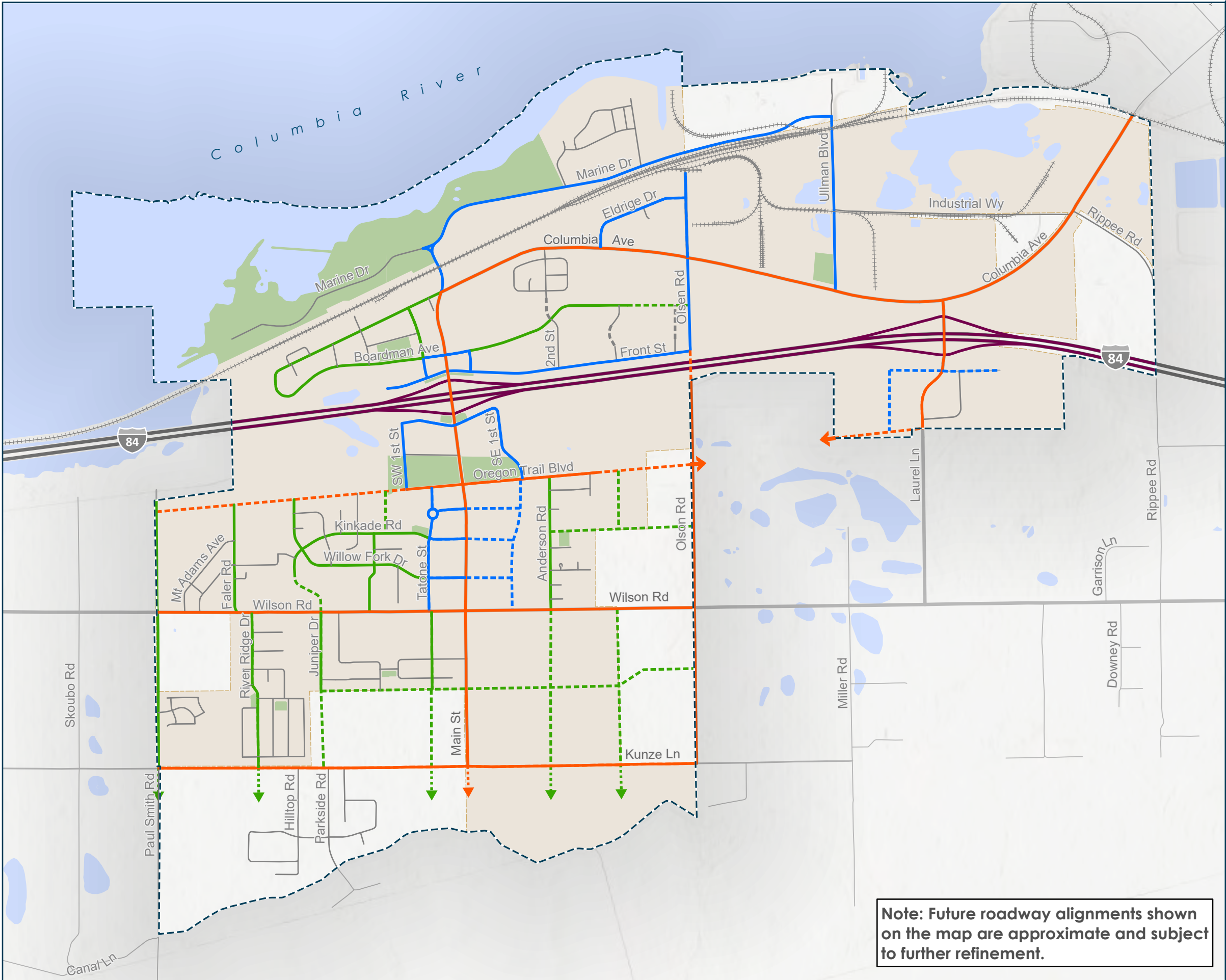
- Freeway
- Arterial
- Planned/Future Arterial
- Collector
- Planned/Future Collector
- Neighborhood Collector
- Planned/Future Neighborhood Collector
- Local
- City Boundary
- Urban Growth Boundary
- Park
- Water

See Local Street Connectivity Plan for future local street connections

Generated On: 8/6/2025

Note: Future roadway alignments shown on the map are approximate and subject to further refinement.

0 0.25 0.5 Mile



## Multimodal Network Design

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The multimodal network is guided by a policy framework that establishes the function, design, construction, and operation of travel ways in Boardman.

### Roadway Design Elements

All roadways in Boardman will consist of different zones that accommodate motor vehicle travel, on-street parking, bicycle travel, landscaping/buffers, pedestrian travel, and utilities. These zones are outlined below and illustrated in **Exhibit A**.

#### CURB-TO-CURB ZONE

The curb-to-curb zone supports multiple travel zones and functions including:

- Motor Vehicle Zone – Supports motor vehicle functions.
- Median Zone – Supports motor vehicle turning functions and, where appropriate, medians for access management. The median zone is unique to the Arterial and Collector designations.
- On-Street Parking Zone – Supports on-street parking accommodations and is unique to the Neighborhood Collector and Local Street designations.
- Bicycle Zone – Supports bicycling accommodations such as striped bicycle lanes and shared/mixed travel lanes. Striped bicycle lanes are unique to the Arterial and Collector designations.

#### BUFFER ZONE

The buffer zone is a hardscaped (or landscaped in some situations) area that separates the motor vehicle functions in the curb-to-curb zone from the adjacent pedestrian zone. The buffer zone is unique to the Arterial and Local Street designations as shown in Exhibit A.

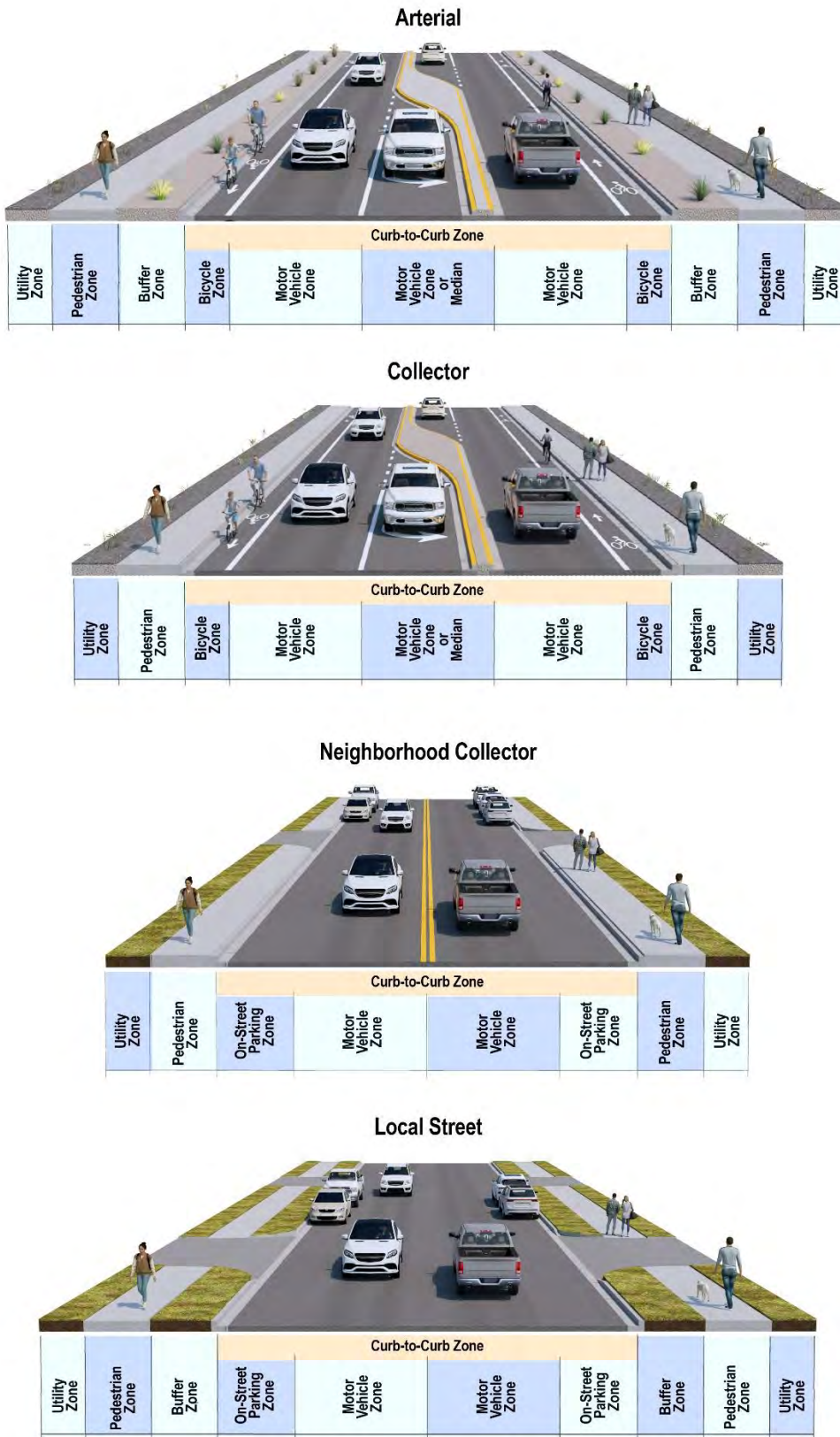
#### PEDESTRIAN ZONE

The pedestrian zone supports the sidewalk network. All roadways have a pedestrian zone, but the width and location vary by functional classification.

#### UTILITY ZONE

The utility zone is located outside the pedestrian zone and includes right-of-way for the placement of utilities and other supporting infrastructure.

## Exhibit A – Boardman Roadway Design Framework



Based on this framework, the City of Boardman has developed detailed roadway cross section standards specific to each functional classification. These standards are contained in the City of Boardman's *Public Works Standards*. The street cross sections are intended to define a system that allows standardization of key characteristics to provide consistency, but also to provide criteria for application that provides some flexibility while meeting the design standards.

Unless prohibited by significant topographic or environmental constraints, newly constructed streets should meet the standards indicated in the cross sections. When widening an existing street, the City may use lesser standards than the maximum to accommodate physical and existing development constraints where determined to be appropriate by the Public Works Director.

### SEPARATED MULTI-USE PATHS

Separated multi-use paths are designed to accommodate a variety of users, including pedestrians, cyclists, and other users of non-motorized forms of transportation. The pathways typically separate these uses from vehicular traffic to enhance safety and provide a more pleasant experience for all ages and abilities. Multi-use pathways are typically located in their own right-of-way. Multi-use pathway standards are contained in the City of Boardman's *Public Works Standards*.

Photo/Graphic Placeholder

**(Multi-Use Pathway photo)**

## Vehicle Performance Standards

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Vehicle performance standards (also known as operational standards or mobility targets) for streets and intersections define the maximum amount of congestion that an agency or community has deemed acceptable. These standards are commonly used to assess the impacts of proposed land use actions on vehicular operating conditions and are one measure that staff use to determine transportation improvement needs for project planning.

Mobility targets are typically defined by motor vehicle level of service (LOS), which is presented as grades “A” (free-flow traffic conditions) to “F” (congested traffic conditions) and/or by a volume-to-capacity ratio (V/C), which represents the amount of measured traffic volumes that are utilizing the capacity of a street or intersection. As V/C ratios approach 1.0, traffic congestion increases.

City street performance standards for motor vehicles are identified in the Boardman Development Code (BDC).

## Traffic Management

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The City of Boardman strives to provide a safe and efficient transportation network that accommodates travelers of all ages and abilities. Effectively managing traffic volumes and speeds on the transportation network is a means to this goal. This section identifies a variety of traffic management tools the city will use as situations arise.

The Traffic Management Toolbox provides information about specific treatments and considerations when applying the treatments. The treatments are generally intended to reduce traffic speeds through at least one of the following ways:

- Create a narrower cross-section (throughout a roadway corridor or at individual locations along the corridor) or tighter turning radii at intersections, which has been shown to slow traffic speeds;
- Create a visual change in context and/or gateways to the corridor to alert drivers of the need to reduce speed;
- Provide a visual or audible warning to drivers to reduce their speed;
- Create horizontal or vertical curvature in the roadway to reduce travel speeds; and/or
- Provide breaks in the corridor to slow or stop through traffic.

(Insert Traffic Calming Toolbox sheets – 18 pages. Currently removed to facilitate ease of content review)

## Truck Freight System

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Truck freight route classifications are provided at the State and Federal levels. In Oregon, the Oregon Highway Plan documents State freight designations. Locally, Boardman has established a local truck freight route network that supports truck freight movements off the State Highway System. The truck freight system is illustrated in Figure 4-3 and consists of the following:

- **Regional Truck Route** - Regional Truck Routes accommodate the continuous and regional flow of truck freight through the city. These routes serve as the primary travel routes for regionally oriented truck freight, connecting freight-generating land uses to the state highway network. They are consistent with the NHS Intermodal Connectors.
- **Local Truck Route** - Local Truck Routes serve local truck circulation and access and provide for goods and service delivery to individual commercial, employment, and residential land uses outside of industrial areas.

Photo/Graphic Placeholder

**(Oversized Truck photo)**

Figure 4-3

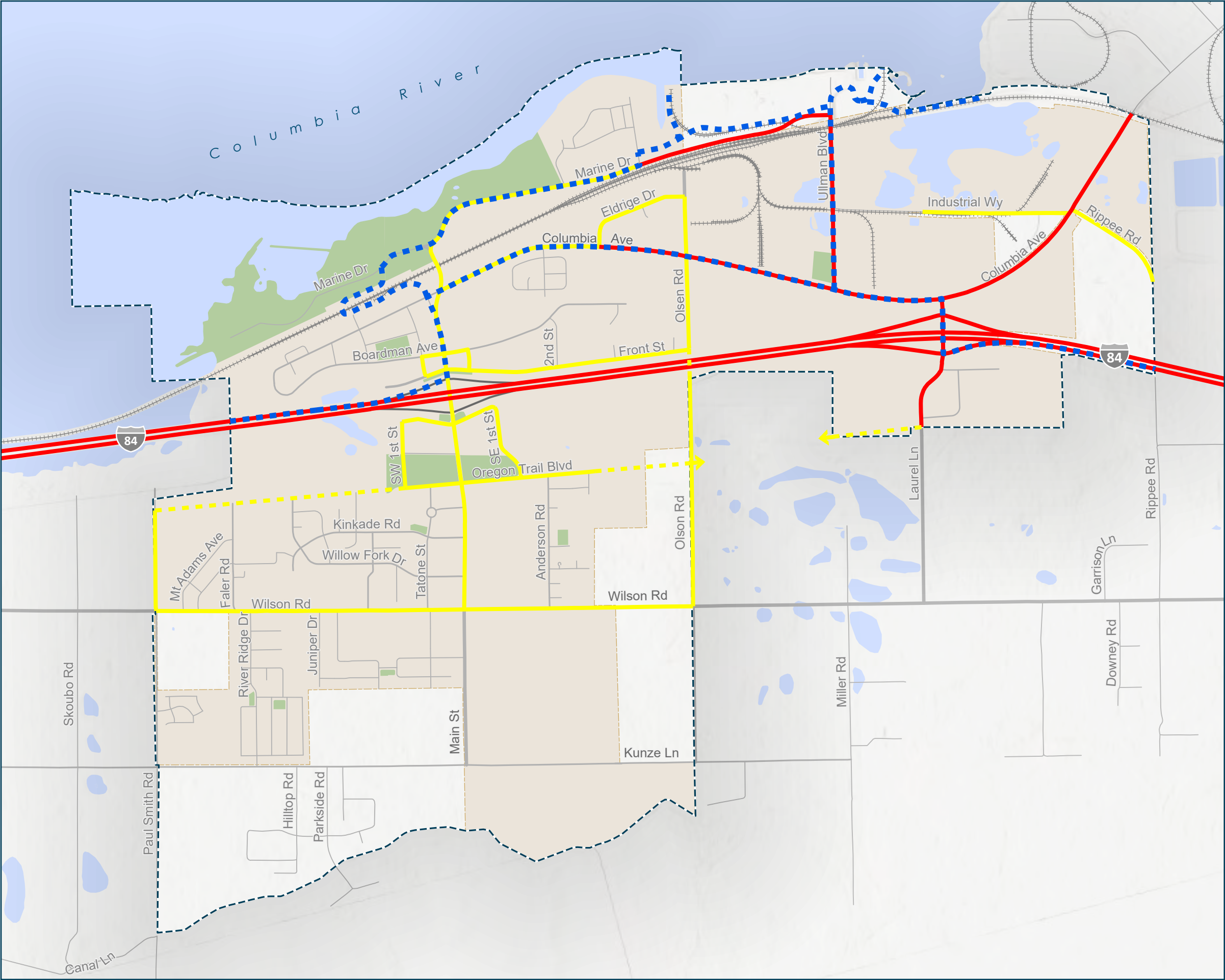
Truck Freight System



- Regional Freight Route
- Local Freight Route
- Proposed Future Local Freight Route
- High, Wide, and Heavy Freight Routes
- City Boundary
- Urban Growth Boundary
- Park
- Water

Generated On: 8/11/2025

0 0.25 0.5 Mile



## Chapter 5 – Transportation Improvement Projects

This chapter presents the transportation system improvement projects that are intended to address Boardman’s circulation needs over the next 20 years. These projects represent recommended investments in the transportation system that can provide a (1) safe, (2) efficient, (3) interconnected, (4) community focused, (5) sustainable, and (6) achievable multimodal transportation network.

Projects were identified and prioritized through feedback obtained from the community and stakeholders, technical analysis of existing/projected travel patterns, and input from partnering agencies. Many of the identified projects carry forward the recommendations from prior plans or studies adopted by the City, Morrow County, and/or ODOT. Specific references are identified in the project tables contained in this chapter. Original priorities for projects identified in prior plans and studies have been maintained, unless findings from this TSP warranted adjustments; priorities for new projects were determined using the goals and policies in Chapter 2 and from community input.

Inclusion of a project in the TSP does not represent a commitment by the City of Boardman to fund, allow, or construct the project. Projects on the State of Oregon (“State”) Highway System that are contained in the TSP are not considered “planned” projects until they are programmed in the Statewide Transportation Improvement Program (STIP). As such, projects proposed in the TSP that are located on a State Highway cannot be considered until they are programmed into an adopted STIP or ODOT provides a letter indicating that the project is “reasonably likely” to be funded in the STIP. For the purposes of the TSP, transportation projects involving ODOT are identified for planning purposes and for determining planning-level costs. As part of the TSP implementation, the City will continue to coordinate with ODOT and other partner agencies regarding project prioritization, funding, and implementation.

This section presents the recommended transportation projects for the TSP Update and are organized into five primary categories:

- Intersection Projects: These projects include intersection modifications that address either an identified capacity, geometric, or safety needs.
- Roadway Corridor Projects: These projects include new street connections and street modifications that address either connectivity, safety, or traffic calming needs – or the need for further study.
- Local Street Connectivity and Extension Plan: These projects include new street connections for future local circulation.
- Pedestrian Projects: These projects include pedestrian connections and crossing treatments that address either a system gap or safety need.

- **Bicycle Projects:** These projects include bicycle connections that address either a system gap or safety need.
- **Transit Supportive Projects:** These projects include various projects to support and facilitate access to transit stops/routes.

## Project Prioritization

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The projects presented in this chapter are prioritized as follows:

- **High Priority Projects:** Projects that address critical multimodal circulation needs for a variety of user groups and should be implemented in a near-term time frame.
- **Medium Priority Projects:** Projects that address general multimodal circulation needs and should be implemented in a near- to longer-term time frame.
- **Low Priority Projects:** Projects that address circulation needs associated with long-term growth.
- **Vision Projects:** Aspirational projects that are associated with long-term development areas and/or may extend beyond the 20-year TSP planning horizon.

### Financially Constrained Projects

Financially constrained projects are those critical multimodal infrastructure investments that the City anticipates being able to implement over the next 20 years through known financial resources. The financially constrained projects are highlighted in the modal project lists.

The City of Boardman recognizes financial resources, multimodal priorities, and needs can change over time. As such, the financially constrained projects are not required to be implemented first and that other projects on the list may be pursued as needs arise.

### Unconstrained Projects

Unconstrained projects are all other multimodal infrastructure investments that are not likely to be implemented with known financial resources.

## Intersection Projects

---

Intersection projects aim to enhance the operational efficiency, safety, and/or geometrics at intersecting roadways on the roadway network. These projects were identified through a combination of prior plans and studies, technical analyses, and community input to address the needs summarized in Chapter 3. Intersection projects are categorized by capacity and geometric changes, safety treatments, and access management applications. Projects may overlap between categories (e.g., capacity-induced changes can also have safety benefits). Intersection projects are illustrated in Figure 5-1 and described in the following table.

Photo/Graphic Placeholder

**(Intersection photo – Main Street/Boardman Ave)**

**Table 5-1. Intersection Traffic Control, Capacity and/or Geometric Improvement Projects**

| Project ID | Intersection                     | Jurisdiction | Project Description                                                                                                                                                                                                                                                                                                                                                                                                                 | Project Source                   | Cost Estimate                                                                | Priority                              |
|------------|----------------------------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|------------------------------------------------------------------------------|---------------------------------------|
| I-1        | N. Main Street / Boardman Ave    | City         | <ol style="list-style-type: none"> <li>1. Signalize (with widening/re-striping of east and west approaches to provide separate left- and through/right-turn lanes). Project may be refined as part of R-25 (IAMP Refinement).</li> <li>or</li> <li>2. Construct a roundabout. Project may be refined as part of R-25 (IAMP refinement).</li> </ol>                                                                                  | 2024 Main St Corridor Refinement | <ol style="list-style-type: none"> <li>1. \$1.3M</li> <li>2. \$3M</li> </ol> | <b>High (Financially Constrained)</b> |
| I-2        | N. Main Street / N. Front Street | City         | <ul style="list-style-type: none"> <li>• Modify intersection to be consistent with the outcome of project R-25 (IAMP Refinement). Modifications may include implementing right-in/right-out turning movement restrictions to/from N. Front Street via a raised median or other access management measures.</li> </ul>                                                                                                               | 2009 Main Street IAMP            | \$100k                                                                       | <b>High (Financially Constrained)</b> |
| I-3        | I-84 WB Ramp / N. Main Street    | ODOT/City    | <ul style="list-style-type: none"> <li>• Modify intersection to be consistent with the outcome of project R-25 (IAMP Refinement). Modifications may include providing a separate northbound left-turn lane and through lane, installing traffic signals once ODOT standards for traffic control are met, widening the offramp to include separate left- and through/right-turn lanes, and/or lengthening of the offramp.</li> </ul> | 2009 Main Street IAMP            | \$35M+                                                                       | Medium (Un-constrained)               |
| I-4        | I-84 EB Ramp / S. Main Street    | ODOT/City    | <ul style="list-style-type: none"> <li>• Modify intersection to be consistent with the outcome of project R-25 (IAMP Refinement). Modifications may include providing a separate southbound left-turn lane and through lane, installing traffic signals once ODOT standards for traffic control are met, widening the offramp to include separate left- and through/right-turn lanes, and/or lengthening of the offramp.</li> </ul> | 2009 Main Street IAMP            |                                                                              |                                       |
| I-5        | S. Main Street / S. Front Street | City         | <ul style="list-style-type: none"> <li>• Modify intersection to be consistent with the outcome of project R-25 (IAMP Refinement). Modifications may include implementing right-in/right-out turning movement restrictions to/from S. Front Street via a raised median or other access management measures.</li> </ul>                                                                                                               | 2009 Main Street IAMP            | \$100k                                                                       | <b>High (Financially Constrained)</b> |

## TSP Content DRAFT

## City of Boardman | Transportation System Plan

| Project ID | Intersection                               | Jurisdiction | Project Description                                                                                                                                                                                                                                                                               | Project Source           | Cost Estimate | Priority                          |
|------------|--------------------------------------------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|---------------|-----------------------------------|
| I-6        | S. Main Street / Oregon Trail Blvd         | City         | <ul style="list-style-type: none"> <li>Modify intersection to be consistent with the outcome of project R-25 (IAMP Refinement). Modifications may include signalization or roundabout, and enhanced pedestrian crossing features.</li> </ul>                                                      | TSP analysis             | \$750k-\$3M   | Low (Un-constrained)              |
| I-7        | S. Main Street/ Kinkade Rd                 | City         | <ul style="list-style-type: none"> <li>Implement traffic control improvements to address capacity constraints when they arise. Improvements may include signalization or roundabout.</li> </ul>                                                                                                   | TSP analysis             | \$750k-\$3M   | Low <sup>1</sup> (Un-constrained) |
| I-8        | I-84 WB Ramp / Laurel Lane / Columbia Blvd | ODOT/City    | <ul style="list-style-type: none"> <li>Combine the Laurel Lane/Columbia Boulevard and the Laurel Lane/I-84 WB ramp terminal intersections into one roundabout intersection. Modify the westbound offramp alignment accordingly and lengthen to current standards.</li> </ul>                      | 2022 Port of Morrow IAMP | \$10-\$15M+   | Med (Un-constrained)              |
| I-9        | I-84 EB Ramp / Laurel Lane                 | ODOT/City    | <ul style="list-style-type: none"> <li>Widen Laurel Lane south of the roundabout to include a 14-ft center turn lane to accommodate southbound left-turn movements at the EB on-ramp. Lengthen and widen the eastbound off ramp to provide separate left/through and right-turn lanes.</li> </ul> | 2022 Port of Morrow IAMP | \$4M          | Med (Un-constrained)              |

**Note:** The cost estimates presented do not include costs associated with right-of-way acquisition due to its high variability depending on location, parcel sizes, and other characteristics. The cost estimates also reflect the full cost of the projects, including costs likely to be funded by others, such as private development.

<sup>1</sup> Project anticipated to be primarily development-driven.

Figure 5-1

Planned Intersection and Roadway Corridor Projects

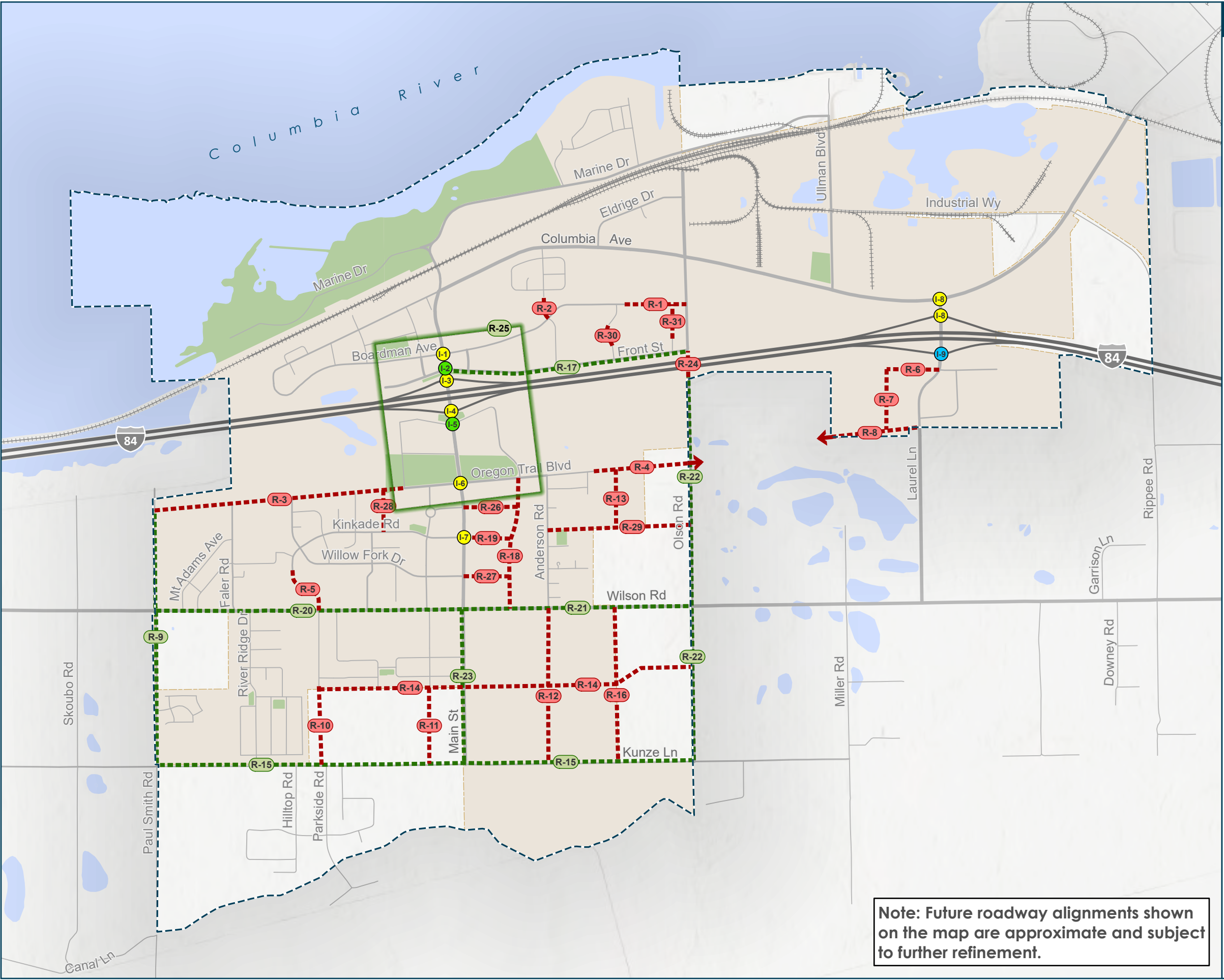


- Planned Traffic Control/ Geometric Improvement
- Planned Turn Lane Improvement
- Planned Turn Movement Restriction
- Planned Roadway Corridors
- Planned Road Reconstruction/ Modernization
- City Boundary
- Urban Growth Boundary
- Park
- Water

See Local Street Connectivity Plan for future local street connections

Generated On: 8/6/2025

Note: Future roadway alignments shown on the map are approximate and subject to further refinement.



## Roadway Corridor Projects

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Roadway corridor projects entail new roadway segments or modifications to existing roadway corridors. New roadway segments are intended to improve overall circulation in the city and meet the needs of future development. Modifications to existing roadway corridors are intended to improve or modernize the travel conditions on existing unimproved roadway segments. Some roadway corridor projects are carried forward from previously adopted plans and studies, while others are newly identified in this TSP. The combined corridor projects for Neighborhood Collectors and higher are illustrated in Figure 5-1 and described in the following table.

Photo/Graphic Placeholder

**(Drone photo of N. Main Street or SW 1<sup>st</sup> Street construction)**

**Table 5-2. New/Modified Roadway Corridor Improvement Projects**

| Project ID | Roadway Segment                                                                                  | Jurisdiction | Project Description                                                                                                                                                                    | Project Source | Cost Estimate | Priority                              |
|------------|--------------------------------------------------------------------------------------------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|---------------|---------------------------------------|
| R-1        | <b>NE Boardman Avenue:</b><br>Eastern extents to NE Olson Road                                   | City         | <ul style="list-style-type: none"> <li>Extend Boardman Avenue to Olson Road at Municipal street standards</li> </ul>                                                                   | 2001 TSP       | \$1.6M        | <b>High (Financially Constrained)</b> |
| R-2        | <b>NE 2<sup>nd</sup> Street:</b><br>NE Boardman Avenue to Marshall Loop Road                     | City         | <ul style="list-style-type: none"> <li>Extend NE 2<sup>nd</sup> Street (at Municipal street standards) to fill in the gap between NE Boardman Avenue and Marshall Loop Road</li> </ul> | TSP Analysis   | \$540k        | <b>High (Financially Constrained)</b> |
| R-3        | <b>Oregon Trail Boulevard:</b><br>S. Main Street to Paul Smith Road                              | City         | <ul style="list-style-type: none"> <li>Construct a new Oregon Trail Boulevard corridor between S Main Street and Paul Smith Road at Arterial standards</li> </ul>                      | 2001 TSP       | \$14.3M       | <b>High (Financially Constrained)</b> |
| R-4        | <b>Oregon Trail Boulevard:</b><br>Eastern extents to Olson Road                                  | City         | <ul style="list-style-type: none"> <li>Extend Oregon Trail Boulevard to Olson Road at Arterial standards</li> </ul>                                                                    | 2001 TSP       | \$4.9M        | Med (Un-constrained)                  |
| R-5        | <b>Kinkade Road</b><br>Western extents to Wilson Lane/Juniper Drive intersection                 | City         | <ul style="list-style-type: none"> <li>Extend Kinkade Road to Wilson Road at Neighborhood Collector standards</li> </ul>                                                               | TSP analysis   | \$2.4M        | Low <sup>1</sup> (Un-constrained)     |
| R-6        | <b>New East-West Roadway (west of Laurel Lane):</b><br>Laurel Lane to New North-South Roadway    | City         | <ul style="list-style-type: none"> <li>Construct a new east-west roadway from Laurel Lane to a future north-south roadway (R-7) at Collector standards</li> </ul>                      | TSP analysis   | \$2.5M        | Med <sup>1</sup> (Un-constrained)     |
| R-7        | <b>New North-South Roadway (west of Laurel Lane)</b><br>Parallel circulation road to Laurel Lane | City         | <ul style="list-style-type: none"> <li>Construct a new north-south roadway that would link projects R-2 and R-8 at Collector standards</li> </ul>                                      | TSP analysis   | \$3.1M        | Med <sup>1</sup> (Un-constrained)     |
| R-8        | <b>Oregon Trail Boulevard</b><br>Laurel Lane to UGB line                                         | City         | <ul style="list-style-type: none"> <li>Construct a new east-west roadway from Laurel Lane to the city limits at Arterial standards</li> </ul>                                          | TSP analysis   | \$4.6M        | Med (Un-constrained)                  |

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## City of Boardman | Transportation System Plan Update

| Project ID | Roadway Segment                                                                    | Jurisdiction    | Project Description                                                                                                                                                        | Project Source                | Cost Estimate | Priority                                  |
|------------|------------------------------------------------------------------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|---------------|-------------------------------------------|
| R-9        | <b>Paul Smith Road:</b><br>Oregon Trail Boulevard Extension to Kunze Lane          | City/<br>County | <ul style="list-style-type: none"> <li>Upgrade Paul Smith Road between Kunze Lane and a future Oregon Trail Boulevard (R-3) to Neighborhood Collector standards</li> </ul> | TSP analysis                  | \$9.5M        | Low<br>(Un-constrained)                   |
| R-10       | <b>Juniper Drive:</b><br>Current southern extents to Kunze Lane                    | City            | <ul style="list-style-type: none"> <li>Extend Juniper Drive to Kunze Lane at Neighborhood Collector standards</li> </ul>                                                   | TSP analysis                  | \$3.2M        | Vision <sup>1</sup><br>(Un-constrained)   |
| R-11       | <b>Tatone Street:</b><br>Current southern extents to Kunze Lane                    | City            | <ul style="list-style-type: none"> <li>Extend Tatone Street to Kunze Lane at Neighborhood Collector standards</li> </ul>                                                   | TSP analysis                  | \$3.2M        | Vision <sup>1</sup><br>(Un-constrained)   |
| R-12       | <b>Anderson Road:</b><br>Wilson Road to Kunze Lane                                 | City            | <ul style="list-style-type: none"> <li>Extend Anderson Road to Kunze Lane at Neighborhood Collector standards</li> </ul>                                                   | TSP analysis                  | \$6.4M        | Vision <sup>1</sup><br>(Un-constrained)   |
| R-13       | <b>New North-South Road:</b><br>Oregon Trail Boulevard to New East-West Road (R-6) | City            | <ul style="list-style-type: none"> <li>Construct a new north-south roadway that would link R-4 and R-6 at Neighborhood Collector standards</li> </ul>                      | TSP analysis                  | \$2.5M        | Low <sup>1</sup><br>(Un-constrained)      |
| R-14       | <b>New East-West Road:</b><br>Juniper Drive to Olson Road                          | City            | <ul style="list-style-type: none"> <li>Construct a new east-west roadway between R-10 and Olson Road at Neighborhood Collector standards</li> </ul>                        | TSP analysis                  | \$15.5M       | Vision <sup>1</sup><br>(Un-constrained)   |
| R-15       | <b>Kunze Lane:</b><br>Paul Smith Road to Olson Road                                | City/<br>County | <ul style="list-style-type: none"> <li>Upgrade Kunze Lane between Paul Smith Road and Olson Road at Arterial standards</li> </ul>                                          | TSP analysis                  | \$13.5M       | Vision<br>(Un-constrained)                |
| R-16       | <b>New North-South Road:</b><br>Wilson Road to Kunze Lane                          | City            | <ul style="list-style-type: none"> <li>Construct a new north-south roadway between Wilson Road and Kunze Lane at Neighborhood Collector standards</li> </ul>               | TSP analysis                  | \$6.4M        | Vision <sup>1</sup><br>(Un-constrained)   |
| R-17       | <b>N. Front Street:</b><br>N. Main Street to Olson Road                            | City            | <ul style="list-style-type: none"> <li>Upgrade Front Street from N. Main Street to Olson Road at Collector standards</li> </ul>                                            | 2024 Capital Improvement Plan | \$6.9M        | <b>High<br/>(Financially Constrained)</b> |
| R-18       | <b>SE 1st Street:</b><br>Oregon Trail Boulevard to Wilson Road                     | City            | <ul style="list-style-type: none"> <li>Extend SE 1st Street from Oregon Trail Boulevard to Wilson Road at Collector standards</li> </ul>                                   | TSP analysis                  | \$5.5M        | Low <sup>1</sup><br>(Un-constrained)      |

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| Project ID | Roadway Segment                                               | Jurisdiction    | Project Description                                                                                                                                                                                                                                                                                      | Project Source | Cost Estimate | Priority                                  |
|------------|---------------------------------------------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|---------------|-------------------------------------------|
| R-19       | <b>Kinkade Road:</b><br>S. Main Street to Future Roadway      | City            | <ul style="list-style-type: none"> <li>Extend Kinkade Road from S Main Street to Anderston Road at Collector standards</li> </ul>                                                                                                                                                                        | TSP analysis   | \$4.0M        | Low <sup>1</sup><br>(Un-constrained)      |
| R-20       | <b>Wilson Road:</b><br>Faler Road to Paul Smith Road          | City            | <ul style="list-style-type: none"> <li>Upgrade Wilson Road between Paul Smith Road and S. Main Street at Arterial standards</li> </ul>                                                                                                                                                                   | TSP analysis   | \$9.2M        | Med<br>(Un-constrained)                   |
| R-21       | <b>Wilson Road:</b><br>S. Main Street to Olson Road           | City            | <ul style="list-style-type: none"> <li>Upgrade Wilson Road between S. Main Street and Olson Road at Arterial standards</li> </ul>                                                                                                                                                                        | TSP analysis   | \$6.8M        | Low<br>(Un-constrained)                   |
| R-22       | <b>Olson Road:</b><br>Kunze Lane to End of Olson Road/UGB     | City/<br>County | <ul style="list-style-type: none"> <li>Upgrade S. Olson Road between Kunze Lane and northern extents at Arterial standards</li> </ul>                                                                                                                                                                    | TSP analysis   | \$10.1M       | Vision<br>(Un-constrained)                |
| R-23       | <b>S. Main Street:</b><br>Wilson Road to Kunze Lane           | City            | <ul style="list-style-type: none"> <li>Upgrade S. Main Street between Wilson Road and Kunze Lane at Arterial standards</li> </ul>                                                                                                                                                                        | TSP analysis   | \$3.5M        | Low<br>(Un-constrained)                   |
| R-24       | <b>Olson Road</b>                                             | ODOT            | <ul style="list-style-type: none"> <li>Extend S. Olson Road underneath I-84 from northern extents to Front Street at Arterial standards</li> </ul>                                                                                                                                                       | 2001 TSP       | \$33.7M       | Vision<br>(Un-constrained)                |
| R-25       | <b>Main Street Interchange Area Refinement Plan</b>           | City/<br>ODOT   | <ul style="list-style-type: none"> <li>Refine the 2009 Interchange Area Management Plan to specifically address interchange location/form, traffic control improvements at the I-84 ramp terminals, Main Street overpass limitations, and access management at north and south Front Streets.</li> </ul> | TSP Analysis   | \$100k        | <b>High<br/>(Financially constrained)</b> |
| R-26       | <b>New East-West street:</b><br>S. Main Street to future R-18 | City            | <ul style="list-style-type: none"> <li>Construct a new east-west road from S. Main Street to a future north-south roadway (R-18) at Collector standards</li> </ul>                                                                                                                                       | TSP Analysis   | \$2.4M        | Low <sup>1</sup><br>(Un-constrained)      |
| R-27       | <b>Willow Fork Drive:</b><br>S. Main Street to future R-18    | City            | <ul style="list-style-type: none"> <li>Extend Willow Fork Drive from S. Main Street to a future north-south roadway (R-18) at Collector standards</li> </ul>                                                                                                                                             | TSP Analysis   | \$2.3M        | Low <sup>1</sup><br>(Un-constrained)      |

## TSP Content DRAFT

## City of Boardman | Transportation System Plan Update

| Project ID | Roadway Segment                                                            | Jurisdiction | Project Description                                                                                                                                                                                       | Project Source | Cost Estimate | Priority                                  |
|------------|----------------------------------------------------------------------------|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|---------------|-------------------------------------------|
| R-28       | <b>New North-South street:</b><br>Kinkade Road to future Oregon Trail Blvd | City         | <ul style="list-style-type: none"> <li>Construct a new north-south road from Kinkade Road to a future Oregon Trail Boulevard (R-3) at Neighborhood Collector standards</li> </ul>                         | TSP Analysis   | \$1.6M        | Low <sup>1</sup><br>(Un-constrained)      |
| R-29       | <b>New East-West Road:</b><br>Anderson Road to Olson Road                  | City         | <ul style="list-style-type: none"> <li>Construct a new east-west roadway between Anderson Road and Olson Road at Neighborhood Collector standards</li> </ul>                                              | TSP analysis   | \$5.8M        | Low <sup>1</sup><br>(Un-constrained)      |
| R-30       | <b>NE 3<sup>rd</sup> Street:</b><br>NE Front Street to NE Boardman Avenue  | City         | <ul style="list-style-type: none"> <li>Extend NE 3<sup>rd</sup> Street (at Municipal street standards) to fill in the gap between NE Front Street and NE Boardman Avenue</li> </ul>                       | TSP Analysis   | \$565K        | <b>High<br/>(Financially Constrained)</b> |
| R-31       | <b>NE 4<sup>th</sup> Street:</b><br>NE Front Street to NE Boardman Avenue  | City         | <ul style="list-style-type: none"> <li>Extend NE 4<sup>th</sup> Street (at Municipal street standards) to fill in the gap between NE Front Street and a future extension of NE Boardman Avenue</li> </ul> | TSP Analysis   | \$895K        | <b>High<br/>(Financially Constrained)</b> |

**Note:** The cost estimates presented do not include costs associated with right-of-way acquisition due to its high variability depending on location, parcel sizes, and other characteristics. The cost estimates also reflect the full cost of the projects, including costs likely to be funded by others, such as private development.

<sup>1</sup> Project anticipated to be primarily development-driven.

## Local Street Connectivity and Extension Plan

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Most streets within Boardman are classified as local streets. Most of Boardman’s residential growth potential is located south of I-84. Development to date has been laid out on a partial street grid. With large parcels available for future infill and master-planned development, improvements to the street grid can be planned to create a more efficient local street network and maximize connections for motorists, cyclists, and pedestrians while accounting for potential neighborhood impacts. In addition, the quality of the transportation system can be improved by making connectivity improvements to the pedestrian and bicycle system separate from street connectivity, as discussed in previous TSP sections.

### Local Street Connections

There are a number of areas within Boardman that could experience future residential development or redevelopment, including in the southwest, southeast, and northeast parts of the City. Within these areas, there are opportunities for new local streets that could improve access and circulation for all travel modes. Figure 5-2 illustrates the desired location of future local street connections to serve this development. The arrows shown in Figure 5-2 represent preferred connections and the general direction for the placement of the connection. In each case, the specific alignments and design will be determined upon development review. As shown, these local street extensions are consistent with the future Collector and Neighborhood Collector extensions identified in Figure 4-2.

Photo/Graphic Placeholder

**(Neighborhood street photo)**

Figure 5-2

# Local Street Connectivity Plan



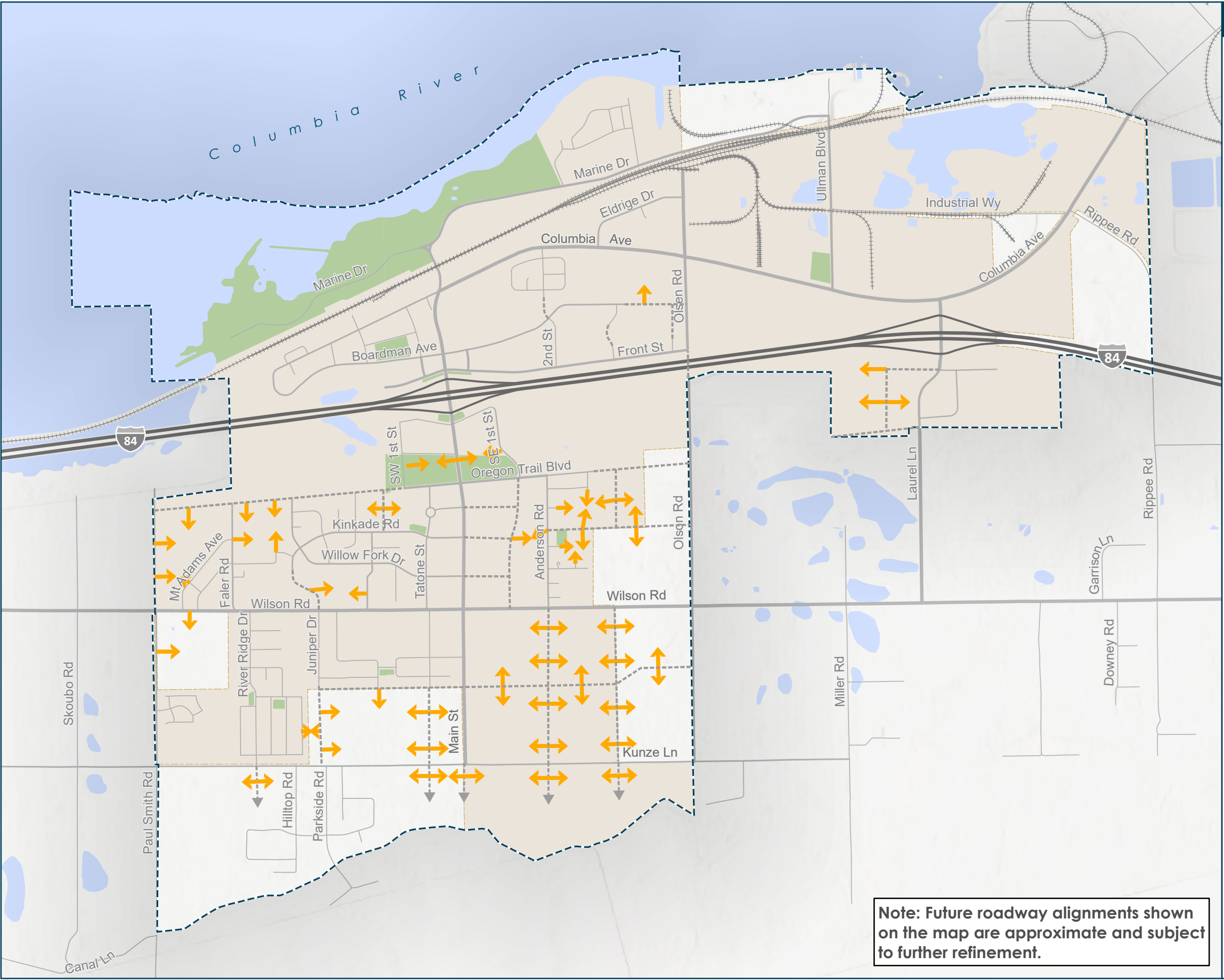
- Future Local Street Connection
- Planned Major Roadway Corridor
- City Boundary
- Urban Growth Boundary
- Park
- Water

Generated On: 8/6/2025

0 0.25 0.5 Mile



Note: Future roadway alignments shown on the map are approximate and subject to further refinement.



## Active Transportation (Pedestrian and Bicycle) Projects

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Active transportation projects include pedestrian and bicycle connections and crossing treatments that promote a safe, efficient, and connected active transportation network for people walking, biking, and rolling. Treatments include sidewalks, multi-use paths, enhanced crossings, and bicycle lanes.

### Pedestrian Projects

Pedestrian projects include new sidewalks, sidewalk improvements, other treatments such as enhanced pedestrian crossings, and multi-use paths. The pedestrian projects detailed in Figure 5-3 and the table below focus on improving overall connectivity and developing a complete network of pedestrian facilities in the city.

Photo/Graphic Placeholder

**(Sidewalk/Multi-use pathway photo)**

Figure 5-3

# Planned Pedestrian Network



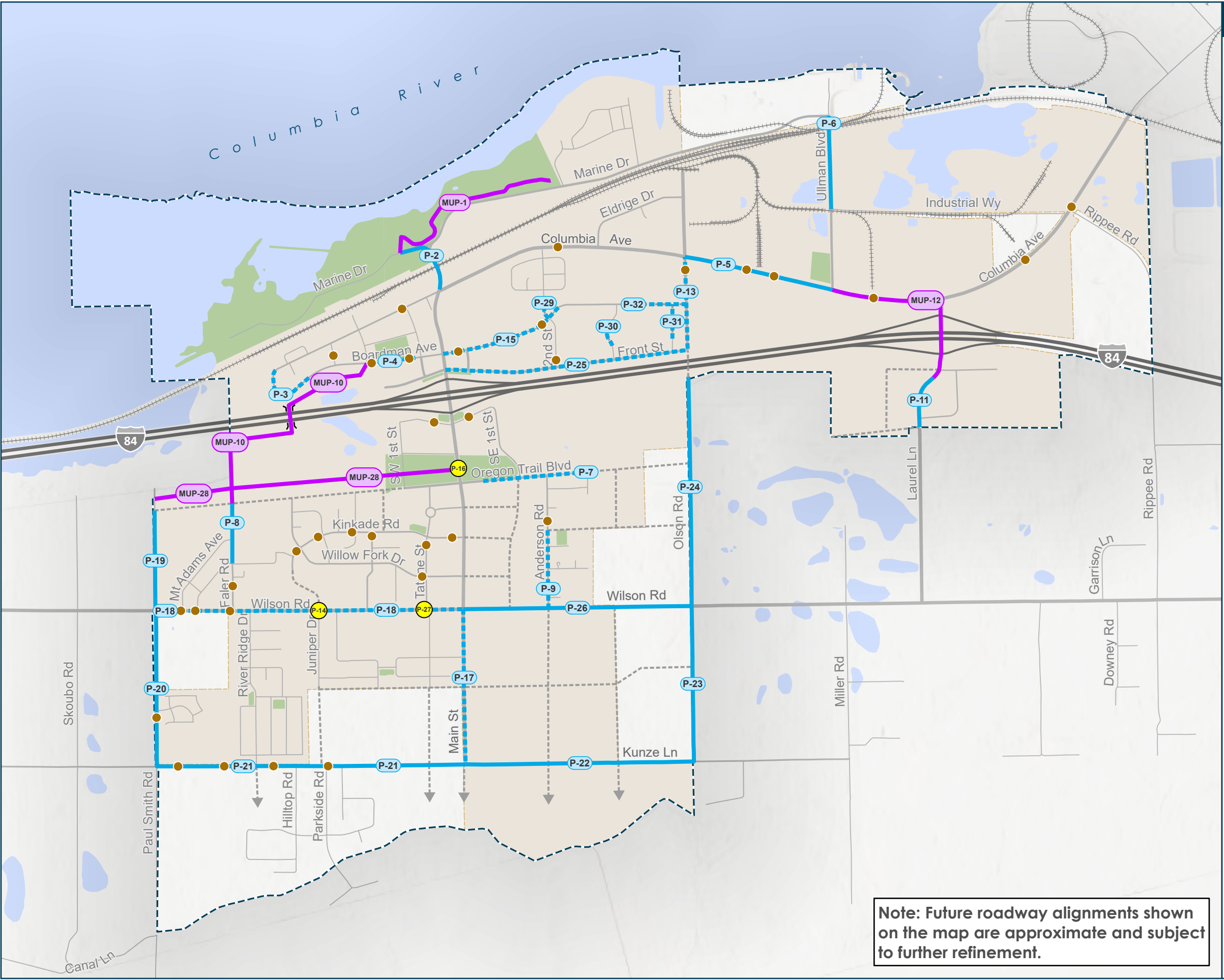
- Planned Crossing Project
- Planned Sidewalks
- Planned Multi-Use Path
- Planned Sidewalks - Fill in Gaps
- Planned/Future Arterial or Collector Roadway (See Intersection and Roadway Corridor Projects map)
- Transit Stops
- City Boundary
- Urban Growth Boundary
- Park
- Water

Generated On: 9/2/2025

0 0.25 0.5 Mile



Note: Future roadway alignments shown on the map are approximate and subject to further refinement.



**Table 5-3. Pedestrian Projects**

| Project ID | Roadway Segment                                                              | Jurisdiction        | Project Description                                                                                                                                                           | Project Source                     | Cost Estimate | Priority              |
|------------|------------------------------------------------------------------------------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------------|-----------------------|
| MUP-1      | <b>Columbia River Heritage Trail:</b><br>Marina Park to Riverfront Center    | City                | <ul style="list-style-type: none"> <li>Reconstruct the Columbia River Heritage Trail to be an 8-foot multi-use path and construct a new connection to Marine Drive</li> </ul> | Columbia River Heritage Trail Plan | \$550k        | High (Un-constrained) |
| P-2        | <b>N Main Street:</b><br>Marine Drive to Columbia Ave                        | City                | <ul style="list-style-type: none"> <li>Construct a new 6-ft sidewalk (west side)</li> </ul>                                                                                   | TSP analysis                       | \$1.5 M       | High (Un-constrained) |
| P-3        | <b>Boardman Avenue:</b><br>Allen Court to NW 3rd St                          | City                | <ul style="list-style-type: none"> <li>Fill in the sidewalk gaps with new 5-ft sidewalk (north/east side)</li> </ul>                                                          | TSP analysis                       | \$460k        | Low (Un-constrained)  |
| P-4        | <b>Boardman Avenue:</b><br>NW 2nd Street to NW 1st St                        | City                | <ul style="list-style-type: none"> <li>Fill in the sidewalk gaps with new 5-ft sidewalks (north and south side)</li> </ul>                                                    | TSP analysis                       | \$400k        | Low (Un-constrained)  |
| P-5        | <b>Columbia Avenue:</b><br>Olson Road to Ullman Blvd                         | City                | <ul style="list-style-type: none"> <li>Construct a new 6-ft sidewalk (north side)</li> </ul>                                                                                  | TSP analysis                       | \$1.3 M       | Med (Un-constrained)  |
| P-6        | <b>Ullman Boulevard:</b><br>Rail Crossing to Marine Drive                    | Port of Morrow/City | <ul style="list-style-type: none"> <li>Construct a new 5-ft sidewalk (east side)</li> </ul>                                                                                   | TSP analysis                       | \$1.8 M       | Med (Un-constrained)  |
| P-7        | <b>Oregon Trail Boulevard:</b><br>S. Main Street to east extents             | City                | <ul style="list-style-type: none"> <li>Fill in the sidewalk gaps with new 6-ft sidewalk (south side)</li> </ul>                                                               | TSP analysis                       | \$810K        | High (Un-constrained) |
| P-8        | <b>Faler Road:</b><br>Mt Hood Ave to future Oregon Trail Boulevard extension | City                | <ul style="list-style-type: none"> <li>Construct a new 5-ft sidewalk (east and west sides)</li> </ul>                                                                         | TSP analysis                       | \$670k        | Med (Un-constrained)  |
| P-9        | <b>Anderson Road:</b><br>Wilson Road to 1/2 of Anderson Road                 | City                | <ul style="list-style-type: none"> <li>Fill in the sidewalk gaps with new 5-ft sidewalk (west side)</li> </ul>                                                                | TSP analysis                       | \$160k        | High (Un-constrained) |

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## City of Boardman | Transportation System Plan Update

| Project ID | Roadway Segment                                                                           | Jurisdiction    | Project Description                                                                                                                                                                                                                                                                                           | Project Source | Cost Estimate    | Priority                           |
|------------|-------------------------------------------------------------------------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|------------------|------------------------------------|
| MUP -10    | <b>New Multi Use Path and I-84 over crossing:</b><br>NE Boardman Ave to Oregon Trail Blvd | City            | <ul style="list-style-type: none"> <li>Construct an 8-foot multi-use path that connects NE Boardman Avenue on the north side of I-84 to a future Oregon Trail Boulevard extension (R-3) on the south side of I-84. This would include a grade-separated multi-use bridge across the I-84 corridor.</li> </ul> | TSP analysis   | \$15M            | Vision (Un-constrained)            |
| P-11       | <b>Laurel Lane:</b><br>Curve on Laurel Ln to UGB                                          | City            | <ul style="list-style-type: none"> <li>Construct a new 6-ft sidewalk (east and west sides)</li> </ul>                                                                                                                                                                                                         | TSP analysis   | \$620k           | Low (Un-constrained)               |
| MUP-12     | <b>Laurel Lane/Columbia Ave:</b><br>Yates Lane to Ullman Blvd                             | City/<br>ODOT   | <ul style="list-style-type: none"> <li>Construct a new 8-ft multi-use path (west/south side)</li> </ul>                                                                                                                                                                                                       | POM IAMP       | \$1.6 M          | Low (Un-constrained)               |
| P-13       | <b>N. Olson Road:</b><br>N. Front St to Columbia Ave                                      | City            | <ul style="list-style-type: none"> <li>Fill in the sidewalks gaps with a new 5-ft sidewalk (west side)</li> </ul>                                                                                                                                                                                             | TSP analysis   | \$720k           | Med <sup>1</sup> (Un-constrained)  |
| P-14       | <b>Wilson Road/<br/>Jupiter Drive/<br/>future Kinkade Rd</b><br>intersection              | City            | <ul style="list-style-type: none"> <li>When Kinkade Road is extended and connected to Wilson Road/Juniper Drive intersection, relocate nearby pedestrian crossing to the intersection and install enhanced pedestrian crossing treatment</li> </ul>                                                           | TSP analysis   | \$125k           | Med <sup>1</sup> (Un-constrained)  |
| P-15       | <b>Boardman Avenue:</b><br>N. Main Street to NE 2nd Ave                                   | City            | <ul style="list-style-type: none"> <li>Fill in the sidewalk gaps with new 5-ft sidewalks (south side)</li> </ul>                                                                                                                                                                                              | TSP analysis   | \$910k           | High <sup>1</sup> (Un-constrained) |
| P-16       | <b>S. Main Street/<br/>S. Front Street</b><br>intersection                                | City            | <ul style="list-style-type: none"> <li>Relocate the existing pedestrian crossing beacon on S. Main Street in conjunction with connections and access control modifications planned for the corridor between S. Front Street and Oregon Trail Boulevard</li> </ul>                                             | TSP analysis   | \$125k           | Med (Un-constrained)               |
| P-17       | <b>S. Main Street:</b><br>Wilson Road to Kunze Lane                                       | City/<br>County | <ul style="list-style-type: none"> <li>Fill in the sidewalk gaps with new 6-ft sidewalks (east and west side)</li> </ul>                                                                                                                                                                                      | TSP analysis   | \$ <sup>-2</sup> | Low <sup>1</sup> (Un-constrained)  |

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| Project ID | Roadway Segment                                          | Jurisdiction    | Project Description                                                                                                    | Project Source | Cost Estimate    | Priority                                  |
|------------|----------------------------------------------------------|-----------------|------------------------------------------------------------------------------------------------------------------------|----------------|------------------|-------------------------------------------|
| P-18       | <b>Wilson Road:</b><br>Faler Road to Paul Smith Rd       | City/<br>County | <ul style="list-style-type: none"> <li>Fill in sidewalk gaps with new 6-ft sidewalks (north and south side)</li> </ul> | TSP analysis   | \$ <sup>-2</sup> | Low <sup>1</sup><br>(Un-constrained)      |
| P-19       | <b>Paul Smith Road:</b><br>Oregon Trail Blvd to Kunze Ln | City/<br>County | <ul style="list-style-type: none"> <li>Construct a new 5-ft sidewalk (east side)</li> </ul>                            | TSP analysis   | \$ <sup>-2</sup> | Vision <sup>1</sup><br>(Un-constrained)   |
| P-20       | <b>Paul Smith Road:</b><br>Wilson Road to Kunze Ln       | City/<br>County | <ul style="list-style-type: none"> <li>Construct a new 5-ft sidewalk (east side)</li> </ul>                            | TSP analysis   | \$ <sup>-2</sup> | Low <sup>1</sup><br>(Un-constrained)      |
| P-21       | <b>Kunze Lane:</b><br>Paul Smith Road to S Main St       | City/<br>County | <ul style="list-style-type: none"> <li>Construct a new 6-ft sidewalk (north and south side)</li> </ul>                 | TSP analysis   | \$ <sup>-2</sup> | Vision <sup>1</sup><br>(Un-constrained)   |
| P-22       | <b>Kunze Lane:</b><br>S. Main Street to Olson Road       | City/<br>County | <ul style="list-style-type: none"> <li>Construct a new 6-ft sidewalk (north and south side)</li> </ul>                 | TSP analysis   | \$ <sup>-2</sup> | Vision <sup>1</sup><br>(Un-constrained)   |
| P-23       | <b>Olson Road:</b><br>Kunze Lane to Wilson Road          | City/<br>County | <ul style="list-style-type: none"> <li>Construct a new 6-ft sidewalk (west side)</li> </ul>                            | TSP analysis   | \$ <sup>-2</sup> | Vision <sup>1</sup><br>(Un-constrained)   |
| P-24       | <b>Olson Road:</b><br>Wilson Road to north extents       | City/<br>County | <ul style="list-style-type: none"> <li>Construct a new 6-ft sidewalk (west side)</li> </ul>                            | TSP analysis   | \$ <sup>-2</sup> | Vision <sup>1</sup><br>(Un-constrained)   |
| P-25       | <b>Front Street:</b><br>S Main Street to Olson Road      | City            | <ul style="list-style-type: none"> <li>Construct a new 6-ft sidewalk (north side)</li> </ul>                           | TSP analysis   | \$ <sup>-2</sup> | <b>High<br/>(Financially Constrained)</b> |
| P-26       | <b>Wilson Road:</b><br>S Main Street to Olson Road       | City/<br>County | <ul style="list-style-type: none"> <li>Construct a new 6-ft sidewalk (north and south side)</li> </ul>                 | TSP analysis   | \$ <sup>-2</sup> | Vision <sup>1</sup><br>(Un-constrained)   |

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| Project ID | Roadway Segment                                                                 | Jurisdiction    | Project Description                                                                                                            | Project Source | Cost Estimate | Priority                              |
|------------|---------------------------------------------------------------------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------|----------------|---------------|---------------------------------------|
| P-27       | <b>Wilson Road/<br/>Tatone Street</b><br>intersection                           | City            | <ul style="list-style-type: none"> <li>Install enhanced pedestrian crossing treatment</li> </ul>                               | TSP analysis   | \$125k        | High<br>(Un-constrained)              |
| MUP-28     | <b>New Multi Use Path:</b><br>S. Main Street to west UGB                        | City/<br>County | <ul style="list-style-type: none"> <li>Construct an 8-foot multi-use path within the BPA transmission line easement</li> </ul> | TSP analysis   | \$1.0M        | Low<br>(Un-constrained)               |
| P-29       | <b>NE 2<sup>nd</sup> Street:</b><br>NE Boardman Avenue to<br>Marshall Loop Road | City            | <ul style="list-style-type: none"> <li>Fill in the sidewalk gaps with new 5-ft sidewalks (both sides)</li> </ul>               | TSP analysis   | \$215K        | High <sup>1</sup><br>(Un-constrained) |
| P-30       | <b>NE 3<sup>rd</sup> Street:</b><br>NE Front Street to NE<br>Boardman Avenue    | City            | <ul style="list-style-type: none"> <li>Fill in the sidewalk gaps with new 5-ft sidewalks (both sides)</li> </ul>               | TSP analysis   | \$205K        | Med <sup>1</sup><br>(Un-constrained)  |
| P-31       | <b>NE 4<sup>th</sup> Street:</b><br>NE Front Street to NE<br>Boardman Avenue    | City            | <ul style="list-style-type: none"> <li>Fill in the sidewalk gaps with new 5-ft sidewalks (both sides)</li> </ul>               | TSP analysis   | \$330K        | Med <sup>1</sup><br>(Un-constrained)  |
| P-32       | <b>NE Boardman Avenue:</b><br>Eastern extents to NE Olson<br>Road               | City            | <ul style="list-style-type: none"> <li>Fill in the sidewalk gaps with new 5-ft sidewalks (both sides)</li> </ul>               | TSP analysis   | \$625K        | Med <sup>1</sup><br>(Un-constrained)  |

**Note:** The cost estimates presented do not include costs associated with right-of-way acquisition due to its high variability depending on location, parcel sizes, and other characteristics. The cost estimates also reflect the full cost of the projects, including costs likely to be funded by others, such as private development.

<sup>1</sup> Project anticipated to be primarily development-driven.

<sup>2</sup> Pedestrian component costs included in the corresponding roadway reconstruction/modernization project (see Table 5-2).

## Bicycle Projects

To encourage increased travel by bicycle, the TSP provides a list of bike facility projects as well as programs that will improve safety, convenience, and direct connections for this mode. Riding bikes can help promote health, has a lower environmental impact, and allows people to move independently throughout the community without motorized vehicles, including many who cannot or choose not to drive.

The bicycle project list includes a variety of on- and off-street facilities that provide various levels of separation between people biking and people driving. The projects detailed in Table 5-4 focus on connectivity within, to, and from transportation disadvantaged areas, first- and last-mile connections to transit, and increasing recreational opportunities by enhancing connections to and from recreational trails and parks. The bicycle-focused projects detailed in Figure 5-4 and Table 5-4 focus on improving overall connectivity and serving riders of all ages and abilities.

Photo/Graphic Placeholder

(Biking photo)

Figure 5-4

# Planned Bicycle Network

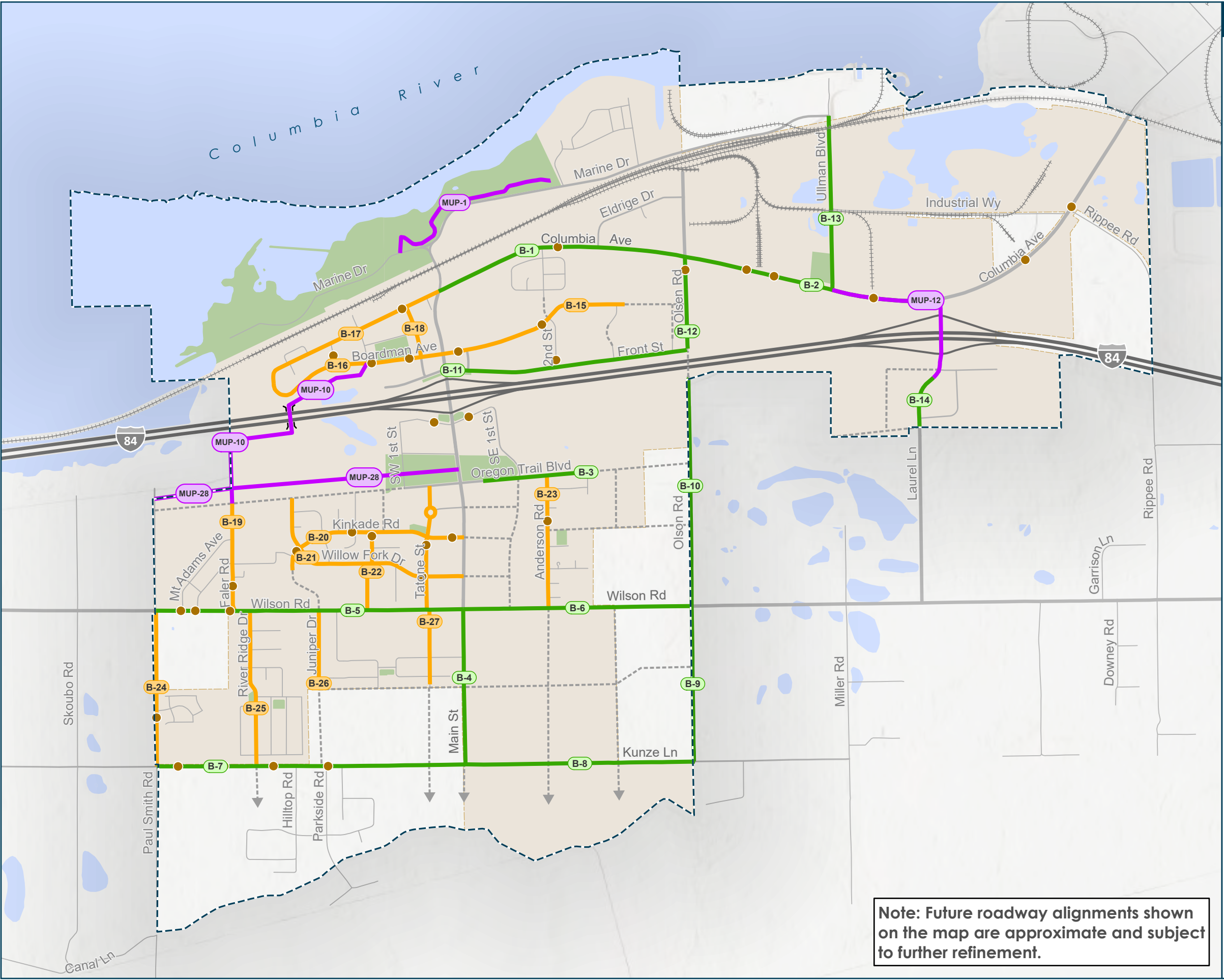


- Planned Bike Lanes
- Planned Shared Lanes
- Planned Multi-Use Path
- Planned/Future Arterial or Collector Roadway (See Intersection and Roadway Corridor Projects map)
- Transit Stops
- City Boundary
- Urban Growth Boundary
- Park
- Water

Generated On: 8/6/2025

Note: Future roadway alignments shown on the map are approximate and subject to further refinement.

0 0.25 0.5 Mile



**Table 5-4. Bicycle Projects**

| Project ID | Roadway Segment                                               | Jurisdiction | Project Description                                                                                                      | Project Source | Cost Estimate    | Priority                             |
|------------|---------------------------------------------------------------|--------------|--------------------------------------------------------------------------------------------------------------------------|----------------|------------------|--------------------------------------|
| B-1        | <b>Columbia Avenue:</b><br>N. Main Street to N. Olson Road    | City         | <ul style="list-style-type: none"> <li>Widen roadway and construct new 6-ft bike lanes (north and south side)</li> </ul> | TSP analysis   | \$3.4 M          | High (Un-constrained)                |
| B-2        | <b>Columbia Avenue:</b><br>N. Olson Road to Laurel Ln         | City         | <ul style="list-style-type: none"> <li>Widen roadway and construct new 6-ft bike lanes (north and south side)</li> </ul> | TSP analysis   | \$3.5 M          | Med (Un-constrained)                 |
| B-3        | <b>Oregon Trail Boulevard:</b> S. Main Street to east extents | City         | <ul style="list-style-type: none"> <li>Widen roadway and construct new 6-ft bike lane (north and south side)</li> </ul>  | TSP analysis   | \$1.9M           | Low (Un-constrained)                 |
| B-4        | <b>S Main Street:</b><br>Wilson Road to Kunze Lane            | City/County  | <ul style="list-style-type: none"> <li>Construct new 6-ft bike lanes (east and west side)</li> </ul>                     | TSP analysis   | \$ <sup>-2</sup> | Low <sup>1</sup> (Un-constrained)    |
| B-5        | <b>Wilson Road:</b><br>Paul Smith Road to S. Main Street      | City/County  | <ul style="list-style-type: none"> <li>Construct new 6-ft bike lanes (north and south side)</li> </ul>                   | TSP analysis   | \$ <sup>-2</sup> | Med <sup>1</sup> (Un-constrained)    |
| B-6        | <b>Wilson Road:</b><br>S. Main Street to S. Olson Road        | City         | <ul style="list-style-type: none"> <li>Construct new 6-ft bike lanes (north and south side)</li> </ul>                   | TSP analysis   | \$ <sup>-2</sup> | Low <sup>1</sup> (Un-constrained)    |
| B-7        | <b>Kunze Lane:</b><br>Paul Smith Road to S. Main Street       | City/County  | <ul style="list-style-type: none"> <li>Construct new 6-ft bike lane (north and south side)</li> </ul>                    | TSP analysis   | \$ <sup>-2</sup> | Vision <sup>1</sup> (Un-constrained) |
| B-8        | <b>Kunze Lane:</b><br>S. Main Street to S. Olson Road         | City/County  | <ul style="list-style-type: none"> <li>Construct new 6-ft bike lane (north and south side)</li> </ul>                    | TSP analysis   | \$ <sup>-2</sup> | Vision <sup>1</sup> (Un-constrained) |
| B-9        | <b>Olson Road:</b><br>Kunze Lane to Wilson Road               | City/County  | <ul style="list-style-type: none"> <li>Construct new 6-ft bike lane (east and west side)</li> </ul>                      | TSP analysis   | \$ <sup>-2</sup> | Vision <sup>1</sup> (Un-constrained) |

## TSP Content DRAFT

## City of Boardman | Transportation System Plan Update

| Project ID | Roadway Segment                                              | Jurisdiction        | Project Description                                                                                                   | Project Source | Cost Estimate    | Priority                                  |
|------------|--------------------------------------------------------------|---------------------|-----------------------------------------------------------------------------------------------------------------------|----------------|------------------|-------------------------------------------|
| B-10       | <b>Olson Road:</b><br>Wilson Road to north extents           | City/County         | <ul style="list-style-type: none"> <li>Construct new 6-ft bike lane (east and west side)</li> </ul>                   | TSP analysis   | \$ <sup>-2</sup> | Vision <sup>1</sup><br>(Un-constrained)   |
| B-11       | <b>NE Front Street:</b><br>N. Main Street to N. Olson Road   | City                | <ul style="list-style-type: none"> <li>Construct new 6-ft bike lane (north and south side)</li> </ul>                 | TSP analysis   | \$ <sup>-2</sup> | <b>High<br/>(Financially Constrained)</b> |
| B-12       | <b>Olson Road:</b><br>NE Front Street to Columbia Ave        | County              | <ul style="list-style-type: none"> <li>Widen roadway and construct new 6-ft bike lane (east and west side)</li> </ul> | TSP analysis   | \$1.2 M          | High <sup>1</sup><br>(Un-constrained)     |
| B-13       | <b>Ullman Blvd:</b><br>Columbia Avenue to Marine Drive       | Port of Morrow/City | <ul style="list-style-type: none"> <li>Widen roadway and construct new 6-ft bike lane (east and west side)</li> </ul> | TSP analysis   | \$2.3 M          | Low<br>(Un-constrained)                   |
| B-14       | <b>Laurel Lane:</b><br>Yates Lane to south city limits       | City/County         | <ul style="list-style-type: none"> <li>Widen roadway and construct new 6-ft bike lane (east and west side)</li> </ul> | TSP analysis   | \$740k           | Low <sup>1</sup><br>(Un-constrained)      |
| B-15       | <b>Boardman Avenue:</b><br>N. Main Street to eastern limits  | City                | <ul style="list-style-type: none"> <li>Install shared lane markings and signs</li> </ul>                              | TSP analysis   | \$20k            | High<br>(Un-constrained)                  |
| B-16       | <b>Boardman Avenue:</b><br>N. Main Street to Columbia Avenue | City                | <ul style="list-style-type: none"> <li>Install shared lane markings and signs</li> </ul>                              | TSP analysis   | \$20k            | High<br>(Un-constrained)                  |
| B-17       | <b>Columbia Avenue:</b><br>Boardman Avenue to N. Main Street | City                | <ul style="list-style-type: none"> <li>Install shared lane markings and signs</li> </ul>                              | TSP analysis   | \$20k            | High<br>(Un-constrained)                  |
| B-18       | <b>NW 1st Street:</b><br>Boardman Avenue to Columbia Avenue  | City                | <ul style="list-style-type: none"> <li>Install shared lane markings and signs</li> </ul>                              | TSP analysis   | \$10k            | High<br>(Un-constrained)                  |
| B-19       | <b>Faler Road:</b><br>Wilson Road to north extents           | City                | <ul style="list-style-type: none"> <li>Install shared lane markings and signs</li> </ul>                              | TSP analysis   | \$20K            | High<br>(Un-constrained)                  |

## TSP Content DRAFT

## City of Boardman | Transportation System Plan Update

| Project ID | Roadway Segment                                                | Jurisdiction | Project Description                                                                      | Project Source | Cost Estimate | Priority              |
|------------|----------------------------------------------------------------|--------------|------------------------------------------------------------------------------------------|----------------|---------------|-----------------------|
| B-20       | <b>Kinkade Road:</b><br>West extents to S. Main St             | City         | <ul style="list-style-type: none"> <li>Install shared lane markings and signs</li> </ul> | TSP analysis   | \$20k         | High (Un-constrained) |
| B-21       | <b>Willow Fork Drive:</b><br>Cottonwood Loop to S. Main Street | City         | <ul style="list-style-type: none"> <li>Install shared lane markings and signs</li> </ul> | TSP analysis   | \$20k         | High (Un-constrained) |
| B-22       | <b>Locust Road:</b><br>Wilson Road to Kinkade Rd               | City         | <ul style="list-style-type: none"> <li>Install shared lane markings and signs</li> </ul> | TSP analysis   | \$20k         | High (Un-constrained) |
| B-23       | <b>Anderson Road:</b><br>Wilson Road to Oregon Trail Boulevard | City         | <ul style="list-style-type: none"> <li>Install shared lane markings and signs</li> </ul> | TSP analysis   | \$20k         | High (Un-constrained) |
| B-24       | <b>Paul Smith Road:</b><br>Wilson Road to Kunze Lane           | City         | <ul style="list-style-type: none"> <li>Install shared lane markings and signs</li> </ul> | TSP analysis   | \$20k         | Low (Un-constrained)  |
| B-25       | <b>River Ridge Drive:</b><br>Wilson Road to Kunze Lane         | City         | <ul style="list-style-type: none"> <li>Install shared lane markings and signs</li> </ul> | TSP analysis   | \$20k         | High (Un-constrained) |
| B-26       | <b>Juniper Drive:</b><br>Sage Street to Wilson Road            | City         | <ul style="list-style-type: none"> <li>Install shared lane markings and signs</li> </ul> | TSP analysis   | \$10k         | High (Un-constrained) |
| B-27       | <b>Tatone Street:</b><br>City Center Drive to South extents    | City         | <ul style="list-style-type: none"> <li>Install shared lane markings and signs</li> </ul> | TSP analysis   | \$10k         | High (Un-constrained) |

**Note:** The cost estimates presented do not include costs associated with right-of-way acquisition due to its high variability depending on location, parcel sizes, and other characteristics. The cost estimates also reflect the full cost of the projects, including costs likely to be funded by others, such as private development.

<sup>1</sup> Project anticipated to be primarily development-driven.

<sup>2</sup> Biking component costs included in the corresponding roadway reconstruction/modernization project (see Table 5-2).

## Transit Projects

The TSP promotes providing high-quality, available, and reliable transit service that can support the environment, economic development, and improve travel options for all residents. Public transportation service in Boardman is provided by Morrow County's The Loop and Kayak. To better facilitate access to these transit services, Table 5-5 identifies various transit supportive projects throughout Boardman.

**Table 5-5. Boardman Transit Supportive Projects**

| Transit Facilities and Services           | Improvement                                                                                                                                                                                                                                                                                                                                                           | Project Source                                                                                                      |
|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| <b>Service Frequency, Hours, Coverage</b> | <ul style="list-style-type: none"> <li>Work with Morrow County to install signage at every bus stop that indicates the location of the stop and includes scheduling information for The Loop.</li> <li>Work with Morrow County The Loop to explore service modifications and infrastructure enhancements to existing fixed route services lines as needed.</li> </ul> | <ul style="list-style-type: none"> <li>Morrow County TSP</li> <li>Morrow County Coordinated Transit Plan</li> </ul> |
| <b>New Amenities</b>                      | <ul style="list-style-type: none"> <li>Add transit shelters and/or benches to existing bus stops</li> <li>As new service is added, improve ADA accessibility to all new/proposed stop locations (if needed)</li> </ul>                                                                                                                                                | <ul style="list-style-type: none"> <li>Morrow County TSP</li> <li>Morrow County Coordinated Transit Plan</li> </ul> |
| <b>Park and Ride Locations</b>            | <ul style="list-style-type: none"> <li>Explore establishing a shared park-n-ride at or near the Boardman Pool &amp; Recreation Center/SAGE Center.</li> <li>Explore establishing a park-n-ride at or near the Boardman City Hall.</li> </ul>                                                                                                                          | <ul style="list-style-type: none"> <li>Morrow County TSP</li> <li>Morrow County Coordinated Transit Plan</li> </ul> |

## Chapter 6 - Transportation Funding Plan

Given the uncertainty of today's fiscal environment for funding transportation projects, this plan includes a prudent and conservative list of transportation investments, emphasizes lower cost methods that strengthen multimodal mobility within the city, and increases reliance on partnerships to help implement projects.

The identified TSP projects are under City, Morrow County, Port of Morrow, and ODOT jurisdiction, and some may occur as part of private development activities. For this reason, each project may be funded through a different combination of Federal, State, City, County, or private sources.

This chapter presents the City's current funding sources and revenue, a summary of the overall cost for the recommended projects, and possible new funding mechanisms that could help implement projects during the life of the TSP. It is important to note that the possible new funding mechanisms presented in this chapter do not guarantee that every project that is contained in the TSP will be constructed over the next 20 years.

### Current Funding

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The City of Boardman currently receives funding from the state gas tax, which is comprised of proceeds from excise taxes imposed by the state and federal government, and from several local sources.

### Project Costs and Funding Gap

---

The City of Boardman has limited to no revenue for capital improvements based on available resources and ongoing regular maintenance needs. As such, only a few projects identified in this TSP are considered financially constrained. Table 6-1 provides a summary, by project type, of the recommended TSP projects, which are provided in 2025 dollars, and rounded to the nearest \$100,000.

In comparing the City's street funding to the estimated costs of recommended transportation solutions, the City will need to identify additional funding sources to implement future improvements to its transportation system. As such, the City will need to partner with other agencies, the private development community, and pursue alternative funding sources to address these 20-year transportation projects.

**Table 6–1. Total Cost of Project Types**

| Facility/Project Type | Total Cost (In 2025 Dollars) |
|-----------------------|------------------------------|
| Intersections         | \$28.2M+                     |
| Roadways              | \$187.1M                     |
| Pedestrian Facilities | \$28.6M                      |
| Bicycle Facilities    | \$14.0M                      |
| <b>Total</b>          | <b>\$257.9M+</b>             |

## Potential Future Funding Sources

Based on the current transportation funding sources, the City of Boardman needs to identify additional funding sources that can be dedicated to transportation-related capital improvement projects over the next 20 years. Reliance upon transportation improvements grants, partnerships with regional and state agencies, and other funding sources to help implement future transportation-related improvements is a reality. Table 6–2.-2 summarizes the funding opportunities and identifies the intended use of the funds and any applicable project types, broken out into the following categories.

- Local Funding Mechanisms:** These mechanisms can currently be used to fund future projects or can be considered by elected officials for adoption as new funding sources. Inclusion of these sources in the TSP does not create a new funding source but identifies the various funding sources that local governments throughout Oregon have utilized. In general, local funding sources are more flexible than funding obtained from state or federal grant sources.
- State and Federal Grants:** The City can seek opportunities to leverage funding from grants at the state and federal levels for specific projects. Potential state funding sources are extremely limited, with some having significant competition. Any future improvements that rely on state funding may require City, County, and regional consensus that they are more important than transportation needs elsewhere in the region and the state. It will likely be necessary to combine multiple funding sources to pay for a single improvement project (e.g., combining state or City bicycle and pedestrian funds to pay for new bike lanes and sidewalks). At the federal level, many new grant opportunities have become available through the Infrastructure Investment and Jobs Act (IIJA). The City and partner agencies should continue to monitor available funding opportunities offered by this program through its end in fiscal year 2026.

**Table 6–2. Priority Funding Sources for Boardman TSP Implementation**

| Funding Source                                      | Description                                                                                                                                                                                                                                                                                                                                                                                                                                               | Application                                                                                                               |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Local City-Wide Funding Sources                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                           |
| Local Gas Tax                                       | A local tax can be assessed on the purchase of gas within the urban area. This tax is added to the cost of gasoline at the pump, along with the state and federal gas taxes.                                                                                                                                                                                                                                                                              | System-wide transportation facilities including streets, sidewalks, and bike lanes.                                       |
| Street Utility Fees                                 | A fee based on the number of automobile trips a particular land use generates; usually collected through a regular utility bill. Fees can also be tied to the annual registration of a vehicle to pay for improvements, expansion, and maintenance of the street system.                                                                                                                                                                                  | System-wide transportation facilities including streets, sidewalks, bike lanes, and shared use paths.                     |
| General Obligation Bond                             | Bonding allows municipal and county government to finance construction projects by borrowing money and paying it back over time, with interest. General obligation bonds are often used to pay for construction of large capital improvements and must be approved by a public vote because the cost of the improvement is added to property taxes over time.                                                                                             | Construction of major capital improvement projects within the urban area, street maintenance and incidental improvements. |
| Vehicle Registration Fee                            | An extra fee on all registered motor vehicles in the urban area. Requires county-wide approval and implementation.                                                                                                                                                                                                                                                                                                                                        | Operations or capital programs.                                                                                           |
| State/Federal Sources for Specific Projects         |                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                           |
| Statewide Transportation Improvement Program (STIP) | STIP is the State of Oregon’s four-year transportation capital improvement program. ODOT’s system for distributing these funds has varied over recent years. Generally, local agencies apply in advance for projects to be funded in each four-year cycle.                                                                                                                                                                                                | Projects on any facility that meet the benefit categories of the STIP.                                                    |
| Statewide Transportation Improvement Fund (STIF)    | Introduced by the House Bill 2017 Transportation Funding Package to fund public transportation improvements across Oregon, STIF funds may be used for public transportation purposes that support the effective planning, deployment, operation, and administration of public transportation programs. This can include projects that are secondary but important to public transportation, such as walking and biking infrastructure near transit stops. | Pedestrian and bicycle improvements that provide connections to transit.                                                  |
| All Roads Transportation Safety (ARTS)              | The federal Highway Safety Improvement Program is administered as ARTS in Oregon. ARTS provides funding to infrastructure and non-infrastructure projects that improve safety on all public roads. ARTS requires a data-driven approach and prioritizes projects in demonstrated problem areas.                                                                                                                                                           | Areas of safety concerns within the urban area, consistent with Oregon’s Transportation Safety Action Plan.               |
| Safe Routes to School (SRTS)                        | Administered by ODOT and focuses on infrastructure and non-infrastructure programs to improve access and safety for children to walk, roll, and/or bike to school.                                                                                                                                                                                                                                                                                        | Pedestrian and bicycle-related projects within the vicinity of local schools.                                             |
| Community Paths Program                             | This is a State of Oregon program focused on helping communities create and maintain connections through shared-use paths.                                                                                                                                                                                                                                                                                                                                | Shared-use paths.                                                                                                         |

| Funding Source                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Application                                                                                                                                                           |
|---------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Oregon Parks and Recreation Local Government Grants                       | Oregon Parks and Recreation Department administers this program using Oregon Lottery revenues. These grants can fund acquisition, development, and major rehabilitation of public outdoor parks and recreation facilities. A match of at least 20 percent is required.                                                                                                                                                                                              | Trails and other recreational facility development or rehabilitation.                                                                                                 |
| Rebuilding American Infrastructure with Sustainability and Equity (RAISE) | The RAISE Discretionary Grant program invests in projects that promise to achieve national objectives. RAISE can provide capital funding directly to any public entity, in contrast to traditional Federal programs which provide funding to very specific groups of applicants. The RAISE program provides supplemental funding for grants to the State and local entities on a competitive basis for projects that will have a significant local/regional impact. | Road, rail, transit, and port projects aimed toward national objectives with significant local or regional impact.                                                    |
| Infrastructure Investment and Jobs Act (IIJA)                             | The IIJA (aka “Bipartisan Infrastructure Law,” BIL) signed into law in November 2021 includes a five-year (FY 2022-26) reauthorization of existing federal highway, transit, safety, and rail programs as well as new programs (resilience, carbon reduction, bridges, electric vehicle charging infrastructure, wildlife crossings, and reconnecting communities) and increased funding. Oregon will receive over \$4.5 billion through the life of the act.       | Projects around the state that will benefit drivers, transit riders, cyclists, and pedestrians, and that help maintain roads and bridges, and address climate change. |
| Rural Surface Transportation Grant Program (Rural Surface)                | This program will support projects to improve and expand the surface transportation infrastructure in rural areas to increase connectivity, improve safety and reliability for moving people and freight, and generate regional economic growth and improve quality of life.                                                                                                                                                                                        | Surface transportation infrastructure in rural areas.                                                                                                                 |

1 BEFORE THE LAND USE BOARD OF APPEALS  
2 OF THE STATE OF OREGON

3  
4 1st JOHN 2:17, LLC and JONATHAN TALLMAN,  
5 *Petitioners,*

6  
7 vs.

8  
9 CITY OF BOARDMAN,  
10 *Respondent.*

11  
12 LUBA No. 2022-062

13  
14 FINAL OPINION  
15 AND ORDER

16  
17 Appeal from City of Boardman.

18  
19 Sarah C. Mitchell filed the petition for review and reply brief and argued  
20 on behalf of petitioners. Also on the brief was Kellington Law Group, PC.

21  
22 Christopher D. Crean filed the respondent's brief and argued on behalf of  
23 respondent. Also on the brief was Beery, Elsner & Hammond, LLP.

24  
25 RYAN, Board Chair; ZAMUDIO, Board Member, participated in the  
26 decision.

27  
28 RUDD, Board Member, did not participate in the decision.

29  
30 REMANDED 10/27/2022

31  
32 You are entitled to judicial review of this Order. Judicial review is  
33 governed by the provisions of ORS 197.850.

Opinion by Ryan.

## **NATURE OF THE DECISION**

Petitioners appeal a city council decision approving improvements to an existing intersection and an existing street, and construction of a new collector.

## **FACTS**

Yates Lane is an existing, unpaved street that extends east from Laurel Lane in the Commercial district and the Service Center (SC) subdistrict. Laurel Lane is a north-south arterial that connects to I-84 north of the Laurel Lane/Yates Lane intersection, forming what is referred to as the Port of Morrow Interchange. The Port of Morrow Interchange is subject to the Port of Morrow Interchange Area Management Plan (IAMP), which the city adopted in 2012 as part of its Transportation System Plan (TSP). The IAMP lists as a city transportation project improvements to the Laurel Lane/Yates Lane intersection and the construction of a new collector, Devin Loop. Devin Loop would begin on Yates Lane east of the Laurel Lane/Yates Lane intersection, loop south and west from Yates Lane, and connect to Laurel Lane south of the Laurel Lane/Yates Lane intersection, just north of a Bonneville Power Administration (BPA) transmission easement.

On November 16, 2021, city staff filed an application seeking planning department approval to improve the Laurel Lane/Yates Lane intersection and construct Devin Loop, as described in the IAMP. In addition, the application proposed improving to neighborhood collector standards the Yates Lane right-of-way between the Laurel Lane/Yates Lane intersection and the Yates

1 Lane/Devin Loop intersection. We refer to Devin Loop and Yates Lane, together,  
2 as the “Loop Road,” and we refer to the proposed construction, collectively, as  
3 the “Loop Road project.”

4 On March 11, 2022, city staff approved a “Zoning Permit” authorizing the  
5 Loop Road project. The city provided notice of the Zoning Permit to persons,  
6 including petitioners, who own property west of Laurel Lane. After petitioners  
7 attempted to file a local appeal of the Zoning Permit, the city chose to proceed  
8 under its “Type II” land use procedures, effectively allowing petitioners to appeal  
9 the Zoning Permit to the planning commission.

10 The planning commission held a public hearing on May 18, 2022, and  
11 ultimately denied petitioners’ appeal, affirming city staff’s approval of the Loop  
12 Road project. Petitioners appealed the planning commission’s decision to the city  
13 council. The city council conducted a public hearing on June 28, 2022, and denied  
14 the appeal, adopting in support of its decision city staff’s findings, the planning  
15 commission’s findings, and its own findings. The city council expressly adopted  
16 any code interpretations made in city staff’s and the planning commission’s  
17 findings. This appeal followed.

#### 18 **FIRST ASSIGNMENT OF ERROR**

19 In its March 11, 2022 decision, city staff noted that the SC subdistrict  
20 allows as permitted uses (1) installation of improvements within the existing  
21 right-of-way and (2) projects identified in the TSP. Record 11. The city council  
22 concluded that the Loop Road project involves uses that are permitted in the SC

1 subdistrict and, therefore, “do not require further land use review.” Record 6. The  
2 city council stated:

3 “Because the permit approves a transportation facility that is  
4 authorized by and consistent with the IAMP and [Boardman  
5 Development Code (BDC)], it is not a land use decision and the city  
6 was not required to process the permit application under its land use  
7 procedures. Nonetheless, after the City mailed notice of the decision  
8 to area property owners, [petitioners] sought to file a local appeal  
9 and, out of an excess of caution and to ensure full public  
10 participation, the City agreed to process the permit as if it was a  
11 Type II land use decision. Accordingly, an appeal was heard before  
12 the Planning Commission on May 18, 2022.” Record 5.

13 On appeal to LUBA, petitioners do not dispute that the Loop Road project  
14 involves uses that are permitted in the SC subdistrict. However, petitioners  
15 dispute the view that the city’s approval of the project is not a “land use decision”  
16 and, in particular, the implication that, because the approval is not a land use  
17 decision, no land use standards apply to the project.<sup>1</sup> Petitioners argue that it is  
18 clear that the project is subject to many land use standards, including the IAMP  
19 and a number of city land use regulations.

20 The city responds that petitioners misunderstand the above-quoted  
21 findings and that the city does not dispute that the project is subject to land use

---

<sup>1</sup> ORS 197.015(10)(a) defines “land use decision,” in relevant part, as a “final decision or determination made by a local government” that “concerns” the application of a comprehensive plan provision or land use regulation. The city does not dispute that the challenged decision concerns the application of one or more comprehensive plan provisions or land use regulations, and is a “land use decision,” as defined at ORS 197.015(10)(a).

1 standards, as evidenced by the fact that, in approving the project, the city applied  
2 a number of land use standards.

3 We agree with the city that petitioners' arguments under the first  
4 assignment of error provide no basis for reversal or remand. The city's  
5 characterization of the Loop Road as a "permitted use" and its conclusion that  
6 approving an application for a use that is permitted in the SC subdistrict does not  
7 result in a "land use decision" or necessarily trigger the city's Type II procedures  
8 are merely *dicta* because the city proceeded to apply land use regulations to the  
9 application.

10 The first assignment of error is denied.

## 11 **SECOND ASSIGNMENT OF ERROR**

12 Under the second assignment of error, petitioners advance four  
13 subassignments of error that challenge the city's conclusions that the Loop Road  
14 project complies with applicable land use regulations.

### 15 **A. Neighborhood Collector**

16 The IAMP designates the Loop Road as a "City Collector," but it does not  
17 determine what kind of collector. The TSP identifies two kinds of collectors:  
18 neighborhood and minor. The city concluded that the Loop Road is functionally  
19 classified as a "neighborhood collector" and, therefore, subject to standards that  
20 apply to that functional classification. Petitioners argued below, however, that  
21 the Loop Road is more properly classified as a "minor collector" subject to

different, more demanding standards. For example, the minimum right-of-way width for a neighborhood collector is 60 feet; that of a minor collector is 68 feet.

The city rejected those arguments, noting that the existing, graveled Yates Lane right-of-way is 60 feet in width and classified as a neighborhood collector, and concluding that Devin Loop will also qualify as a neighborhood collector under the applicable IAMP, TSP, and BDC standards.<sup>2</sup>

On appeal, petitioners argue that the city council’s findings fail to explain why the Loop Road is properly classified as neighborhood collector. Petitioners note that the TSP includes the following descriptions:

*“Minor Collectors*

“Collector facilities link arterials with the local street system. As implied by their name, collectors are intended to collect traffic from local streets and sometimes from direct land access, and channel it to arterial facilities. Collectors are shorter than arterials and tend to have moderate speeds.

“\* \* \* \* \*

*“Neighborhood Collectors*

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<sup>2</sup> The city council’s findings state, in relevant part:

“[Petitioners] argue that the proposed roads ‘on balance’ are a minor collector, not a neighborhood collector. Staff disagrees. Under the applicable standards in the IAMP, TSP and [BDC] described in the findings above, staff concludes that the proposed roadways are a neighborhood collector and comply with all of the relevant standards for a neighborhood collector.” Record 8.

1       “Neighborhood collectors are a subset of collectors serving the  
2       objective of penetrating local neighborhoods to provide direct land  
3       access serviced and traffic circulation. These facilities tend to carry  
4       lower traffic volumes at slower speeds than typical collectors. On-  
5       street parking is more prevalent and bike facilities may be exclusive  
6       or shared roadways.” (*Italics in original.*)

7       Petitioners note that the TSP description under the heading “Minor Collectors”  
8       mentions linking arterials with the local street system, while the description under  
9       the heading “Neighborhood Collectors” does not mention linking to arterials.  
10      Because the Loop Road will connect to an arterial, Laurel Lane, at both ends, and  
11      because it could carry heavy truck traffic when adjoining properties develop,  
12      petitioners argue that, on balance, the Loop Road is more like a minor collector  
13      than a neighborhood collector.

14      The city responds that the TSP describes neighborhood collectors as a  
15      “subset” of the general category of collectors, and the city suggests that the  
16      description under the heading “Minor Collectors” is not limited to that  
17      subcategory but, instead, describes the overall category of “collector facilities,”  
18      which includes both neighborhood and minor collectors. Under that  
19      interpretation, the city argues, both neighborhood and minor collectors are  
20      intended to “link arterials with the local street system.”

21      We agree with petitioners that the city’s findings on this point are  
22      inadequate. The city council’s finding refer to “applicable standards in the IAMP,  
23      TSP and [BDC] described in the findings above.” *See* n 2. However, we see no  
24      preceding findings that identify the applicable standards that the city used to

1 determine that the Loop Road is properly classified as a neighborhood collector  
2 rather than a minor collector. The respondent's brief also does not identify what  
3 criteria city staff used to determine the functional classification of the Loop Road.  
4 The interpretation of the TSP descriptions suggested in the respondent's brief  
5 might be sustainable, if it were adopted by the city council. However,  
6 interpretations of a local code provision offered for the first time in a respondent's  
7 brief at LUBA are not interpretations made by the local government. *Munkhoff*  
8 *v. City of Cascade Locks*, 54 Or LUBA 660, 665-66 (2007). Because the decision  
9 must be remanded in any event, as discussed below, the better course is to also  
10 remand under this subassignment of error for the city council to adopt more  
11 adequate findings, supported by any necessary local plan or code interpretations,  
12 to explain its conclusion that the Loop Road is properly classified as a  
13 neighborhood collector.

14 The first subassignment of error is sustained.

## 15 **B. Street Standards**

### 16 **1. Minor Collector Standards**

17 The findings address a number of BDC standards that apply to  
18 neighborhood collectors and conclude that the Loop Road meets those standards.  
19 For example, the findings note that the Yates Lane right-of-way is 60 feet wide,  
20 which complies with the 60-foot minimum right-of-way width for a  
21 neighborhood collector. Petitioners first argue that these findings are erroneous  
22 if, in fact, the proper classification for the Loop Road is minor collector. We agree

1 with petitioners that, if, on remand, the city concludes that minor collector is the  
2 appropriate functional classification, then the city must address compliance with  
3 the standards for a minor collector.

## 4                   **2.     Roadway Width**

5           Alternatively, petitioners argue that, even if neighborhood collector is the  
6 appropriate functional classification, the city still erred in two respects.  
7 Petitioners cite evidence that the paved roadway width for some portions of the  
8 Loop Road will be only 32 feet, and they argue that the minimum paved roadway  
9 width for a neighborhood collector under BDC Table 3.4.100(F) is 38 feet. The  
10 city does not respond to this argument or cite any findings addressing the  
11 minimum roadway width. We agree with petitioners that, on remand, the city  
12 must address compliance with the appropriate paved roadway width.

## 13                   **3.     Lateral Improvements**

14           Finally, petitioners argue, even if the Loop Road is classified as a  
15 neighborhood collector, the city erred in failing to require construction of lateral  
16 improvements such as sidewalks, planter strips, bicycle lanes, curbs, streetlights,  
17 and other improvements, as required by BDC 3.4.100(J), (O), and (X).

18           BDC 3.4.100(J) provides, “Sidewalks, planter strips and bicycle lanes shall  
19 be installed in conformance with the standards in Table 3.4.100, applicable  
20 provisions of the [TSP], the Comprehensive Plan, and adopted street plans.  
21 Maintenance of sidewalks, curbs, and planter strips is the continuing obligation  
22 of the adjacent property owner.” BDC 3.4.100(O) provides, “Concrete curbs,

1 curb cuts, wheelchair, bicycle ramps and driveway approaches shall be  
2 constructed in accordance with the standards specified in Chapter 3.1 - Access  
3 and Circulation.” BDC 3.4.100(X) provides, “Streetlights shall be installed in  
4 accordance with City standards which provides for installation at intervals of 300  
5 feet.”

6 The planning commission’s decision explains that the full standards at  
7 BDC 3.4.100 will be met when adjoining properties are developed:

8 “The City is purposefully not improving the street to the full  
9 standards identified in the BDC leaving those future improvements  
10 to be the responsibility of development along the roads being  
11 installed to the east of Laurel Lane. Those additional improvements  
12 that will be required at the time of development include curb,  
13 sidewalk, access cuts, and other associated street improvements. A  
14 four-foot-wide paved walking and bicycle path is included in the  
15 pavement width to support limited multi-path utilization.” Record  
16 21.

17 The city council also adopted findings rejecting petitioners’ arguments that the  
18 requirements of BDC 3.4.100(J) and (X) must be met when the Loop Road is  
19 constructed:

20 “Staff finds that [BDC 3.4.100(J)] is intended to apply at the time of  
21 site development of the adjacent property; it does not apply to the  
22 installation of a public roadway that provides access to the adjacent  
23 property. In this case, the ‘applicable standards’ of the TSP is the  
24 IAMP which does not include standards for sidewalks, planters and  
25 bike lanes. Further, under the Comprehensive Plan and adopted  
26 street plans (if any), the location, nature and extent of the sidewalks,  
27 planter strips and bike lanes will vary depending on the type and  
28 nature of development on the adjacent property. Moreover, any  
29 continuous curbs, planter strips or sidewalks that are installed now  
30 would be subject to frequent cuts, removal and damage as the

1 adjacent properties develop with driveways, underground utility  
 2 installations, construction traffic and other related impacts.  
 3 Accordingly, staff finds that this criterion is intended to apply in  
 4 coordination with [BDC 3.4.100(O)] concurrent with development  
 5 of the adjacent property. \* \* \* Finally, staff finds that it would be  
 6 inappropriate and the city did not intend to impose a maintenance  
 7 obligation for public improvements on the adjacent property owner  
 8 until such time as the adjacent property develops. For these reasons,  
 9 staff finds that this criterion does not apply. It will apply at the time  
 10 the adjacent property develops and the design, location and  
 11 installation of the improvements will be determined based on the  
 12 nature of the development.” Record 7.

13 The city council adopted a similar finding regarding the streetlights required  
 14 under BDC 3.4.100(X).<sup>3</sup>

15 Petitioners argue that the city council’s code interpretations are  
 16 inconsistent with the express language of the relevant code provisions, which

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<sup>3</sup> The city council’s findings state:

“For the same reasons described in the findings above for [BDC 3.4.100(J)], staff concludes that [BDC 3.4.100(X)] does not apply. Staff interprets this standard to apply at the time the adjacent property develops. Until the site design of development on the subject properties is known, the City cannot determine the proper spacing for streetlights. Simply placing streetlights every 300 feet could conflict with the site plan for development on the adjacent properties (for example, driveway locations), which would then require lights to be removed and replaced. This results in unnecessary costs and potentially wasting public resources. Moreover, until the adjacent properties develop, there will be little need for street lights because there will be few if any pedestrians. Accordingly, staff finds that the city does not intend this criterion to apply to the installation of roadways except when provided in conjunction with development of the adjacent property.” Record 8.

1 provide that certain infrastructure “shall be installed” and “shall be constructed.”  
 2 Petitioners contend that the required infrastructure may be long delayed, or never  
 3 installed, if adjoining property owners fail to develop their properties. Petitioners  
 4 also note that some of the properties that will be served by the Loop Road are  
 5 already developed, and the city does not explain when and how the infrastructure  
 6 for those properties will be constructed.

7 The city responds that nothing in the relevant code sections or elsewhere  
 8 requires that such infrastructure be installed at the same time a roadway is built.  
 9 We understand the city to argue that the relevant code provisions are silent or  
 10 ambiguous on this point and that the city council’s interpretation resolving that  
 11 ambiguity is plausible and should be affirmed under the deferential standard of  
 12 review that LUBA applies to a governing body’s code interpretations under ORS  
 13 197.829(1).<sup>4</sup> *Siporen v. City of Medford*, 349 Or 247, 243 P3d 776 (2010).

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<sup>4</sup> ORS 197.829(1) provides:

“[LUBA] shall affirm a local government’s interpretation of its comprehensive plan and land use regulations, unless the board determines that the local government’s interpretation:

- (a) Is inconsistent with the express language of the comprehensive plan or land use regulation;
- (b) Is inconsistent with the purpose for the comprehensive plan or land use regulation; [or]
- (c) Is inconsistent with the underlying policy that provides the basis for the comprehensive plan or land use regulation[.]”

1       We agree with petitioners. Although the relevant code provisions do not  
2 explicitly require concurrency between roadway construction and lateral  
3 improvements, the code provisions mandate that lateral improvements be  
4 constructed, with the strong implication that lateral improvements must be built  
5 at the same time as the roadway. As petitioners argue, if adjoining property is  
6 never developed, then, under the city council's interpretation, no lateral  
7 improvements will be constructed, contrary to the express requirements of the  
8 code. The city council's interpretation also provides no mechanism or process to  
9 require lateral improvements for already-developed properties that are adjacent  
10 to the new roadways. The clear purpose of the relevant code provisions is to  
11 require lateral improvements to be constructed along city roadways. The city  
12 council's interpretation may not be inconsistent with any *express* language in the  
13 cited code provisions, but it is certainly inconsistent with the purpose of those  
14 code provisions. Accordingly, we cannot affirm that interpretation. ORS  
15 197.829(1)(b).

16       The second subassignment of error is sustained.

17       **C.    Other City Land Use Regulations**

18       Petitioners argue that the city erred in failing to apply a number of other  
19 city land use regulations, including BDC chapter 4.2 (Development Review and  
20 Site Design Review); BDC chapter 3.1 (Access and Circulation); BDC chapter  
21 3.2 (Landscaping, Street Trees, Fences and Walls); BDC 3.4.100(A)  
22 (Development Standards); BDC 3.4.100(G) (Traffic Signals and Traffic Calming

Features); BDC 3.4.100(I) (Street Alignment and Connections); BDC 3.4.100(K) (Intersection Angles); BDC 3.4.100(L) (Existing Rights-of-Way); BDC 3.4.100(Q) (Development Adjoining Arterial Streets); BDC 3.4.100(T) (Street Names); BDC 3.4.100(U) (Survey Monuments); BDC 3.4.100(V) (Street Signs); BDC 3.4.100(W) (Mail Boxes); BDC 3.4.100(Y) (Street Cross-Sections); BDC 3.4.400 (Storm Drainage); BDC 3.4.500 (Utilities); and BDC chapter 3.5 (Stormwater Management).

To explain why petitioners believe the foregoing are applicable approval criteria for the challenged decision, petitioners direct us to the jurisdictional section of the petition for review and to unspecified arguments in the first assignment of error. However, the jurisdictional section simply lists the same code provisions, in a footnote, without providing any basis to conclude that the cited code provisions are applicable approval criteria. Petition for Review 10 n 4. The only argument we can find in the first assignment of error that bears on any of the cited code provisions is a single paragraph arguing that transportation improvements are subject to site design review standards at BDC chapter 4.2. Petition for Review 27. The planning commission adopted findings rejecting this contention. Record 21. Petitioners do not challenge that finding or provide any basis to conclude that site design review standards or the other cited code provisions apply to the Loop Road project.

The third subassignment of error is denied.

1           **D.     BPA Subdistrict**

2           Petitioners argue that the city erred in finding that the Loop Road is located  
 3 entirely within the SC subdistrict.<sup>5</sup> According to petitioners, a portion of Devin  
 4 Loop would be located within the BPA easement south of the Loop Road.  
 5 Petitioners argue that property located within the BPA easement is subject to an  
 6 entirely different subdistrict, the BPA Transmission Easement (BPA) subdistrict,  
 7 which has its own regulations that the city did not apply.

8           The city responds first that petitioners failed to raise any issue during the  
 9 proceedings below that the BPA subdistrict regulations apply, and petitioners are  
 10 precluded from raising that issue for the first time at LUBA. ORS 197.835(3);  
 11 ORS 197.797(1). In the reply brief, petitioners respond that ORS 197.835(4)(a)  
 12 allows them to raise the issue raised in the fourth subassignment of error because  
 13 the notices for the city’s hearings failed to list the criteria that apply to the BPA

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<sup>5</sup> Again, rather than supply argument in support of this subassignment of error, petitioners direct us to unspecified arguments made in the jurisdictional section of the petition for review. Simply directing LUBA to unidentified arguments made in other sections of a brief runs the risk that LUBA will fail to locate those arguments. In addition, relying on arguments in the jurisdictional section of a petition for review to establish a basis for reversal or remand on the merits, especially in an appeal where jurisdiction is undisputed, runs the risk that such arguments will be overlooked. *See Regency Centers, L.P. v. Washington County*, 265 Or App 49, 61, 335 P3d 856 (2014) (LUBA was not required to scour the petition for review for material that potentially could have supported an argument that the county’s decision involved a “proposed development of land” when the petitioners did not make that argument for themselves).

1 subdistrict.<sup>6</sup> The waiver question depends on whether the provisions of the BPA  
2 subdistrict are applicable criteria. We therefore turn to that question.

3 We agree with the city's response to the substance of the fourth  
4 subassignment of error that petitioners are mistaken and that the BPA easement  
5 is not subject to the BPA subdistrict, which is located a mile to the west. The city  
6 attaches to its brief a zoning map showing the different locations of the subject  
7 property and the BPA subdistrict.

8 The city is correct that the BPA easement south of the Loop Road is not  
9 subject to the BPA subdistrict. Petitioners' unsupported arguments under this  
10 subassignment of error do not provide a basis for reversal or remand.

11 The fourth subassignment of error is denied.

12 The second assignment of error is sustained, in part.

13 The city's decision is remanded.

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<sup>6</sup> ORS 197.835(4)(a) provides that a petitioner at LUBA may raise new issues that were not raised below if "[t]he local government failed to list the applicable criteria for a decision under ORS \* \* \* 197.797(3)(b)[.]"

email sent October 9, 2025 8:48 AM-sender Jonathan Tallman. Subject Concerns Regarding COI Master Park Plan

Clint,

As the Morrow County trail planner on this park matter, I want to bring an important issue directly to your attention. Attached is the video of the City of Boardman's Master Park Plan (September 25th PMP PAC meeting led by Carla). I have watched it and am continuing to review the details, but I believe this requires immediate clarification and review. I have also included transcript screenshots below of point of interests.

The video record contradicts statements made by Norma Ayala, a City of Boardman employee who also sits on the Morrow County Planning Commission. At the September 30, 2025 Morrow County Planning Commission meeting, she stated there was no county land involved in the City's park Master plan. The video evidence shows otherwise. Specifically, the City's plan includes a BPA trail running from Skoubou Lane (west of Paul Smith Road) all the way to Laurel Lane Road. This alignment crosses both Morrow County property and my own private property land not owned by the City of Boardman. The statement made on the record was therefore inaccurate.

Had I been allowed to speak during the 60% review on September 30, 2025, I would have presented this evidence. Instead, I was prevented from doing so, which caused my frustration and compelled me to speak out.

I strongly urge you to review the YouTube meeting in full, take notes, and consider the questions this raises. I am also providing time-stamped references and a map showing how this trail alignment impacts county and private property. Once I complete my deeper review, I will have further questions to submit.

This is exactly why I continue to request that Morrow County prepare its own independent staff report for the Transportation System Plan (TSP). The concerns I have raised are not being addressed, yet the Draft TSP itself acknowledges that the Boardman park plan is integral to the overall system.

I respectfully request that this letter, along with your notes and any questions you develop from reviewing the City of Boardman's Master Park Plan meeting, be added to the official TSP draft record and your park records that will be at 90% at the next meeting. This will ensure that the County has a clear and documented basis for addressing these issues moving forward.

I look forward to the next County meeting where these matters can be discussed in detail, along with supporting documents and questions, so that the County can determine how the City's plan fits or conflicts with Morrow County's responsibilities.

Thank you for your attention to this matter please confirm receipt.

Sincerely,

Jonathan Tallman

Reference Video:

City of Boardman Park Master Plan – PAC Meeting (September 25, 2025)

<https://youtu.be/nE0lYo9-81E?si=CDkTXVB8CfKenPeP>



- City has acquired a properties in Northeast Boardman and are looking at a second.
- Available land supports a neighborhood-scale park, not a community park
- Multifamily housing in the area will provide some open space, but not replace larger park needs
- Helps address local service gap, but long-term community park need remains

## PAC Discussion

# PMP Chapter 8 - Recommendations (Whats' New)

299

## Park Blocks (BPA Easement Corridor)

The Park Blocks are envisioned as a continuous linear park and trail connection between Skoubo Lane and Laurel Lane, running below the BPA transmission lines just south of I-84. The corridor is intended to link civic and recreation destinations such as City Hall Park, Hillview Park, ZuZu Park, and the Senior Center, while forming a critical segment of Boardman's long-distance trail system. Planned projects are to:

- Secure additional dedications and easements to complete the corridor
- Develop a continuous greenway with trails, rest areas, and signage coordinated with the system-wide Trail Master Plan
- Relocated and improve the dog park with restroom (relocated from Splash Pad), parking, shade, seating, and signage.
- Incorporate recreation features such as a bike skills park, pump track, and story walk
- Coordinate corridor planning with roadway extensions and other public infrastructure
- Implement vegetation management practices to reduce wildfire risk and maintain safe, clear access



- Minimum 30' easement identified from Skoubo to Laurel Lane
- Park dedication required adjacent to subdivision development (Chaparril and Bailey Park)
- Dog Park (7.4 acres) listed as "existing" in plan given imminent installation

## PAC Discussion

- Any comments?



# Transcript



recreation is dedicated by ordinance or resolution.  
So it can't

**1:46:26** just simply be uh sold for private development. um  
things like the BPA corridor

**1:46:33** establishing a permanent legal easement through  
that land so that the land's

**1:46:38** dedicated the easement um makes it legal legal  
and protects it. um deed

**1:46:45** restrictions like we talked about already. Um  
interestingly when we look at your zoning map  
your your zoning

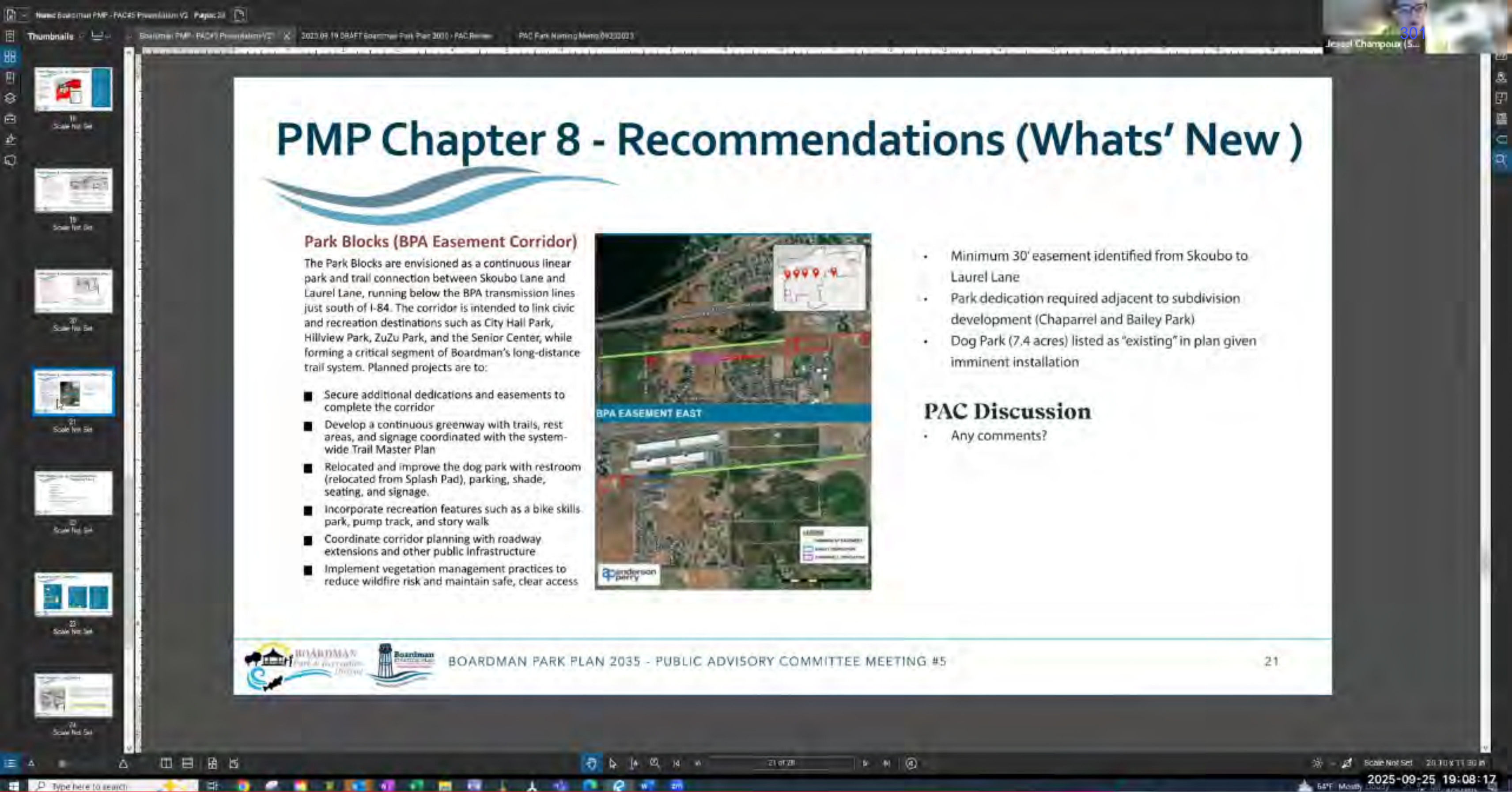
**1:46:51** designation currently only city hall is designated  
as park open space. Um but

**1:46:57** most of the other uh and I think a little bit on the  
waterfront might be designated as park open  
space. So the

**1:47:04** recommendation here is that anything that  
becomes park should be designated in your  
comprehensive plan and zone

**1:47:10** designation as park open space as another layer  
of protection. Um

**1:47:16** and then when it comes to subdivision um



| 1:32:18 | city should target land for a truly community serving park                                                               |
|---------|--------------------------------------------------------------------------------------------------------------------------|
| 1:32:23 | in South Boardman. Um the other recommendation that is                                                                   |
| 1:32:29 | slightly different from what you saw was with the BPA easement. So currently the city is um targeting a minimum 30- foot |
| 1:32:37 | easement identified from Scobo to Laurel Lane. So that green line that you see in                                        |
| 1:32:44 | the mapping is represents that 30-foot easement. The red outlined shaped                                                 |
| 1:32:49 | polygons are land that is um currently owned by the city. The blue line down                                             |
| 1:32:57 | here is what is going to be the dog park. The city will acquire um                                                       |
| 1:33:04 | additional land uh with the dedication of like the Chapperel subdivision, I                                              |
| 1:33:10 | think the Bailey Park subdivision. So, additional land will be acquired adjacent to that BPA or that um 30-foot          |

Email received October 14, 2025 11:45 AM-Sender Jonathan Tallman

Subject: Additional Record Submission and Request for County Staff Report – October 28, 2025

Dear Michaela,

Thank you for compiling my previous materials for the October 28, 2025 Morrow County Planning Commission meeting. I do have additional materials and comments to include in the record.

I have repeatedly asked questions regarding the Boardman Transportation System Plan (TSP) and the City's Parks and Trail planning process, but I have not received the meeting packets or the underlying data needed to understand how these plans are being advanced. This lack of transparency has made it difficult to meaningfully participate or to prepare comments. I respectfully ask that, like in the City of Boardman proceedings, I be given the full meeting packet and the opportunity to speak on the record before any related action or vote.

Additionally, I was not allowed to speak during the 60% trail review meeting, even though the discussion directly affected both my property and Morrow County's trail alignment. I was assured by the Morrow County Planning Commission that I would have the opportunity to review the packet for public review and provide comments before the plan advances to the 90% stage, as discussed during that meeting. I am formally requesting that commitment be honored and that no further action or vote occur until the packet is made publicly available for review and comment. Please send it once you have it.

It is also my understanding that the City of Boardman Planning Commission is scheduled to vote on October 16, 2025, despite the absence of this critical information and without the City having provided the full TSP or Comprehensive Plan documentation to the public. Proceeding with a vote under these conditions undermines transparency and creates procedural inconsistencies between the City and County processes.

Because the City's draft TSP incorporates the Morrow County trail system and overlaps with the County's Parks and Comprehensive Plan framework, I am asking that the Morrow County Planning Commission not vote on the Parks Plan, the trail components, or any future TSP drafts until a formal County staff report is prepared and the full factual basis is made available to the public. These plans have direct implications for OWRD-regulated water rights and "water-for-water" exchanges under OAR 690 Division 380 and ORS 540.510–540.531, as park and trail facilities represent new municipal uses that may affect consumptive use, mitigation, and transfer obligations. The County should formally request clarification from the Oregon Water Resources Department (OWRD) before advancing any Parks-related elements.

This request also stems from my prior experience: seven years ago, my property was taken by eminent domain for a powerline benefiting Amazon, and due to lost records and lapsed deadlines, I was denied due process. I wish to avoid those same misunderstandings now. That is why I am documenting these concerns early—particularly regarding procedural compliance under ORS 192.640(2) and ORS 197.763(3)(b), which require that staff reports and meeting packets be made public at least seven days before any hearing or vote which I am still waiting for on several city meetings that effect these trail plans folding into the mix with landowners.

Given the incomplete record and lack of coordination between the City and County, I am formally requesting that the Morrow County Planning Commission defer any related votes or recommendations on the TSP, Parks Plan, or trail alignments until a County staff report and all underlying documentation are made available for public review consistent with ORS 197.175(2)(b), ORS 197.763(3)(b), and ORS 192.640(2).

Please include this correspondence and my forthcoming attachments as part of the official record. I will continue to follow up as new information becomes available.

Respectfully,

Jonathan Tallman

On Wed, Oct 8, 2025 at 6:19 AM Jonathan Tallman wrote:

Dear Mayor Keefer,

I am forwarding the attached email correspondence with City Manager Brandon Hammond, as it illustrates the ongoing transparency issues that were raised with me directly at the recent Council meeting last night October 7th 2025.

You stated to me in person that I should attend City meetings and participate (which I am glad you mentioned). I have done so in good faith in the past. Yet, when I attempt to speak at advisory or committee meetings, I am told I do not have the right to talk. This directly contradicts Brandon's earlier written encouragement that I "continue to attend the various meetings (Planning Commission, City Council, advisory committees, etc.) to share your insights and thoughts." His later email, however, walks this back by saying advisory committees and workshops do not call for public comment opportunities.

This is at the heart of the transparency issue. On paper or out loud, the City tells me my input is welcome at the city council meeting. In practice, when I show up and try to participate, I am shut down. The result is confusion, unnecessary confrontation (which I don't want), and an appearance at public meetings that questions are being acknowledged, when in reality they are being deflected or silenced on purpose like I stated in all my examples last night.

I am not seeking special treatment only clarity and consistency. If the City intends for certain meetings to be closed to public comment, then that should be clearly stated in advance and on the agenda, not left to the discretion of staff during the meeting. Conversely, if the City's leadership is going to encourage landowners and business owners to participate, then that commitment should be honored.

Transparency is not achieved when words in writing or in public forums differ from the actions that follow. To restore public trust, I respectfully ask that this matter be clarified in writing and reflected in future agendas. I also ask that the City ensure all landowners and residents are given equal and fair opportunities to participate in the processes that directly impact their property and livelihoods.

Thank you for your attention to this matter.

Sincerely,

Jonathan Tallman

----- Forwarded message -----

From: Jonathan Tallman

Date: Tue, Jul 29, 2025 at 4:55 PM

Subject: Re: Public Comment Regarding July 29th EOA Meeting & Request for Fair Dialogue

To: Brandon Hammond

CC: Derrin Tallman , Amanda Mickles

Brandon,

You wrote, and I quote:

"Thank you for your thoughts and insights. I agree, there needs to be an open and transparent process. I would encourage you to continue to attend the various meetings (Planning Commission, City Council, advisory committees, etc.) to share your insights and thoughts."

Your inclusion of "advisory committees" led me to believe that I was welcome to speak and share my insights at those meetings. I participated based on that good faith understanding.

To prevent any future confusion or unintended confrontation, I respectfully ask for clarification. The disconnect between what is stated in writing and how participation is handled during meetings creates

uncertainty and undermines transparency and accountability. This kind of inconsistency discourages meaningful public engagement.

Could you ensure that this matter is clearly addressed and reflected in future agendas? I simply want to avoid any unnecessary conflict (especially with Carla because she has called cops in the past on me) that stems from written words not aligning with how policies are applied in practice by the city of Boardman.

I am not asking for too much here am I? Thank you for your time and attention to this matter.

Jonathan Tallman

On Tue, Jul 29, 2025 at 4:31 PM Brandon Hammond wrote:

Johnathan,

During our planning commission and city council meetings there are specified public comment times, as these are governing bodies, which allows any public input. The advisory committee's and workshops do not call for the same public comment opportunities.

From: Jonathan Tallman

Sent: Tuesday, July 29, 2025 3:21 PM

To: Brandon Hammond

Cc: Derrin Tallman

Subject: Re: Public Comment Regarding July 29th EOA Meeting & Request for Fair Dialogue

Hi Brandon,

Thank you for allowing me to speak during today's meeting and for your prior message encouraging continued engagement. I appreciate your acknowledgment that an open and transparent process is essential. As both a business owner and a landowner in the City of Boardman, I've made a genuine effort to participate constructively and provide insights that I believe are important for the community.

However, I'm confused by the inconsistency between your written encouragement and what occurred at the meeting. When I raised my hand to speak, Carla stated that I was not a PAC member and would decide whether I could speak or not. This seemed to contradict the inclusive message you had expressed in writing, and frankly, it felt dismissive of my efforts to engage in good faith in the future.

This kind of disconnect is exactly what causes meetings to become confrontational—it's when the words don't align with the actions. I would have asked you for clarification during the meeting, but I wasn't sure if you were present, and I didn't want to escalate the situation in that setting.

To prevent future confusion or tension, I'd appreciate your clarification: moving forward, as a business and land owner in Boardman, am I permitted to speak during Planning Commission, City Council, and advisory committee meetings when I attend? This issue needs to be addressed clearly so that I and others can participate without conflict or second-guessing whether our voices will be heard.

Thank you again for your time and for addressing this matter directly and in writing.

Sincerely,

Jonathan Tallman

On Mon, Jul 28, 2025 at 4:50 PM Brandon Hammond wrote:

Jonathan,

Thank you for your thoughts and insights. I agree, there needs to be an open and transparent process. I would encourage you to continue to attend the various meetings (planning Commission, City Council, advisory committees, etc.) to share your insights and thoughts.

From: Jonathan Tallman

Sent: Sunday, July 27, 2025 1:33 PM

To: Derrin Tallman ; Brandon Hammond

Subject: Public Comment Regarding July 29th EOA Meeting & Request for Fair Dialogue

Dear Brandon,

As I continue reviewing the July 2025 Economic Opportunities Analysis (EOA) prepared for the City of Boardman, I feel compelled to submit this letter in advance of the July 29th meeting to formally express my concerns, outline considerations, and request a good faith dialogue moving forward.

Although I have NOT received previous communications related to economic development on record requests, I have been removed from past meetings after raising legitimate questions—despite having written documentation supporting involvement and requests for meeting notes and related materials.

I must again note the troubling pattern of repeated code inspections and what I believe to be retaliatory enforcement actions against my property. These actions have occurred while the value of my land has been significantly diminished due to Amazon-driven expansion and infrastructure plans. A primary driver of this expansion—the 230kV powerline—has directly harmed my land while increasing revenue for the City. From 2019 to 2026, the Boardman city budget has grown from \$21 million to over \$90 million, largely funded through corporate projects and specifically UEC excise fee taxes tied to this infrastructure buildout.

I do not wish to dwell on past grievances, but I am committed to avoiding the same entanglements that have already harmed this community. The Windwave complaint filed by the Oregon Department of Justice illustrates the real consequences when public officials suppress financial transparency, manipulate valuations, and prioritize private corporate gain over the public good. I bring this up not to cast accusations, but to express clear concern: Boardman's UGB expansion and future development must not follow the same closed-door patterns and selective dealings.

#### My Recommendation

As a lifelong resident, business owner, and developer in Boardman, I want to see this community grow—but it must happen responsibly. I would like to either develop or sell my property, but not under conditions where I am excluded, undervalued, or unfairly treated.

I am open to a fair and reasonable offer—one that reflects what other people have been paid for on their property. However, I cannot accept a process that proceeds while impacted landowners like myself are sidelined. I intend to participate more actively going forward and will present documentation that challenges any misrepresentation of my property's value or role in the city's development plans.

If the City Proceeds Without Expanding the UGB:

Boardman may face constraints under Oregon's land use laws, such as Statewide Planning Goal 14, which limits urban-style development on rural lands. This could restrict Amazon-related infrastructure, residential growth, and commercial zoning changes—potentially exposing the City to legal risk or development delays.

If the City Expands the UGB Without a Good Faith Process:

Under ORS 197.298, ORS 197.626, and LCDC rules, the UGB amendment must be supported by a transparent, data-driven process, public involvement, and clear alignment with statewide planning goals. Failure to do so could result in legal challenges before the Land Use Board of Appeals (LUBA), especially if favoritism or exclusion is evident. Oregon Rural Action has this same concern.

Given the Windwave Precedent in Morrow County:

The Windwave case shows the consequences of insider manipulation, lack of transparency, and the suppression of public input. If similar behavior emerges in Boardman's UGB process—such as selective treatment or undisclosed arrangements with Amazon or other developers—it could invite further scrutiny from the Oregon DOJ or other regulatory bodies. The community is already burdened by the fallout, including rising property taxes. Boardman must not compound that damage.

I am formally requesting a transparent, written dialogue regarding the EOA, the proposed UGB expansion, and a fair path forward for my property. I will also be submitting a formal response to the EOA report. All I ask is for equity, transparency, and the same respect afforded to others and emails on all future meetings times going forward as I have asked before.

I am still awaiting responses to my public records, open meetings requests, including meeting documents, notes, audio, and video. I can show you on meetings that show the redlining specifically referenced. The continued advancement of meetings without addressing these concerns is deeply troubling. If this pattern continues, I will have no choice but to show these matters further, but that is not my intent. It is to get this resolved.

Thank you for your time and attention. I welcome your written response.

Sincerely,

Jonathan Tallman

Email sent October 17, 2025 4:23 AM -Sender: Jonathan Tallman

Dear Michaela, Tamra, and Clint,

Please add this correspondence to the official record for the next Morrow County Planning Commission meeting.

The City of Boardman Planning Commission voted on October 16, 2025, to forward the Transportation System Plan (TSP) to the City Council “as amended.” However, that vote separated the TSP from the Parks Master Plan, Columbia River Heritage Trail corridor, and Urban Growth Boundary (UGB) update — even though all of these rely on the same mapped corridors, road connections, and funding sources. Proceeding this way creates a piecemeal process that conflicts with Statewide Planning Goal 2 (land use coordination) and Goal 12 (transportation planning). While not potentially showing how Amazon and Umatilla Electric will be helping pay for it.

This fragmented process also directly harms my property, located along Laurel Lane and the BPA corridor. By advancing the TSP without the full Parks Master Plan and UGB data, the City is designating transportation and trail alignments that impact access to my commercial parcel and devalue it by implying future right-of-way or park use without compensation or written negotiation. It's unfair and prevents me from making clear, lawful use of my land while the City's maps remain inconsistent and incomplete.

Because these plans overlap and directly involve County-owned parcels and trail corridors, I request that the Morrow County Planning Commission delay or continue any TSP-related coordination or concurrence until all components are reviewed together under a single, complete record.

Specifically, I request:

1. That County staff prepare a coordination report comparing the City's TSP corridors with the County's Heritage Trail and BPA easement areas, including any dependencies on the City's Parks Master Plan or UGB assumptions.
2. That the record remain open for at least 21 days so I can provide additional materials — including drone imagery, tax-lot overlays, and documentation showing the missing methodology from the City's record.
3. That any new materials posted or received within seven (7) days of a hearing trigger re-notice to preserve public due-process rights under ORS 197.763(6).

The County and the Morrow County Planning Commissioners now plays a key role in ensuring that the City's transportation and parks planning are properly coordinated, that public access requirements are met, and that the record is not fragmented between agencies to create confusion like it is.

Thank you for adding this letter to the official record and confirming whether the County intends to prepare a staff report addressing these coordination and procedural issues before the next meeting. I have asked several times and it now is being shown why it is important to do so to make a decision.

Respectfully,

Jonathan Tallman

Subject: Re: Request to Add to Record – City of Boardman TSP and Coordination Concerns

Dear Tamra,

Thank you for confirming that my correspondence will be added to the record for the October 28th Planning Commission meeting. I appreciate that the agenda does not currently include co-adoption of the City's TSP.

However, the concern remains that the City is proceeding in a piecemeal form, advancing the Transportation System Plan separately from the Parks Master Plan, Columbia River Heritage Trail, and Urban Growth Boundary (UGB) update — even though all of these depend on the same mapped corridors, road connections, and infrastructure funding sources.

When the City isolates these plans, it creates confusion and procedural inconsistency. Each document relies on information contained in another plan that has not yet been reviewed or adopted. This fragmented handling leaves citizens — and sometimes even staff — chasing shifting documents instead of working from a single, transparent record.

This is not merely administrative; it's a coordination issue under Statewide Planning Goals 2 and 12. The piecemeal process risks contradictory designations for the same areas, particularly along Laurel Lane, the BPA easement, and County-owned trail parcels. Each partial adoption adds confusion rather than resolving it.

It's also important to note that what may appear as confrontation is not hostility — it's the direct result of a shell-game style process that moves pieces around faster than the public can respond. When plans, maps, and timelines constantly shift without context or coordination, meaningful participation becomes nearly impossible. The attached Exhibit OGEC-1 – Public Records Request and Correspondence and my Transparency Issue Letter dated October 7, 2025 document this clearly: I have tried in good faith to obtain accurate information and participate constructively, only to find the record altered, delayed, or contradicted by later filings which I continue to document which add to more confusion.

For these reasons, I respectfully continue to request that the County and DLCD treat the City's TSP, Parks Plan, Heritage Trail, and UGB elements as one coordinated file for review and consistency. Only a unified evaluation will ensure clarity for property owners, agencies, and the public and prevent further misunderstanding or procedural conflict. All this needs to be added to the record to display these tactics.

Thank you again for ensuring this correspondence remains part of the official record and for helping maintain transparency in this process.

Sincerely,

Jonathan Tallman

## Exhibit OGEC-1 – Public Records Request and Correspondence

Exhibit OGEC-1 – Public Records Request and Correspondence

From: Jonathan Tallman <1stjohn217llc@gmail.com> To: Amanda Mickles Date: Thu, Oct 2, 2025 at 6:57 AM Subject: PRR9262025 – Public Records Request and Transparency Concerns

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Amanda,

I say this humbly, not to antagonize—because I know that as a parent you want to teach these same values to your children.

That's a very good question.

What I want is the information that clearly shows how all of this has been mapped out. Back in 2019, when UEC began this powerline project, they placed information on a server showing their lines extending out to the Love's area—where they now plan to build a substation. The City should be transparent and forthcoming in providing that information, especially since the CIP identifies Oregon Trail Road as “mission critical.” It's also evident that UEC/Amazon are contributing to these improvements, even though the CIP currently shows no funding from them.

This type of information should not be hidden behind public records requests—it should be readily available under open meetings laws. Transparency is the backbone of government trust, and without it, the public cannot have confidence in the decisions being made. That is why your job is so important—ensuring that these details are not overlooked and that the public can rely on accurate, complete information.

At the same time, we need to recognize the scale of what's happening. In 2019, the City's budget was around \$21 million. By 2026, it has ballooned to nearly \$90 million. Meanwhile, my own UEC bill went up 11% as of October 1, 2025—even as UEC's cash reserves swelled from \$9 million in 2019 to more than \$165 million today.

My only goal is to see our local government remain open and honest about what's really happening, and about who should actually be paying for these projects. I can even forward you an article from UEC's CEO, Robert Echenrode, where he states directly: those who trigger the growth should pay for the growth. See article below.

To me, this all comes down to integrity. When the stakes are this high, leaders and workers alike should step up, speak openly, and let their decisions reflect both transparency and fairness.

To answer the question: Show me it all—because now you know what I am looking for. It is the integrity of the process, and the process has no expiration date.

Sincerely, Jonathan Tallman

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From: Amanda Mickles Date: Wed, Oct 1, 2025 at 4:39 PM

Good afternoon Jonathan,

Would you please provide clarification on time frames for items 2 and 3?

Amanda Mickles City Clerk | City of Boardman

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From: Jonathan Tallman <1stjohn217llc@gmail.com> Sent: Friday, September 26, 2025 4:35 AM To: Amanda Mickles ; Amanda Mickles ; derrin@tallman.cx; Brandon Hammond Subject: PRR9262025 – Public Records Request

Dear Amanda,

Please find attached my Public Records Request, labeled PRR Request 9262025, submitted pursuant to ORS 192.311–192.478. This request seeks records concerning the following information and picture documents attached:

1. NDAs signed with Amazon and related entities; 2. Correspondence and records concerning the blurred/removed “New RV Site”; 3. Maps, exhibits, and staff reports tied to Laurel Lane, Loop Road, and adjacent parcels; 4. Planning documents included in the City's September 15, 2025 TSP/UGB submission to DLCDC; and 5. The April 15, 2025 meeting where Amazon's potential funding of an RV park was discussed (attached picture with transcript location).

As permitted under Oregon law, I request that responsive records be provided electronically (PDF or native digital format). Because these records should already be included in the City's submission to DLCDC and are of clear public interest, I also request that the City waive any fees associated with this request.

Thank you for your attention to this matter. I look forward to your timely response within the statutory deadlines.

Respectfully, Jonathan Tallman 706 Mt Hood Ave Boardman, OR 97818 208-570-7589

Email sent October 20, 2025 1:02 PM, Sender Jonathan Tallman

Dear Michaela,

Please include the attached exhibits in the official record for the upcoming Planning Commission hearing regarding the Columbia River Heritage Trail and related Transportation System Plan coordination.

These materials demonstrate why I no longer have confidence in the City of Boardman's verbal representations and why I respectfully request that no vote occur on the trail or corridor segments at this time. The record should remain open until these issues are resolved.

In addition, I want to note for the record that I have been verbally told I would be receiving an offer from the City of Boardman, and I am awaiting that offer in good faith. Proceeding with any vote or adoption before that occurs would undermine the coordination process and the City's stated commitment to negotiate fairly.

Exhibits:

1. UEC / Amazon Powerline Documentation – showing that the City described the 230 kV line as serving residential growth while the corresponding UEC proposal and invoices confirm it was dedicated to Amazon data-center infrastructure.
2. Underground Transmission Policy – evidence that certain utilities were placed underground despite earlier representations, contradicting what was told to affected landowners across my property.
3. Amazon NDA with the City of Boardman – confirming that the City entered a nondisclosure agreement binding itself to Amazon's confidentiality terms, limiting transparency and coordination with the public. I am still awaiting public records request.
4. Photographs of the Boardman Amazon Sites and Substations – visual confirmation that the project scope and use were strictly industrial and data-center related, not residential or mixed-use as previously indicated.

These materials collectively support a finding of non-compliance with Statewide Planning Goal 2 (Land-Use Coordination) and Goal 12 (Transportation Planning). The City's actions and NDAs have prevented full and transparent coordination with Morrow County and impacted property owners, including my company, 1st John 2:17 LLC the land holding company that neighbors county land.

Statutory Basis:

Pursuant to ORS 197.763(6) and Statewide Planning Goal 1 (Citizen Involvement), I am exercising my right to submit evidence into the record and request that the record remain

open for additional written materials. Under Goal 2 and ORS 197.610 – 650, all transportation and land-use amendments must demonstrate inter-jurisdictional coordination before adoption. Proceeding without doing so would risk procedural invalidity of any subsequent decision.

For these reasons, I respectfully request that the Morrow County Planning Commission postpone any vote on the Heritage Trail or related corridor projects until coordination records, funding sources, and property impacts are fully disclosed and verified in writing, and until I have received the written offer that has been verbally promised.

Thank you for including this correspondence and all attached materials in the official record.

Sincerely,

Jonathan Tallman

# NONDISCLOSURE AGREEMENT

This nondisclosure agreement is between \_\_\_\_\_, an Individual and City of Boardman (the "Company"). In consideration of services provided to the Company and the responsibility to the public, the parties agree as follows:

## 1. Confidential Information.

In conjunction with the Individual's assignment, the Company may (but is not required to) disclose to the Individual, or the Individual may develop or learn, Confidential Information. "Confidential Information" means:

(a) any Company intellectual property, information, or trade secrets (whether or not specifically labeled or identified as confidential), whether provided orally, in writing, or by any other media, that was or will be disclosed to, developed, or learned by the Individual, and that relates to the business, products, services, research, or development of or by the Company or its suppliers, distributors, investors, partners, and other business associates, and that has not become publicly known.

Confidential Information includes:

- (i) internal business information (including information relating to strategy, staffing, business, financial data, training, marketing, promotional and sales plans, and practices, costs, bidding activities and strategies, rate and pricing structures, and account and business methods);
- (ii) identities of, negotiations with, individual requirements of, specific contractual arrangements with, and information about the Company's suppliers, distributors, customers, investors, partners, and other business associates, their contact information, and their confidential information;
- (iii) manufacturing parameters, material specifications, design specifications, design processes, technical drawings, prototypes, testing procedures and technical data, specific program information, trade or industrial practices, engineering practices and methods, techniques, computer programs, formulae, systems, research, records, reports, manuals, documentation, customer and supply lists, data and databases relating to those, and technology and methodology regarding specific projects; and
- (iv) inventions, whether or not patentable, original works of authorship, trade secrets, know how, other intangible property protectable under federal, state, or foreign law that is not generally available to the public or published by the Company, other information concerning the Company's or its customers actual or anticipated products or services, business, research, or development, or any

information that is received in confidence by or for the Company from any other person, and any other information that was or will be developed, created, or discovered by or on behalf of the Company, or that became or will become known by, or was or is conveyed to the Company, that has commercial value in the Company's business ("Intellectual Property"); and

(b) all notes, analyses, compilations, studies, summaries, and other material, whether provided orally, in writing, or by any other media, that contain or are based on all or part of the information described in subsection (a) (the "Derivative Materials").

## 2. Obligation to Maintain Confidentiality.

(a) Confidentiality. At all times during his or her assignment, the Individual shall hold in strictest confidence, and not use, except for the benefit of the Company, or to disclose to any person, firm, or corporation without the prior written authorization of the Company, any of the Company's Confidential Information.

(b) Term. The Individual shall maintain the confidentiality and security of the Confidential Information until the earlier of: (i) such time as all Confidential Information disclosed under this agreement becomes publicly known and is made generally available through no action or inaction of the Individual or (ii) the third anniversary of the termination of the Individual's assignment. However, to the extent that the Company has disclosed information to the Individual that constitutes a trade secret under law, the Individual shall protect that trade secret for as long as the information qualifies as a trade secret.

## 3. Exclusions.

The obligations and restrictions of this agreement do not apply to that part of the Confidential Information that:

(a) was or becomes available other than as a result of a disclosure by the Individual in violation of this agreement;

(b) was or becomes available to the Individual on a nonconfidential basis before its disclosure to the Individual by the Company or a Company Representative, but only if:

(i) the source of such information is not bound by a confidentiality agreement with the Company or is not otherwise prohibited from transmitting the information to the Individual by a contractual, legal, fiduciary, or other obligation; and

# NONDISCLOSURE AGREEMENT

(ii) the Individual provides the Company with written notice of such prior possession either (A) before the execution and delivery of this agreement or (B) if the Individual later becomes aware (through disclosure to the Individual) of any aspect of the Confidential Information as to which the Individual had prior possession, promptly on the Individual so becoming aware; or

(c) is requested or legally compelled (by oral questions, interrogatories, requests for information or documents, subpoena, civil or criminal investigative demand, or similar process), or is required by a regulatory body, to be disclosed. However, the Individual shall;

(i) provide the Company with prompt notice of any such request or requirement before disclosure so that the Company may seek an appropriate protective order or other appropriate remedy; and

(ii) provide reasonable assistance to the Company in obtaining any such protective order.

If a protective order or other remedy is not obtaining or the Company grants a waiver under this agreement, then the Individual may furnish that portion (and only that portion) of the Confidential Information that, in the written opinion of counsel reasonably acceptable to the Company, the Individual is legally compelled or otherwise required to disclose. The Individual shall make reasonable efforts to obtain reliable assurance that confidential treatment will be accorded any part of the Confidential Information so disclosed.

## **4. Return of Property.**

At the Company's request, the Individual shall promptly (and no later than 5 days after the request return all Confidential Information to the Company

## **5. Third-Party Information.**

The Individual recognizes that the Company has received and, in the future, will receive confidential or proprietary information from third parties, subject to a duty on the Company's part to maintain the confidentiality of such information and to use it only for certain limited purposes. During the term of his or her assignment and afterwards, the Individual owes the Company and such third parties a duty to hold all such confidential or proprietary information in the strictest confidence and not to disclose it to any person, firm, or corporation except as necessary in carrying out the Individual's work for the Company (consistent with the Company's agreement with such third party) without the prior written consent of the Company. Any such information will be considered Confidential Information for purposes of this agreement.

# NONDISCLOSURE AGREEMENT

## 6. Former Company or Third-Party Confidential Information.

The Individual understands that it is the City of Boardman's policy to maintain the rights of any party with which the Individual has a confidentiality or proprietary rights agreement. During his or her assignment with the City of Boardman, the Individual may not improperly use or disclose any proprietary information or trade secrets of any former or concurrent Company or other person or entity or bring onto the premises of the Boardman City Hall any unpublished document or proprietary information belonging to that Company, person, or entity unless the Company, person, or entity consents in writing.

## 7. Ownership Rights.

The Individual acknowledges that the Confidential Information is and will be the Company's sole property, even if suggestions made by the Individual are incorporated into the Confidential Information. The Individual obtains no rights by license or otherwise in the Confidential Information under this agreement. The Individual may not use the Confidential Information as a basis on which to develop or have a third party develop a competing or similar undertaking.

## 8. Severability.

If any provision in this agreement is, for any reason, held to be invalid, illegal, or unenforceable in any respect, that invalidity, illegality, or unenforceability will not affect any other provisions of this agreement, but this agreement will be construed as if the invalid, illegal, or unenforceable provisions had never been contained in this agreement, unless the deletion of those provisions would result in such a material change that would cause completion of the transactions contemplated by this agreement to be unreasonable.

I have read and agree to the nondisclosure agreement:

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

AGENCY: Complete BOX below and provide signed copy to your Amazon contact.

# NONDISCLOSURE AGREEMENT (AGENCY)

CC NDA 00090719 2023 TR

|                                      |                                                                           |
|--------------------------------------|---------------------------------------------------------------------------|
| Agency Name: <u>City of Boardman</u> |                                                                           |
| By (signature): _____                |                                                                           |
| Printed Name: <u>{...}</u>           | Address: <u>200 City Center Circle, PO Box 229 Boardman, Oregon 97818</u> |
| Title: _____                         | Fax No.: <u>{...}</u>                                                     |
| Date Signed: _____                   | Email Address: <u>{...}</u>                                               |

This Nondisclosure Agreement (this "Agreement") is entered into by Agency for the benefit of Amazon.com, Inc. and its Affiliates ("Amazon"). In connection with Amazon's evaluation of various sites for operations and businesses, Agency may receive information on Amazon's operations and businesses. In consideration of the receipt of such information, Agency agrees as follows:

- 1. Confidential Information.** "Affiliate" means, with respect to any entity, any other entity that directly or indirectly controls, is controlled by or is under common control with that entity, and "Confidential Information" means all nonpublic information relating to Amazon or disclosed by Amazon to the above-referenced agency, its Affiliates or agents of any of the foregoing (collectively, "Agency") that is designated as confidential or that, given the nature of the information or the circumstances surrounding its disclosure, reasonably should be considered as confidential.
- 2. Exclusions.** Confidential Information excludes information that (i) is or becomes publicly available without breach of this Agreement, (ii) can be shown by documentation to have been known to Agency at the time of its receipt from Amazon, (iii) is disclosed to Agency from any third party who did not acquire or disclose such information by a wrongful or tortious act, or (iv) can be shown by documentation to have been independently developed by Agency without reference to any Confidential Information.
- 3. Use of Confidential Information.** Agency may use Confidential Information only in pursuance of its business relationship with Amazon. Except as provided in this Agreement, Agency will not disclose Confidential Information to anyone without Amazon's prior written consent. Agency will take all reasonable measures to avoid disclosure, dissemination or unauthorized use of Confidential Information, including, at a minimum, those measures it takes to protect its own confidential information of a similar nature.
- 4. Agency Personnel.** Agency will restrict the possession, knowledge and use of Confidential Information to each of its employees who (i) has a need to know the Confidential Information, and (ii) is legally obligated to protect the Confidential Information to the same or greater degree as required under this Agreement. Agency will ensure that its employees comply with this Agreement.
- 5. Permitted Disclosures.** Agency may disclose Confidential Information as required to comply with applicable public disclosure or open records laws (collectively, "Laws"). Prior to making any such disclosure, however, Agency shall (i) give Amazon prior written notice sufficient to allow Amazon to seek a protective order or other remedy (except to the extent that Agency's compliance would cause it to violate any Laws), and (ii) disclose only such information as is required under those Laws.
- 6. Ownership of Confidential Information.** All Confidential Information will remain the exclusive property of Amazon. Amazon's disclosure of Confidential Information will not constitute an express or implied grant to Agency of any rights to or under Amazon's patents, copyrights, trade secrets, trademarks or other intellectual property rights. Agency will not use any trade name, trademark, logo or any other proprietary rights of Amazon in any manner without prior written authorization of such use by a Vice President of Amazon.com, Inc. (or its applicable Affiliate).
- 7. Notice of Unauthorized Use.** Agency will notify Amazon immediately upon discovery of any unauthorized use or disclosure of Confidential Information or any other breach of this Agreement. Agency will cooperate with Amazon in every reasonable way to help Amazon regain possession of such Confidential Information and prevent its further unauthorized use and disclosure.
- 8. Return of Confidential Information.** Agency will return or destroy all tangible materials embodying Confidential Information (in any form and including, without limitation, all summaries, copies and excerpts of Confidential Information) promptly following Amazon's written request.
- 9. Injunctive Relief.** Agency acknowledges that a breach of its obligations under this Agreement could cause irreparable harm to Amazon as to which monetary damages may be difficult to ascertain or an inadequate remedy. Agency agrees that Amazon will have the right, in addition to its other rights and remedies, to seek injunctive relief for any violation of this Agreement.
- 10. Scope; Termination.** This Agreement covers Confidential Information received by Agency prior and subsequent to the date hereof. This Agreement is effective as of the date Confidential Information is first received and will continue for 3 years, after which it automatically renews unless either party terminates this Agreement by providing at least 90 days prior written notice to the other party, provided, that Agency's obligations with respect to Confidential Information will survive for 5 years following termination of this Agreement, and Sections 5, 6, 9, 10, and 11 will survive indefinitely and the confidentiality obligations of this Agreement will continue to apply to the Confidential Information for as long as the information continues to constitute a trade secret or does not otherwise fall within an exclusion described in Section 2.
- 11. Miscellaneous.** This Agreement constitutes the entire agreement between the parties relating to the matters discussed herein and may be amended, modified, or waived only with the mutual written consent of the parties. Agency may not assign this Agreement without Amazon's written consent. If a provision of this Agreement is held invalid under applicable law, such invalidity will not affect any other provision of this Agreement that can be given effect. This Agreement

### Fire Protection

The City's Fire Services are provided by the Boardman Rural Fire Protection District. The District<sup>320</sup> and the City combined provisions in 1997 to provide an area (District) with fire services as a way to more economically meet the fire protection needs of the City. The City and District are currently (2003) drafting a Cooperative and Urban Services Agreement to further clarify this agreement. This Agreement is expected to be adopted by both parties by 2004.

### Health Services

Public health services, such as Mental Health and a Public Health Nurse, Children's Services, and Public Welfare, are administered through the Morrow County Health Services Division and the State of Oregon.

### Energy and Communication

The City is served by a variety of local utility companies, including electricity, gas, telephone, and TV cable. The City requires underground installation of all utilities within new developments, as well as many main utility feeder lines.

## **GOAL XI: PUBLIC FACILITIES POLICIES**

1. The City shall assure urban services (water, sewer and storm drainage services and transportation infrastructure) to residential, commercial and industrial lands within the City's Urban Growth Area as these lands are urbanized.

# Community Development

## NOTICE OF DECISION

**DATE: July 26, 2021**

**TO: Boardman Planning Commission and Interested Parties**

**FROM: Barry C. Beyeler, Community Development Director**

**SUBJECT: ZP21-031 Umatilla Electric Cooperative Olson Rd. Transmission Project**

On May 19, 2021, Umatilla Electric Cooperative (UEC) submitted an application for zoning approval for the Olson Rd Transmission Project, a 230kv electrical transmission line in the Service Center Subdistrict. This project affects Tax lots #402, #403, #405 of Tax Lot Map 4N 25E 11, and tax lot #3201. Tax lots #3202 and #3205, of Morrow County Tax Map 4N 25E 10 were withdrawn by UEC for this project.

Approval of an outright allowable use is processed using a Type II - Administrative decision in accordance with Boardman Development Code (BDC) Chapter 4.1- Types of Applications and Review. The Type II decision process requires public notice to be sent to all properties within 250' of the parent property and posting notice on local reader boards and on the property. Public notice was mailed and the proper posting was accomplished on October 1, 2020, meeting the 20-day notification requirements.

File: ZP21 – 031

Applicant: Umatilla Electric Cooperation

Project: Olson Rd. 230kv Transmission Line

### FINDINGS OF FACT

- 1) In 2018, Umatilla Electric Co-op approached the city about construction of a 230kv transmission line from a substation which was to be built at the I-84/US 730 junction to south Boardman. This transmission line is to provide increasing service pressure with existing and projected residential growth.
- 2) The city informed UEC where the line would go through many lots in the Service Center Sub-district, some evidence of property owner support would be needed.
- 3) UEC held numerous meeting with city and county staff members, and potentially affected property owners about the project.
- 4) UEC had obtained tentative agreements from most of the property owners for easements for the line. The Tallman family had not reached an agreement with UEC.
- 5) At this point UEC petitioned the Oregon Public Utilities Commission (PUC) for a Certificate of Public Convenience and Necessity (CPCN).
- 6) The PUC began their review of the petition as PCN4.
- 7) On March 5, 2021, The PUC, by Order 21-074, rendered their decision to Grant UEC a CPCN for this 230kv transmission line.
- 8) On April 15, 2021, Umatilla Electric Co-op submitted a Conditional Use Permit application



March 15, 2019

David Wright  
VADATA, Inc.  
2001 8<sup>th</sup> Avenue  
Seattle, WA 98101

**UEC Project Proposal – PDX90, Boardman Site, Permanent Power**

Dear David,

Please find below Umatilla Electric Cooperative's proposal to provide design and construction services for the tasks related to provision of the permanent power solution at VADATA's PDX90 site. The project will provide permanent electric service to meet the requested PDX 90 requirements beyond the previous scopes of work detailed in the Commissioning Power proposal and Mobile Solution proposals. This project does not, however, include any necessary improvements that Bonneville Power Administration (BPA) may require to interconnect this load at BPA's Morrow Flat Substation. This project is to be substantially complete and energized by April 1, 2021, or 670 calendar days after occurrence of the Start Date of Services pursuant to the Work Order, whichever is later.

**PDX90, Boardman Site, Permanent Power**

| Services                                                                                                      | Estimate               |
|---------------------------------------------------------------------------------------------------------------|------------------------|
| LLE & Engineering: Design/Engineering, Transformers, Conductor/Cable, Insulators, Poles, & Project Management | \$17,919,000.00        |
| Substation Construction: Materials, Construction, & Commissioning                                             | \$8,416,100.00         |
| Feeder Construction: Materials, Construction, & Commissioning                                                 | \$1,757,000.00         |
| Upstream Construction; Transmission and Switchyard. Materials, Construction & Commissioning                   | \$13,443,900.00        |
| <b>TOTAL</b>                                                                                                  | <b>\$41,536,000.00</b> |

This proposal includes a rough order of magnitude estimate for construction and integration of UEC transmission facilities to serve the full build out of 120-MW at the PDX90 Boardman site and then permanent distribution service to Building #1. Please note that this proposal does not include facilities necessary for Large Load Interconnection and Transmission Operation by BPA. These costs will require a separate proposal/work-order after they are identified in the results of BPA's L0454 study currently in progress; expected to be complete by June 2019. The load demand of PDX-62 and PDX-90 campuses together is limited to 245 MW total until additional infrastructure is in place to serve beyond this limit. VADATA total load in the Boardman area (PDX-1, 4, 62, & 90 AZ's) is required to stay under 384 MW or

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any additional load will require BPA to construct the Longhorn Substation as described in the BPA L0389 study results.

This proposal includes the necessary UEC transmission line extensions up to 5 miles long and interconnection to an existing UEC owned 230kV transmission line by constructing a 230kV switchyard. This proposal also includes a four-position UEC distribution substation to include two power transformers initially, three distribution feeder positions, and two underground distribution feeders of capacity up to 48MW each.

This project proposal is for the provision of services only. UEC shall at all times have and retain ownership of all goods, equipment and materials procured by or resulting from the services. Costs include necessary design, construction, installation, materials, labor, testing and commissioning for operation by the date above provided acceptable terms are mutually agreed upon, executed and a Purchase Order (PO) for the estimated amount is issued by June 1, 2019. Also attached and made part of this estimate is a payment schedule from which UEC will issue one or more invoices for services provided to be incorporated in the project work order (PWO). The proposal includes a one-year warranty.